



Office of the Legislative Assembly of Nunavut

Request for Proposals: Law Clerk and Parliamentary Counsel

The Office of the Legislative Assembly of Nunavut is requesting proposals from qualified proposers for the provision of the services outlined in this request.

Table of Contents

Instructions to Proposers
Terms of Reference
Proposal Evaluation

Instructions to Proposers

1. Sealed Proposals will be received until **16:00, on May 21 2010** at:

Office of the Legislative Assembly
Attention:
John Quirke
Secretary to the Management and Services Board
P.O. Box 1200, Iqaluit, X0A 0H0
Delivered to 3rd Floor, Legislative Assembly
Building
Telephone: (867) 975-5100
Fax: (867)975-5191

The original and 2 copies are to be submitted, quoting **RFP # LA-10-101- Legal Services** on the outside of the envelope.

1. The Office of the Legislative Assembly will not be responsible for any proposal that:
 - does not indicate the Request for Proposals reference, closing date and proposers name;
 - is delivered to any address other than that provided above.
2. Facsimile transmitted proposals will be accepted under the following conditions:
 - the proposal is received before the submission deadline at the facsimile number stated;
 - the Office of the Legislative Assembly will not accept liability for any claim, demand or other actions for any reason should a facsimile transmission be interrupted, not received in its entirety, received after stated closing time and date, received by any other facsimile unit other than that stated herein, or for any other reasons;
 - the Office of the Legislative Assembly cannot guarantee the confidentiality of information contained in the proposal;
 - the proponent shall submit an original proposal and **TWO** copies to the address stated herein immediately following the transmission of the facsimile.
3. All questions or inquiries concerning this Request for Proposals must be in writing and be submitted to the address provided above no later than five (5) calendar days prior to the proposal deadline. Verbal responses to any enquiry cannot be relied upon and are not binding on either party.
4. This is **not** a Request for Tenders or otherwise an offer. The Office of the Legislative Assembly is not bound to accept the proposal which provides for the lowest cost or price to the Office of the Legislative Assembly nor any proposal of those submitted.
5. If a contract is to be awarded as a result of this Request for Proposals, it shall be awarded to the proponent who is responsible and whose proposal provides the best potential value to the Office of the Legislative Assembly. Responsible means the capability in all respects to perform fully the contract requirements and the integrity and reliability to assure performance of the contract obligations.
6. Notice in writing to a proponent and the subsequent execution of a written agreement shall constitute the making of a contract. No proponent shall acquire any legal or equitable rights or privileges whatsoever until the contract is signed.
7. The contract will contain the relevant provisions of this Request for Proposals, the accepted proposal as well as such other terms as may be mutually agreed upon, whether arising from the accepted proposal or as a result of any negotiations prior or subsequent thereto. The Office of the Legislative Assembly reserves the right to negotiate modifications with any proponent who has submitted a proposal.

8. In the event of any inconsistency between this Request for Proposal, and the ensuing contract, the contract shall govern.
9. The Office of the Legislative Assembly has the right to cancel this Request for Proposals at any time and to reissue it for any reason whatsoever, without incurring any liability and no proponent will have any claim against the Office of the Legislative Assembly as a consequence.
10. Any amendments made by the Office of the Legislative Assembly to the Request for Proposals will be issued in writing and sent to all who have received the documents.
11. The Office of the Legislative Assembly is not liable for any costs of preparation or presentation of proposals.
12. An evaluation committee will review each proposal. The Office of the Legislative Assembly reserves the exclusive right to determine the qualitative aspects of all proposals relative to the evaluation criteria.
14. Proponents may not amend their proposal after the closing date and time but may withdraw their proposal at any time prior to acceptance.
15. The *Access to Information and Protection of Privacy Act* will define the Contract Authority's responsibilities with respect to any information received by it pursuant to the RFP process. Proposals shall be evaluated as soon as practicable after the closing time. No detail of any proposal will be made public except the names of all parties submitting proposals.
16. One of the goals of the Office of the Legislative Assembly is to support Inuit, Nunavut and local businesses. The Nunavummi Nangminiqatunik Ikajuuti (NNI) Policy applies to this proposal call. To receive benefits of this policy, proposers are required to identify the Inuit, Nunavut and Local components of their proposal. For this RFP, the status of the proponent, the status of the companies and labour used for will be given consideration. A registry of Nunavut businesses is available at website www.kirk.ca/nubip, and a registry of Inuit firms is available from Nunavut Tunngavik Incorporated.
17. Proposals may be short-listed. Proponents who are short listed may be requested to make a formal presentation. Such presentations shall be made at the cost of the proponent.
18. The proposal and accompanying documentation submitted by the proposers are the property of the Office of the Legislative Assembly and will not be returned.

