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MUNICIPALITY OF THE COUNTY OF

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# ANTIGONISH

**REQUEST FOR PROPOSALS  
LEGAL SERVICES**

285 Beech Hill Road, Beech Hill, NS, B2G 0B4  
902-863-1117 | [www.antigonishcounty.ns.ca](http://www.antigonishcounty.ns.ca)

**19 December 2018**

## **INTRODUCTION**

The Municipality of the County of Antigonish (the Municipality) invites proposals from qualified law firms to provide legal services for the next five (5) fiscal years ending March 31, 2024.

This Request for Proposal (RFP) define both the form and content required of a proposal. Please structure your response in accordance with the terms of this RFP. It will be by these criteria that the Municipality will determine whether a proposal is complete, appropriate and competitive. **Proposals that do not conform to these terms and conditions may be given lesser weight than others, or may be rejected.**

Please ensure that all information supplied in response to the RFP contain sufficient details to support the services being proposed.

This document is not intended to limit the content of your proposal, but to provide a common framework for the Municipality to assess all proposals in a professional manner in a demonstrably fair process. You may provide unsolicited information if you consider it to be relevant.

Any questions with regard to this RFP should be directed to:

Glenn Horne  
Municipal Clerk Treasurer  
Municipality of the County of Antigonish  
285 Beech Hill Road  
Beech Hill, NS B2G 0B4

Telephone: 902-863-1117  
Email: [glenn.horne@antigonishcounty.ns.ca](mailto:glenn.horne@antigonishcounty.ns.ca)

# **SECTION 1 – TERMS AND CONDITIONS**

## **SUBMISSION OF PROPOSALS**

The following is to be used in the preparation of a proposal for external legal services to the Municipality.

1. Completed vendor proposals and other correspondence should be submitted to:  
Glenn Horne  
Municipal Clerk Treasurer, Municipality of the County of Antigonish  
285 Beech Hill Road, Antigonish, NS  
B2G 0B4  
glenn.horne@antigonishcounty.ns.ca
2. Proposals must be submitted in a sealed envelope clearly marked “**Confidential - Legal Services Proposal**”.
3. Please provide **four (4)** hard copies of your proposal and email an electronic copy.
4. **Closing Time and Date:**  
Hard and electronic copies of the proposals are due and will not be accepted any later than **January 18, 2019, 3:30 pm.**
5. Late proposals will be rejected.
6. Proposals must be submitted on firm letterhead duly signed by an authorized person.
7. There will not be a public opening of the proposals.
8. **Terms and Conditions**  
The terms and conditions of the legal services proposal submitted are to remain firm and irrevocable from the proposed closing date of **January 18, 2019** and, if you receive our letter of acceptance, become part of the contract with the Municipality, expiring at the completion of the legal for the year ended March 31, 2024.
9. **Timing for Selection**  
It is anticipated that the successful proposal will be selected and the proponent notified no later than February 20, 2019. On the same day, notice shall be sent to all other proponents notifying them that their proposals have not been selected.

## PROPOSAL REGULATIONS

1. Submission of a proposal indicates acceptance by the proponent of all of the conditions contained in this RFP unless otherwise clearly and specifically noted in the proposal.

### 2. Municipality's Right to Reject

The Municipality reserves the right, without prejudice:

- To accept any proposal;
- To reject any or all proposals;
- To not be obligated to accept the lowest proposal;
- To accept any proposal that it considers in its best interests;
- To waive formality, informality or technicality in any proposal; and / or
- To reject any proposal that it feels incapable of providing the necessary resources to perform the work in a satisfactory manner.

Proponents may be required to demonstrate financial stability, authorization to provide the services being acquired or otherwise clarify the proponent's capability to satisfy the invitation requirements. Acceptance is subject to the approval of the Municipality.

3. No adjustments will be allowed to any submitted proposals. However, proposals may be withdrawn by written request prior to the closing date and time for the submission of proposals.
4. The proponent must be prepared to include in the contract for services any oral or written representations, undertakings or guarantees that are made prior to the final agreement, including the entire response to this RFP, or parts thereof.
5. The Municipality shall not pay a fee to any firm for the preparation and delivery of its proposal in response to this RFP. The Municipality will not be responsible for any costs, expenses, losses, damages or liability incurred by the proponent as a result of, or arising out of, the submission of any proposal, or due to the Municipality not accepting or rejecting any proposal. The Municipality reserves the right to retain all proposals submitted and to use any ideas contained in any proposal regardless of whether that proposal is selected.
6. In case of any disputes over completeness, accuracy and/or interpretation of this RFP, the versions of such documents held by the Municipality will be considered correct. Information, offers, commitments or instruction obtained by any source other than the Municipality will not be binding on the Municipality. Inquiries regarding the request for legal services can be directed to:

Glenn Horne  
Municipal Clerk Treasurer, Municipality of the County of Antigonish  
(902) 863-1117  
Email: [glenn.horne@antigonishcounty.ns.ca](mailto:glenn.horne@antigonishcounty.ns.ca)

Inquiries and responses given may be recorded and may be distributed to all other proponents as addenda. No responses shall be binding on the Municipality unless made in writing. All enquiries regarding the interpretation of these Terms and Conditions, general procurement policy or procedures must be made to the Municipality.

7. 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.
8. RFP documents may not be used for any purpose other than the submission of a proposal. By submitting a proposal, the proponent 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 proponent 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.
9. It is mandatory to complete **Section 3 –LEGAL SERVICE REQUIREMENTS**.

