

Procurement

An organization's procurement processes set the tone for its interactions with contractors, suppliers and consultants. Whether fulfilling recurring needs under standing orders, procuring new office space, equipment or technology to grow your business, or procuring a major piece of public infrastructure, a strategic procurement process is needed to optimize your project and achieve your objectives.

Good procurement uses a combination of rigorous internal process and the law to bring commercial purchasing decisions to life. The procurement lawyers at Aird & Berlis provide comprehensive services by combining an in-depth knowledge of procurement law with best practices and processes.

We believe that good project results begin with a well thought out and planned procurement process. Our team of dedicated procurement lawyers can provide advice on all aspects of the procurement process, the design of the evaluation matrix and process, the application and impact of trade agreement requirements, the use of fairness commissioners, the bid protest process and what to do if things go wrong.

We act for both buyers and sellers, and on small procurements and large. Our experience spans the procurement of public infrastructure such as power plants, hospitals, roads and bridges, waste management facilities, transit projects, water and waste water facilities and many other goods and services. We act for both governments and private sector interests. We understand how procurements are financed and have decades of experience dealing with capital providers. In short, we have the experience you need to design and implement a procurement strategy that will extract the best results from the market. Or, if you are a seller or provider, we can advise you on how to get the most from your bid. Our services include drafting and negotiating bid requests, Requests for Expressions of Interest, Requests for Qualifications, Requests for Proposals, Requests for Tenders, and the definitive contract documents that arise from them. And we also provide procurement law opinions on complex issues ranging from bid compliance to the permissible scope of sole- or single-sourcing, to post-bid negotiating approaches in relation to bid re-scoping.

This all-around knowledge allows us to provide comprehensive, detailed advice focused on project success that benefits all parties.

Hand in hand with procurement is project delivery—the implementation of the project. We understand that an optimized procurement leads to optimized project delivery. We understand public-private partnerships, traditional general construction, design-build, progressive design-build, EPC(M), alliance and construction management, competitive dialogue, and we understand that each one requires a different perspective and approach. The procurement lawyers at Aird & Berlis have been involved in unique procurements leading to unique project delivery methods. We can assist at every stage of the procurement—from assessment and selection of the most appropriate procurement model to the drafting and negotiation of the procurement and accompanying contractual documents to selection of the winning bidder to post-bid project implementation and dispute resolution. We would be pleased to discuss how we can share our experience with you to enhance and give life to your commercial objectives.

Experience

The representative procurement matters compiled below have been selected to highlight our diverse experience. Additional information is available upon request.

Transportation

- Advised Infrastructure Ontario and the Ontario Ministry of Transportation in connection with the Highway 427 Expansion Project.

- > Advised SaskBuilds Corporation and the Saskatchewan Ministry of Highways on the Regina Bypass Project.
- > Advised the City of Victoria with respect to procurement and construction matters on the innovative Johnson Street Bridge Replacement Project.
- > Advised the British Columbia government on the Sea-to-Sky Highway Improvement Project and the Kicking Horse Canyon Highway Improvement Project.
- > Advised a leading school bus company in connection with issues arising out of school bus route procurements by various provincial school boards.

Transit

- > Advised the City of Edmonton with respect to procurement and construction matters in connection with the expansion of its LRT system.
- > Advised Infrastructure Ontario and Metrolinx in connection with the East Rail Maintenance Facility DBFM Project.
- > Advised Metrolinx on the Union Station Rail Corridor Signalling Project.

