



TOWNSHIP OF McMURRICH / MONTEITH

District of Parry Sound

P.O. Box 70 31 William Street

Sprucedale, Ontario P0A 1Y0

Phone 705-685-7901 Fax 705-685-7393

www.mcmurrichmonteith.com E-Mail: clerk@mcmurrichmonteith.com

October 8, 2020

Request for Proposal – Legal Services – RFP 2020-01

Dear Ladies and Gentlemen:

You are invited to submit a Proposal to provide legal services to the Township of McMurrich/Monteith. All Proposals shall be submitted in sealed envelopes or packages showing the RFP Number (RFP 2020-01), the name and address of the proposer and addressed to:

Township of McMurrich/Monteith
P.O. Box 70, 31 William Street
Sprucedale, Ontario P0A 1Y0
Attention: Cheryl Marshall, Clerk/Treasurer

1. Questions relating to the RFP are due by October 30, 2020
2. Responses to Questions will be provided by November 13, 2020
3. Final Proposals must be received by Township no later than 4:00pm on November 20, 2020

Should you have any questions concerning the preparation of your Proposal, please do not hesitate to contact us.

Contact: Cheryl Marshall, Clerk/Treasurer
Phone: 705-685-7901
Fax: 705-685-7393
Email: clerk@mcmurrichmonteith.com

Please note that this Request for Proposal letter does not constitute a guarantee on the part of the Township of McMurrich/Monteith that a contract will be awarded. No payment will be made for costs incurred in the preparation and submission of a Proposal in response to this Request for Proposal.

Yours truly,

A handwritten signature in cursive script that reads "Cheryl Marshall".

Cheryl Marshall
Clerk/Treasurer



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REQUEST FOR PROPOSAL (RFP 2020-01)

LEGAL SERVICES

1. Purpose of Request for Proposal

The Township of McMurrich/Monteith is inviting proposals to provide legal services on an as-needed basis.

The proposals are to be based on the specifications contained in this document. The term of the contract will be two and one half (2.5) years, commencing December 15, 2020 and terminating on May 31, 2023.

2. Information and Instructions

2.1 Background Information

The Township of McMurrich/Monteith is a single-tier municipality located in the District of Parry Sound. It is a small, rural community with a population of 824 as per the 2016 Census. The Township is located approximately 40 km north of the Town of Huntsville, west of the Township of Perry and south of the Township of Ryerson.

The Township is governed by a Reeve and four Councillors. Residents are provided all standard municipal services, with the exception of water and sewer services.

Additional information on the Township can be found on the municipal website:

www.mcmurrichmonteith.com

2.2 Submission of Proposals

Proposals shall be submitted in the form and format specified in Section 4 and shall include a completed Form of Proposal attached as Appendix A to this document. A designated signing officer authorized to bind the Respondent to the provisions of their Proposal must sign the Form of Proposal. Any addenda issued by the Township of McMurrich/Monteith in accordance with Section 2.5 must be acknowledged by the Respondent on the Form of Proposal.

Each Respondent is asked to submit one (1) hard copy and one (1) electronic copy of the Proposal. The hard copy of the Proposal must be signed, sealed, and delivered to:

The Township of McMurrich/Monteith
31 William Street
Sprucedale, ON P0A 1Y0

The front of the sealed envelope must indicate the Respondent's full company name, the name of the lead contact, and be clearly marked 'Request for Proposal- Legal Services'.

The hard copy of the Proposal must be received no later than 4:00 PM local time on Friday, November 20th, 2020.

It is the responsibility of the Respondent to ensure that the Township receives its Proposal prior to the submission deadline, in accordance with the submission process outlined above. Proposals received after the submission deadline will not be considered and will be returned unopened.

Faxed or electronic submissions that are unaccompanied by a hard copy submission will not be accepted as a response to this RFP.

2.3 Lead Contact

The Township of McMurrich/Monteith has endeavoured to provide complete and correct information necessary for Respondents to properly assess and determine the scope and complexity of work prior to submitting a Proposal.

Respondents are solely responsible for determining if more information is required or if anything contained in this document appears incorrect or incomplete, and for contacting the Lead Contact identified below if they have any questions whatsoever prior to the closing date.

Information obtained from any source other than the Lead Contact is not official and may be inaccurate. The Township will not be responsible for any verbal statement, instruction or representations.

All inquiries for this RFP must be directed by email to:

Cheryl Marshall, Clerk/Treasurer

clerk@mcmurrichmonteith.com

A Respondent may be disqualified if, during the period between the issuance of this Request for Proposal and the date of notification of the award, they contact any individual who is involved in this RFP process and who is not the Lead Contact. This is to ensure that all Respondents receive the same information and are treated equitably.

