

### Section I – Items for Board of Directors Action

**TO:** Chair and Members of the Executive Committee  
Friday, February 05, 2021 Meeting

**FROM:** Michael Tolensky, Chief Financial and Operating Officer

**RE:** **VENDOR OF RECORD ARRANGEMENT FOR CONSOLIDATED LEGAL SERVICES**  
RFP No. 10034754

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#### KEY ISSUE

Award of Request for Proposal (RFP) No. 10034754 for a Vendor of Record (VOR) arrangement for the supply of consolidated legal services for a three year period.

#### RECOMMENDATION

**THE EXECUTIVE COMMITTEE RECOMMENDS THAT WHEREAS** Toronto and Region Conservation Authority (TRCA) is engaged in a variety of programs and projects that require external legal services;

**AND WHEREAS** TRCA solicited proposals through a publicly advertised process and evaluated proposals received based on the criteria outlined in this report;

**THEREFORE, LET IT BE RESOLVED THAT** TRCA staff be directed to establish a Vendor of Record (VOR) arrangement with the following: Gowling WLG (Canada) LLP, Gardener Roberts LLP, Fasken Martineau DuMoulin LLP, Fogler, Rubinoff LLP, Willms & Shier Environmental Lawyers LLP and Hicks Morley LLP for the supply of legal services for a period of from February 1, 2021 to January 31, 2024;

**AND FURTHER THAT** authorized TRCA officials be directed to take whatever action may be required to implement the contracts, including obtaining of necessary approvals and the signing and execution of any documents.

#### BACKGROUND

TRCA requires legal services to various TRCA divisions and programs. Historically, TRCA has procured external legal services in the areas of property acquisition and disposal, drafting leases and agreements, planning application appeals, permitting and enforcement appeals, environmental contamination litigation, and human resources matters. In 2016, a procurement process was initiated for the procurement of legal services, and VOR agreements were entered into with five law firms for a term of three-years in 2017, with an option for a one year extension.

Establishing a VOR arrangement for legal services with various law firms ensures that TRCA has timely access to external legal services when required. The VOR arrangement permits TRCA to contact any law firm on the list with the expertise and experience required for a particular matter. Services will be allocated to one of the law firms on the list for each assignment valued at \$100,000 or less. Services above the threshold are subject to TRCA's procurement policies.

The VOR arrangement will be subject to annual review in order to confirm that the law firms are providing an adequate level of service.

## Item 7.3

Annual expenditures for legal services for the past five years are summarized in the following table:

2016	2017	2018	2019	2020
\$592,322	\$834,221	\$1,069,259	\$829,742	\$390,819

Real property transactions, including leases, and matters before the Local Planning Appeal Tribunal (LPAT) generally represent approximately 50% of annual expenditures. The decrease in 2020 reflects a decrease in costs for real estate transaction, resulting in part from the completion of land transfers for the Rouge National Urban Park that were ongoing from 2016 to 2019. There was also a decrease in costs for LPAT matters, resulting in part from the impacts of the COVID-19 pandemic, which delayed the processing of appeals and suspended scheduled hearing events. TRCA hired its first in-house legal counsel in February 2019 and a law clerk in March 2020. A key focus of these positions has been bringing real estate conveyances in-house and managing participation in LPAT matters through the use of internal counsel.

### RATIONALE

RFP documentation was posted on the public procurement website [www.biddingo.com](http://www.biddingo.com) on September 28, 2020 and the RFP closed on October 9, 2020. One addendum was issued to respond to questions received. A total of 22 firms downloaded the documents and 10 proposals were received from the following vendor(s):

- Willms & Shier Environmental Lawyers LLP
- Gardiner Roberts LLP
- Fasken Martineau DuMoulin LLP
- Fogler, Rubinoff LLP
- Gowling WLG (Canada) LLP
- Hicks Morley
- Rae Christen Jeffries LLP
- Mathews, Dinsdale and Clark LLP
- Bird Richard, Lawyers for Employers
- Kramer LLP

An Evaluation Committee comprised of staff from Legal Services, Procurement Services, and Human Resources reviewed the proposals. The criteria used to evaluate and select the recommended Proponents included the following:

Criteria	Weight	Minimum Score
<b>Proponents Information and Profile</b>	15	
<b>Key Personnel</b>	30	
<b>Proponent Experience</b>	30	
<b>Sub-Total</b>	<b>75</b>	<b>30</b>
Pricing	25	10
<b>Sub-Total</b>	<b>25</b>	<b>10</b>
<b>Total Points</b>	<b>100</b>	<b>40</b>

## Item 7.3

The evaluation process ranked the following firms as the highest scored meeting the qualifications and requirements set out in the RFP: Willms & Shier Environmental Lawyers LLP, Gardiner Roberts LLP, Fasken Martineau DuMoulin LLP, Fogler, Rubinoff LLP, Gowling WLG (Canada) LLP and Hicks Morley LLP. It is recommended that contract No. 10034754 be awarded to Willms & Shier Environmental Lawyers LLP, Gardiner Roberts LLP, Fasken Martineau DuMoulin LLP, Fogler, Rubinoff LLP, Gowling WLG (Canada) LLP and Hicks Morley. Proponent's scores and staff analysis of the evaluation results can be provided in an in-camera presentation, upon request.

### **Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan**

This report supports the following strategic priority set forth in the TRCA 2013-2022 Strategic Plan:

#### **Strategy 7 – Build partnerships and new business models**

### **FINANCIAL DETAILS**

Based on past expenditures, and anticipated cost savings from completing real estate transactions and managing participation in LPAT matters in-house, the estimated cost of external legal services annually over the next three years is approximately \$500,000 to \$750,000 per year. An increase or decrease in workload, including unanticipated new matters, will have an impact on the value of this contract. Funds for the contract are identified in Legal Services Budget code 012-30 and within other program and project budgets areas.

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**Date: January 26, 2021**