

# The Procurement Office

Procurement Law Office

Procurement Training Office

## Procurement Law Office Representative Transactions

### **Municipal Lighting Systems NRFP (2016) Municipality**

Provided strategic legal advice and contract drafting assistance for an innovative municipal lighting project to replace existing street lighting with a fully integrated centrally controlled lighting system city-wide.

### **Combined Ambulance-Fire Station BAFO NRFP (2016) Upper Tier Municipality**

Provided legal advice, including negotiated RFP drafting services and related process advice, for a Best and Final Offer NRFP for the construction of a combined ambulance-fire station for a regional municipality. High-profile project was the municipality's first ever use of the two stage BAFO format for a major construction project.

### **Framework Report for Legislature (2016) Yukon Procurement Panel**

Prepared report tabled in the Yukon legislature as a supplement to the Yukon Procurement Panel Advisory Report on use of vendor of record/open framework agreements.

### **Negotiated RFP for Refuse Trucks (2016) Municipality**

Provided strategic advice, legal review and drafting services for the planning and development and a Negotiated RFP for the procurement of refuse trucks over a multi-year contract term.

### **Negotiated RFP for Solid Waste Collection (2016) Municipality**

Provided strategic advice, legal review and drafting services for the planning and development of a Negotiated RFP for waste collection services.

### **Construction NRFP Project Support (2016) Regional Municipality**

Provided ongoing legal advice and project support in relation to a Negotiated RFP for construction of a major public services structure.

### **Expert Opinion (2016) Ontario Municipality**

Prepared expert opinion report in support of purchaser/moving party on a summary dismissal application in relation to a challenged BAFO NRFP process involving issues of confidentiality and disqualification.

### **Contract Drafting and Advice (2016) Provincial Agency**

Prepared custom supplementary General Conditions for CCDC14 and provided legal advice on various matters

### **Rebuttal Expert Opinion (2015) Municipality**

Prepared rebuttal report for purchaser in response to complainant's expert opinion report on a lost profit claim of an unsuccessful bidder in relation to a services tender connected to a major construction project.

### **Joint Procurement Project Coordination (2016) Utility Sector Consortium**

Provided overall project support for a utility sector joint procurement initiative on behalf of multiple electrical utilities for the selection of a single service provider to service the multi-million dollar small-business lighting upgrade project. Services including strategic design advice; RFP drafting support for two-stage BAFO RFP format that enabled maximum contract aggregation and price improvements across the multi-institutional user base; advising on and coordinating multi-institutional consensus scoring; and negotiating and drafting multi-party framework agreement terms and conditions with the selected proponent.

### **Opinion on Bidder Compliance in Construction Tendering Process (2016) Municipality**

Provided opinion on bidder compliance with a mandatory requirement in a legal binding tendering process and the legal risks associated with the acceptance or rejection of the bid.

**Opinion re Status of Prequalified Proponents in Major Construction RFP Process (2016)**  
**Municipality**

Provided an opinion on the status of a prequalified proponent based on discrepancies in the identification of the proponent's team in the RFPQ process.

**Opinion on RFP Evaluation Process (2016)**  
**Provincial Government**

Provided a legal opinion regarding the defensibility and transparency of an RFP evaluation process and provided advice on options for mitigating legal risks in the process.

**Software Project Support (2016)**  
**Education Agency**

Advised on all aspects of an RFP process providing legal advice and contract drafting for a software licensing RFP for a provincial-level education agency.

**Opinion on Procurement Obligations (2016)**  
**Crown Corporation**

Provided opinion setting out procurement obligations under applicable laws and treaties and providing advice in relation to implications of Agreement on Internal Trade expansion.

**Templates and Policy Overhaul (2015-16)**  
**Provincial Government**

Prepared a full suite of RFX templates and updated procurement policy framework.

**Opinion on Disqualification of Potential Proponent for Unfair Advantage (2015)**  
**Provincial Agency**

Provided an opinion on the disqualification of a proponent in an RFP process due to potential claims of unfair advantage and bias.

**Contract Drafting Support (2015)**  
**Provincial Agency**

Reviewed and provided comments on draft professional services agreements developed by client.

**Procurement Policy Review (2015)**  
**Provincially-Funded Not-for-Profit Corporation**

Reviewed and provided feedback on the organization's procurement policy, with particular focus on compliance with the Broader Public Sector Procurement Directive.