Background and Scope of Work

The successful proponent will provide the services of Law Clerk and Parliamentary Counsel to the Legislative Assembly of Nunavut, its Standing and Special Committees, Caucuses, the Management and Services Board, the Office of the Speaker, Members of the Legislative Assembly and the Office of the Clerk of the Legislative Assembly.

The Law Clerk and the Sergeant-at-Arms are appointed as Officers of the Legislative Assembly pursuant to section 51 of the *Legislative Assembly and Executive Council Act*.

The Law Clerk reports to the Speaker or his or her designate. The Law Clerk acts as legal counsel to the Speaker, the Management and Services Board, the Office of the Legislative Assembly, the House, its Members, Committees and Caucuses in the performance of their respective duties. The scope of advice required from the Law Clerk is extensive and includes general advice in relation to, among others, contract, employment and administrative law issues. Of particular relevance to the Speaker and Members is the body of law and precedent concerning the privileges and immunities of the Legislative Assembly collectively and its Members individually.

Court litigation and appearances before quasi-judicial and administrative tribunals may also be required of the Law Clerk.

The Law Clerk is required to be present in the Legislative Assembly each day that the Legislative Assembly is in formal session. The House sits for an average of 37 days per calendar year. During each sitting day, the Law Clerk is required to be available to give advice to clients. The Law Clerk usually sits at the Table in the Legislative Assembly Chamber when bills are being considered by the Committee of the Whole.

In addition to attendance on formal sitting days of the House, the Law Clerk may be required to attend meetings of the Management and Services Board. The Law Clerk provides legal advice to the Board in the fulfillment of its mandate, including its role in the management of the governance policy of the two statutorily-established retiring allowances plans that are administered by the Legislative Assembly. The Law Clerk is also required to attend public and *in camera* meetings of standing committees when bills or legislative proposals are being considered, or upon request of the Committee in its conduct of other business. The volume of this work is largely a function of the legislative agenda of the government. From time to time, meetings of standing committees take place outside of Iqaluit, necessitating travel on the part of the incumbent.

The Law Clerk is also required to provide legal advice to Members of the Legislative Assembly on any matter that falls within his or her duties and responsibilities as an individual Member. The Legislative Assembly provides the cost of this service. The Law Clerk does **not** provide legal advice to the Executive Council (Cabinet) or Ministers in their capacity as members of the Executive Council.

