

EXPRESSION OF INTEREST (EOI) FOR POTENTIAL LEGAL AGENTS

EOI – PSIC 2015-01-14

The Office of the Public Sector Integrity Commissioner of Canada
60 Queen Street, 7th Floor
Ottawa, ON K1P 5Y7 Canada

Issued: Wednesday January 14, 2015

CLOSING DATE: Friday, February 27, 2015 at 14:00 EDT

INTRODUCTION

The **Corporate Management Branch** of the Office of the Public Sector Integrity Commissioner of Canada (the “PSIC”), represented by the Commissioner (the “Commissioner”) has a requirement for Legal Agents (“Legal Agents”) to complement the work of the PSIC Legal Services.

These Legal Agents may be asked to provide independent legal advice and/or litigation services to the Commission when internal resources are unable due to timelines, resources, expertise, or where there may be a conflict of interest.

Establishing a list of potential Legal Agents will also permit the PSIC to ensure fairness and equality in the procurement process.

Services Sought

To carry out the mandate of the PSIC, it relies on in-house counsel with occasional assistance from private sector lawyers, referred to as Legal Agents, who are retained to provide services for a definite period of time. The majority of legal work will take place in the National Capital Region.

Requested legal services shall relate to one or more of the following areas of law, all within the context of the federal public service:

- Administrative law;
- Litigation expertise and experience before the Federal Court of Canada;
- Human resources and Labour relations;
- Proceedings before the Public Servants Disclosure Protection Tribunal;
- Values and Ethics; and,
- Commission governance and Crown Liability.

The work may also include legal proceedings in which the Commission is a party and/or which engages the interests of the Commission. Any required litigation services will be in support of one of the foregoing areas of law. All services shall be subject to solicitor-client privilege.

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Generally, the following types of activities are considered to be “legal services”:

- Provision of legal advice and opinions;
- Conduct of litigation and related work;
- Negotiations; and
- Drafting of other legal documents such as contracts, agreements, etc.

The PSIC determines the scope of any legal mandate to be conferred and reviews any legal services provided to ensure that it meets the requirements of the PSIC

EXPRESSION OF INTEREST PROCESS

PSIC invites Expressions of Interest (EOI) from interested lawyers or law firms (“Potential Legal Agents”) with demonstrated competence, ability and extensive expertise to comply with the criteria set out in this EOI, including **Schedule A**.

This EOI is a request for information only. Through this EOI process, PSIC intends to identify qualified and interested Potential Legal Agents to be included on an eligibility list for possible recommendation and consideration for appointment as a Legal Agent.

This EOI does not imply a commitment by the PSIC to proceed with, continue or complete this or any other similar process. Nothing in this EOI creates an exclusive arrangement between PSIC and any Lawyer/Law Firm. PSIC reserves the right to reject any or all proposals received in response to this EOI.

This EOI is not a request for or an authorization to perform any work. Any costs of replying to this EOI will be at the Potential Legal Agent’s own expense.

This EOI process also in no way prevents PSIC from entering into contracts for legal services derived from outside this process. PSIC reserves the right to outsource work at its sole discretion.

This current EOI process will not affect or terminate any current contracts with Legal Agents for legal services with respect to any active matter.

Sourcing and Selection

The information provided in your response to this EOI will be used to place your firm on an eligibility list for possible recommendation and consideration for appointment as Legal Agent of the Commissioner and will serve as the foundation for selection as a Legal Agent as dictated by PSIC Corporate Management Branch’s operational needs.

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The information provided in your response will help PSIC assess your firm's eligibility to provide legal services for PSIC with respect to factors such as the following:

- Knowledge and expertise in the identified areas of law;
- Willingness and ability to devote time and resources to best represent the interests of the Public Sector Integrity Commissioner of Canada;
- Willingness and ability to provide high-quality legal services;
- Ability to provide cost-effective legal services;
- Diversity and range of knowledge and expertise in the areas of law identified;
- Potential for conflict of interest; and
- Availability.

KEY PROVISIONS

It is PSIC's expectation that all Legal Agents (individually and as members of a team) will have the necessary level of competence, expertise and experience to provide the requested legal services commensurate with the nature and complexity of the legal issue(s) involved. Selection is based on the premise that PSIC expects the highest quality of legal services and advice consistent with the reasonable demands of economy, efficiency and effectiveness.

PSIC expects Legal Agents to uphold the highest standards of personal, professional, and ethical conduct. Legal Agents must obey the law, be compliant with federal government policies and must act with integrity, fairness and impartiality at all times. Legal Agents must honour their professional obligations as lawyers, and avoid any real, potential or perceived conflict of interest.

Billing

Hourly billing rates for legal services are negotiated on a case-by-case basis. The PSIC will use the Department of Justice Legal Agent rates of remuneration as stipulated on their website at: <http://www.justice.gc.ca/eng/dept-min/la-man/about-appro.html#REMUNERATION>. Alternate billing arrangements may be negotiated with Legal Agents, which include flat fees, block billings, lump sum payments, and blended rates.

PSIC expects Legal Agents to be fiscally responsible and follow recommended and cost-conscious file handling practices and comply fully with administrative provisions, billing guidelines and fee and disbursement policies, and client instructions.