**Opinion on Post-Closing RFP Addendum (2015)**  
**Municipality**

Provided opinion on the legal risks associated with the issuance of an addendum to amend the RFP after the closing date has passed.

**Custom Construction and Tendering Documents (2015)**  
**Municipality**

Conducted a custom overhaul of client's full suite of tendering templates, including extensive tailoring of custom construction tender documents, construction management RFP documents, and trades and services tender documents.

**Integrated Project Delivery, Municipal Fire Halls (2015)**  
**Alberta Municipality**

Provided legal advice and related contract negotiation and drafting services for a municipal procurement using the integrated project delivery contract model for the construction of two fire stations. Project was one of the first of its kind in the Canadian public sector based on advanced U.S. contract practices using a contract model developed by the American Institute of Architects.

**Audit Support for BAFO NRFP (2015)**  
**Municipality**

Provided advice and supplementary report to assist a municipal Auditor General on procurement law matters arising in relation to the audit of a major negotiated RFP (BAFO) procurement project.

**Panel Member, Student Transportation Review (2015)**  
**Ontario Ministry**

Served on panel on behalf of the Ontario Minister of Education in connection with a review of student transportation task force, with focus on establishing vendor of record/open framework agreements.

**Sponsorship Solicitation Process Project Support (2015)**  
**Provincial Agency**

Provided strategic advice and project support services in connection with a solicitation process for a major sponsorship opportunity.

**Opinion on Non-Competitive Procurement the use of Advanced Contract Award Notices (2015)**  
**Provincial Agency**

Provided a detailed legal opinion on the appropriate use of an Advanced Contract Award Notice (ACAN) and the legal risks associated with non-competitive procurements in the context of organization's legal framework.

**Template and Contract Overhaul (2015)**  
**Ontario Regional Municipality**

Conducted a template overhaul that included a full suite of RFX templates as well as standard contract and purchase order templates.

**Customized RFP for Quality-Based Selection (2015)**  
**Municipality**

Developed custom negotiated RFP template designed for "Quality-Based Selection" procurement processes.

**Risk Assessment, Templates and Policy Overhaul (2015)  
Ontario Municipality**

Conducted an institutional review of procurement practices, including a legal risk assessment, field study and recommendation report, followed by the preparation of a full suite of RFX templates and updated procurement policy framework.

**Group Purchasing Initiative (2015)  
School Board Purchasing Co-op**

Advised on all aspects of a school board group purchasing initiative for a province-wide natural gas supply contract.

**Municipal Police Headquarters BAFO NRFP (2015)  
Regional Municipality**

Provide legal services to support the drafting and development of two-staged best and final offer negotiated RFP for the construction of a new regional police headquarters. Legal services included extensive advice in relation to the contract award negotiation process for this major eight-figure infrastructure project.

**Group Purchasing Initiative (2015)  
University Purchasing Cooperative**

Advised on a two-stage vendor of record/framework arrangement in relation to a broad range of commodities for a province-wide University sector purchasing cooperative.

**Custom Construction and Tendering Documents (2015)  
Municipality**

Conducted a custom overhaul of client's full suite of tendering templates, including extensive tailoring of custom construction tender documents, construction management RFP documents, and trades and services tender documents.

**Template and Contract Overhaul (2015)  
BC Municipality**

Conducted a template overhaul that included a full suite of RFX templates as well as standard contract and purchase order templates.

**Template and Contract Overhaul (2015)  
Ontario Municipality**

Conducted a template overhaul that included a full suite of RFX templates as well as standard contract and purchase order templates.

**Template and Contract Overhaul (2015)  
Federal Crown Corporation**

Conducted a template overhaul that included a full suite of RFX templates as well as standard contract and purchase order templates.

**Template and Contract Overhaul (2015)  
Ontario School Board**

Conducted a template overhaul that included a full suite of RFX templates as well as standard contract and purchase order templates.

**Risk Assessment, Templates and Policies (2014-15)  
Community College**

Conducted an institutional review of procurement practices, including a legal risk assessment, field study and recommendation report, followed by the preparation of a full suite of RFX templates and updated procurement policy framework.

**Financial System Software RFPs (2014)  
Federal Government Entity**

Provided strategic advice for the acquisition of financial system software. Advised the project team on the design of their NRFP process and assisted in drafting an integrated proposal evaluation and contract negotiation process using an accelerated Best and Final Offer NRFP format.

**Opinion on Revenue-Generating Contracts (2014)  
Ontario University**

Provided an opinion on the application of procurement rules to the award of revenue-generating contracts, with particular reference to the Ontario Broader Public Sector Procurement Directive, the Agreement on Internal Trade, and common law obligations.

