



# REQUEST FOR PROPOSALS FOR EXTERNAL LEGAL SERVICES

ISSUE DATE: November 29, 2024  
CLOSING DATE: December 21, 2024

To Whom it May Concern:

The Mackenzie Valley Environmental Impact Review Board (Review Board) invites individuals and firms to submit a proposal for the provision of legal services in some or all the areas specified below for a five-year term.

Thank for your consideration of this proposal and for your interest in working with the Review Board.

Yours sincerely,

A handwritten signature in black ink, appearing to read "M. Cliffe-Phillips".

Mark Cliffe-Phillips  
Executive Director



## 1. INTRODUCTION

The Mackenzie Valley Environmental Impact Review Board (the Review Board) is an administrative tribunal established through the Mackenzie Valley Resource Management Act (the Act) that resulted from the Gwich'in Comprehensive Land Claim Agreement, the Sahtu Dene and Métis Comprehensive Land Claim Agreement, and the Tłıchǫ Land Claims and Self-Government Agreement.

The Review Board conducts environmental assessments and environmental impact reviews in the Mackenzie Valley under paragraph 114(a) of the Act. The Review Board's mandate is broad and comes from Part 5 of the Act. As per section 115 of the Act, the Review Board must consider in its proceedings:

- the protection of the environment from significant adverse impacts,
- the social, cultural and economic well-being of residents and communities in the Mackenzie Valley, and,
- the importance of conservation to the well-being and way of life of Indigenous peoples to whom section 35 of the Constitution Act, 1982 applies and who use an area of the Mackenzie Valley.

The Review Board is seeking external legal services in the key areas of:

- Environmental Law
- Indigenous Law and
- Administrative Law

Expertise in the areas below may also be considered beneficial:

- Corporate Law
- Employment Law
- General Civil Litigation

Preference will be given to a bidder that can provide expertise in each of the three key areas of Law above.

The term of the contract will be five years and may be extended for another five years at the Review Board's discretion. The Review Board may apply a probationary period.

## 2. INSTRUCTIONS FOR APPLICANTS

Proposals must be submitted electronically to the Executive Director, Mark Cliffe-Phillips ([mcliffephillips@reviewboard.ca](mailto:mcliffephillips@reviewboard.ca)) and should be 20 pages or less and under 20MB in size or provide a platform to access the proposal (e.g., Dropbox or similar file transfer programs). Proposals must be received on or before December 21, 2024. If this timeline changes for any reason all bidders will be notified via email.

The Review Board will not accept any liability for any claim, demand or other actions for any reason should an email transmission be interrupted and not received by the Review Board, not received in its entirety, received after the closing time and date, received by another email address other than stated herein, or for any other reason. The Review Board cannot guarantee the confidentiality of information contained in the proposal.

Bidders are encouraged to submit enquiries and seek clarifications to the RFP document prior to the stated closing date and time. All questions, enquiries or any other communications concerning this RFP should be in writing and e-mailed to Mark Cliffe-Phillips. A response to an enquiry received later than seven calendar days prior to the closing date cannot be guaranteed.

Verbal communications are discouraged, cannot be relied upon, and are not binding on either party. Verbal responses to any enquiry or communication made by the contact person identified herein, or any other person, are not binding on either party and cannot be relied upon or construed to be an implied term of this RFP or any ensuing contract. The Review Board will accept no liability for any losses, damages or claims by an unsuccessful bidder who has relied on verbal information or communication from any other party, including our client.

The Review Board shall not be liable for the costs of preparation or presentation of proposals. The bidder, by submitting a proposal, waives any claim for loss of profit if no agreement is made between the Review Board and the bidder. Proposals and accompanying documentation are the property of the Review Board and will not be returned.

The Review Board has the right to cancel this RFP at any time, in whole or in part, and to reissue it for any reason whatsoever, without incurring any liability and no bidder will have any claim against the Review Board as a consequence.

Bidders may be short listed. Bidders who are short listed may be requested to make a formal presentation. Such presentations shall be made at the cost of the bidder.

## **2.1 PROPOSAL REQUIREMENTS**

For the proposal to be considered by the Review Board, it must include at minimum the following:

1. The names and titles of the proposed lead counsel in each practice area, and any other legal counsel members of the team, including the year of call, extent and nature of the experience in the relevant practice area, and the organization and proposed communication approach for how the proposed team would interact with the Review Board.
2. Which proposed counsel are currently eligible to practice law in the Northwest Territories and the proposed approach to ensure the Law Society of the Northwest Territories' requirements are met for all lawyers on the proposed team. The bidder must disclose and provide a description of any discipline decisions in the last five years and ongoing discipline proceedings by the Law Society of the Northwest Territories, or any other body regulating the legal profession in any jurisdiction, for all members of the proposed legal team.
3. A detailed explanation of the availability of service for the proposed legal team, given that support will need to include simple and routine advice over the phone and/or email, requests for more fulsome advice via a memo, or comprehensive legal opinions, occasional time-sensitive issues, appearances in court and at meetings of the Board. This include a description of how a northern presence will be achieved.
4. All declarations of real or perceived conflicts of interest that exist now or may exist in the future with respect to the bidder's ability to service the Review Board on regulatory files and general questions of policy development and legislative interpretation. A description of the process for identifying, disclosing, reporting, and dealing with conflicts of interest should they arise must also be included.
5. An outline of the proposed fee structure, including hourly rates for all proposed members of the legal team, how travel and accommodations will be billed when needed, etc.



6. A minimum of three references. Each reference must include the identify of the client organization, a contact name and phone number, and a brief description of the work completed.

### 3. EVALUATION CRITERIA & PROCESS

An evaluation committee shall review each proposal and evaluate the submission based on the following criteria:

1. **Relevant Experience (30%)**

This includes experience of the proposed legal team in the applicable practice areas, working on behalf of administrative tribunals and decision-making bodies, experience in the Northwest Territories, and a demonstrated understanding of the unique and integrated co-management system of the Mackenzie Valley.

2. **Northern Presence & Benefit (30%)**

This includes having staff located and present in the Northwest Territories, ideally 100% of the time. The Review Board is open to considering innovative office-sharing arrangements.

3. **Method of Service Delivery (30%)**

This includes a demonstrated understanding of the needs of the Review Board and how the applicant will ensure that the work will be assigned and completed by individuals with the appropriate level of experience and expertise. This includes any uniqueness in approach and/or value-added services that would benefit the Review Board.

4. **Fees (10%)**

This includes the proposed fee structure.

Each of the four criterion above will be rated on a 0-10 scale. The score for each criterion will be determined by multiplying the criteria weight by the rating. The sum of the scores will be the total score.

The Review Board reserves the exclusive right to determine the qualitative aspects of all proposals relative to the evaluation criteria.

Rating	Description
9-10	Exceptional: feature is clearly exceptional for the requirements of the criterion
8	Superior: exceeds the requirements of the criterion
7	Above Average: fully meets all of the requirements of the criterion
6	Satisfactory: average capabilities and performance, and meets most of the requirements of the criterion
5	Marginal: barely meets the requirements of the criterion to a minimum acceptable level



4	Poor: addresses most of the requirements of the criterion but is lacking in critical areas
1-3	Very Poor: addresses some requirements of the criterion, but only minimally
0	Unacceptable: does not satisfy the requirements of the criterion in any way

The Review Board is not bound to accept the Proposal that provides for the lowest price or the highest score nor any proposal of those submitted. The Review Board further reserves the right to accept one or more proposals in whole or in part. The Review Board reserves the right to consider all information received from all available sources, whether internally or externally obtained. The Review Board may reject proposals from further consideration based on reference checks.