

Elections Nunavut

Request for Proposals: Legal Counsel Services

The Chief Electoral Officer is requesting proposals from qualified proposers for the provision of the services outlined in this request.

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I. Instructions to Proposers

1. Proposals will be received until **16:00 (CT) on Friday, Dec 9, 2022**, at:

Elections Nunavut
Attention: Dustin Fredlund, Chief Electoral Officer
41 Sivulliq Ave, Box 39
Rankin Inlet, NU Canada X0C 0G0
RFP@elections.nu.ca
867-645-4610 (phone)
800-267-4394 (toll-free phone)

2. Elections Nunavut will not be responsible for any proposal that is delivered to any address other than provided above.
3. Amendments to Proposals may be submitted and will be accepted under the following conditions:
 - the amendment is received prior to the specified submission Deadline at the address provided above;
 - Proponents may not amend their proposal after the closing date and time but may withdraw their proposal at any time prior to acceptance.
4. Elections Nunavut cannot guarantee the confidentiality of information contained in the proposal.
5. All questions or inquiries concerning this Request for Proposals must be in writing and be submitted to the email address provided above no later than five (5) calendar days prior to the proposal deadline. Verbal responses to any inquiry cannot be relied upon and are not binding on either party.
6. This is not a Request for Tenders or otherwise an offer. Elections Nunavut is not bound to accept the proposal which provides for the lowest cost or price nor any proposal of those submitted.
7. If a contract is to be awarded as a result of this Request for Proposals, it shall be awarded to the proponent who is responsible and whose proposal provides the best potential value to Elections Nunavut. Responsible means the capability in all respects to perform fully the contract requirements and the integrity and reliability to assure performance of the contract obligations.
8. Notice in writing to a proponent and the subsequent execution of a written agreement shall constitute the making of a contract. No proponent shall acquire any legal or equitable rights or privileges whatsoever until the contract is signed.
9. The contract will contain the relevant provisions of this Request for Proposals, the accepted proposal as well as such other terms as may be mutually agreed upon, whether arising from the accepted proposal or as a result of any negotiations prior or subsequent thereto. Elections Nunavut reserves the right to negotiate modifications with any proponent who has submitted a proposal.
10. In the event of any inconsistency between this Request for Proposal, and the ensuing contract, the contract shall govern.
11. Elections Nunavut has the right to cancel this Request for Proposals at any time and to reissue it for any reason whatsoever, without incurring any liability and no proponent will have any claim against Elections Nunavut as a consequence.

12. Any amendments made by Elections Nunavut to the Request for Proposals will be issued in writing and sent to all who have received the documents.
13. Elections Nunavut is not liable for any costs of preparation or presentation of proposals.
14. The Chief Electoral Officer will review each proposal. In addition, an evaluation committee may be convened to review selected proposals. Elections Nunavut reserves the exclusive right to determine the qualitative aspects of all proposals relative to the evaluation criteria.
15. Proposals shall be evaluated as soon as practicable after the closing time. No detail of any proposal will be made public except the names of all parties submitting proposals.
16. The Nunavummi Nangminiqagtunik Ikajuuti (NNI) Regulations apply to this RFP.
17. Proposals may be short-listed. Proponents who are short listed may be requested to make a formal presentation. Such presentations shall be made at the cost of the proponent.
18. The proposal and accompanying documentation submitted by the proposers are the property of Elections Nunavut and will not be returned.