**Sole-Sourcing Opinion for IT RFP (2014)  
Federal Health Sector Entity**

Provided risk assessment and recommendations regarding potential availability of sole-sourcing for specific IT project, including analysis of applicable trade treaty and common law obligations.

**Legal Review of Major Construction Audit (2014)  
Municipality**

Provided legal advice and recommendations in response to an audit of a major construction RFP for fire and paramedic facilities.

**Advice on Marketing Services Procurement (2014)  
Provincial Agency**

Provided strategic project advice for establishing a roster of marketing services vendors. Support included advising the project team on the structuring of a scope of services and evaluation process.

**Network Services RFP (2014)  
Purchasing Group**

Provided an expedited legal review for a multi-agency, multi-jurisdictional purchasing group using a Negotiated RFP for the procurement of shared network services.

**Group Purchasing BAFO RFP (2014)**  
**University Consortium**

Provided strategic advice and drafting assistance to a university group purchasing organization in the deployment of a Best and Final Offer Negotiated RFP format for the negotiation and award of framework agreements to facilitate group purchasing across multiple acquisition categories.

**Conflict of Interest Assessments (2014)**  
**Municipality / Provincial Agency**

Provided multiple conflict of interest assessments relating to the public procurement process, including advice relating to potential unfair advantage in the bidding process to a provincial agency for an accounting services RFP and to a municipality relating to engineering services for a major P3 infrastructure project.

**Network Services VOR Opinion (2014)**  
**Provincial Agency**

Provided legal advice on the use of a provincial VOR for network services and the integration of the VOR scope of services with their existing network support services.

**Whitepaper on Land Purchasing Proposal (2014)**  
**Municipality**

Performed analysis and prepared whitepaper on proposal to convert city's real estate department into a licensed brokerage, including analysis of statutory and regulatory framework and applicable good governance standards.

**Templates and Project Support (2014)**  
**Energy Sector Organization**

Provided customized negotiated RFP template and associated project support.

**Software-as-a-Service Procurement (2014)**  
**Provincial Agency**

Provided strategic advice and transactional support using a Negotiated RFP to procurement software as a service for conducting automated province-wide testing. Support included assistance in drafting and reviewing the NRFP and in negotiating the IT contract.

**Project Support on MFD Procurement (2014)**  
**Federal Government Entity**

Provided strategic advice and transactional support in using a Negotiated RFP to acquire enterprise-wide multi-function devices. Support included advising the project team in the design and structuring of the NRFP deliverables and evaluation criteria and in conducting the final contract award negotiations.

**Contract Termination Support (2014)**  
**Provincial Agency**

Provided advice and assistance in the termination of a contract with an existing supplier.

**Risk Assessment, Templates and Policy Overhaul (2014)**  
**Ontario Municipality**

Conducted an institutional review of procurement practices for a mid-sized municipality, including a legal risk assessment, field study and recommendation report, followed by the preparation of a full suite of RFX templates and the drafting of an updated procurement policy framework.

**Group Purchasing Research Opinion (2014)**  
**Industry Association**

Provided an opinion on public procurement rules that apply to group purchasing across all jurisdictions and sectors in Canada. Opinion provided best practice recommendations for the implementation of group purchasing and included a comparative analysis to international best practices from other Commonwealth jurisdictions.

**Good Governance Opinion (2014)**  
**Provincial Agency**

Provided a good governance opinion relating to a number of procurement compliance issues including sole sourcing, IT project cost overruns and use of Vendor of Record arrangements. Opinion included a detailed analysis of government procurement directives and related public audit reports relating to compliance issues.

**Contract Development and Training (2014)**  
**Alberta Municipality**

Prepared full suite of tendering templates and standard contract terms and conditions together with customized training on the implementation of both.

**Template Revision Services (2014)**  
**Federal Agency**

Assisted with review of and amendment to existing RFP template.

**NRFP Template and ERP Project Review (2014)**  
**Ontario Municipality**

Developed negotiated RFP template for municipality and provided review and support in the drafting and assembly of NRFP for the acquisition of an integrated Enterprise Resource Planning system for use in delivery of municipal services.

**Negotiated RFP for Major Medical Equipment (2014)  
Health Sector Shared Service Entity**

Provided legal review and drafting services for the development of a Negotiated RFP for the sale and lease of major medical equipment.