SPECIFIC DUTIES

1. To act as Law Clerk and Parliamentary Counsel to the Legislative Assembly of Nunavut, its Standing and Special Committees, Caucuses, the Management and Services Board, the Office of the Speaker, Members of the Legislative Assembly and the Office of the Clerk of the Legislative Assembly. The duties include:
 - Advising the Legislative Assembly with respect to all legislation placed before it;
 - Assisting Members of the Legislative Assembly in drafting amendments to Bills;
 - Acting on behalf of the Speaker and the Management and Services Board in transmitting drafting instructions to legislative counsel concerning Bills that are introduced in the House under the authority of the Management and Services Board;
 - Providing assistance to Members of the Legislative Assembly in drafting Private Members' Public Bills;
 - Ensuring, when required, that Bills amended by Standing Committees are reprinted accurately to reflect the amendments so made;
 - Reviewing, within 15 days from the close of each Session, or within 15 days of a Bill receiving Assent, and prior to its transmission to the Commissioner, all legislation which was passed by the Legislative Assembly;
 - Certifying to the Clerk of the Legislative Assembly that the legislation for transmittal to the Commissioner and, subsequently, the Governor in Council, is exactly as passed by the Legislative Assembly;
 - Advising the Speaker and Chairs of the Committee of the Whole whether the provision of any Bill is at variance with a general Act;
 - Providing the Legislative Assembly, either orally or in writing, upon request, with legal opinions on matters, including opinions respecting Acts, Bills, policies or constitutional questions;
 - Providing advice during consideration of Government Bills, Private Members' Public Bills and legislative proposals with respect to provisions that are worthy of special attention, provisions which are at variance with general Acts or, alternatively, which fail to contain appropriate provisions which appear to be necessary to achieve the stated objective and purpose of the Bill;
 - Ensuring that amendments proposed to Bills by Standing Committees are in compliance with the law;

- Providing legal advice to the Management and Services Board, a body corporate established by section 38 of the *Legislative Assembly and Executive Council Act*, including advice in respect of the fulfilment of its fiduciary duties in relation to the *Legislative Assembly Retiring Allowances Act* and the *Supplementary Retiring Allowances Act*;
- Preparing, upon request, legal opinions for the Chairperson of any Standing or Special Committee of the Assembly;
- Providing general legal advice to individual Members and the Office of the Clerk of the Legislative Assembly concerning matters that arise in the performance of their duties;
- Providing interpretations of territorial and federal statutes, including, but not limited to, the *Legislative Assembly and Executive Council Act*, the *Legislative Assembly Retiring Allowances Act*, the *Supplementary Retiring Allowances Act*, the *Nunavut Elections Act*, the *Plebiscite Act*, the *Integrity Act*, the *Official Languages Act*, the *Access to Information and Protection of Privacy Act*, the *Financial Administration Act*, the *Public Service Act* and the *Nunavut Act*.
- Providing general in-house legal services, including those in relation to contractual, employment and administrative matters;
- Representing the Legislative Assembly, when instructed, in matters before the Courts, including litigation to which the Speaker, the Management and Services Board or the Legislative Assembly may be a party; and
- Maintaining an awareness of constitutional developments, including matters in relation to the *Canadian Charter of Rights and Freedoms*, and developments in the area of Parliamentary law and privilege.

Nature of the Agreement

1. This will be a four-year contract with the commencement date upon contract completion and execution. The contract shall have two renewal options of one year each; exercising the renewal options are at the sole discretion of the Office of the Legislative Assembly. There will be an annual review assessing performance and fees after completion of year two of the contract.
2. The Law Clerk will be required to be available at all times to perform the duties under the Agreement.
3. Identification of a qualified Deputy Law Clerk to act in the absence of the Law Clerk will be required as part of any proposal.
4. Information as to the fee structure the proposal is based on including daily amounts, hourly rates, sessional and inter-sessional or annual costs.
5. The Law Clerk and Deputy Law Clerk must be members in good standing of the Law Society of Nunavut.
6. The Law Clerk and Deputy Law Clerk must be resident in Iqaluit.

Information to be Provided

The following is to be provided in any proposal to be submitted:

1. Information as to the ability of the proposer to execute the specific duties in both English and the Inuit Language.
2. Information as to the ability of the proposer to fulfill the requirements outlined in Sections 2 and 3 of the preceding section.
3. Information as to the fee structure for the Law Clerk and Deputy Law Clerk to provide the following services:
 - Attendance and counsel for all sittings of the Legislative Assembly;
 - Attendance and counsel for meetings of Standing and Special Committees;
 - Attendance and counsel for meetings of the Management and Services Board when requested, and any meetings with the Clerk or senior staff of the Assembly;
 - Attendance and counsel for all sittings of the Assembly and all meetings of Committee when requested, when held outside of Iqaluit; and
 - Litigation work undertaken on behalf of the Legislative Assembly.
4. Information on the extent of services offered by the proposer.
5. Indication as to availability to undertake the service.

