



SEN RFP-019 21/22
Labour and Employment Law Services and Litigation Relating to Parliamentary
Privilege.
Questions and Answers #1

October 18, 2021

Q1. M5. Services in both official languages (p. 14) – The Mandatory Criterion for M5 states, “The bidder must demonstrate that the Team Lead and at least one other lawyer on the bidder’s proposed team can make oral and written representations before administrative tribunals or courts of Canadian jurisdiction in both English and French”; however, the Submission Requirements for M5 require that bidders must provide, “a statement confirming that the Team Lead and proposed lawyer(s) meet the description of ‘Advanced’ in respect of oral, written, and comprehension in English and French as described in Annex ‘D’ — Language Proficiency.” Please confirm that M5 requires that only the Team Lead and at least one other lawyer meet the description of “Advanced.”

R1. Yes, that is correct.

Q2. M6. References (p. 14) – If services were provided to The Senate but the client contact is no longer employed by The Senate, can said contact be used as a non-Senate reference?

R2. No.

Q3. R4. Experience in a court of first instance (p. 24) – Please define “a Canadian court of first instance.” Does this include administrative tribunals?

R3. No, “a Canadian court of first instance” does not include an administrative tribunal.

A “Canadian court” refers to an adjudicative body that is part of the judicial branch in Canada, including:

1. any court whose judges are appointed under section 96 of the Constitution Act, 1867,
2. any court established by the Parliament of Canada pursuant to its authority under section 101 of the Constitution Act, 1867, and
3. provincial courts of civil or criminal jurisdiction within the meaning of paragraph 92(14) of the Constitution Act, 1867.

A “court of first instance” is a court that hears a case for the first time and makes factual determinations.