



ONTARIO COLLEGE OF TRADES

ORDRE DES MÉTIERS DE L'ONTARIO

Legal Services for the Ontario College of Trades

Request for Proposal (RFP) No. OCOT/CS/2014-01

Date Issued: July 14, 2014

RFP Number: OCOT/CS/2014-01
Date Issued: July 14, 2014
Submission Deadline: August 8, 2014
Client: Ontario College of Trades
Email: procurement@collegeoftrades.ca

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A. INTRODUCTION

1. Objective

The purpose of this Request for Proposal (RFP) is to solicit qualified offers for the provision of legal services to the Ontario College of Trades (the College) as outlined in the Terms of Reference (Annex B), with a contract start date of September 2014, or as soon thereafter as a contract or Services Agreement with the successful bidder(s) can be executed.

You are invited to submit your best technical and financial offer for the requested services set out under 'Scope of Work' in the Terms of Reference (Annex B). Your proposal could form the basis for a Services Agreement between your company, or you as an individual, and the College.

2. Background Information

The Ontario College of Trades is a regulatory body established by the *Ontario College of Trades and Apprenticeship Act, 2009* (the Act). The College has a duty to serve and protect the public interest by carrying out a number of objects and functions under the Act. This includes, but is not limited to, establishing the scopes of practice of particular trades, regulating the practice of trades with compulsory membership in the College, governing its members, and modernizing and promoting the skilled trades in Ontario. With the launch of membership activity in January 2013, the College performs standard regulatory functions such as:

- Issuing certificates of qualification, and statements of membership;
- Protecting the public interest through investigation and discipline mechanisms;
- Setting standards for training and certification of tradespeople;
- Conducting research and collecting data to support future apprenticeship and certification policies; and
- Removing barriers and increasing access for internationally trained workers.

The College's head office is located in Toronto. More information about the College can be found at www.collegeoftrades.ca

B. INSTRUCTIONS TO BIDDERS

1. Language of the Proposal and other Documents

All correspondence and documents relating to the proposal shall be in English.

2. Cost of the Proposal

The bidder shall bear all costs associated with the preparation and submission of the proposal up to the final award of the contract. The College will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the procurement process.

3. Validity of the proposal

The proposal shall be valid for 90 days after the closing date of proposal submission as specified in this RFP. A proposal valid for a shorter period will be rejected by the College as non-responsive. Under exceptional circumstances, the College may solicit the bidder's consent for an extension of the period of validity.

4. Contents of the Proposal

The bidder is expected to examine and comply with all corresponding instructions, forms, terms and specifications contained in this RFP.

5. Joint Proposal

Two or more companies may form a consortium and submit a joint proposal if doing so would enable the consortium to undertake all of the elements of the anticipated work. Such a proposal must be submitted under the name of one member of the consortium - hereinafter called the "lead organization." The lead organization will be responsible for undertaking all negotiations and discussions with the College and performing the contract.

6. Communications during the RFP Period

Interested companies/individuals shall acknowledge receipt and their intent to bid for this RFP by email to procurement@collegeoftrades.ca no later than **5:00 p.m. on Friday, July 18, 2014.**

The acknowledgement shall provide the company/individual's name, telephone number and the name of a contact person.

All inquiries/questions regarding this RFP should be directed in writing (via email only) to procurement@collegeoftrades.ca before **3:00 p.m. on Tuesday, July 22, 2014.**

Bidders are encouraged to submit their questions as soon as they are known, in order to receive timely responses from the College. All questions and answers will be shared with all Bidders.

