

Request for Decision City Council



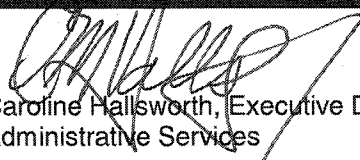
Type of Decision											
Meeting Date		April 9, 2008				Report Date		April 2, 2008			
Decision Requested		<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Priority		<input checked="" type="checkbox"/>	High	<input type="checkbox"/>	Low
		Direction Only			Type of Meeting		<input checked="" type="checkbox"/>	Open	<input type="checkbox"/>	Closed	

Report Title

REQUEST FOR PROPOSALS OUTSIDE LEGAL SERVICES


Budget Impact / Policy Implication		Recommendation	
<input checked="" type="checkbox"/>	This report has been reviewed by the Finance Division and the funding source has been identified.		
<p>The awarding of these contracts have been provided for and are within the limits set in the 2008 budget.</p> <p>Legal Services, through restructuring of the department and the RFP process, has reduced the budget for external legal services, from \$587,444 in 2007 to \$344,000 in 2008. Human Resources and Organizational Development budgets \$151,685 for external legal counsel.</p>		<p>That the awarding of the Request for Proposals for Outside Legal Services proceed as outlined in this Report and that the City Solicitor be authorized to execute the necessary agreements with the outside law firms.</p>	
<input checked="" type="checkbox"/>	Background Attached	<input type="checkbox"/>	Recommendation Continued

Recommended by the Department



Caroline Hallsworth, Executive Director
Administrative Services

Recommended by the C.A.O.



Mark Mieta
Chief Administrative Officer

Date: March 17, 2008

Report Prepared By	Division Review
Ron Swiddle City Solicitor	Ron Swiddle City Solicitor

Background

In 2007, City Council provided direction regarding the restructuring of the Legal Services Section in accordance with the Catalyst Report. One of the provisions of this Report was to proceed with a Request for Proposals for Outside Legal Services.

In accordance with Council's direction, Catalyst Consulting was retained to assist with the preparation, evaluation and negotiation of the Legal RFP. The work was broken down into five areas and firms could bid on some or all of the following areas:

1. Provincial Offences Court/Prosecutions
2. Labour and Employment
3. Ontario Municipal Board Planning matters
4. Construction Contract and Lien matters
5. General Litigation and Municipal work

The City received responses from law firms in Toronto, Waterloo and Sudbury.

The submissions were then analysed and evaluated using a evaluation tool prepared in advance and made known to the bidders in advance. All proposals were evaluated on six elements as described below:

1. Experience of Company and Team Members

The firms proposal evidences proven experience of team members in the categories of legal work for which the firm has submitted a proposal.

2. Number of Lawyers/Paralegals at Appropriate Levels

The firm's proposed team is composed of a sufficient number of available lawyers and paralegals at the appropriate levels of experience to handle the relevant legal work.

3. Proposed Service Delivery (Innovations and Partnering)

The proposal evidences the firm's experience in partnering with municipalities, and demonstrates knowledge of the issues and challenges facing municipalities.

4. Local Service/Team Members and Office in Sudbury

The firm's proposed team will be able to provide easy access to City of Greater Sudbury personnel and quick turnaround.

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5. Pricing Rates - Fixed Weighted Rates

The proposal evidences the firm's interest and experience in non-hourly based billing, and the firm is supportive of the use of a fixed hourly rate.

6. Pricing Rates - Suggestions for cost containment/cost reduction

The proposal offers effective suggestions to help the City of Greater Sudbury contain or reduce its legal costs.

There were two stages to the evaluation, a qualitative evaluation and a financial evaluation. The qualitative evaluation was done by City Staff, and the financial evaluation by Catalyst Consulting.

The evaluation was done by City Staff members most familiar with the type of work to be performed. The Evaluation Committee consisted of Caroline Hallsworth, Executive Director Administrative Services, Ron Swiddle, City Solicitor, Patrick Thomson, Director of Human Resources and Organizational Development and Leigh Lesar, Supplies and Services Co-Ordinator. The additional expert staff called in to assist on evaluation sub-committees consisted of Eric Taylor, Senior Planner, for the Ontario Municipal Board work; Frank Perron, City Prosecutor, for Prosecutions; Carolyn Dawe, Assistant City Solicitor, for General Municipal; Peter Chiesa, Manager of Project Engineering, for Construction; and Ed Eibl, Shelley Carpenter, Anne Orendorff, MJ Scott, and Karen Matthies for Labour and Employment. I would like to thank them publicly for their expertise, time and effort in evaluating the submissions.

