



8296 Highway 7
PO Box 296
Sherbrooke, NS B0J 3C0
Ph: 902-522-2049

**REQUEST FOR PROPOSAL (RFP)
MUNICIPAL LEGAL SERVICES**

Proposals will be received no later than 4:00 pm local time on Friday, March 22nd, 2019

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1. Terms of Reference

- a. To deliver timely and appropriate legal services to the Municipality in accordance with its jurisdiction and authority.
- b. To devise a system of service delivery that responds to the requirements of:
 1. Ease of accessibility by Municipal Staff.
 2. Consistency and continuity of advice.
 3. Preparedness to respond to limited time frames.
 4. Direct consultation with Warden, Council and CAO.
 5. Written reports supported by the appropriate research.
 6. Cost efficiency and reporting and monitoring of costs.
- c. To be knowledgeable of legislation applicable to municipal operations including the Municipal Government Act, and other acts, bylaws, and regulations.
- d. To attend meetings of Council in order to advise the Council on its authority and proper procedures and on any matter appearing on the agenda held once a month (11 meetings per year).
- e. To be available to attend meetings of Council upon request in order to report and advise on specific matters within their jurisdiction.
- f. To meet with the CAO and Senior Municipal Staff to advise on specific matters, prepare for litigation or other action and discuss general matters of policy.
- g. To pursue matters with solicitors of other municipalities and the Province of Nova Scotia in order to represent the position of the Municipality.
- h. To keep current on legal knowledge affecting municipalities and to alert the Municipality on the implications of changes in legislation, decisions of the courts, etc.

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- i. To review, draft and advise on bylaws and other documents.
- j. To represent the Municipality in proceedings against the Municipality and its agents.
- k. To advise on and to carry out matters affecting the finances including its eligibility for and condition of grants, its authority to raise taxes and to expend public funds, in accordance with the Municipal Government Act.
- l. To advise on and to carry out matters affecting the property of the Municipality including acquisition and development, liability respecting property and procedures to dispose of property.
- m. To advise on and to action the enforcement of Municipal bylaws in consultation with the Chief Administrative Officer. To undertake all court actions by the Municipality under its bylaws and provincial legislation.
- n. To review and advise on contracts, tenders, collective agreements and other documents respecting specific commitments of the Municipality to employees or consultants and to represent the Municipality in disputes of those agreements.
- o. To advise on matters relating to the personnel function including employee discipline, hiring, firings, developments and revision of personnel policies and other matters which may arise affecting employees.

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3. Instructions

The Municipality of the District of St. Mary's invites proposals for its legal services. The Proposals will be based upon the specifications contained in this document. The legal services are anticipated to take effect as of May 1, 2019 for a four-year term, subject to three (3) month withdrawal notice by either party.

For questions concerning specifications:

Marvin MacDonald, CAO
Municipality of the District of St. Mary's
8296 Highway 7, PO Box 296 Sherbrooke, Nova Scotia B0J 3C0
Tel: (902) 522-2432, E-mail: marvin.macdonald@saint-marys.ca

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4. Submissions

You are urged to structure your response in accordance with the requirements contained in this document. It will be by these criteria that we will determine whether a response is complete, appropriate and competitive. Proposals that do not conform to these requirements may not be considered. All information supplied in response to the RFP must contain sufficient details to support the services being proposed.

Any bids represent an irrevocable offer and shall be valid for a period of one hundred and twenty (120) days following the closing date for submissions. All bids must be received before 4:00 PM local time March 22, 2019. Three copies of a letter format proposal containing the information noted in this RFP are to be submitted as follows:

Submit in a sealed envelope plainly marked "**Municipality of St. Mary's Legal Services**"

If delivered by mail, address to:
Marvin MacDonald
Municipality of St. Mary's
PO Box 296
Sherbrooke, NS B0J 3C0

If delivered by hand, deliver to:
Marvin MacDonald
8296 Highway 7 Sherbrooke, NS

Please also email an electronic copy of the proposal to Marvin MacDonald at marvin.macdonald@saint-marys.ca (subject line: Legal Services RFP Submission) before 4:00 PM local time March 22, 2019

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5. Requirements

- a. Proponents must complete "Schedule A: Legal Services Proposal form".
- b. Proponents should devise a delivery system, which responds to the political and administrative nature of the Municipality. Particular attention should be paid to the role of a senior solicitor in directing the delivery of services, advising Council and the Chief Administrative Officer (CAO) and generally representing the Municipality.

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6. Qualification and Quotations

a. Professional and Corporate Information

Proposals must include information of a general nature on the current total staffing and projects of the firm. For comparative purposes, Proponents are requested to describe their experience and resources as it relates to three broad categories of their work:

1. **General** - land transactions, tax collection, recreation, environmental services, tenders, simple contracts, and employment law related items.
2. **Municipal** – Council advice, policy and bylaws, corporate finance, prosecutions, and litigations stemming from the Municipal Government Act.
3. **Planning** - contracts, prosecutions, procedures and 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 Municipality 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 field of activity on behalf of the Municipal.

b. Transition

Proposals should include a description of the Proponent's requirements to assume work on behalf of the Municipality. Specifically, the Proponent shall identify any open files that may be perceived to compromise its work with the Municipality and shall indicate the time required to resolve those conflicts. In addition, the Proponent should state all assumptions and recommendations about the manner in which the Municipal's current affairs will be transferred. Resources and time requirements should include the period during which the Proponent would become