## **SECTION 2 –LEGAL SERVICE REQUIREMENTS**

### **SCOPE**

1. Proposals should reflect the Municipality's desire to establish legal services as an integral part of its full municipal functions. Proponents should demonstrate sensitivity to these functions and 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 Municipal Council and the Municipal Clerk Treasurer (Chief Administrative Officer) and generally representing the Municipality.

Because of the rapport desired between the Municipality and the successful proponent, and in order to identify the optimum means of service delivery, the proponents are invited to propose the preferred methods of delivery and payment without predetermined terms by the Municipality.

2. Proponents are advised that the Municipality assumes most administrative and procedural functions through its line departments. Therefore, although the proponents are expected to advise on these procedures, day to day administration should not be included in proposals. In addition, the successful firm will have the full support of the departments in carrying out research or providing materials such as registry, recording and searches.

Proposals should specifically identify any assumptions of support services by municipal staff with the absence of such will appreciably affect the timing or cost of the firm's work on a continual basis.

3. The following terms of reference have been developed for the purpose of preparing and evaluating proposals. In addition, specific items are given cursory treatment in order to encourage an unfettered response from the proponents.

Following the selection of a preferred firm, the terms of reference and the successful proposal will serve as the basis for discussion between the Municipality and the proponent. It is intended that these discussions will produce a more detailed description of work to be incorporated into a contract for services.

## **TERMS OF REFERENCE**

1. To deliver timely and appropriate legal services and advice to the Municipality in accordance with its jurisdiction and authority as defined in the Municipal Government Act and any other provincial or federal statute or regulation and exercised by Municipal Council and staff of the Municipality.
2. To devise a system of service delivery which responds to the requirements of:
  - Ease of accessibility to municipal staff.
  - Consistency and continuity of advice through the coordination and monitoring of various tasks.
  - Preparedness to respond to limited time frames.
  - Direct consultation with Municipal Council.
  - Written reports supported by the appropriate research.
  - Cost efficient and the monitoring of costs.
3. To be knowledgeable and prepared to advise on legislation applicable to municipal operations including special acts, by-laws and regulations.
4. To be knowledgeable and prepared to advise on legislated and other procedures undertaken by appointed officials, committees and Council.
5. To attend meetings as required by Council and/or the Municipal Clerk Treasurer to provide legal consultation and advice, prepare for litigation or other action and discuss general matters of policy.
6. To attend public hearings and Council or committee meetings as required reporting and advising on specific matters within their jurisdiction.
7. To pursue matters with solicitors of other municipalities and the Province of Nova Scotia in order to represent the position of the Municipality and to secure by-law approvals and the resolution of other items desired by the Municipality.
8. To keep current on legal practice affecting municipalities and to alert the Municipality and make recommendations on the implications of proposed, adopted or amended legislation, decisions of the courts or other which have bearing on municipal operations.
9. To review and advise on by-laws, policies and other documents and, in some cases, to draft such documents.
10. To represent the Municipality in all proceedings against the Municipality and its agents.
11. To advise on and to carry out matters affecting the property of the Municipality including the acquisition and development of property, leases, the liability of the Municipality respecting its property and the disposal of property.
12. To advise on and to take specific action in the enforcement of municipal by-laws as

determined in consultation with the Municipality. To undertake all court actions by the Municipality under the full range of its by-laws and under provincial legislation.

13. To review and advise on contracts, tenders and other documents respecting specific commitments of the Municipality to employees or consultants and to represent the Municipality in disputes of those agreements.
14. To advise on and carry out matters relating to the personnel function including employee discipline, hiring, firing, developments and revision of personnel policies and other matters which may arise affecting employees.
15. To advise on all aspects of tax collection and complete property title searches.

## REQUIREMENTS FOR PROPOSAL

### 1. 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:

- **General** – Land transactions, tenders, simple contracts, and employment law.
- **Municipal** – Council advice, policy & by-laws, tax collection, environmental services, contracts, prosecutions and litigations stemming from municipal planning strategies and development or any other aspect of the Municipal Government Act.
- **Special** - Representation to the Nova Scotia Utility and Review Board.

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 Municipality

### 2. Transition

Proposals should include a description of the proponent's requirements to assume work on behalf of the Municipality. Specifically, the proponent shall identify in general terms and describe any open files which may be perceived to compromise its work with the Municipality and shall indicate the period of time required to resolve those conflicts. In addition, the proponent should in detail state all assumptions and recommendations about the manner in which the Municipality's current affairs will be transferred. Resources and time requirements should include the period during which the proponent would become familiar with the ongoing municipal operations. It is the Municipality's intention that litigation or other proceedings in progress will not be assumed by the proponents.

**3. Conflicts 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 and attitudes toward 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 Municipality's interests would be the primary concern of the successful firm.

**4. Referrals**

In identifying matters which the proponent would recommend be referred to another firm, proposal shall include a brief explanation of the reasons (conflict of interest or special circumstances) for this recommendation. In addition, the proponent shall describe the firm's proposed role in this referral and subsequent handling of the matter.

**5. Costs**

The terms specifically do not include an indication of the method of payment. Proposals shall include a detailed description of all costs and of the recommended method of billing of 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.
- Specific items not included in any retainer.
- Details on projects to be billed on a flat fee for service or an hourly basis, including property title searches.
- Services to be charged at an hourly rate and rates to be charged (firm member, rate, area of responsibility).
- Disbursement items
- Costs associated with referrals
- Other specific items where not reported elsewhere.
- Fee scales associated with various members of the firm related to the function proposed in the delivery of service.

**6. References**

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 municipal, public or private sector organizations.