

# REQUEST FOR PROPOSAL LEGAL SERVICES

FOR THE PERIOD  
July 1, 2018 to June 30, 2021

## I. GENERAL INFORMATION

### **Purpose.**

This Request for Proposal (RFP) is to procure legal services to be provided to Muskoka Community Futures Development Corporation (Muskoka Futures) for a 3-year period commencing July 1, 2018 and ending June 30, 2021.

### **Who May Respond.**

Only lawyers, who are currently licensed to practice law in the Province of Ontario, or law firms including such lawyers, may respond to this RFP.

## II. INSTRUCTIONS ON PROPOSAL SUBMISSION.

### **Closing Submission Date.**

Proposals must be submitted no later than 4:00pm on **May 17, 2018**. **Proposals must be submitted by mail or courier.**

**Late submissions will not be accepted and will be returned unopened to the respective Offeror(s).**

Offerors have the sole responsibility to express their interest to submit a Proposal to ensure they receive any Addendum or notifications regarding this RFP. **Notice of intention to submit a proposal must be received by 4:30pm on May 7<sup>th</sup>, 2018.** Any addendums and answers to all questions received from potential Offerors will then be shared via email with all interested Offerors.

Interest in submitting a proposal, and any inquiries, concerning this RFP should be submitted by email to:

**David Brushey**

**Executive Director**

**[David@muskokafutures.ca](mailto:David@muskokafutures.ca)**

### **Conditions of Proposal.**

All costs incurred in the preparation of a proposal responding to this RFP will be the responsibility of the Offeror and will not be reimbursed by Muskoka Futures.

Your proposal should be addressed as follows:

**David Brushey**  
**Executive Director**  
**Muskoka Community Futures Development Corporation**  
**345 Ecclestone Drive**  
**Bracebridge, ON P1L 1R1**

It is important that the Offeror's proposal be submitted in a sealed envelope clearly marked with the following information:

**Request for Proposal**  
**4:00pm, May 17, 2018**  
**SEALED PROPOSAL For Legal Services**

All inquiries and other communications with Muskoka Futures about this Proposal are to be directed, in writing only, to the email address listed below. Muskoka Futures will not accept or respond to oral questions or requests for clarification on any matter pertaining to the RFP from any Offeror.

All questions and requests for clarification shall be submitted by e-mail to [david@muskokafutures.ca](mailto:david@muskokafutures.ca).

Questions and requests for clarification shall be accepted up to 4:30pm on May 9, 2018.

All questions and requests for clarification, together with responses shall be circulated by email to Offerors that have expressed their interest in this RFP on May 11, 2018.

#### **Right to Reject**

Muskoka Futures reserves the right to reject any and all proposals received in response to this RFP.

#### **Locally-Owned Businesses**

Efforts will be made by Muskoka Futures to utilize legal services that are locally owned and/or operated within the District of Muskoka.

#### **Term of Agreement**

While the objective of this RFP process is to establish a 3-year agreement for legal services, Muskoka Futures reserves the right to negotiate on length of the agreement including the option to enter into a probationary agreement with the selected Offeror.

#### **Exclusivity**

Any agreement between Muskoka Futures and the successful Offeror will not provide exclusivity to that Offeror. Muskoka Futures reserves the right to use alternate legal services, at any time, in its sole discretion.

## Timeline

RFP Issued – April 26, 2018

Expression of Interest by potential Offerors – May 7, 2018, 4:30pm

Question Deadline – May 9, 2018, 4:30pm

Question Responses circulated – May 11, 2018

Proposal Closing – May 17, 2018, 4:00pm

Proposal Opening – May 18, 2108, 9:00am

## Notification of Award

It is expected that a decision selecting the successful Firm will be made within three (3) weeks of the closing date for the receipt of proposals. Upon conclusion of final negotiations with the successful Firm, all Offerors submitting proposals in response to this Request for Proposal will be informed, in writing, of the name of the successful Offeror.

## Billing

The successful Offeror will submit detailed billing statements for all services billed, at a flat rate or hourly rate depending on the services provided. All hourly billing will be broken down into time increments of no more than a quarter hour. Offeror shall also include, with all invoices, summaries of work performed and time spent on services performed.

Muskoka Futures will not entertain retainers or any additional fees to be billed on a regular basis.

## Description of Entity

Muskoka Futures is a Community Futures Development Corporation that serves **the District of Muskoka**. **Muskoka Futures is a non-profit corporation**, governed by a volunteer Board of Directors, and employs 4 staff. Funded by the Ministry of Innovation, Science and Economic Development (ISED), through the Federal Economic Development Initiative for Northern Ontario (FedNor), Muskoka Futures provides Business Counselling services, financial investment (loans) for local businesses, Community Economic Development and Community Strategic Planning Services.