**Negotiated RFP for Major Infrastructure Project (2014)  
Atlantic Municipality**

Provided strategic legal advice and drafting services for the development of a Negotiated RFP document for the retention of legal services in connection with a major infrastructure project.

**Opinion on Integrated Services Procurement (2014)  
Federal Government Entity**

Conducted review and provided opinion on compliance of RFX process with applicable trade treaty obligations and common law duties, including addressing issues of project scoping, specification bias, and material disclosures.

**Conflict of Interest Opinion (2014)  
Provincial Oversight Body**

Provided a detailed conflict of interest opinion in support of an investigation relating to IT procurement practices of organization. Opinion addressed issues of unfair advantage, incumbent advantage and bias in the public procurement process.

**Litigation Defence Opinion (2013)  
Provincial Government Ministry**

Provided a legal opinion for an intervening Ministry on a lawsuit challenging a broader public sector procurement process, which included analysis on the RFP's compliance with best practices in government procurement and resulting exposure to a judicial review challenge.

**Governance Review (2013)  
Provincial Agency**

Led governance review of procurement processes for major operational government agency in partnership with an independent management consultant.

**Policy Overhaul (2013)  
Alberta Municipality**

Provided an institutional risk assessment and re-development of procurement policy and governance framework for an Alberta municipality.

**Risk Assessment, Templates and Policy Overhaul (2013)  
Provincial Health Sector Agency**

Conducted an institutional review of procurement practices, including a legal risk assessment, field study and recommendation report, followed by the preparation of a full suite of RFX templates and the drafting of an updated procurement policy framework.

**Policy and Template Overhaul (2013)  
School Board**

Assisted Ontario school board in updating its procurement templates and procurement policy framework to ensure compliance with the Broader Public Sector Procurement Directive and best practices in public procurement.

**Major Military Procurement Audit Opinion (2013)  
Federal Government Entity**

Provided a detailed legal opinion in support of the audit of a major multi-billion dollar federal government military procurement project. Opinion focused on applying the Contract A tendering law analysis to assist in the assessment of the defensibility of the government's competitive bidding process and its award of contracts to competing bidders.

**BAFO RFP for School Construction Partnership (2013)  
Ontario School Board**

Assisted an Ontario school board in developing and issuing a best-and-final-offer (BAFO) RFP for the selection of a construction partner to share facilities in a new secondary school.

**RFP for Education-Related Hosted Software (2013)  
Provincial Agency**

Assisted a provincial agency with a best-and-final-offer (BAFO) RFP process for the acquisition of a major education-related hosted software solution.

**RFP for Audit Services (2013)  
Provincial Shared Services Organization**

Provided advice and development assistance in connection with the procurement of a long-term audit services provider to a governmental non-profit organization.

**RFP for Sponsorship Brokerage Services (2013)  
Provincial Agency**

Provided strategic legal advice in respect of the selection of the appropriate procurement format and expedited legal review and drafting services for the development of a negotiated RFP document under extremely tight timelines. Provided ongoing strategic legal advice in support of the evaluation and proponent selection process and the contract negotiation and award process.

**Joint Solution RFP for Support Services (2013)  
Provincial Health Sector Agency**

Provided legal review and drafting services for the development of a Joint Solution RFP for a multi-stage procurement process designed to allow for the joint development of a solution and the negotiation of a contract for the provision of provincial support services management.

**RFP for Customized Software-as-a-Service Solution (2012-13)**

**Provincial Agency**

Assisted a provincial agency with the acquisition of a customized software-as-a-service solution. Provided legal review, advice and drafting assistance in the development of a negotiated RFP document and provided ongoing strategic legal advice and transaction services in support of the proponent selection and contract negotiation and award process.

**Litigation Defence Services (2012)  
Senior Level Government**

Provided opinion and strategic legal advice to a senior level government to assist in the defence of a six-figure lost profit claim arising out of a high-profile telecommunications tender. Worked with a team of internal government counsel, providing legal research and advice in support of the development of defence arguments in preparation for trial and during trial.

