



Information and Privacy  
Commissioner of Ontario

Commissaire à l'information et à la  
protection de la vie privée de l'Ontario

## **Expression of Interest for Legal Services**

### **Office of the Information and Privacy Commissioner of Ontario**

**Issue date:** Wednesday, July 6, 2022

**Closing date and time:** by 5 p.m. EDT on Thursday, September 8, 2022

**IPC contact:**

Gina Gagliano

Finance & Procurement Coordinator

[IPC.Procurement@ipc.on.ca](mailto:IPC.Procurement@ipc.on.ca)



2 Bloor Street East  
Suite 1400  
Toronto, Ontario  
Canada M4W 1A8

2, rue Bloor Est  
Bureau 1400  
Toronto (Ontario)  
Canada M4W 1A8

Tel/Tél : (416) 326-3333  
1 (800) 387-0073  
TTY/ATS : (416) 325-7539  
Web : [www.ipc.on.ca](http://www.ipc.on.ca)

## Contents

1. Purpose of Expression of Interest.....	3
2. Legal Services.....	3
3. Pricing .....	4
4. Content of Submissions .....	4
5. How to Make a Submission .....	5
6. Closing Date .....	5
7. Key Provisions of the Expression of Interest Process.....	5
8. Process for Review and Assessing Eligibility to Provide Legal Services.....	6
9. Agreement for Legal Services .....	6
<i>Receiving Instructions and Reporting Requirements</i> .....	6
<i>Conflict of Interest</i> .....	7
<i>Ownership</i> .....	7
<i>Confidentiality</i> .....	7
<i>Security</i> .....	7
<i>Transparency of the Retainer</i> .....	7
10. Further Information .....	8
11. Ownership of Information.....	8
Appendix A – Fee Schedule Form.....	9

## **About the Information and Privacy Commissioner of Ontario**

The Information and Privacy Commissioner of Ontario (IPC) is an officer of the Legislature who is appointed by and reports to the Legislative Assembly of Ontario, and is independent of the government of the day. The IPC oversees and is responsible for investigating and adjudicating appeals and complaints under Ontario's access and privacy laws, including the *Freedom of Information and Protection of Privacy Act*, *Municipal Freedom of Information and Protection of Privacy Act*, *Personal Health Information Protection Act*, and Part X of the *Child, Youth and Family Services Act*. The IPC also has responsibilities under the *Anti-Racism Act*.

### **1. Purpose of Expression of Interest**

The purpose of this Expression of Interest is to identify external counsel who are interested and qualified to provide legal services to the IPC. While in-house counsel remain the preferred way of delivering legal services, the IPC may need to retain external counsel in certain circumstances, including where the demand for legal services exceeds available internal resources. External counsel will complement in-house counsel in the IPC's Legal Services Department.

Upon reviewing the submissions received in response to this Expression of Interest, the IPC intends to establish a list of qualified external counsel who may be retained, in the IPC's sole discretion, to provide legal services to the IPC.

The Expression of Interest process is a request for information only. It is not a request for or an authorization to perform any work. The Expression of Interest does not imply a commitment by the IPC to proceed with, continue or complete this or any other similar process.

### **2. Legal Services**

The IPC is seeking external counsel to provide legal services in the following practice areas:

- Employment and labour relations law
- Corporate-commercial law, including general contractual matters, real estate, leasing, and information technology
- Litigation, including representing the IPC on judicial reviews and appeals of its decisions, in matters before other administrative tribunals, and in civil actions

Below is a list of services the IPC may require from external counsel:

- Provide legal advice and/or opinions
- Conduct employment and human rights-related investigations
- Represent the IPC in litigation matters, including in applications for judicial review, appeals, and other proceedings or actions

- Draft, review, amend, and advise on contracts and agreements
- Advise on legislative and/or regulatory requirements
- Conduct negotiations

### **3. Pricing**

As described in the section below, submissions must include rates for legal services. Those rates must be valid until June 30, 2025.

As a publicly funded officer of the Legislative Assembly, one of the goals of the IPC is to ensure the delivery of high quality, cost-effective services. The IPC expects external counsel who may be retained to provide legal services to the IPC to align themselves with these goals. Value for money is an important consideration for the IPC in retaining any services, including legal services.

The IPC further expects external counsel who may be retained to be fiscally responsible and cost-conscious in providing legal services to the IPC.