6. Information as to the qualifications and experience of the individuals who will perform the duties specified in the Terms of Reference.
7. Information as to the methodology that would be used in performing the duties.
8. Information as to the proposer's previous experience in performing similar services to the Parliament of Canada, provincial or territorial legislatures.
9. Information as to the proposer's previous experience in providing legal advice with respect to the provisions of all of the following: *Legislative Assembly and Executive Council Act, Legislative Assembly Retiring Allowances Act, Supplementary Retiring Allowances Act, Integrity Act, Nunavut Act, Elections Act, Plebiscite Act, and the Official Languages Act.*

Proposal Evaluation

Selection Methods

Proponents should be aware that certain mandatory requirements may have been set out in the Terms of Reference. Proposals that fail to provide these requirements shall be deemed not responsible and will not be evaluated.

When an alternative is proposed regarding any specific requirement, it will be evaluated to ensure that the desired results will be achieved.

Rating

The evaluation team will utilize specific criteria to rate each proposal. Ratings will be confidential and no details will be released to any of the other proponents.

Each proposal will be evaluated using the following criteria:

- 30% Past relevant experience and project team's knowledge and skills
- 30% Cost Proposal for the service
- 25% Proposed methodology
- 15% Inuit, Nunavut and Local Preference

Proponent Response Guidelines

The following information should be provided in each proposal. This information will be utilized in evaluating each proposal submitted.

Elements of proposal to be included:

1. Past Relevant Experience and Project Team's Knowledge and Skills

The proponent is to describe the capability of the resources proposed to meet the requirements described in the terms of reference. The proponent should include, as a minimum, the following items:

- a) Résumés for the proposed members that identifies their past education, past relevant experience, skills and knowledge and in what ways the proposed resources will be utilized in providing the services identified in the Request for Proposal.
- b) Listing of the firm's directly related experience and that of any partners or subcontractors.
- c) A descriptive list of other similar projects completed in the past with a minimum of three professional references to be used for evaluation purposes to verify medium deadlines and quality of work.
- d) A description of the organizational structure including, as applicable, a list of the names of the organization's officers, directors, partners, and staff.

2. Complete Cost Proposal for the Service.

The proponent should identify all costs for providing the services of this proposal, including but not limited to:

- a) Attendance and counsel for all sittings of the Legislative Assembly;
- b) Attendance and counsel for meetings of Standing and Special Committees;
- c) Attendance and counsel for meetings of the Management and Services Board when requested, and any meetings with the Clerk or senior staff of the Assembly;
- d) Attendance and counsel for all sittings of the Assembly and all meetings of Committees when requested, when held outside of Iqaluit; and
- e) Litigation work undertaken on behalf of the Legislative Assembly.

3. Methodology

The proponent should provide a detailed description plan or methodology describing how the service will be handled.

4. Inuit Preference

The NNI Policy applies to this RFP. Inuit Preference rating points will be given for the use of Inuit goods and services. This Inuit content will be the percentage of work for O&M completed by an Inuit/local firm listed on the registry of Inuit firms available from NTI and Government Services and the amount of Inuit employment created, and the Inuit, Nunavut and/or Local status of the proponent. For greater clarity, the additional local adjustment is only available to registered Nunavut Businesses or Inuit Firms who are located in the community where the accommodations are required. Proponents can obtain information on the GN's NNI Policy from the web site: <http://www.kirk.ca/nubip>. The Inuit Firms Listing is available on the Nunavut Tunngavik Inc. (NTI) Business and Economic Development page of their web site: www.tunngavik.com.