2.4 Required Review and Clarification

It is the responsibility of each Respondent to carefully review this RFP. Questions concerning clarification of the contents of this document must be received by the Lead Contact by no later than 4:00 PM local time on Friday, October 31, 2020. This is to allow time for the issuance of any necessary addenda.

In submitting a Proposal, the Respondent acknowledges that they have read, completely

understand, and accept the terms and conditions of the RFP in full. The Township of McMurrich/Monteith is not responsible for any misunderstanding of the RFP.

2.5 Amendments to the RFP

The Township may issue addenda to clarify and/or modify certain aspects of the RFP prior to the submission deadline. Addenda shall be posted by 4:00 PM on Friday, November 13, 2020 to www.mcmurrichmonteith.com and shall be available in hard copy format at the municipal office.

2.6 Opening of Proposals

There will be no formal opening of proposals. Proposals will be evaluated and a recommendation brought to Council at the December 1st, 2020 regular meeting. Respondents are welcome to attend this meeting at their own cost.

2.7 Rights of the Township of McMurrich/Monteith

The Township of McMurrich/Monteith reserves the right to:

- a) Make public the names of any or all Respondents and their quoted fees;
- b) Verify with the Respondent or with a third party any information set out in their Proposal;
- c) Disqualify any Respondent whose Proposal contains misrepresentations, any other inaccurate or misleading information, or any qualifications;
- d) Disqualify any Respondent who has engaged in conduct prohibited by this RFP;
- e) Make changes, including substantial changes, to this RFP provided that those changes are issued by way of addenda in the manner set out in this RFP;
- f) Select a Respondent other than the Respondent whose Proposal reflects the lowest cost to

the Township;

g) Cancel this RFP process at any stage;

h) Cancel this RFP process at any stage and issue a new RFP for the same or similar deliverables;

i) Accept or reject any or all Proposals in whole or in part;

j) Discuss with any Respondent different or additional terms to those contemplated in this RFP or in any Respondent's Proposal;

k) If a single Proposal is received, reject the Proposal of the sole Respondent and cancel this RFP process or enter into direct negotiations with the sole Respondent; and

l) Enter into negotiations with the selected Respondent to obtain cost savings, additional services, or any other matter.

These reserved rights are in addition to any other expressed rights or any other rights which may

be implied in the circumstances.

2.8 Not Responsible for Costs

The Township shall not pay any costs associated with the preparation, submission, or presentation of the Respondent's Proposal. The Township shall not be liable for any expenses, costs, or losses suffered by the Respondent or any third party resulting from the Township exercising any expressed or implied rights under this RFP.

2.9 Proposal Expiry Date

Respondents hereby acknowledge that their Proposals shall be irrevocable for a period of 90 days after the submission deadline. Extensions to this period may be granted with the mutual

agreement of the Township of McMurrich/Monteith and the successful Respondent and may be initiated by either party.

2.10 Confidentiality and Ownership

Any information provided to the Respondent by the Township before, during, or after the RFP is completed shall be treated as confidential and shall not be used or communicated by the Respondent or any third party in any way unless otherwise identified or permitted by the Township of McMurrich/Monteith or under Federal/Provincial legislation. Information, reports, documentation, plans, etc. that are produced by the successful Respondent in response to this RFP shall become the exclusive property of the Township of McMurrich/Monteith. However, intellectual property such as specific tolls, templates, and processes that the Respondent provides as part of the deliverables remains the property of the Respondent if so requested.

2.11 Freedom on Information

Any personal information required in the Proposal is received under the authority of the Township of McMurrich/Monteith. This information shall be an integral component of the submission. All written Proposals received by the Township become a public record. Once a Proposal is received by the Township and the contract has been awarded, all information contained in the Proposals may be available to the public, including personal information. Questions about the collection of personal information and the Municipal Freedom of Information and Protection of Privacy Act, 1989, R.S.O. 1990, as amended may be directed to the Lead Contact.

2.12 Extension of Contract

The Township may, jointly or independently, negotiate the extension of the contract with the successful Respondent for a period of time to be decided by those parties. The decision to extend the contract may be based in full or in part on the results of the successful Respondent's

performance over the duration of the contract.

2.13 Termination of Contract

The Township reserves the right to immediately terminate a contract with the successful Respondent for sufficient cause, including but not limited to non-performance, late deliveries, inferior quality, and fee issues. Either party may terminate a contract by providing the other party with 90 calendar days' written notice including the reason for termination.