### **4. Content of Submissions**

Submissions received in response to this Expression of Interest should indicate whether they are being made on behalf of a law firm or an individual. Law firms with multiple offices must arrange their submission through one contact.

To respond to this Expression of Interest, please include the following information in your submission:

- Name and contact information for the law firm or the individual counsel, as the case may be
- Name of the individual who will be the main contact in the Expression of Interest process
- Name and contact information of each counsel who will provide legal services
- Each counsel's year of call to the Ontario bar
- A description of the experience, qualifications, and expertise of each counsel as it relates to the services required by the IPC along with a copy of the curriculum vitae of each counsel
- A law firm profile, if applicable, that identifies relevant practice areas and types of services offered
- A list of the areas of practice of each counsel and the number of years of practice in that area
- Languages in which services are available
- Level of court and number of appearances at each level of court, if applicable (i.e. Divisional Court, Superior Court of Justice, Ontario Court of Appeal, Supreme Court of Canada)
- Geographical location where the services will be provided
- Billing structure (i.e. flat rate, blended rates or hourly rates) and the Fee Schedule Form (Appendix A) containing rates based on year of call or position and

classification (i.e. senior partner, junior partner, senior associate, junior associate, articling student, law clerk etc.)

- Each counsel or law firm expressing interest must confirm that:
  - They carry valid professional liability insurance in compliance with the Law Society of Ontario
  - Each member of the team who will provide legal services is a member in good standing with the Law Society of Ontario

## **5. How to Make a Submission**

Submissions must be sent by email in an electronically searchable format at the following email address: [IPC.Procurement@ipc.on.ca](mailto:IPC.Procurement@ipc.on.ca)

## **6. Closing Date**

All submissions in response to the Expression of Interest must be received by the IPC by 5:00 p.m. EDT on Thursday, September 8, 2022.

## **7. Key Provisions of the Expression of Interest Process**

External counsel retained by the IPC must have the necessary level of competence, expertise and experience to provide legal services to the IPC and must meet the highest standards of personal and professional conduct. They must comply with the law, be fair, honest, and impartial, and act with integrity. They must also honour their professional obligations as legal counsel and avoid conduct that might lead to an actual or perceived conflict of interest.

This Expression of Interest does not create any obligations on and is not binding on the IPC. The IPC retains the right, in its sole discretion, to:

- Enter into an agreement for legal services with counsel outside of this Expression of Interest process;
- Reject any and all submissions received in response to the Expression of Interest;
- Not retain any counsel who has submitted an Expression of Interest whether or not that counsel satisfies the listed requirements;
- At any time, cancel, extend, expand the Expression of Interest process or renew the list of qualified external counsel; and
- Remove counsel from the list of qualified external counsel due to unsatisfactory performance or for failing to meet the requirements as set out in this Expression of Interest or as communicated by the IPC.

This Expression of Interest does not create an exclusive agreement or arrangement between the IPC and any counsel or law firm. In addition, the Expression of Interest is not an agreement to purchase services. Counsel and law firms are solely responsible for their own costs in responding to this Expression of Interest.

Prior to retaining external counsel or law firms and during the term of the resulting agreement, the IPC may require external counsel and law firms to substantiate compliance with the requirements set out in this Expression of Interest.

## **8. Process for Review and Assessing Eligibility to Provide Legal Services**

The IPC will review the submissions received in response to this Expression of Interest to assess the eligibility of counsel and the law firm to be placed on the list of qualified external counsel that may be considered to enter into an agreement for legal services based on the IPC's legal needs.

In assessing the eligibility of counsel and the law firm to be placed on the list of qualified external counsel and/or to enter into an agreement to provide legal services to the IPC, the IPC may consider factors including, but not limited to:

- Being a member of the Law Society of Ontario in good standing
- The nature of the work
- Knowledge and expertise with respect to the nature of the work
- Experience in employment and labour relations law, corporate-commercial law, and/or litigation, as applicable
- Conflict of interest
- Financial considerations
- Ability to complete the legal services in an efficient, cost-effective, and competent manner
- Ability to provide high quality legal services
- Timelines and urgency of the work
- Counsel's availability and capacity to provide the resources to best represent the interests of the IPC
- Geographical considerations
- Unique considerations associated with the work

## **9. Agreement for Legal Services**

External counsel retained by the IPC to provide legal services must enter into an agreement with the IPC in a form and with such content that is satisfactory to the IPC, which includes but is not limited to, the following terms, which may be amended prior to entering into an agreement in the sole discretion of the IPC.