**Risk Assessment and Institutional Due Diligence (2012)  
Housing Agency**

Assisted in a comprehensive expedited overhaul of the procurement practices of a large high-profile housing agency with an annual purchasing portfolio in the high six-figure range. Services included an initial Snapshot Review institutional legal risk assessment, field study and recommendation report, followed by the drafting of an updated procurement policy framework and a series of integrated procurement protocol documents dealing with project governance, format selection, document drafting, evaluation methodologies, price model development, bid posting and receipt, evaluations, debriefings, bid protests, contract management and vendor performance tracking, bidder barring and supplier rosters. Provided a template overhaul which included Request for Information, Request for Quotation, Invitation to Tender, No Negotiations (Contract A) RFP, Negotiated RFP, Pre-Qualification RFSQ, and Framework RFSQ templates, along with deployment-stage briefings and transactional support services to assist in the implementation of policy, protocols and tendering templates.

**Engineering Services RFP (2012)  
Mid-Sized Municipality**

Advised on the development of a negotiated RFP format and assisted in the drafting of supplementary conditions for the municipality's standard form agreement for the retention of engineering design and consulting services in relation to a multi-million dollar construction project. Provided strategic advice and drafting and negotiation assistance through the multi-stage process from drafting of the initial RFP documents through to bid submission and evaluation and to the concurrent and final negotiation and award stages.

**Template Retrofit (2012)  
Provincial Government**

As part of a provincial government's procurement modernization initiative, developed a simplified invitational Request for Quotation format for large volume front-line field-level transactions and a negotiated RFP format for IT projects, along with corresponding legal agreement templates and end-user instructions.

**Risk Assessment and Template Retrofit (2012)  
Federal Regulatory Agency**

Provided a federal regulatory agency with an institutional legal risk assessment to support its procurement process review and modernization initiative. Provided the agency with new Request for Quotation and Negotiated RFP templates, along with a hybrid RFX template that combined the simplicity of the RFQ format and the flexibility of the Negotiated RFP format.

**Risk Assessment and Template Overhaul (2012)  
Federal Crown Corporation**

Provided a federal crown corporation with an institutional legal risk assessment. Advised on and drafted an updated procurement policy framework. Provided a template overhaul that included new Request for Information, Prequalification RFSQ, Framework RFSQ, Request for Quotation and NAFTA-Compliant Negotiated BAFO RFP templates.

**Template Retrofit (2012)  
Provincial Social Services Agency**

Drafted Request for Quotation and Negotiated RFP templates, along with standard legal agreement terms and conditions, for a provincial social services agency.

**Legislative Drafting Support (2012)  
Provincial Government**

Provided strategic legal advice and drafting assistance to a provincial government to assist in the revision of its procurement statutes, regulations and directives. Advice focused on the establishment of a statutory code that enabled the use of a broad range of procurement format options based on the UN Model Procurement Law.

**Bylaw and Protocol Development (2011-12)  
Large Municipality**

Provided strategic legal advice in support of the revision of a large municipality's purchasing bylaw, along with advice on and drafting of related procurement protocols and procedures. Initiative included providing senior level briefings, including live submissions to City Council, in relation to the modernization of the municipality's overall procurement governance framework.

**Strategic Advice and RFX Review, IT Project (2011-12)**  
**Consortium of Regulatory Agencies**

Provided strategic legal advice and RFP review services for a complex multi-party IT transformation project involving a cross-Canada consortia of regulatory agencies. Advised on compliance with open public procurement duties with a particular focus on the development and disclosure of evaluation, selection and award criteria and the structuring and use of a concurrent negotiation best-and-final-offer RFP format.

**BAFO RFP for Emergency Communications (2011-12)**  
**Regional Municipality**

Assisted a large municipality with the acquisition of a police and fire emergency communication system. Services included developing a flexible, concurrent negotiation best-and-final-offer RFP process and providing ongoing strategic legal advice and transaction services in support of the proponent selection and contract negotiation and award process.

**Information Management System RFP (2011-12)**  
**Large University**

Provided expedited assistance to a large university for the acquisition of an information management system and related services in support of the university's high-profile multi-billion dollar fundraising campaign. Advised on the RFP drafting process for a consecutive negotiation "rank and run" RFP process and provided transactional support services for the negotiation and drafting of a complex multi-tiered software licensing and support agreement.

**BAFO RFP for Cloud Computing Infrastructure (2011-12)**  
**Federal, Provincial and University Consortium**

Assisted in the expedited drafting and negotiation of a concurrent best-and-final-offer RFP and resulting contract for a multi-million dollar information technology hardware, software and services acquisition related to the development and maintenance of high performance cloud computing infrastructure. Provided strategic legal advice and drafting assistance throughout the multi-stage evaluation and concurrent negotiation process involving a multinational IT conglomerate and a purchasing consortia including the Government of Canada, Government of Ontario and several Ontario universities.