2.14 Additional Requirements

a) The use of qualified sub-contractors by the Respondent to perform specific duties while under contract is permitted only if the Respondent declares such use in the Proposal or if the successful Respondent receives written approval from the Township.

b) The successful Respondent shall, throughout the term of the contract, obtain and maintain in force a General Liability Insurance and/or Professional Liability Insurance coverage of not less than \$5,000,000 per occurrence inclusive, to indemnify and hold harmless the Township against any liability which may arise from the successful Respondent's activities under this contract. The successful Respondent must provide a certificate of insurance within 30 days of awarding the contract.

c) The successful Respondent shall ensure that all services and products provided in respect to this proposal are done so in accordance with and under the authorization of all applicable authorities, municipal, provincial, and/or federal legislation, including but not limited to WSIB and all applicable responsibilities under the Occupational Health and Safety Act.

2.15 Proposed Timeline

The timeline set out below is the Township's best estimate of the schedule that will be followed.

It is intended to be for guidance purposes only.

RFP Issue Date	Friday, October 9, 2020
Deadline for submission of questions (see Section 2.4)	Friday, October 30 2020, 4:00 PM
Deadline for addend to be posted on the Township website (see Section 2.5)	Friday, November 13, 2020, 4:00 PM
Submission Deadline	Friday, November 20, 2020, 4:00 PM
Proposals taken to Council for Decision	Tuesday, December 1, 2020
Notification of Award	Within ten (10) calendar days following Council decision

3. Scope of Work

The Corporation of the Township of McMurrich/Monteith will retain qualified legal counsel on an as-needed basis. Respondents must be excellent communicators and possess personal and professional integrity and discretion. Although the exact nature of duties may vary with shifting municipal requirements and applicable legislation, in general the successful Respondent will be required:

- a) To deliver timely and appropriate legal services to the Township in accordance with its jurisdiction and authority;
- b) To be knowledgeable of legislation applicable to municipal operations, including the Ontario Municipal Act and other Acts, By-laws, and Regulations;
- c) To attend meetings of Council upon request in order to report and advise on legal issues;
- d) To meet or converse with the Clerk/Treasurer and other senior municipal staff to advise on specific matters, prepare for litigation or other action, and/or discuss general matters of policy;
- e) To pursue matters with solicitors of other municipalities and the Province of Ontario in order to represent the position of the Township;
- f) To keep current on legal knowledge affecting municipalities and to alert the Township on the implications of changes in legislation, decisions of the courts, etc.;
- g) To review, draft, and advise on by-laws and other documents;
- h) To represent the Township in proceedings against the Township and its agents;
- i) To advise and carry out matters related to municipal finance, taxation and assessment issues, and represent the Township in assessment hearings and tax appeals before the Local Planning Appeal Tribunal, the Assessment Review Board, the Ontario Superior Court of Justice, or higher courts as required;
- j) To advise on and carry out matters affecting the property of the Township, including the acquisition and disposition of real property, drafting and negotiating leases, license agreements, easements, and maintenance and operations agreements;
- k) To advise on and to action the enforcement of Township by-laws, in consultation with the Clerk/Treasurer;
- l) To undertake all court actions by the Township under its by-laws and Provincial

legislation;

m) To review and advise on contracts, tenders, and other documents respecting specific commitments of the Township to employees or consultants and to represent the Township in disputes of those agreements;

n) To advise on personnel matters, including the hiring, firing, and discipline of employees, development and revision of personnel policies, and other matters which may arise that affect employees; and

o) To provide advice and representation on municipal planning and development matters, including but not limited to drafting and negotiating site plan, subdivision, development, and other agreements, development charges, representing the Township before the Local Planning Appeal Tribunal, and interpreting the Planning Act, the Ontario Building Code, the Township's Official Plan and Zoning By-law, and other Township planning documents.

The Township of McMurrich/Monteith reserves the right to submit any additional need for legal services,

either within or outside the scope of work contracted through this RFP, to a competitive process.

The successful Respondent shall be permitted to submit a bid for any such external competitive process.

4. Submission Requirements

Respondents are asked to submit a proposal which contains all of the information detailed below.

4.1 Format

The Township discourages overly lengthy and costly proposals. In order for the Township to evaluate all proposals fairly and consistently, Respondents should follow the format set out herein and provide all of the information as requested. Respondents are encouraged to provide any additional information not specifically outlined in this RFP that they believe would be of value in evaluating their Proposal.

