

Procurement

Private parties do not enjoy absolute freedom of contract in the context of competitive procurement processes. The Canadian courts have recognized that public policy considerations weigh in favour of requiring procuring authorities and bidders to play by a common set of rules. Whether you are soliciting or submitting proposals for work, it is essential that you understand your rights and obligations as a party to the competitive bidding process.

WeirFoulds has extensive experience advising public and private sector organizations on all aspects of procurement processes. We assist clients with drafting RFEI's, RFQ's and RFP's (including privilege clauses), tender documents and the substantive contracts that govern the procuring authority and successful bidder. We have deep knowledge of the trade agreements and government guidelines that affect the procurement practices of public sector entities. We advise clients on their fairness obligations, and act for clients in dispute proceedings and judicial review applications in the event that procurement processes are handled improperly. We also provide legal advice to Evaluation Committees and Steering Committees and to municipal councils and other public bodies on procurement issues.

We take a multi-disciplinary approach to our procurement files, engaging our commercial, construction, public, administrative and litigation experts as necessary to ensure our clients receive excellent advice that is tailored to their needs.

Lawyers and professionals in this area



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Areas of Expertise

- Bidding contracts
- Competitive procurement processes
- Disputes
- Fairness obligations
- Government procurement
- Judicial review
- Litigation
- Negligent procurement
- Privilege clauses
- Remedies
- Requests for proposals
- Substantive contracts
- Tender documents
- Trade agreements

Representative Experience

- Significant work regarding renewable energy stations in Ontario through government-sponsored and private projects,

including financing and all project documents from project inception to turnkey milestone; also advised on significant litigation and dispute resolution issues on various projects. This was a high-profile project related to the Province of Ontario's green energy program.

- Significant work for clients concerning drafting RFEI's, RFQ's and RFP's, legal advice to Evaluation Committees and Steering Committees, and advice to municipal councils and other public bodies on procurement issues, including most recently, a major LCBO/Infrastructure transaction.
- Glenn Ackerley, partner, WeirFoulds LLP, acted as the Fairness Advisor regarding the site selection for a New Single-Site Acute Care Hospital in Windsor, Ontario.
- Significant work for public and private sector clients in connection with RFP and contract templates and optimal risk allocation in these documents.
- Significant work regarding renewable energy stations in Ontario through government sponsored and private projects, including financing and all project documents from project inception to turnkey milestone; also advised on significant litigation and dispute resolution issues on various projects. This was a high profile project related to the Province of Ontario's green energy program.
- Recently involved in the procurement of a large multi-year transit project for a regional transit authority, and developed the specialized design-build agreement which was finalized with the winning proponent for the project.
- Significant work for clients concerning drafting RFEI's, RFQ's and RFP's, legal advice to Evaluation Committees and Steering Committees, and advice to municipal councils and other public bodies on procurement issues, including most recently, the LCBO/Infrastructure transaction referred to later on under Real Estate.

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