

TO: Committee of the Whole **MEETING:** July 10, 2018
FROM: Kurtis Felker, Purchasing Manager **FILE:** 1220-20 LEGA
SUBJECT: Legal Services Standing Offers Award 2018

RECOMMENDATIONS

1. That the Regional District of Nanaimo enter into standing offer agreements with Lidstone & Company and Young Anderson for the provision of routine legal services, including construction law advice.
2. That the Regional District of Nanaimo enter into standing offer agreements with Harris & Company and Lidstone & Company for the provision of routine legal services for Employment and Labour Law.
3. That the Board authorize the Chief Administrative Officer to engage alternate legal services providers when required.

SUMMARY

A request for standing offers (RFSO) was issued for the provision of routine legal services in three practice areas: Local Government Law, Employment and Labour Law and Construction Law. Responses were received from seven (7) firms.

The retention of the following firms is recommended:

Local Government Law and Construction Law: Lidstone & Company and Young Anderson

Employment & Labour Law: Harris & Company and Lidstone & Company

The RFSO also reserved the right for the CAO to engage other legal assistance when required. Dominion GovLaw currently provide legal assistance with Bylaw enforcement matters and this arrangement is not recommended to be altered.

The provision of legal services will be on an “as and when requested” basis for a three (3) year term with the option to extend for two (2) additional one (1) year periods.

BACKGROUND

The RDN is reaching the end of its current agreement periods with Stewart McDannold Stuart and Harris & Company LLP for the provision of legal services. A request for standing offer (RFSO) was publicly advertised by the Regional District of Nanaimo (RDN) on June 5, 2018 for the provision of routine legal services in three practice areas: Local Government Law,

Employment and Labour Law and Construction Law. Responses were received from seven (7) firms.

The vendor submissions were reviewed by the evaluation team and scored based on multiple criteria including:

- Firm history, expertise, key individuals, resources, clients and response times. (55%)
- Fee structure. (40%)
- Value added extra services. (5%)

Based on the results of the review, the following firms scored the highest and present the best value for legal services in the three practice areas identified. Staff recommends entering into standing offer agreements with these firms.

Local Government Law and Construction Law: Lidstone & Company and Young Anderson

Employment & Labour Law: Harris & Company and Lidstone & Company

There may be specific situations where the CAO determines that assistance is required from alternate legal providers. Situations do arise over time when law firms find themselves in a conflict situation and cannot act on a matter or where the matter is one that is outside of the expertise of a particular firm. In situations such as these, the flexibility to retain other legal counsel is required.

ALTERNATIVES

1. That the Board award the standing offers for Local Government Law, Employment and Labour Law and Construction Law to the firms identified in this report on an “as and when requested” basis for a three (3) year term with the option to extend for two (2) additional one (1) year periods.
2. That alternate direction be provided.

FINANCIAL IMPLICATIONS

RDN expenditures on legal services varied from \$150,000 to \$250,000 annually for the last 3 years with the costs across most service areas.

STRATEGIC PLAN IMPLICATIONS

Obtaining best value for services through competitive procurement processes supports the RDN’s “Service and Organizational Excellence” priority to look at both costs and benefits and to ensure the services provided are effective.



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June 28, 2018

Reviewed by:

- W. Idema, Director of Finance
- P. Carlyle, Chief Administrative Officer