
DATE: February 14, 2014

REPORT TITLE: **EXTERNAL LEGAL COUNSEL FOR EXPROPRIATION MATTERS**
DOCUMENT NUMBER 2013-718P

FROM: Patrick O'Connor, Regional Solicitor

RECOMMENDATION

That the contract (Document 2013-718P) for the External Legal Counsel for Expropriation Matters be awarded to Borden Ladner Gervais LLP, Rueter Scargall Bennett LLP and WeirFoulds LLP each in the amount of \$250,000 (exclusive of applicable taxes) for a total award amount of \$750,000 (exclusive of applicable taxes) in accordance with Purchasing By-law 113-2013;

And further, that authority be granted to award the contract for four optional 12-month periods, based on satisfactory service, performance and pricing.

REPORT HIGHLIGHTS

- The Region of Peel expropriates land required for capital projects where negotiated settlements cannot be reached.
- The objective of the Request for Proposal was to establish a list of vendors to provide legal counsel for expropriation matters.
- RFP Document 2013-718P was publicly bid and Borden Ladner Gervais LLP, Rueter Scargall Bennett LLP, and WeirFoulds LLP are recommended for award.

DISCUSSION

1. Background

The Region expropriates land required for capital projects where negotiated settlements cannot be reached with the owner. This type of legal work is highly specialized and the work has to be completed by lawyers that are experienced in the field of expropriation.

The objective of the Request for Proposal (RFP) was to establish a list of vendors to provide legal counsel for expropriation matters.

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2. Procurement Process

On behalf of Legal Services, Purchasing issued an RFP Document 2013-718P on December 17, 2013. This document was advertised in the Ontario Reports, as well as on the Internet sites of the Region and the Ontario Public Buyers Association. There were two addenda issued.

The document was issued to 22 vendors, with eight submissions received by 12:00 p.m. on the closing date of January 24, 2014 from: Aird & Berlis LLP, Borden Ladner Gervais LLP, Duncan Linton LLP, Gardiner Roberts LLP, Rueter Scargall Bennett LLP, Sorbara Schumacher McCann LLP, Thomson Rogers and WeirFoulds LLP.

3. Analysis

Purchasing staff have reviewed all the vendor submissions and have deemed them in compliance and therefore available for acceptance.

The proposals were reviewed and evaluated in two phases – the first being the technical component and the second being the financial component – by a staff evaluation committee consisting of staff from Clerks, Legal & Risk Management, and Real Property Asset Management/Real Estate Capital Acquisitions divisions. The Evaluation Committee reviewed the submissions in accordance with set criteria. Phase I, Part 1 of the evaluation included Vendor's and Staff Profile; Vendor's Assessment of the Work to be Performed; and the Vendor's Previous Experience and References.

Upon review of the technical proposals, the submissions from Aird & Berlis LLP, Duncan Linton LLP, Gardiner Roberts LLP, and Sorbara Schumacher McCann LLP did not meet the document requirements and were not given any further consideration for award. The Evaluation Committee decided that the optional Vendor Interview (Phase I, Part 2) was not required. Upon completion of the technical evaluation, four vendors advanced to Phase II, Opening of the Pricing Envelopes where the purchasing representative opened the financial proposals and completed the financial analysis.

Vendor	Technical (80 per cent)	Financial (20 per cent)	Overall Ranking
Borden Ladner Gervais LLP	1	1	1
Rueter Scargall Bennett LLP	2	2	2
WeirFoulds LLP	3	3	3
Thomson Rogers	4	4	4

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4. Proposed Direction

Borden Ladner Gervais LLP, Reuter Scargall Bennett LLP and WeirFoulds LLP demonstrated a thorough understanding of the scope of work and presented an experienced project team.

Staff recommends awarding the contract for External Legal Counsel for Expropriation Matters to Borden Ladner Gervais LLP, Rueter Scargall Bennett LLP, and WeirFoulds LLP.

FINANCIAL IMPLICATIONS

Funding will be available in various approved capital project budgets as required.



Patrick O'Connor
Regional Solicitor

Approved for Submission:



D. Szwarc, Chief Administrative Officer

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