7. Proposal Structure

The proposal shall consist of two parts: **the technical**, containing the technical specifications for services/products/works and **the financial**, containing pricing information, to be submitted separately in two different envelopes as outlined in

section 8 below. The proposal shall be organized in the following manner:

7.1 Proposal Submission Form (to be submitted with the technical proposal)

- completed Submission Form (Annex A of this RFP)

7.2 Information about the Company/Firm (to be submitted with the technical proposal)

- Company/Firm profile
- Number and geographical distribution of staff
- Main products, services and specialties
- List of regulatory bodies serviced

7.3 Technical Proposal

The Technical Proposal shall contain no price or cost information. Based on the Terms of Reference of this RFP (Annex B), the Technical Proposal must include the following sections:

- Proposed Approach to the Scope of Work**
 - Describe your approach in providing the services, or a part of services, listed in the Terms of Reference (including any and all assumptions you are required to make). Describe the range and extent of the firm's expertise in (all or several) areas identified in the Terms of Reference.
- Proposed Personnel**
 - Provide the resumes or personal profiles of the proposed team/legal specialists, including their relevant background and expertise in areas of law specified in the Terms of Reference.
- Previous Experience/Clients**
 - Provide at least three (3) examples of relevant prior experience of working with similar regulatory bodies in Ontario.
 - Provide the organization name, contact name, email address and telephone number for three (3) organizations that the College could call as references within the RFP schedule timelines.

7.4 Financial Proposal (Annex C- Price Schedule)

The Financial Proposal will include:

- a) Proposed fee structure; and
- b) A proposed schedule of payments.

Depending on the proposed methodology, the Financial Proposal will cover all the services to be provided, and must itemize all the costs.

Payments shall be based upon output, (i.e. delivery of the services specified in the Terms of Reference).

The price(s) indicated in the Financial Proposal will form a part of the contractual agreement with the successful bidder(s). Please state all costs clearly and completely; the College will not accept nor pay any hidden costs or costs not disclosed in response to this RFP.

All prices are to be quoted in Canadian dollars; HST (Harmonized Sales Tax) is to be shown separately.

The College's general policy is to pay for the performance of contractual services rendered or to effect payment upon the achievement of specific milestones described in the contract. Please note that, except in exceptional circumstances, the College does not make any advance payment for services not yet rendered. Any request for an advance payment is to be justified and documented, and must be submitted with the Financial Proposal. The justification shall explain the need for the advance payment, itemize the amount requested, and provide a time schedule for utilization of said amount.

8. Format and Submission of Proposals

The proposal must contain the signature of a duly authorized officer or agent of the company/firm submitting the proposal (for companies/firms only).

The proposal shall be submitted in **5 (five) hard copies** and **1 (one) electronic version** (PDF version on a USB stick/CD). No email submissions will be accepted. The proposal shall be sealed in one outer and two inner envelopes as detailed below:

a) The outer envelope shall:

- be addressed to: Ontario College of Trades, 655 Bay Street, Suite 600, Toronto, Ontario, M5G2K4

- be marked with:

"RFP No. OCOT/ CS/2014-01 "Legal Services for the College"

b) The two inner envelopes shall indicate the name and address of the bidding company/firm/individual.

-The first inner envelope shall include the technical component and be marked with “**1-Technical Proposal**, RFP No. *OCOT/CS/2014-01 “Legal Services for the College”*”

- The second inner envelope shall include the price component and be marked with “**2-Financial Proposal**, RFP No. *OCOT/CS/2014-01 “Legal Services for the College”*”

The prospective companies/firms/individuals achieving the highest total scores may be invited to make a presentation to the selection panel of the College (see section 4 of *C. Evaluation of Proposals* below for details).

9. Closing Date for Submission of Proposals

Proposals must be received at the College by **no later than 5:00 p.m. on Friday, August 8, 2014.**

Any proposal received by the College after the closing date above will be rejected.

The College may, at its discretion, extend this closing date for the submission of proposals by notifying all participating companies/firms/individuals thereof in writing.

10. RFP Timelines

July 14, 2014: RFP release date

July 18, 2014: Deadline for confirming intent to bid

July 22, 2014: Deadline for submission of questions

August 8, 2014: Deadline for submission of proposals

September 8, 2014: Tentative date for contract signing

The RFP timetable may be changed by the College in its sole discretion.

11. Modification and Withdrawal of Proposals

The bidder may withdraw its proposal at any time after the proposal has been submitted and before the deadline for submission of proposals, provided that written signed notice of the withdrawal (by a duly authorized representative of the bidder) via email is received by the College prior to the deadline for submissions.