**Transactional Surge Control Services (2011-12)**  
**Provincial Agency**

Provided surge control services to assist a large provincial operational agency with multiple transactions. Provided advice and assistance in the drafting of RFPs for a wide variety of required services including the acquisition of architectural and consulting services for construction and renovation projects, as well as the acquisition of refrigeration equipment and related installation and maintenance services.

**Institutional Due Diligence (2011-12)**  
**Large Resource Sector Company**

Assisted in a comprehensive overhaul of the procurement practices of a large multi-national resource sector company with a multi-billion dollar annual purchasing portfolio, multiple operational field locations and a newly centralized shared services office. Project included an initial Snapshot Review institutional legal risk assessment, field study and recommendation report, followed by a professional integration stage that included drafting of an updated procurement policy framework and a series of integrated procurement protocol documents addressing the development of business requirements and specifications, evaluation plans, format selection and pricing structures. Delivered a template overhaul that included Request for Information, Request for Quotation, Invitation to Tender, Negotiated RFP, Pre-Qualification RFSQ, and Framework RFSQ templates, and drafted updated contract terms and conditions to use in conjunction with the tendering templates.

**Major Tourist Attraction RFP (2010-12)**  
**Provincial Operational Agency**

Advised a provincial agency on a high-profile nine-figure RFP for a major international tourist attraction. Provided a detailed legal opinion on the due diligence standards required to administer a defensible evaluation process. Project support services included strategic legal advice, legal reviews of RFP documents and addenda, the customization of rank-and-run consecutive negotiation RFP process rules to help facilitate the negotiation and award of a complex multi-year contract, ongoing advice in relation to the evaluation process and negotiation and drafting services for the finalization and award of a complex long-term contract.

**Transactional Surge Control Services (2010-12)**  
**Large University**

Mobilized Procurement SWAT Team to provide surge control services to assist a university in processing multiple RFQs and RFPs. Provided ongoing legal services on multiple transactions while updating the institution's contract templates to ensure compliance with Ontario Supply Chain Guidelines and Broader Public Sector Procurement Directive. Transactions involved a diverse range of deliverables including high-value research equipment, facilities management services, information technology acquisitions and basic goods and services.

**Strategic Advice and Transaction Support (2010-12)**  
**Provincial Regulatory Agency**

Provided ongoing legal advice to a provincial agency in relation to its procurement processes and practices to help the institution ensure compliance with the Ontario Procurement Directive. Delivered transaction-specific advice and services in support of a broad range of discrete procurements.

**Legal Advice to Provincial Task Force (2011)  
Provincial Education Ministry**

Delivered legal advice to a provincial task force that was mandated to provide recommendations for the implementation of open public procurement for the acquisition of student transportation services by school boards in the province. Advised on legal due diligence and accountability issues with a view to ensuring compliance with the Broader Public Sector Procurement Directive, Supply Chain Code of Ethics, *Agreement on Internal Trade* and other common law due diligence duties.

**Template Retrofit (2011)  
Health Sector Purchasing Consortia**

Provided template retrofit services to health sector purchasing consortia, drafting new Request for Quotation and Negotiated RFP formats to be used by the shared services operation for hospital sector procurements.

**Template Retrofit and Transactional Support (2011)  
Community College**

Provided template retrofit and related transactional support services to a community college. Drafted new Request for Quotation and Negotiated RFP templates and assisted in the deployment of the new formats by providing transactional advice and assistance on a number of high-priority projects.

**Risk Assessment and Due Diligence Review (2011-12)  
Mid-Sized Municipality**

Conducted an intensive due diligence audit of a municipality's tendering and procurement practices, including recommending governance and process changes. Assisted in implementation of revised governance strategy, drafting of revised procurement policy and procedures, and drafting of revised suite of templates to comply with trade treaty requirements. Provided ongoing briefings related to new processes and templates, including senior level briefings, as well as ongoing transaction support services on high-priority projects to assist in the implementation of the policies, procedures and templates.

**Bid Dispute Arbitration Defence Services (2011)  
Mid-Sized Municipality**

Provided bid dispute defence services to a mid-level municipality in connection with an arbitration dispute arising out of the tendering process for a major construction project. Advised the municipality in relation to *Arbitration Act* protocols, the development and defence of arguments, and the drafting of submissions in preparation for the arbitration and in support of the resolution of the dispute.

