

Land and Water Boards of the Mackenzie Valley



REQUEST FOR PROPOSALS FOR EXTERNAL LEGAL SERVICES

ISSUE DATE: October 18, 2024

CLOSING DATE: November 15, 2024

To Whom it May Concern:

The Land and Water Boards of the Mackenzie Valley (LWBs) invite individuals and firms to submit a proposal for the provision of legal services in some or all of the areas specified below for a five-year term beginning on December 9, 2024.

Masi for your consideration of this proposal and for your interest in working with the LWBs.

Yours sincerely,

The Executive Directors of the LWBs

1.0 INTRODUCTION

The Mackenzie Valley of the Northwest Territories (NWT) is home to an integrated and coordinated system of land and water co-management resulting from land claim agreements and provided for by the Mackenzie Valley Resource Management Act (MVRMA). Under the authority of the MVRMA, the Land and Water Boards of the Mackenzie Valley (the LWBs) regulate the use of land and water, and the deposit of waste, through the issuance and management of land use permits and water licences.

The objective of the LWBs is to provide for the conservation, development, and utilization of land and water resources in a manner that will provide the optimum benefit generally for all Canadians and in particular for residents of the Mackenzie Valley.

Land Claim and Self-Government Agreement negotiations resulted in the creation of four LWBs:

- the Gwich'in Land and Water Board (GLWB);
- the Sahtu Land and Water Board (SLWB);
- the Wek'èezhìi Land and Water Board (WLWB); and
- the Mackenzie Valley Land and Water Board (MVLWB).

The MVRMA describes the responsibilities of the LWBs as well as how the LWBs are meant to work together. The MVRMA refers to the GLWB, SLWB, and WLWB as **Regional Panels** of the MVLWB (sometimes referred to as the full Board). The role of the three Regional Panels is to make decisions about the issuance of land use permits and water licences for projects within their respective management areas (i.e., Gwich'in, Sahtu, and Wek'èezhìi areas).

Board members from all regions work together as the MVLWB on issues affecting the regulation of land and water across the whole Mackenzie Valley. Section 106 of the MVRMA describes some of the MVLWB's important roles. In summary, the MVLWB:

- may develop policies or guidelines on the use of land and water or the deposit of waste that apply to all LWBs in the Mackenzie;
- shall, at the request of the federal Minister, make recommendations on any amendments of the MVRMA; and
- may make recommendations to federal, territorial, and some Indigenous governments on changes to any laws or regulations related to the use of water and land or the deposit of waste.

The Land and Water Boards (LWBs) are seeking external legal services in the areas of:

- Environmental Law
- Indigenous Law
- Administrative Law
- Corporate Law
- Employment Law
- General Civil Litigation

The term of the contract will be five years and may be extended for another five years at the LWBs' discretion.

2.0 INSTRUCTIONS FOR APPLICANTS

Proposals must be submitted electronically to [Ryan Fequet](#) 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 November 15, 2024, 5:00pm MT. If this timeline changes for any reason all bidders will be notified via email.

The LWBs 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 LWBs, 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 LWBs cannot guarantee the confidentiality of information contained in the proposal.

Proponents 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: [Ryan Fequet](#). 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 inquiry 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 LWBs will accept no liability for any losses, damages or claims by an unsuccessful proponent who has relied on verbal information or communication from any other party, including our client.

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

The LWBs have 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 proponent will have any claim against the LWBs as a consequence.

Proponents 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.

2.1 PROPOSAL REQUIREMENTS

In order for the proposal to be considered by the LWBs, the proposal 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 LWBs.
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 applicant 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 applicant's ability to service the LWBs 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.

3.0 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 LWBs are open to considering innovative office-sharing arrangements.

3. Method of Service Delivery (30%)

This includes a demonstrated understanding of the needs of the LWBs 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 LWBs.

4. Fees (10%)

This includes the proposed fee structure.

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