The evaluation points given to the various firms that bid on the various sections of the work, with the successful firms providing the best combination of expertise, service, and pricing elements are as follows:

General Litigation and Municipal Work
Scores:

Desmarais Keenan	79.6
Lacroix Forest	67.0
Loopstra Nixon	61.2
Weaver Simmons	76.4
White Duncan	59.6

Construction Contract and Lien Matters
Scores:

Desmarais Keenan	80.3
Lacroix Forest	68.0
Loopstra Nixon	46.9
Weaver Simmons	75.3
White Duncan	49.9

Ontario Municipal Board Scores:

Loopstra Nixon	60.75
Stephen Watt	76.1
Weaver Simmons	70.9
White Duncan	62.1

Prosecutions Scores:

Lacroix Forest	78.0
Loopstra Nixon	34.8
Weaver Simmons	75.3

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Labour and Employment Scores:

Gatien	67.0
Hicks Morley	73.4
Lacroix Forest	62.8
Loopstra Nixon	38.7
Mason, Poratto-Mason	50.1
Weaver Simmons	80.8

Following the evaluation, and as called for in the Request for Proposal documents, Catalyst Consulting then assisted in negotiating arrangements with the firms based on their bid documents. The Evaluation Teams agreed that it would be appropriate to split the Labour and Employment work between two firms, both of whom ranked highly, Hicks Morley and Weaver Simmons, with Hicks Morley receiving approximately 30 to 50 percent of the work, and Weaver Simmons receiving approximately 50 to 70 percent of the work. This was felt to be the most efficient way of proceeding, and to rely upon the greatest strengths of both firms. This arrangement was also acceptable to these firms, and largely reflects the existing situation prior to the award of the Request for Proposals.

The budgets for external legal counsel are located in two areas, Human Resources and Organizational Development for labour and employment matters, and Legal Services for all other legal matters. Legal Services, through restructuring of the department and the RFP process, has reduced the budget for external legal services, from \$587,444 in 2007 to \$344,000 in 2008. Human Resources and Organizational Development budgets \$151,685 for external legal counsel.

Accordingly, it is recommended that the City Solicitor be authorized to enter into agreements with these firms based on the estimated hours anticipated, and the blended rates negotiated. The estimates of the hours are as calculated by the Consultant. The actual expenditures in any given year will vary, depending on the actual work performed. The contracts are for a three year period.

It is recommended that the contracts be awarded for:

1) Prosecutions

to the firm of Lacroix Forest for an estimated 15 trial days in 2008, rising to 30 trial days for 2009 and 2010, in the estimated amount of \$180,000 for the three year period.

2) Labour and Employment Matters

to (1) the firm of Hicks Morley for 30 to 50 percent of the estimated work for the range of 135 to 275 hours a year in the estimated amount of \$126,266 to \$257,127 for the three year period;

to (2) the firm of Weaver Simmons for 50 to 70 percent in the range of 275 hours to 315 hours a year, in the range of \$198,470 to \$227,338 for the three year period.

3) Ontario Municipal Board Work

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to the firm of Stephen Watt in the estimated amount of 540 hours per year, in the estimated amount of \$465,750 for the three year period.

4) Construction Contract and Lien Matters

to the firm of Desmarais Keenan in the estimated amount of 90 hours per year in the estimated amount of \$83,362 for the three year period.

5) General Litigation and Municipal Work, including Expropriations

to the firm of Desmarais Keenan in the estimated amount of 180 hours per year, in the estimated amount of \$168,750 for the three year period.

In total, the amounts for all five firms for the three year period is estimated at \$1,353,459 which averages to \$451,153 per annum for the three year period. These amounts are as provided for in the existing budgets.

Of these amounts, \$897,862 over the three year period, or an average of \$299,288 per annum is anticipated to be expended by Legal Services, which is within the Legal Services annual budget allocation of \$344,000 for external legal counsel. Costs for labour and employment law over the same three year period are anticipated to be no more than \$455,597 or \$151,865 annually. Human Resources and Organizational Development, has an annual budget allocation of \$151,685 for external legal counsel. By entering into these contracts, the hourly rates that the City will be charged for the next three years have been fixed.