**Risk Assessment and Template Overhaul (2010-12)  
Housing Agency**

Assisted in a comprehensive overhaul of the procurement practices of a large provincial housing agency. The project included an initial Snapshot Review institutional legal risk assessment, followed by the drafting of Request for Information, Request for Quotation, Invitation to Tender, Contract-A RFP, Negotiated RFP and Framework RFSQ templates, and the development of updated contract terms and conditions to use in conjunction with the tendering templates for general both construction projects and general goods and services.

**Purchasing Bylaw Development (2011)  
Regional Municipality**

Drafted a new purchasing bylaw for a regional municipality with clearly identified roles, responsibilities and processes for project approvals, tender call drafting, tender call posting, bid receipt and evaluation, contract award and contract performance.

**Treaty Compliance Opinion (2011)  
Provincial Agency**

Provided a treaty compliance opinion to a provincial financial agency in relation to the scope of its open procurement obligations under the *Agreement on Internal Trade* and relevant regional treaties.

**Template Retrofit (2011)  
University Sector Purchasing Consortia**

Provided a template retrofit for a multi-jurisdictional university purchasing consortia, drafted updated Request for Quotation and Negotiated RFP templates, and provided a legal briefing to purchasing staff from a broad range of universities to assist in the implementation of the new procurement formats.

**Template Overhaul (2010-11)  
Large University**

Provided ongoing legal services to a large university in the development of a new suite of tendering templates, contracting formats and procurement procedures to help achieve compliance with the Ontario Ministry of Finance Supply Chain Guidelines.

**Template Retrofit (2010)  
Province-Wide University Group**

Provided template retrofit services to a province-wide group of universities. Services including multi-participant consultation webinars and in-person briefings on the use of the newly developed Request for Quotation and Negotiated RFP formats.

**Legislative Hearings (2010)**  
**Provincial Government**

Provided a deputation to the Ontario Legislature's Standing Committee on Social Policy in relation to hearings the *Broader Public Sector Accountability Act*, making recommendations on the creation of clear good governance guidelines and the implementation of national and international best practices to support the procurement operations of broader public sector entities.

**Online Negotiated RFP (2010)**  
**Provincial Agency Service Provider**

Drafted the terms and conditions for the online paperless negotiated RFP framework used for the procurement of a broad range of goods and services connected to the maintenance of all provincially-owned buildings.

**Template Overhaul (2010)**  
**Mid-Sized Municipality**

Updated a municipality's complete suite of tendering templates, including updated Invitation to Tender, Negotiated RFP, Request for Supplier Qualification and Request for Information formats. Provided in-person briefings on the use of the new tendering formats to municipal purchasing staff to assist them with the deployment of the new formats.

**Template Overhaul (2010)**  
**Community College**

Provided legal review and drafting services to a community college to update a full suite of procurement templates and related purchasing policies.

**Bid Dispute Procurement Practice Review Audit (2010)**  
**Mid-Sized Municipality**

Conducted an intensive independent legal due diligence audit of a municipality's tendering and contract management practices to assist in the preparation of a legal defence against multiple lost profit and breach of contract claims. Review included a detailed analysis of various procurement processes, interviews with key staff, and the preparation of a detailed findings and recommendations report that addressed compliance with municipal treaty, bylaw and common law duties.

**IT Outsourcing Procurements (2010)**  
**Provincial Corporation**

Provided ongoing legal advice, including expedited legal reviews of RFPs, to a provincial corporation in relation to a major multi-faceted information technology modernization project. Prepared Negotiated RFP frameworks to facilitate the negotiation of multiple complex outsourcing agreements with selected suppliers.

**Treaty Compliance Opinion (2010)**  
**Provincial Transportation Agency**

Provided a provincial transportation agency with an expedited opinion on the scope of its open procurement obligations under relevant trade treaties and procurement policies and directives in relation to a high-profile mass-transit infrastructure project.

**Strategic Procurement Advice (2010)**  
**Municipality**

Provided a detailed legal opinion canvassing relevant case law authorities and providing specific recommendations to a municipality in relation to the implementation of a bidder barring policy.

**Spectrometer RFPs (2010)**  
**Large University**

Provided legal services for two concurrent rank-and-run NRFP processes for the acquisition of multiple spectrometer units required for high-profile university research projects. Led expedited negotiations with international suppliers and drafted complex multi-tiered legal agreements as part of the selection and award process.

**Bylaw Review (2010)**  
**Regional Municipality**

Provided legal advice to a municipality to assist in updating its procurement bylaw with particular emphasis on ensuring that its direct award policies and procedures complied with the *Agreement on Internal Trade*.

