



REQUEST FOR PROPOSAL

RFP 2021- 003

MUNICIPAL LEGAL SERVICES

Issue Date: March 9, 2021

Closing Date: April 30, 2021 (12 Noon)

Contact: Chris Wray, AMCT
Town Manager
Township of Black River-Matheson
429 Park Lane
Matheson, ON P0K 1N0

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1.0 General Description of Project

The Township of Black River-Matheson is issuing this Request for Proposal (“RFP”) to identify a qualified legal firm or municipal solicitor for the services of legal representation and legal advice to the township.

The purpose of this RFP is to solicit responses from legal firms wishing to be considered for this agreement to enhance the Township and its delivery of legal services. The services requested include, but not limited to, providing legal counsel in the form of written and verbal opinions and presentations, monitoring and representing the town’s interest and those of its entities. The selected legal firm or municipal solicitor will be of the character that has demonstrated experience in the municipal sector including, but not limited to the following:

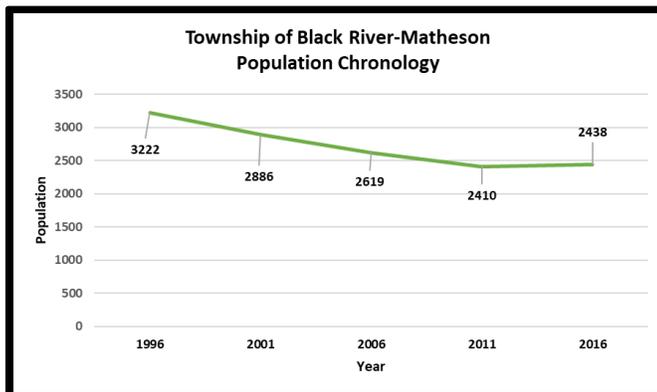
- a) Development and implementation of by-laws and policies
- b) Interpretation of provincial and federal legislation and regulations
- c) The acquisition, management, development and disposition of municipal property
- d) Contracts, tenders, and other procurement practices
- e) Formal and comprehensive review of all current legal agreements
- f) Human resources matters, including collective bargaining.
- g) Partnership and funding agreements
- h) Municipal assessment and taxation
- i) Municipal land use planning
- j) Civil litigation
- k) Municipal governance

2.0 Background

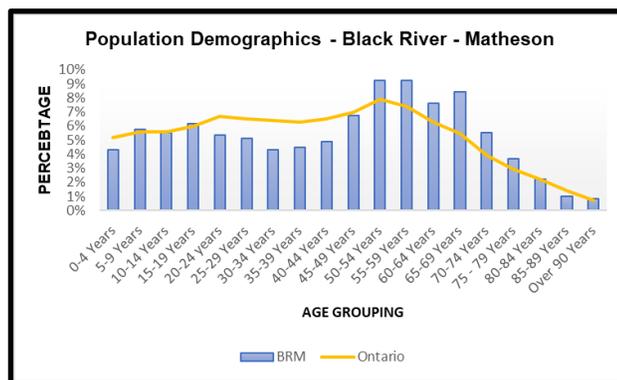
Resulting from a formal amalgamation in 1971, the Township of Black River-Matheson consists of five (5) main hamlets: Shillington, Matheson, Ramore, Holtyre and Val Gagne. Matheson is the largest hamlet and lies approximately 56 kilometers northwest of Kirkland Lake, 65 kilometers east of the Timmins city core and 320 kilometers north of North Bay. Matheson, the administrative center of the Township of Black River-Matheson, is centrally located at the junction of Trans-Canada Highway #11 and Highway #101, and almost equidistant from the cities of Timmins, Kirkland Lake, the Town of Cochrane and the Quebec border near the city of Rouyn-Noranda, Quebec.

2.1 Demographic Information

Based on the information collected as part of the Township’s 2016 Census Profile, the Township’s population is 2,438 with 1,149 private dwellings. In between the two Census periods (2011 and 2016), the population increased by 1.2% or 28 persons. Between 1996 and 2016, the population decreased by 784 persons or 24.3%, mainly attributed to the collapse of the forest industry and poor prospects in the mining industry. The following chart illustrates changes in the Township’s population between 1996 to 2016:



The demographics for the Township are not much different than many municipalities in Northern Ontario. Typically, municipalities in the North have fewer residents aged 19 years or younger with a higher number of residents aged 60 years or more. Based upon the analysis, 21.6% of the Township’s residents are 19 years old or younger with 29.2% of the community aged 60 years or older.



As a Township, Black River-Matheson is responsible for various activities governed by Ontario’s *Municipal Act, S.O. 2001* including taxation, roads, water and wastewater servicing, planning and building, recreation, policing, fire suppression and general government.

Black River-Matheson has an annual operating budget of approximately \$7 million with a substantial amount of that dedicated to policing services and the Cochrane District Social Service Administration Board. The annual capital budget can vary from \$3 million to \$5 million.