II. Scope of Work & Duties

19. The successful proponent will provide the services to the Chief Electoral Officer and Elections Nunavut, on areas specific to the *Nunavut Elections Act* and *Plebiscites Act*, liquor plebiscites and other related matters that are the purview of the Chief Electoral Officer. The scope of advice required from Legal Counsel is extensive and includes general advice in relation to, among others, contract, employment, and administrative law issues.
20. Legal Counsel's specific duties shall include, but are not limited to, the following:
 - Advise the CEO and Elections Nunavut with respect to electoral matters and all other matters within the scope of Elections Nunavut;
 - Provide to the Legislative Assembly and its Standing and Special Committees, either orally or in writing, upon request, with legal opinion on matters relating to the *Nunavut Elections Act*, Bills, or questions;
 - Ensuring that amendments proposed to Elections Bills by Standing Committees are in compliance with the law;

- Ensure, when required, that Elections Bills amended in Standing Committees and Committee of the Whole are printed accurately to reflect the amendments so made;
- Act on behalf of Elections Nunavut and the CEO in transmitting drafting instructions to legislative counsel concerning Bills that are introduced in the House under the authority of the Management and Services Board;
- Court litigation and appearances before quasi-judicial and administrative tribunals may also be required of Legal Counsel;
- Legal Counsel is required to be present in the Elections Nunavut offices on election days. In addition, legal counsel is required to be present for judicial recounts and may be required to be present at by-elections or plebiscites. This may necessitate travel within the Territory;
- Providing general in-house legal services, including those in relation to contractual, employment and administrative matters;
- Representing the Elections Nunavut, when instructed, in matters before the Courts, including litigation to which the Chief Electoral Officer may be a party; and
- Maintaining an awareness of Constitutional developments, including matters in relation to the *Canadian Charter of Rights and Freedoms*, and developments in the area of elections law.

III. Nature of the Agreement

21. This will be a two-year contract the commencement date upon contract completion and execution.
22. The contract shall have renewal options; exercising the renewal options are at the sole discretion of Elections Nunavut.
23. There will be an annual review assessing performance and fees after completion of year one of the contract. The contract may be cancelled at any time at the discretion of Elections Nunavut.
24. Legal Counsel will be required to be available at all times to perform the duties under the Agreement.
25. Identification of a qualified legal associate to act in the absence of Legal Counsel, while not required, is preferable.
26. Legal Counsel and any associate must be members in good standing with the Law Society of Nunavut.

27. Preference will be given to Legal Counsel resident in Nunavut.

IV. Information to be Provided

28. The following is to be provided in any proposal to be submitted:

- Information as to the ability of the proposer to fulfill the requirements outlined in the preceding sections.
- If the proposer is not resident in Nunavut, information of the proposer's knowledge of, experience in, or ties to Nunavut.
- Information as to the fee structure (including daily and hourly rates) for Legal Counsel and any associates.
- Information on the extent of services offered by the proposer.
- Indication as to availability to undertake the services.
- Information as to the qualifications and experience of the individuals who will perform the duties specified in this Request for Proposals.
- Information as to the proposer's previous experience in performing similar services.

29. The following information should be provided in each proposal. This information will be utilized in evaluating each proposal submitted.

30. The proponent should include, as a minimum, the following items:

- Résumés for the proposed members that identify their educational and professional qualifications, past relevant experience, skills and knowledge and in what ways the proposed resources will be utilized in providing the services identified in the Request for Proposal.
- Listing of the proposer's directly related experience and that of any partners or subcontractors.
- A descriptive list of other similar contracts completed in the past, in addition to up to three professional references to be used for evaluation purposes to verify ability to meet deadlines and quality of work.
- A description of the organizational structure including, as applicable, a list of the names of the organization's officers, directors, partners, and staff.
- Complete Cost Proposal for the Service.

- The proponent should provide a detailed description plan or methodology describing how the service will be handled.
- The Nunavummi Nangminiqagtunik Ikajuuti (NNI) Regulations apply to this RFP. Proponents can obtain information on the GN's NNI Policy from the website: <http://nni.gov.nu.ca>. The Inuit Firms Listing is available on the Nunavut Tunngavik Incorporated's website: <https://inuitfirm.tunngavik.com/>.

V. Proposal Evaluation

Rating

Specific criteria will be utilized to rate each proposal. Ratings will be confidential and no details will be released to any of the other proponents.

Each proposal will be evaluated using the following criteria:

- Past relevant experience, knowledge, and skills
- Cost Proposal for the service
- Methodology
- Inuit, Nunavut, and Local Counsel Preference