### *Receiving Instructions and Reporting Requirements*

External counsel must agree to obtain instructions from and keep the Director of Legal Services and General Counsel, or the designated in-house counsel in the IPC's Legal Services Department, informed of all developments in a timely manner.

### Conflict of Interest

External counsel and the law firm must acknowledge and agree that they have no conflict of interest in the legal services provided to the IPC. They must further acknowledge and agree that the legal services can be undertaken and completed without a conflict of interest and that, during the term of the agreement, they will not undertake or engage in any work or provide legal services for any client in any matter that may put them in a potential conflict of interest in relation to their responsibilities under the agreement. External counsel and the law firm must also agree to identify and promptly bring to the attention of the IPC any potential conflicts of interest.

### Ownership

External counsel and the law firm must acknowledge and agree that all information and records received from the IPC or that come to the attention of or are prepared by external counsel or the law firm resulting from the legal services provided to the IPC, remain the property of the IPC.

### Confidentiality

External counsel and the law firm must acknowledge and agree that both during and following the term of the agreement, they will maintain the confidentiality of all information and records received from the IPC or that come to the attention of or are prepared by external counsel or the law firm resulting from the legal services provided to the IPC. External counsel and the law firm must further acknowledge and agree that they will not use or disclose such information and records without the consent of the IPC, except for purposes necessary for providing legal services to the IPC or as required by law or standards of professional practice.

### Security

External counsel and the law firm must acknowledge and agree that both during and following the term of the agreement, they will maintain the security of all information and records received from the IPC or that come to the attention of or are prepared by external counsel or the law firm resulting from the legal services, including protecting them against theft, loss, and unauthorized access, use, and disclosure. Additional security measures may be prescribed through the resulting agreement for legal services and through instructions provided by the IPC during the term of the agreement.

### Transparency of the Retainer

External counsel and the law firm must acknowledge and agree that the IPC will disclose the following details of the retainer on its website:

- The name of external counsel and the law firm
- The date of the agreement for legal services
- The purpose of the agreement
- The total value of the agreement.

## **10. Further Information**

If you have any questions about the Expression of Interest process, please send them by Thursday, September 1, 2022 to:

Gina Gagliano  
Finance and Procurement Coordinator  
[IPC.Procurement@ipc.on.ca](mailto:IPC.Procurement@ipc.on.ca)

## **11. Ownership of Information**

All information submitted to the IPC in response to this Expression of Interest shall become the property of the IPC.

## Appendix A – Fee Schedule Form

Rates quoted should be all-inclusive, including all overhead except disbursements set out and quoted below, and also excepting harmonized sales taxes (HST). You may insert additional rows as necessary.

Team Member (Name and Position/Classification)	Year of Call to the Bar (if applicable)	Hourly Rate (CAD) <sup>i</sup>
		\$
		\$
		\$
		\$
		\$

Disbursement Item	Unit	Cost per Unit (CAD)
Colour Photocopies		\$
B/W Photocopies	1	\$0.10
Binding		\$
Courier Charge		\$
		\$
		\$

All rates shall be valid until June 30, 2025.

All disbursements other than routine expenses such as photocopying and long-distance charges must be pre-approved.

Please note that:

- the IPC will pay no more than \$0.10 per sheet for B/W photocopying performed at the firm or by external copying services;
- the IPC does not agree to pay any secretarial or administrative charges for opening files, word processing, docketing, invoicing, computer time, research services, or similar type of charges unless prior approval is given in writing;
- disbursements for travel and accommodation should not be included as the IPC will not pay for such disbursements unless prior approval is given in writing;
- counsel will not be compensated for meal expenses whether they are part of travelling expenses or not; and
- only the external counsel named in the retainer agreement will make oral arguments on behalf of the IPC on a judicial review, appeal, or other proceedings and actions, and the IPC will only pay for the attendance of that named external counsel on the judicial review, appeal, proceeding, or action and not that of any other lawyer.

<sup>i</sup> If submitting a flat rate or blended rate in relation to legal services, this must be addressed in your submission.