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familiar with the ongoing Municipal operations. It is the Municipal's intention that the Proponents will not assume litigation or other proceedings in progress with our current solicitors.

c. Conflict of Interest

The proposal must include a discussion of the Proponent's perception of "conflict of interest". This must include the Proponent's anticipation of future activities of the firm, which may be perceived to be linked to the Proponent's "special knowledge" of the Municipality, and how the Proponent would deal with such cases. The Municipality would expect that all attempts would be made to avoid conflicts and that the Municipal's interests would be the primary concern of the successful firm.

d. Costs

Proposals shall include a detailed description of all costs and of the recommended method of billing and payment. For comparative purposes it is preferable that cost information be reported in the following manner:

- Retainer fee requested and services to be covered by retainer. Priced two separate ways:
 - (A) a retainer fee that includes attending all regular council meetings (11 meetings in total)
 - (B) a retainer fee for not attending regular council meeting with a per meeting fee for attending meetings as requested
- Details on services or projects to be billed on a flat fee lump sum fee for service or an hourly basis, including Property Title Searches and Sub Searches
- Services to be charged at an hourly rate and rates to be charged. (Firm member, rate, and area of responsibility).
- Disbursement items and costs associated with referrals and other specific items that were not reported elsewhere.
- Detailed regular invoice structure, and other charges or charging methods proposed.

e. References from Similar Clients

Proponents should provide three (3) contact names and phone numbers to provide references of the firm's recent service experience in terms of legal support to public or private sector organizations.

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7. Schedule A: Legal Services Proposal Form

THE MUNICIPALITY OF THE DISTRICT OF ST. MARY'S

The Municipality of St. Mary's request for proposals for Legal Services for the next four (4) years anticipated to begin at midnight on May 1, 2019 and end at midnight on March 31, 2023.

LEGAL FIRM	
ADDRESS	
PHONE	
E-MAIL	
FAX	
NAME OF PERSON SIGNING FOR LEGAL FIRM	
POSITION OF PERSON SIGNING FOR LEGAL FIRM	

I/We, the undersigned, having examined the attached Request for Proposal for Legal Services, and having read, understood, and accepted the conditions outlined in the Request for Proposal, each and all of which form a part of this proposal, hereby offer to supply Legal Services in strict accordance with the conditions hereto attached and as outlined in this proposal.

SIGNED AT THE _____ OF _____ IN THE COUNTY
OF _____ THIS _____ DAY OF _____, 2019.

WITNESS SIGNATURE

AUTHORIZED SIGNATURE

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Appendix A: RFP General Terms and Conditions

The following are the general terms and conditions for the Request for Proposals (RFP) except as modified by addenda issued by the Municipality of St. Mary's prior to the RFP closing date.

1. Notices

- 1.1. All questions concerning this Request for Proposals shall be directed to Marvin MacDonald, CAO at (902) 522-2432.
- 1.2. Any attempt by the Proponent or any of its employees, agents, contractors, or representatives to contact members of Municipal Council or Municipal staff not identified in Section 1.1 of this RFP may lead to disqualification.
- 1.3 Any changes to this RFP shall be stated in writing by Addenda. Verbal statements made by Municipal staff or their representatives shall not be binding.

2. Privilege

- 2.1 The Municipality of St. Mary's reserves the right to reject any and all tenders, not necessarily accept the lowest tender, or to accept any tender which it may consider to be in its best interest. The Municipality also reserves the right to waive formality, informality or technicality in any tender proposal. The Municipality reserves the right to suspend or cancel any RFP at any time for any reason without penalty.

3. Confidentiality

- 3.1. RFP documents (including all attachments and appendices) may not be used for any purpose other than the submission of a proposal. By submitting a proposal, the Contractor agrees to public disclosure of its contents subject to the provisions of the Municipal Government Act relating to Freedom of Information and Protection of Privacy. Anything in the submission that the Contractor considers to be "personal information" or "confidential information" of a proprietary nature should be marked confidential and will be subject to appropriate consideration of the Municipal Government Act as noted above.

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4. Law

- 4.1. The law applicable to the RFP and any subsequent agreements shall be the law in force in the Province of Nova Scotia.
- 4.2. The successful Proponent shall indemnify the Municipality, its officers and employees against and damage caused to the Municipality as a result of any negligence or unlawful acts of the successful Proponent, its employees or agents. Similarly, the successful Proponent shall agree to indemnify the Municipality, its officers and employees against any claims or costs initiated by third parties as a result of any negligence or wrongful acts of the successful Proponent, its employees or agents.

5. Submission and Evaluation

- 5.1. Preparation: All expenses incurred in the preparation and presentation of submissions of the response to the RFP are entirely the responsibility of the Proponent.
- 5.2. Method of Submission: Hard copy proposals will be the only form accepted along with a supplementing electronic copy via E-mail. Facsimile or telephone proposals will not be considered.
- 5.3. Completeness: It is the Proponent's responsibility to ensure that their submission is complete and is delivered to the Municipality by the date and time indicated. Proposals submitted after the above noted time will be returned unopened.