**III. SCOPE OF SERVICES.** The Offeror shall be readily available to perform the following legal services, as well as other services as needs arise, as requested by the Executive Director and/or Board of Directors:

- Prepare, execute and register on approved loans:
  - Charges/Mortgages
  - PPSA registrations,
  - General Security Agreements,
  - Letters of credit,
  - Assignments of rent,
  - Tax certificates,
  - Title insurance policies
  - Binders of insurance.
  - Any other related documentation as directed by Muskoka Futures
- In cases of default, prepare and execute enforcement of any/all of the above and any other security.
- Conduct collections, settlements and litigation as necessary

- Review personnel, fiscal and other policies, as well as corporate by-laws
- Advise on responses to subpoenas, court orders, and requests for information from third parties
- Advise on government grant and contract issues
- Defend lawsuits, administrative claims, or other legal claims as needed
- Advise on individual labour and employment matters as needed
- Review, draft, and negotiate contracts and leases as needed
- Attend Member, Board of Directors and Committee meetings as necessary
- Other legal services as needed

Muskoka Futures currently has 155 active loan files with a total value of \$5.8 million. As a result of changes in our how we do business in the last year, our loan client base has grown by 35% and activity levels are expected to remain at a high level. The majority of Muskoka Futures legal services needs are related to the closing and collections of loans. Many of our loans can be closed by staff internally however approximately 6-8 loan files require the services of a lawyer for closing each year. In addition approximately 2-3 loans require the services of a lawyer for collections each year. Currently Muskoka Futures is not involved in any ongoing lawsuits, claims or other legal matters, and our needs related to these types services are generally minimal.

#### **IV. PROPOSAL CONTENTS.**

The Offeror, in its proposal, shall, as a minimum, include the following;

##### **Legal Experience.**

Description of experience should relate to the scope of services above and include the following:

- Advising and representing Not-for-Profit organizations in relation to Board Governance, By-Laws, and labour/employment matters.
- Advising and representing clients conducting similar programs and government-funded services.
- Preparing, executing, registering and enforcing:
  - Charges/Mortgages
  - PPSA registrations,
  - General Security Agreements,
  - Letters of credit,
  - Assignments of rent,
  - Tax certificates,
  - Title insurance policies
  - Binders of insurance.
  - Any other related documentation as directed by Muskoka Futures
- Construction lien process
- Conducting collections, settlements and litigation particularly related to delinquent loans
- Advising clients in general business operations

The Offeror must describe the qualifications of lawyers to be assigned to the representation. Descriptions should include:

- Professional and education background of each lawyer
- Overall supervision to be exercised
- Prior experience of the individual lawyers with respect to the required experience and scope of services listed above

Only include resumes of lawyers likely to be assigned to the representation. Education, position in firm, years and types of experience, and continuing professional education will be considered.

### **Customer Service**

Muskoka Futures is committed to superior levels of customer service including timely decision making on loan requests and timely transactions on approved loans. Offerors must clearly address how they will align with Muskoka Futures focus on customer service, and how services for Muskoka Futures and its clients will be handled in a priority manner.

### **References**

The Offeror must describe its legal experience, including the names, addresses, contact persons, and telephone numbers of at least three clients, preferably including clients similar to Muskoka Futures where possible.

### **Organization, Size, Structure, and Areas of Practice**

If the Offeror is a firm, it should describe its organization, size, structure, areas of practice, and office location(s).

### **Price**

The Offeror's proposed price must include:

- Flat rate fees for specific services that may include, but are not limited to:
  - preparation and execution of Mortgages/Charges,
  - PPSA registration,
  - General Security Agreements,
  - letters of credit,
  - assignments of rent,
  - tax certificates,
  - title insurance policies
  - binders of insurance.
- Hourly billing rates of each lawyer or other legal staff who are expected to work on this representation
- Charges for expenses, if any, such as legal research, copies, and faxes.

Muskoka Futures reserves the right to negotiate with the Offeror on the structure of the billing.

## **V. PROPOSAL EVALUATION**

**Submission of Proposals.** All proposals shall include an original and **3** copies.

**Evaluation Procedure and Criteria.**

Muskoka Futures' Executive Director and appropriate staff and Directors will review proposals and make recommendations to the Board of Directors for final approval. The Executive Director and/or Board of Directors may request a meeting with some qualified Offerors prior to final selection. Proposals will be reviewed in accordance with the following scoring criteria:

<b>Offeror's experience as per Scope of Services</b>	<b>(30%)</b>
<b>Level of experience of the individual(s) who may be assigned to matters</b>	<b>(25%)</b>
<b>Pricing and Customer Service</b>	<b>(20%)</b>
<b>Response from references</b>	<b>(15%)</b>
<b>Interviews, (if conducted)</b>	<b>(10%)</b>