

**ADDENDUM No. 1
to
REQUEST FOR PROPOSALS**

VENDOR OF RECORD FOR LEGAL SERVICES

RFP# 2016-310-04

This Addendum No. 1 is being issued prior to the proposal submission deadline and is hereby expressly incorporated and made part of the Request for Proposals – Vendor of Record for Legal Services published by PortsToronto on September 28, 2016.

This Addendum No. 1 provides respondent questions (Q) and answers (A) from the Toronto Port Authority, doing business as PortsToronto.

Q1. *With reference to the category of Legal Services referred to in Section 3.7 (“Transactions and Special Projects”), kindly advise if that category would include the following types of projects:*

- *Refresh of technology infrastructure used by PortsToronto.*
- *Procurement and Implementation of an asset management system.*
- *Procurement and implementation of new technology to be used in conjunction with a transformation of PortsToronto’s business processes.*

If projects of this kind do not come within this category, please advise what category would be applicable?

A1. In PortsToronto’s view the types of projects described above would fall under the “Transactions and Special Projects” category of Legal Services.

Q2. *We downloaded this RFP from MERX and would like to respond. However, we would like to ensure we are the right partner for PortsToronto. We advise a contractual counterparty to PortsToronto who has ongoing interaction with PortsToronto and understand this is likely a conflict for the work with PortsToronto. Can you please confirm before we proceed?*

A2. The RFP is to establish Vendors of Record for Legal Services covering all of PortsToronto’s business units. We understand that some Respondents may have legal or business

conflicts which would prevent them from acting for PortsToronto in certain circumstances. In PortsToronto's view a conflict in relation to the provision of one area of legal Services or for one of our business units would not preclude a Respondent from providing other legal Services or from providing legal Services to other business units. We encourage Respondents to consult the Law Society of Upper Canada's Rules of Professional Conduct to determine circumstances in which they may be in a conflict situation and unable to act for PortsToronto.

Q3. *With reference to section "3.3 Labour and Employment" of your RFP, we have the following questions:*

- (A). Can you provide as detailed a breakdown as possible between PortsToronto's labour work (i.e. union) and employment work, including the approximate number of hours outside counsel has spent on each type of work and quantum of fees, over the last three years?*
- (B). Does PortsToronto use outside counsel to bargain first or renewal collective agreements, or is that handled in-house by PortsToronto?*
- (C). Approximately how many arbitrations per year does PortsToronto have (using the last three years as a guide)?*

A3(A). The breakdown of Labour and Employment work varies from year to year. On average 90% of the work is in relation to Labour matters and 10% is in relation to Employment matters. Details regarding the number of hours and quantum of fees will not be provided.

A3(B). Typically PortsToronto engages outside legal counsel in all stages of the collective bargaining process.

A3(c). The number of arbitrations varies from year to year. On average there are two arbitrations per calendar year.

Q4. *In section "5.3.3 Practitioner Profiles and Pricing", PortsToronto requests that we provide the following information for our team members:*

- Practitioner Level (e.g. Partner, Associate, Clerk, Paralegal, Technical/Other)*
- Brief Biography (2–3 paragraph overview of experience and qualifications)*
- Relevant Experience in the past three (3) years*
- Academic Qualifications and Certifications*
- Hourly Rate*

Would PortsToronto have any objection if we presented the hourly rates for all team members in a separate table instead of providing them separately in each practitioner profile?

A4. PortsToronto has no objection to this.

Q5. *Do Respondents' Proposals have to respond to all the Services listed in section 3 of the RFP?*

A5. No. Respondents may, in their discretion, respond to any one or more categories of Services listed in Section 3 of the RFP.

Q6. *What type of agreements and contracts are referenced in section 3.7 Transactions and Special Projects of the RFP—construction, finance, other?*

A6. Historically this has included a wide variety of agreements including, but not limited to, construction agreements, finance agreements, real property leases and operating agreements.

Q7. *What legal services have been required by PortsToronto in the past 5 years related to municipal property tax matters?*

A7. In addition to the matters described in Section 3.6 of the RFP, required Services in relation to municipal property tax matters have included interpretation of, and advising PortsToronto on, property valuations and tax assessments and advising PortsToronto on appeals.