Like many communities in Northern Ontario, Black River-Matheson has experienced a decline in population in recent years and is now faced with an aging population with limited opportunities to replace a retiring workforce. As a result, the Township is facing a range of challenges having an impact on municipal service delivery and local quality of life. The role and influence of municipalities and citizen expectations for quality service, value-for-the-taxpayers dollar and effective governance are on the rise. There is a commitment by the Township to the delivery of quality public services, facilities and infrastructure and strives to meet the day-to-day requirements in the community through a wide range of core services.

The Township aims for service excellence while offering a variety of amenities, facilities, programs and services that residents, visitors, businesses and customers need and expect. Municipal Council and staff are committed to building a focused, responsive, resource-conscious and results-oriented organization. The Council and Administration of the Township of Black River-Matheson has experienced several changes and transitions in the past year, including but not limited to senior staff turnover, increasingly limited resources, evolving regulatory standards, increased need for accountability and increased public expectations for efficient service delivery.

3.0 Scope of Work

The legal services which will be required of the municipal solicitor will include the following:

- a) Attend and provide knowledgeable legal advice to the Town Manager and at council meetings as requested.
- b) Degree of availability for quick responses through cell phone and email and provide timely responses to inquiries of the Town Manager in order to meet established deadlines.
- c) At times and as requested, draft resolutions for council approval, with the assistance of the Town Manager, Clerk or other delegated staff.
- d) Assist the Town Manager with the interpretation of regulations, legislation, and applicable bylaws.
- e) To aid in negotiations with the Town Manager or solely on behalf of the municipality
- f) Draft and review agreements between the municipality and other entities as requested.
- g) Represent the municipality as needed in court proceedings.

4.0 Contact

Questions regarding this RFP should be directed to:

Chris Wray, AMCT
Town Manager
Township of Black River-Matheson
429 Park Lane
Matheson, ON P0K 1N0
(Phone) 705-273-2313 (ext. 321)
(Cell) 705-914-0551

Email – townmanager@blackriver-matheson.com

Website – www.black-river-matheson.com

Questions via email is the preferred method of contact. All questions and answers will then be distributed to all respondents.

5.0 Proposed Agreement Schedule

RFP Issued	March 9, 2021
Deadline for submission of proposals	April 30, 2021 (Noon)
Opening of Proposals	May 7, 2021
Awarding of Proposal	May 18, 2021

6.0 Municipal Solicitor Requirements

Minimum requirements by a Solicitor or Legal Firm for submission of a proposal in response to the RFP shall include the following:

- a) Shall include a license to practice law in Ontario and be an active member of the bar in good standing.
- b) Demonstrate advanced knowledge in local government in Ontario.
- c) Vast knowledge of the Municipal Act, 2001
- d) Municipal Land Use Law
- e) Public Contracts Law
- f) Buying and selling of municipal real estate and/or property
- g) Government ethics, MFIPPA and conflict of interest laws
- h) A complete understanding of the relationship between the Township and its Solicitor; including the point of contact between both.

7.0 Legal Services Requirements

The term of the agreement will be five (5) years. At council's discretion, this agreement may be extended by a specific period of time.

8.0 RFP Proposal Submission Requirements

Solicitors interested in providing these services must prepare and submit a Proposal that includes:

a) Cover Letter

The cover letter is to be signed by an officer of the company authorized to execute a contract with the Township.

b) Legal Team Qualifications

This section shall describe the areas of expertise of current permanent staff whether a sole proprietor or individuals on a team and the scope of services that can be provided by the firm.

c) Key Personnel

Identify the key contact for the agreement and all personnel, if applicable, who will be assigned to work on behalf of the township, including a description of their abilities, qualifications and experience. Include résumés for all key individuals.

d) Budget

Provide a detailed fee proposal by task for the services identified in the scope of work section of this proposal. This section of your proposal shall include a professional fee schedule (hourly fee chart) for the legal services, hourly fees for additional or optional services that may be required shall also be included. Unless specified in the submission, the professional fee schedule shall include any costs associated with complying with the Township's insurance requirements. Note, that no increase in the hourly rate at any time, shall be permitted without prior consultation with and the approval of municipal council.

e) References

A general description of the solicitor or law firm's practice including specific details on experience and expertise to provide legal services for all practice areas as well as a general description of experience working with small rural communities. An emphasis should be placed on legal services undertaken within the last five (5) years and if those services undertaken for public agencies were located in similar sized communities, with an emphasis on municipal clients. Include a brief description of the services, dates the services were provided and name and telephone number or references familiar with the services provided.

f) Use of Sub-Contractors

A list of sub-contractors or other firms that may be used in conducting the proposed services for the Township. Such list shall include the name of all principals.

f) Deadline and Delivery

One (1) bound copy of the proposal on 8 ½ inches x 11 inches paper printed on both sides of the pages and an electronic (PDF) version of the proposal shall be submitted to:

**The Township of Black River-Matheson
429 Park Lane
Matheson, ON P0K 1N0**

Attention: Katie Browne, Deputy Clerk

Email: deputyclerk@blackriver-matheson.com

The deadline for the submission of a Proposal is April 30, 2021 at noon EST. Information submitted by electronic mail (**except for the electronic PDF copy**) is acceptable. Proposals received after *noon EST on April 30, 2021* will not be accepted.