No proposal may be modified after the deadline for submission of proposals, unless the College has issued an amendment to the RFP allowing such modifications (see section 12 below).

No proposal may be withdrawn in the interval between the deadline for submission of proposals and the expiration of the period of proposal validity specified by the bidder in the proposal.

12. Amendments to the RFP

At any time prior to the deadline for submission of proposals, the College may, for any reason, whether of its own initiative or in response to a clarification requested by a bidder, modify the RFP by amendment. Amendments could include modification of project scope or requirements, project timeline expectations or extension of the deadline for submissions.

All prospective bidders that have received the RFP will be notified in writing of all amendments to the RFP. In addition, all amendments will be posted to the College website in the Tenders section.

13. Reservation of Rights

The College reserves the right to cancel the solicitation process and reject all proposals at any time prior to award of the contract without incurring any liability to the affected bidder(s) or any obligation to provide information on the grounds for the College's action.

A proposal that is rejected by the College as unresponsive to the RFP may not be made responsive by the bidder by correction of the non-conformity. A responsive proposal is defined as one that conforms to all of the terms and conditions of the College's solicitation documents without material deviations. The College shall determine the responsiveness of each proposal with the College's proposal solicitation documents.

By submitting a proposal, the bidder confirms its agreement to all of the terms of the procurement process set out in this RFP.

14. Conflict of Interest

The bidder must not engage in any Conflict of Interest. In this RFP, "Conflict of Interest" includes, but is not limited to, any situation or circumstance where, in relation to the RFP process, the bidder has an unfair advantage or engages in conduct, directly or indirectly, that may give it an unfair advantage, including:

- (a) having, or having access to, information in the preparation of its submission that is confidential to the College and not available to other bidders;
- (b) communicating with any person with a view to influencing the RFP process to receive preferred treatment; or
- (c) engaging in conduct that compromises, or could be seen to compromise, the integrity or competitiveness of RFP process and render that process non-competitive and unfair.

15. Confidentiality

Bidders and the College are required to maintain the confidentiality of information exchanged through this RFP process.

C. EVALUATION OF PROPOSALS

1. Clarification of Proposals

The College may, at its discretion, ask any bidder for clarification of any part of its proposal to assist in the examination, evaluation and comparison of proposals. The request for clarification and the response shall be in writing. No change in the price or substance of the proposal shall be sought, offered or permitted during this exchange.

2. Preliminary Examination of Proposals

The College shall examine the proposals to determine whether they are complete, whether any computational errors have been made, whether the documents are properly signed, and whether the proposals are generally in order.

Prior to the detailed evaluation, the substantial responsiveness of each proposal to the RFP will be determined in a preliminary examination. For purposes of these clauses, a substantially responsive proposal is one that conforms to all of the terms and conditions of the RFP without material deviations. The College's determination of proposal responsiveness is based on the contents of the proposal itself without recourse to extrinsic evidence.

A proposal determined as not substantially responsive may be rejected and will not subsequently be made responsive by the bidder by correction of the non-conformity.

Arithmetical errors shall be rectified on the following basis: If there is a discrepancy between the unit price and the total price that is obtained by multiplying the unit price and quantity, the unit price shall prevail and the total price shall be corrected. If the bidder does not accept the correction of errors, its proposal shall be rejected. If there is a discrepancy between words and figures, the amount in words shall prevail.

Please note that the College is not bound to select any of the companies, firms or individuals submitting proposals. Furthermore, since a contract would be awarded in respect of the proposal which is considered most responsive to the needs of the project concerned, due consideration being given to the College's general principles, including economy and efficiency, the College does not bind itself in any way to select the company, firm, or individual offering the lowest price.

3. Evaluation of Proposals

A two-stage procedure will be utilized in evaluating the proposals, with evaluation of the technical proposal being completed prior to any financial proposal being opened and compared. The financial proposal will be opened only for those bidders, whose technical proposal reaches 350 points, meeting the requirements of the RFP. The maximum combined number of points that a bidder can obtain for technical and financial proposals is 1000 points.

a. Technical Evaluation

The technical proposal will be evaluated on the basis of its responsiveness to the Terms of Reference in Annex B, and the evaluation criteria below:

- proposed work-plan (180 points)
- expertise of the proposed team (200 points); and
- previous experience and clients (220 Points).