Health Care

- > Advised Infrastructure Ontario and West Park Healthcare Centre on the West Park Healthcare Centre P3 Project.
- > Advised the successful bidder in connection with the University of Ottawa Heart Institute Cardiac Life Support Services Redevelopment Project.
- > Advised and represented Humber River Hospital on a broad range of procurement-related legal issues, including loan financing, P3/procurement agreements and templates, real estate, environmental matters and commercial litigation.
- > Advised the successful bidders in the Fort St. John Hospital and the Royal Jubilee Hospital P3 projects in British Columbia.
- > Advised OntarioMD on technology procurement matters.
- > Advised a medical transportation service provider on procurement documents
- > Advised Ontario Family Health Network on the preparation of a request for proposals for a clinical management system.
- > Advised Ontario Medical Association in key procurements for the provision of clinical management systems and services made available to Ontario health professionals and hospitals.
- > Advised various Ontario hospitals on procurements of cyclotron, MRI facilities, dialysis machines, services and products.
- > Advised eHealth Ontario with respect to various procurements and commercial arrangements, including the negotiation and settlement of its key data centre agreement that enabled the agency's entire managed private network, and the negotiation and settlement of a number of other key service delivery agreements.
- > Advised the successful bidder in connection with the McMaster Children's Health Centre Project.
- > Represented one of Canada's largest hospitals in drafting an RFP and negotiating a definitive contract for the outsourcing of the hospital's print capabilities.

Energy & Natural Resources

- > Advised the Region of Peel in connection with a waste-to-energy DBOM project.
- > Advised Energy Ottawa with respect to procurement and construction matters on the Chaudière Falls Redevelopment Project, including the engineering, procurement and construction management agreement, general construction agreement and specialty equipment design and supply agreements.

- > Advised BC Hydro with respect to the finance, construction, procurement and commercial matters on the Site C Clean Energy Project and developing new standard procurement and construction documents.
- > Advised Atlantic Gold Corporation with respect to the engineering, procurement and construction agreement with Ausenco in connection with the development of the Moose River Consolidated Project (comprised of the Touquoy and Beaver Dam gold deposits) in Nova Scotia, Canada.
- > Advised the Independent Electricity System Operator on the development of contracts and rules for second generation Feed-In Tariff Program (FIT 2.0) in relation to procurement of renewable energy products, including wind, solar, hydro-electric and biomass.
- > Advised a local distribution company on procurement and acquisition of renewable energy projects.
- > Advised a utility company on large renewable procurement.
- > Advised the Ministry of Natural Resources on procurement matters.
- > Advised the Independent Electricity System Operator on the Request for Qualifications, Request for Proposals and contract relating to procurement of 350 MW Peaking Generation Facility in Northern York Region.
- > Advised the Independent Electricity System Operator on legal issues relating to contracts arising out of Renewable Energy Supply and Clean Energy Supply Requests for Proposals and other generation procurement.
- > Advised Bruce Power LP in technology procurements and licensing matters pertaining to the acquisition of nuclear power generation facilities in Ontario.

Tourism, Culture & Sport

- > Advised a gaming company on OLG Player Platform procurement matters.
- > Advised a consortium of 21 British Columbia municipalities in connection with the procurement of a new Parks and Recreation Management Software System and associated licences and ongoing services.
- > Advised a major Canadian pension plan in relation to the lottery procurement process related to the Ontario Lottery & Gaming Corporation's modernization program involving the privatization of components of the lottery.

Water & Waste Management

- > Advised the Regional Municipality of Peel in connection with an Anaerobic Digestion Facility P3 project.
- > Advised the City of Surrey in connection with its innovative organic waste biofuels processing facility P3 project.
- > Advised the Regional Municipality of Peel in connection with procurement issues relating to a major watermain replacement and expansion project.
- > Advised a municipal agency in connection with procurement issues relating to a drainage project.

Education

- > Advised SaskBuilds Corporation on Nine Joint-Use Schools in Martensville, Regina, Saskatoon and Warman.
- > Advised Infrastructure Ontario and Humber College Institute of Technology & Advanced Learning in connection with the Humber College Learning Resource Commons Project.

Government Services

- > Advised the Government of Nova Scotia in connection with the Alternative Service Delivery of vehicle, land and corporate registries.

Justice

- > Advised the Puerto Rico Public-Private Partnerships Authority in connection with the procurement of two adult correctional facilities.

Other

- > Advised Infrastructure Ontario in connection with the review of AFP template agreements and documents.
- > Representing a provincial government on the acquisition of outsourced services for certain public information functions in nine key projects, including drafting some of the RFPs and negotiating/settling the definitive agreements in relation to these procurements.

Contact



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