9.0 Budget

All direct expenses are to be billed at actual costs.

10.0 Indemnification, Hold Harmless and Insurance Requirements

In addition to other standard contractual terms, the Township will require the selected vendor to comply with indemnification, hold harmless and insurance requirements as outlined below:

The selected solicitor or firm shall indemnify and hold harmless the Township (including any of its bodies, agencies, councils and associations and their servants, agents, officers, directors, elected officials, successors, assigns, employees and personal representatives and each of them) from and against any loss resulting from negligence, claim, demand, damages, liability, and costs and permitted assigns. This provision shall survive termination of any agreement resulting from this RFP.

The solicitor or legal firm shall procure and maintain, for the duration of this contract, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the solicitor or legal firm, his/her agents, representatives, employees or subcontractors. The cost of such insurance shall be paid by the solicitor or legal firm. Insurance shall meet or exceed the following unless otherwise approved by the Township.

10.1 Insurance Requirements

- a) Worker's Compensation coverage as required by the Province of Ontario.
- b) Comprehensive or Commercial General Liability: \$2,000,000 combined single limit per occurrence for bodily injury, personal injury and property damage.
- c) Professional Liability Errors and Omissions: \$2,000,000

- d) Automobile Liability: \$2,000,000 combined single limit per accident for bodily injury and property damage.

11.0 Equal Opportunity

The Township is an equal opportunity employer and requires all respondents to comply with policies and regulations concerning equal opportunity. The respondent, in the performance of this contract, agrees not to discriminate in its employment due to an employee's or applicant's race, religion, national origin, ancestry, gender, sexual preference, age, physical handicap or any other characteristic protected by law.

12.0 Accessibility

The Township is committed to and working toward ensuring municipal services is accessible to all. We strive to meet or exceed the standards set by the *Accessibility for Ontarians with Disabilities Act* ("AODA") which are rules established by the Province to help businesses and organizations identify, remove and prevent barriers to accessibility. The AODA requires accessibility of goods, services, facilities, accommodations, employment as well as information and communication.

13.0 Sustainability

The Township recognizes that being sustainable is a responsibility of the Township essential to long-term economic prosperity, the social well-being of its residents and protecting environmental capacity and can only occur through community engagement and involvement.

14.0 Review and Evaluation Process

The selection of a legal firm or solicitor will be based upon a qualitative review of the Proposals submitted. Municipal staff or Council may request additional clarifying information from any or all participants that submit a proposal during the review process. Municipal staff will evaluate the responses to this RFP and may interview the top-rated firms or solicitors. Following the interview, a recommendation may be made to Council on the selection of those determined to be the most qualified for the agreement. It is anticipated that the Township of Black River-Matheson and the selected legal firm or solicitor will be award the winning proponent no later than *May 18, 2021*, subject to meeting all of the requirements and comfort of the Township of Black River-Matheson.

An evaluation by the Town Manager or a Staff Committee will be conducted, and each proposal will be scored. Proposals will be evaluated on the basis of the following criteria:

a) Experience and Qualifications (35 %)

- i. Understanding of the requirements
- ii. Knowledge of Municipal Organizations and Operations
- iii. Municipal legal expertise
- iv. Resumes
- v. References

b) Approach (35%)

- i. Quality of the RFP approach
- ii. Type of Consultation Activities and Events
- iii. Timeline and Duration
- iv. Implementation Plan

c) Budget (30%)

15.0 Accept or Reject Proposal

The Township reserves the right to accept or reject any or all proposals and recommendations and may waive minor errors or omissions in any proposal. The Township reserves the right to select a municipal solicitor or legal firm, who in and upon our approval provides the most advantageous solution and demonstrates their ability to provide the expected outcomes of the proposals that will best serve the interests of the Township. Black River-Matheson is not obligated to award the contract based on the lowest price or any other particular factor. The Township will not be liable or reimburse any firm for the costs they incur to prepare their proposals. The Township also reserves the right to substitute components where the Township considers that an alternative may be more suitable and the right to modify any and all requirements stated in the RFP at any time prior to the possible awarding of the contract. The RFP does not commit the Township to award a contract or to pay any costs incurred in the preparation of a proposal or attendance at a pre-awarded meeting.

All respondents should be aware that the selection of any specific respondent will be subject to the passing of a municipal bylaw and its contents thereto.

16.0 Ownership of Intellectual Materials

All information collected and material developed in regard to all work carried out on behalf of the municipality shall become and remain the exclusive property of the Township of Black River-Matheson who reserves ownership rights to all content.

17.0 Termination of Contract

Either the Municipal Solicitor or Township may terminate the contract, based upon the terms within the approved agreement. The Municipal Solicitor will be paid for services up to and including the date of termination.