The obtainable number of points specified for each evaluation criterion indicates the relative significance or weight of the item in the overall evaluation process. The points allocated to the technical proposal correspond to 60% of the total obtainable points (600 points).

The maximum number of points for the price component is 40% of the total obtainable points. This maximum number of points will be allocated to the lowest price proposal (400 points).

b. Financial Evaluation

The financial proposal will only be evaluated if the technical proposal achieves a minimum of 350 points (out of 600 possible points). Proposals failing to obtain this minimum threshold will not be eligible for further consideration.

The financial proposal is evaluated on the basis of its responsiveness to the Price Schedule Form (Annex C). The maximum number of points for the price proposal is 400. The maximum number of points will be allocated to the lowest price. All other proposals will receive points in inverse proportion according to the following formula:

$$\text{Price offer points for a proposal being evaluated} = \frac{[\text{Max. number of points for the Price Offer}] \times [\text{Lowest price}]}{[\text{Price offer being evaluated}]}$$

c. Total Score

The total score for each bidder will be the weighted sum of the technical score and financial score. The maximum total score is 1000 points.

4. Bidders' Presentations

At the discretion of the College, selected bidders may be invited to supply additional information on the contents of their proposal during the evaluation period. Such bidders could be asked to make a presentation of their proposal (possibly with an emphasis on a topic of the College's choice) followed by a question and answer session. If the College determines that there is such a need, the presentation will be held at the College's offices at 655 Bay St., Toronto, Ontario.

5. Award of Contract

The College reserves the right to award a contract or split the award to multiple vendors who best meet the requirements outlined in the terms of reference for the technical and price evaluation.

The successful bidder(s) will be required to enter into an agreement with the College in the form of the Services Agreement (available upon request) and to provide a mutually agreed list of scope and deliverables outlining the services and fees, consistent with the services and fees agreed upon through this procurement process. The anticipated contract duration is 5 years. The quality of rendered services will be evaluated by the College on annual basis.

6. Right to Vary Requirements at Time of Award

The College reserves the right at the time of award of contract to vary the quantity of services and goods specified in the RFP without any change in price or other terms and conditions.

7. Payment Provisions

Payment will be made upon performance of contractual services/specific milestones described in the contract and receipt of a satisfactory invoice duly supported by specified release documents and other documents called for under the Services Agreement.

ANNEX A: PROPOSAL SUBMISSION FORM

To: Ontario College of Trades
RFP No. OCOT/ CS/2014-01

Dear Sir / Madam,

The undersigned, having read the solicitation documents of Request for Proposal No. OCOT/ CS/2014-01, hereby offers to provide the services, in accordance with any specifications stated and subject to the Terms and Conditions set out or specified in the document.

We agree to accept 90 (ninety) calendar days validity for this proposal from the date of its submission. This proposal shall remain binding upon us and may be accepted at any time before the expiration of that period.

We undertake, if our proposal is accepted, to commence and complete delivery of all items in the contract within the time frame stipulated.

We understand that you are not bound to accept any proposal you may receive and that a binding contract would result only after final negotiations are concluded on the basis of the technical and price components proposed.

Authorized Signature:

Name:

Title:

Company:

Company Address:

Contact Person:

Email address

Phone/Fax/Website

Dated this _____ day of _____, 2014.

ANNEX B: TERMS OF REFERENCE

Background

The Ontario College of Trades (the College) is an industry-led organization that protects the public interest by regulating and promoting the skilled trades. As a first of its kind in North America, the College puts decision-making back in the hands of skilled tradespeople by promoting the skilled trades as a career of first choice for young people and working with industry professionals to find solutions to matters that affect the skilled trades system.