4.2 Professional and Corporate Information

Proposals must include information on a general nature on the current staffing and projects of the

firm. This should also incorporate contact information for the Respondent and a general

description of the legal practice. For comparative purposes, Respondents are requested to

describe their experience and resources as it relates to key areas of responsibility. These areas

include, but are not limited to:

- Employment law
- Land transactions
- Tax collection advice
- Tenders and contracts
- Council advice
- Policies and by-laws
- Litigations stemming from the Municipal Government Act
- Prosecutions
- Planning contracts

☒ Policies stemming from municipal planning and development issues

In addition, specific information shall be included with respect to those staff members who are proposed to have direct responsibility for the Township, including:

☒ Name and credentials, including areas of expertise

☒ Training and experience

☒ Position in the firm

☒ Proposed relationship to the client

☒ Individual fee scale, where applicable

☒ Preferred area of practice

☒ Anticipated general area of responsibility on behalf of the Township

4.3 Transition

Proposals shall include a description of the Respondent's requirements to assume work on behalf of the Township. This must include identification of any open files that may be perceived to compromise its work with the Township and the time required to resolve those conflicts. In addition, the Respondent shall state all assumptions and recommendations about the manner in which the Township's current affairs will be transferred. Resources and time requirements should include the period during which the Respondent would become familiar with ongoing Township operations.

4.4 Conflict of Interest

The Proposal must include a discussion of the Respondent's perception of "conflict of interest".

This must include the Respondent's anticipation of future activities of the firm which may be

perceived to be linked to the Respondent's knowledge of the Township, and how the Respondent would deal with such cases. The Township expects that all attempts would be made to avoid conflicts and that the Township's interests would be the primary concern of the successful firm.

4.5 Fee Structure

Proposals shall include a detailed description of all costs and the recommended method for billing. There is an expectation that fees will remain constant for the duration of the initial contract. For comparative purposes, it is preferred that cost information be reported in the following manner:

- ☐ Retainer fee and services to be covered by the retainer.
- ☐ Details on services or projects to be provided on a flat-rate lump sum fee rate.
- ☐ Services to be charged at an hourly rate, and the rates to be charged. Include the firm member, rate, and areas of responsibility.
- ☐ Cost to attend Council meetings, including mileage rates and other costs if applicable.
- ☐ Disbursement items and costs associated with referrals and other specific items that were not reported elsewhere.
- ☐ Regular invoice structure, and other charges or charging methods proposed.

The Township of McMurrich/Monteith pays vendor invoices through Cheque.

4.6 References

Respondents should provide three (3) contact names and phone numbers to provide reference to the Respondent's services. At least two (2) of these references must be from the Ontario

broader public sector. The Township may contact any or all of the references provided in its evaluation of the Proposal.

5. Evaluation Criteria

As part of the evaluation process, the Township may contact one or more Respondents to clarify or obtain more information about their Proposal or substantiate any details contained therein.

Discussions will only be held with Respondents who have submitted a Proposal deemed reasonably acceptable for award.

The Township of McMurrich/Monteith may make their award(s) on the basis of the Proposals, without seeking additional information and/or clarification. Therefore, each initial Proposal should reflect the best efforts of the Respondent and include all required documentation as set out in the RFP.

The evaluation committee will make a recommendation to Council on the basis of the criteria identified below.

- a) A demonstration that the needs of the Township are understood and will be met.
- b) The identification of any advantages or features uniquely proposed by the Respondent which have not been identified in the RFP document.
- c) A demonstration that the Respondent is able to provide the required services.
- d) The Respondent's experience and knowledge as it relates to the scope of work.
- e) The completeness and reasonableness of the fee schedule.

Schedule A: Form of Proposal

The Township of McMurrich/Monteith is inviting proposal for legal services to be rendered. The contract is anticipated to be in force beginning on December 15, 2020 and ending on May 31, 2023.

I/We, the Undersigned, having examined this Request for Proposal, do hereby offer to enter into an agreement with the Township of McMurrich/Monteith to provide services under the terms included in this RFP.

Firm Name: _____

Address: _____

Phone: _____

Fax: _____

Signature of Witness
Firm

Signature of Authorized Representative of
I have authority to bind the Firm.

Name of Witness (Please Print)

Name of Authorized Representative of Firm
(Please Print)

Address of Witness (Please Print)

Title of Authorized Representative of Firm
(Please Print)

Date

Date

Receipt of any issued addenda shall be acknowledged by initialing in the space provided below.

Adden. No. 1 _____ Adden. No. 2 _____ Adden. No. 3 _____