



Report to: General Committee

Report Date: December 02, 2013

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**SUBJECT:** Award of Contract 133-R-12 Labour and Employment Law Legal Services

**PREPARED BY:** Sharon Laing, Director Human Resources, Ext. 4725  
Rosemarie Patano, Senior Construction Buyer, Ext. 2990

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**RECOMMENDATION:**

- 1) THAT the report entitled "Award of Contract 133-R-12 Labour and Employment Law Legal Services" be received;
- 2) AND THAT Contract 133-R-12 for Labour and Employment Law Legal Services be awarded to each of the two highest ranked bidders, Hicks Morley Hamilton Stewart Storie B&S and Filion Wakely Thorup Angeletti LLP for a one (1) year term with an option to renew for four (4) additional years for the total amount of \$363,545.00 over five (5) years between both firms (inclusive of HST) (fixed hourly rates for five years);
  - a. 2014 - \$72,709.00 (inclusive of HST)
  - b. 2015 - \$72,709.00 (inclusive of HST)
  - c. 2016 - \$72,709.00 (inclusive of HST)
  - d. 2017 - \$72,709.00 (inclusive of HST)
  - e. 2018 - \$72,709.00 (inclusive of HST)Total: \$363,545.00 (inclusive of HST)
- 3) AND THAT the fees for Labour and Employment Law Legal Services for Contract 133-R-12 be funded from account #200-205-5620 "Labour and Employment Consulting Service" in the total amount of \$363,545 (inclusive of HST, \$72,709.00 per year), subject to Council approval of the 2014 to 2018 Operating budgets;
- 4) AND THAT Hicks Morley Hamilton Stewart Storie B&S be designated as the preferred vendor for the City's Labour Law Legal Services needs for an initial one year contract term with the Director, Human Resources having the authority to renew the contract for successive one year terms to a maximum of a five year term;
- 5) AND THAT Filion Wakely Thorup Angeletti LLP be designated as the preferred vendor for the City's Employment Law Legal Services needs for an initial one year contract term with the Director, Human Resources having the authority to renew the contract for successive one year terms to a maximum of a five year term;
- 6) AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

**PURPOSE:**

The purpose of this report is to obtain approval to award Contract 133-R-12 for Labour and Employment Law Legal Services.

**BACKGROUND:**

The City of Markham (the “City”) consists of approximately 1,000 regular full time and approximately 1,500 temporary, part time and seasonal staff in four different Commissions (Office of the Chief Administrative Officer, Community and Fire Services, Development Services and Corporate Services). The City employs a variety of both unionized and non-unionized staff including administrators, lawyers, firefighters, engineers, planners, building inspectors, legislative services staff, technicians, information technologist, financial professionals, recreation instructors, cultural services staff, facility operators, camp counselors and outside workers. There exist collective agreements between the City and the Markham Professional Firefighter’s Association, CUPE Local 905 Markham Sub Unit – Inside Workers and CUPE Local 905 Markham Sub Unit – Outside Workers.

In February 2013, the City solicited proposals in an open market Request for Proposal (“RFP”) from qualified law firms for the provision of labour and employment law services. The RFP required the Successful Bidder to have experience supplying services of similar scope and complexity within the public and broader services sectors, and to have extensive expertise and experience in employment law and labour relations, with regular appearances before the Ontario Labour Relations Board, Pay Equity Hearing Tribunal, Workers Safety and Insurance Board, and Workers Safety and Insurance Appeals Tribunal. In addition, the RFP specified the following core responsibilities of the Successful Bidder:

- respond to the City’s requests for legal services in one business day or as required
- provide practical solutions / legal advice within two (2) business days or less (or as required with little or no notice)
- allocate legal skills and resources in the most cost-effective manner possible (for example, allocate work to junior lawyers and research assistants where possible)

**RFP INFORMATION:**

Advertised, place and date	ETN
RFP closing date	March 08, 2013
Number picking up documents	25
Number responding to RFP	13

**PROPOSAL EVALUATION**

This Request for Proposal (“RFP”) was released using a two-stage approach whereby the Bidders provided a technical proposal in envelope 1 and a financial proposal in envelope 2. The technical proposal (Stage 1) was evaluated out of 70 points and the financial proposal (Stage 2) was evaluated out of 30 points, with an option for an interview/presentation to be evaluated out of 10 points.

The Evaluation Team for this RFP was comprised of Staff members from the Human Resources and Legal Department, with Purchasing Staff acting as the facilitator.

**Overall Scoring (Combined Stage 1 & II & III)**

<b>Bidder</b>	<b>Score (out of 110)</b>
Hicks Morley Hamilton Stewart Storie B&S	104
Filion Wakely Thorup Angeletti LLP	104

Filion Wakely Thorup Angeletti LLP. ("Filion Wakely") and Hicks Morley Hamilton Stewart Storie B&S ("Hicks Morley"), both scored highest on the technical submission demonstrating a thorough understanding of and experience/expertise related to the scope of work detailed in the RFP.

Filion Wakely has 32 lawyers and 3 articling students. Their practice remains restricted to the representation of management/employers in all areas of labour relations and employment law, as it has since 1982. They represent a wide range of public and private sector clients. As a result of this experience, Filion Wakely is well aware of the fiscal environment, legal challenges and strategic issues facing employers in the broader public sector.

Hicks Morley has more than 110 lawyers and is the largest firm in Canada specializing only in Human Resources law and advocacy and exclusively on behalf of management/employers, since 1972. They represent a wide range of both public and private sector employers including many unionized municipal sector employers on issues including collective bargaining, health and safety, human rights, employment standards, information and privacy, pay equity, benefits, pension and employment termination.

Both firms were found to be equally qualified in the area of general employment law. Filion Wakely was found to have a lower average hourly billable rate while Hicks Morley was found to possess a greater depth of experience and expertise as it specifically relates to labour relations issues which may arise within the municipal context including but not limited to issues of benefits, pension, grievances, arbitrations, injury, illness, investigations and employment terminations.

It was through the interview process that Hicks Morley demonstrated the depth and breadth of experience and expertise as it related to the municipal sector and the required service associated with labour relations issues. In representing their clients, Hicks Morley has dealt extensively with virtually every trade union in Ontario, including the Canadian Union of Public Employees and the Ontario Professional Firefighter's Association. They understand the importance of maintaining a stable ongoing relationship with the various bargaining agents and their counsel, without sacrificing results.

Due to the tied scoring, Staff recommend that the City split this contract between both firms with Hicks Morley being the preferred vendor for the City's Labour Law Legal Services needs and Filion Wakely being the preferred vendor for the City's Employment Law Legal Services needs. It is the opinion of Staff that this arrangement would provide the City with the legal expertise required at the best value.

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**FINANCIAL CONSIDERATIONS AND TEMPLATE:**

The contact award for a one (1) year term of \$72,709, with an option to renew for four (4) additional years at the fixed amount of \$72,709 totals \$363,545 over 5 years. The contract award will be funded from account 200-205-5620 "Labour and Employment Consulting Service", subject to Council approval of the 2014 to 2018 Operating budgets.

**HUMAN RESOURCES CONSIDERATIONS:****ALIGNMENT WITH STRATEGIC PRIORITIES:****BUSINESS UNITS CONSULTED AND AFFECTED:****RECOMMENDED BY:**

29/11/2013

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Sharon Laing  
Director, Human Resources

28/11/2013

A handwritten signature in black ink, appearing to be 'A Taylor', with a large 'X' to its left.

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Andy Taylor  
Chief Administrative Officer