The College's office is located in Toronto, Ontario. More information about the College can be found at www.collegeoftrades.ca

Objective

The College has issued this RFP for legal services from qualified lawyers and/or law firms, eligible to practice law in the Province of Ontario, who can provide legal services and advice to the College's Registrar, staff, and members of its governance and regulatory structures. The intent of this RFP is to select a vendor or vendors for full or partial services outlined in the scope of work below.

Scope of Work

The services required to meet the Objective above include the following (n.b. an inability to provide one or more of the legal service outlined below is not necessarily a barrier to a successful bid).

The services include, but are not limited to:

1. General Corporate

- Advising the College on all applicable corporate undertakings, activities and requirements, including those affecting the College as a not-for-profit non-share capital corporation, its Board of Governors, officers and directors; and
- Advising the College on contracts, agreements and procurement processes, and assistance in negotiating, drafting and interpreting those documents.

2. Legislative & Regulatory

- Advising the College on all applicable legislation, regulations and by-laws that are relevant to its activities and any changes thereto;
- Advising the College on the formulation, drafting and implementation of regulations, by-laws, policies and procedures;
- Advising the College on the legal implications and interpretation of policy decisions and development, research, statutory requirements, protocols, procedures and policies; and
- Advising the College on apprenticeship standards and curriculum development.

3. Corporate Governance

- Advising the College and various components of its governance structure on corporate governance requirements and best practices;

- Assisting with Board orientation, training, and development initiatives; and
- Providing advice to the Board of Governors, its committees, and staff on legislative and regulatory matters.

4. Administrative Law

- Advising the College on the development, implementation and ongoing refinement of various administrative decision-making mechanisms at the College, including Ratio Review panels, Trade Classification Review panels, and panels of the Complaints, Discipline, Fitness to Practise and Registration Appeals committees of the Board, and
- Acting as Independent Legal Counsel to the Complaints Committee, in matters concerning allegations of professional misconduct, incompetence and incapacity of members of the College, and to the Registration Appeals Committee in registration-related matters.

5. Human Resources

- Advising and representing the College in labour, employment and employment-related issues with respect to both union and non-union staff;
- Advising the College on benefits, pay equity and pension-related issues
- Negotiating, interpreting and drafting collective agreements on behalf of the College;
- Support and representation on WSIB matters, issues arising under the Ontario *Labour Relations Act*, *Occupational Health and Safety Act*, *Human Rights Code*, *Employment Standards Act*, *Accessibility for Ontarians with Disabilities Act* and other applicable employment- and service-related legislation; and
- Legal advice on various employment and labour relations matters

6. Information Technology & Intellectual Property

- Advising the College on various IT and IP matters, including contract negotiation and management, trademark protection, and IT systems and processes.

7. Finance, Accounting & Tax

- Advising the College on finance, accounting, tax, leases and other related matters that affect the financial position of the College.

8. Training

- Training on the above areas of law as may be requested by the College when necessary

9. Other services as may be required

- Other legal services as may be identified over time.

Timing/Duration

It is anticipated that Services Agreement(s) will be signed with successful bidder(s) on or about

September 8, 2014. The duration of each such agreement/contract shall be a matter of negotiation between the parties.

Inputs from the College

The College will provide the successful bidder(s) with any additional background information needed and understand the College's business processes. Additional inputs needed may be requested in the response document as part of the proposed approach.

Technical Capacity

During the evaluation process, the College may require a bidder's representative to answer questions with regard to the proposal and/or require certain bidders to make a formal presentation to the evaluation team.

ANNEX C: PRICE SCHEDULE

All prices are to be quoted in Canadian dollars, and HST to be shown separately. Please state all costs clearly and completely; the College will not accept nor pay any hidden costs or costs not disclosed in response to this RFP.

a) Price

ITEM/SERVICE DESCRIPTION	DESCRIPTION	\$ PER AN HOUR	HST	TOTAL CAD
1. PROPOSED FEES FOR SERVICE				
2. PROPOSED FEES FOR TRAINING – HALF DAY /FULL DAY				
3. OTHER COSTS (PLEASE ITEMIZE, IF ANY)				
TOTAL				

b) Proposed schedule of payment

Signature of bidder _____

Name and title _____