**Master Framework Arrangement (2010)**  
**Health Sector Agency**

Provided strategic procurement advice to a health sector entity for the province-wide procurement of consulting services. Gave recommendations for managing procurements across multiple locations using pre-qualifications, master framework agreements, second stage competitions and paperless procurement.

**Construction Project (2010)**  
**Public Utility**

Provided expedited legal advice to a public utility regarding tender compliance issues in response to a dispute by a rejected bidder on a large construction project.

**Template Retrofit (2010)**  
**Lottery Corporation**

Provided expedited template retrofit services to a Crown corporation to develop low-risk Request for Quotation and flexible Negotiated RFP formats. Customized the terms and conditions to comply with national and regional trade treaties requirements.

**Police Headquarters Tender (2010)**  
**Mid-Sized Municipality**

Provided an expedited legal review and related drafting services to help meet tight project timeframes for a major high-profile municipal construction project.

**Template Retrofit (2010)**  
**Large University**

Provided template retrofit services to a university to develop multiple procurement formats including low-risk Request for Quotation and flexible Negotiated RFP formats. Customized the terms and conditions to comply with the university's policies and procedures.

**White papers (2009-10)**  
**Procurement Association**

Commissioned to prepare two white papers, one on Local Preference and the CAW Buy Canadian Campaign, the second entitled Protecting the Public Interest in response to an industry group criticism of public sector procurement practices in southern Ontario as they related in particular to construction tendering.

**Negotiated Corporate Accounting Systems RFP (2009)**  
**Provincial Government**

Provided legal advice and legal review and drafting services for a best-and-final-offer negotiated RFP process for the acquisition of a corporate accounting services system. Provided ongoing strategic legal advice during the selection, negotiation and contract drafting and award phases of the project.

**Legal Opinion (2009)**  
**Provincial Regulatory Agency**

Provided a detailed legal opinion outlining internal trade treaty obligations applying to newly established provincial Crown corporation. Advice focused on the scope of open competition requirements and trade treaty exclusions pertaining to regional economic development.

**Gaming Management System RFP (2009)**  
**Lottery and Gaming Corporations**

Provided legal reviews, advice and drafting assistance in relation to a nine-figure IT project for the overhaul of central casino monitoring systems for two provincial lottery and gaming corporations. Assisted in the creation of a flexible negotiated RFP template that enabled low risk negotiations with prospective suppliers.

**Procurement Template Development (2009)**  
**Provincial Education Agency**

Advised a provincial distance learning agency regarding procurement formats best suited for its varied purchasing needs, and assisted with the development of procurement templates and related contract documents.

**Bylaw Review (2009)**  
**Regional Municipality**

Provided expedited legal advice to a municipality to assist in updating its procurement bylaw with a particular focus on tender compliance and bid rejection policies.

**Institutional Review (2009)**  
**Large University**

Conducted an institutional review of a major university, analyzing existing policies, procedures, practices and documents. Conducted extensive interviews of key procurement personnel. Provided a recommendation report aimed at assisting the institution with compliance with new Ontario Ministry of Finance supply chain guidelines.

**Institutional Review (2009)**  
**Federal Government Agency**

Conducted an institutional review of a high-profile federal government agency's procurement practices, including an analysis of existing policies, procedures, practices and documents and extensive interviews of key procurement personnel. Provided a recommendation report geared to reducing risk and identifying greater efficiencies in the institution's procurement process. Delivered two days of in-house training customized to the findings of the report.

**Negotiated RFP Template Development (2009)**  
**Lottery Corporation**

Developed a negotiated RFP format for a provincial government lottery corporation to assist with technology and real estate sector procurements.

**School Construction Tender (2009)**  
**School Board**

Provided legal review and advice for the preparation of a school construction tender under expedited timeframes.

**Waste Removal RFP (2009)**  
**Regional Municipality**

Assisted municipality in the rapid development of a nine-figure waste removal RFP. Provided strategic legal advice and assisted in the coordination a multidisciplinary drafting process. Created a customized "escrow bid" format that integrated a pre-qualification process within a single submission RFP framework to reduce the risk of tender compliance challenges while enabling the rectification of proposals prior the evaluation of price.

**IT Field Services Pre-qualification (2008-09)**  
**Health Agency**

Advised a provincial health sector agency and provided related drafting services in the creation of a prequalification process to establish multiple master agreements for the provision of province-wide technology services to health care practitioners.