Every team member (both counsel and legal assistants for whose work counsel is responsible) is expected to strive to contribute significantly toward excellent results that fully meet the operational requirements of PSIC.

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It is PSIC's expectation that a Potential Legal Agent expressing an interest in being considered for a Legal Agent appointment, must at a minimum be willing to commit to ensuring:

- that it carries valid law-practice insurance in the province(s) or territory(ies) in which the Potential Legal Agents conduct their practice, in compliance with the requirements of the relevant law society(ies) or bar association(s);
- that it complies with the federal government's conflict of interest guidelines, which seek to ensure that contracts with the private sector meet the highest ethical standards;
- that each counsel member of the Potential Legal Agent's legal team have a Common Law degree, be active members in good standing of a provincial or territorial bar, with at least one having a minimum of five(5) years of recent active membership;
- that each member of the Potential Legal Agent's legal team and all members of their staff who will require access to documents relating to work assigned will be in compliance with the security requirements identified in this EOI; and,
- that the Legal Agent may be required to comply with certain accessibility and/ or technology standards as defined by the PSIC and as stipulated in any resulting contract for legal services with PSIC.

PSIC is subject to the *Access to Information Act* and the *Privacy Act*. All information submitted pursuant to this EOI process shall become the property of PSIC. All information received pursuant to this EOI will be held in confidence, subject to any applicable disclosure provisions of the *Access to Information Act*, the *Privacy Act*, or other applicable legislation.

Security

The Contractor must, at all times during the performance of the Contract, be a member in good standing with the Law Society of Upper Canada.

Records created during the conduct of assigned legal work are the property of PSIC. PSIC file records must be properly secured at all times according to the Royal Canadian Mounted Police Equipment Guide.

SUBMISSIONS

To acknowledge your interest in responding to this expression of interest, and to receive further consideration, the following information must be included in your submission. Only one submission per Potential Legal Agent, whether a law firm or lawyer, is required. Potential Legal Agents with multiple offices and multiple locations must coordinate their submission through

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one central contact. Correspondence should specify whether the interest being expressed is on behalf of a firm or an individual.

It is preferred that your submission consist of one cover letter, with concise lawyers' resumés attached. Please include the following information in your cover letter:

- Identify the name of your firm (or the individual lawyer's name) and provide basic contact information;
- Provide names and contact information of any other team members;
- Identify the name of an individual who will act as a principal contact throughout the EOI process;
- Clearly identify those areas of practice from the list above in which your firm proposes it may offer legal advice and/or litigation services;
- Specify the language(s) in which services are available;
- Specify the jurisdictions and geographical locations in which services are provided; and,
- Confirm compliance with minimal requirements as identified under **Schedule A** to this EOI.

Please attach to your cover letter:

- Concise resumés of each lawyer who would participate in a potential legal services contract with PSIC, which include:
 - His/her relevant experience with respect to one of the required areas of law identified above, demonstrating his/her extensive expertise and including examples where possible;
 - Any other qualifications;
 - Year of Call to the Bar; and,
 - The name of the Law Society to which he/she belongs.

Note: Each contract for services with PSIC will be subject to negotiation of an appropriate fee and billing structure.

We ask that you provide two (2) paper copies of your submissions, along with any supporting documents, and one (1) electronic copy of your entire submission, preferably in Microsoft Word or WordPerfect on a DVD, CD-ROM, or on a USB device. Please use the following reference number on the front of the envelope: **EOI-(PSIC 2015-01-14)** Faxed and e-mail responses will not be accepted.

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Closing date: Friday, February 27, 2015 at 14:00 pm

Please mail or deliver completed packages to:

**Office of the Public Sector Integrity Commissioner of Canada
Corporate Services**

Attention of: Maryse St-Pierre

60 Queen Street, 7th Floor
Ottawa, Ontario K1P 5Y7

FURTHER INFORMATION

Questions about the content of this document or the EOI process should be submitted by email to:

Michaud.Marie-Josee@psic-ispc.gc.ca; and

Cc: St-Pierre.Maryse@psic-ispc.gc.ca

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Expression of Interest – Legal Agents

Schedule A

In submitting this Response Notification form to the Office of the Public Sector Integrity Commissioner of Canada's Expression of Interest **EOI-(PSIC 2015-01-14)**, I confirm our firm's commitment to ensuring:

- That law-practice insurance is carried in the province(s) or territory(ies) in which we conduct our practice, in compliance with the requirements of the relevant law society(ies) or bar associations(s);
- Compliance with the Federal government's conflict of interest guidelines, which seek to ensure that contracts with the private sector meet the highest ethical standards;
- That that each counsel member of a legal team have a Common Law degree, be active members in good standing of a provincial or territorial bar, with at least one having a minimum of five(5) years of recent active membership;
- That each member of the legal team and all members of their staff who will require access to documents relating to the work assigned will be in compliance with the applicable security requirements, and have obtained, at a minimum, a Reliability Status type security screening; and,
- Compliance with the technology security standards as defined by PSIC. Technology standards will be stipulated in any resulting contract for legal services with PSIC.

Lawyer, or in the case of a firm, Managing Partner

Date