

REQUEST FOR QUALIFICATIONS

**Legal Services for
Office of the Information and Privacy Commissioner for BC
and for the
Office of the Registrar of Lobbyists for BC**

Issue Date of RFQ: July 27, 2023

Closing location:

4th Floor, 947 Fort Street, Victoria, BC, V8V 3K3
PO Box 9038 Stn Prov Govt, BC V8W 9A4

Closing date and time:

Before 2:00 PM Pacific Time on September 15, 2023

OIPC/ORL Contact:

Ethan Plato

Legal Counsel

eplato@oipc.bc.ca

1. Description of the OIPC/ORL

The Commissioner is an officer of the Legislature appointed under the *Freedom of Information and Protection of Privacy Act* (FIPPA) and is independent of government. The Commissioner has compliance oversight functions and other duties under FIPPA and the *Personal Information Protection Act* (PIPA). The Commissioner is also the Registrar for the Office of the Registrar of Lobbyists (ORL) under the *Lobbyists Transparency Act* (LTA). The OIPC/ORL's core activities are investigation and adjudication of appeals and complaints under the access to information and privacy provisions of FIPPA and PIPA.

2. Purpose of RFQ

The purpose of this request for qualifications (RFQ) is to identify lawyers who are interested and qualified to provide legal services to the Offices of the Information and Privacy Commissioner and the Registrar of Lobbyists (OIPC/ORL) in the following areas:

- Administrative law matters related to all aspects of the OIPC/ORL's mandate under FIPPA, PIPA and the LTA;
- Representation on judicial review matters and/or civil lawsuits;

The OIPC/ORL intends to establish a List of Qualified Lawyers who, at the OIPC/ORL's sole discretion, may be asked to enter into a contract(s) for provision of the legal services described above. The OIPC/ORL's intention is to enter into contracts with more than one qualified lawyer to address on-going legal service requirements. The contract amounts will be dependent on the specific legal needs of the OIPC/ORL. The anticipated value will be in the range of \$10,000 - \$100,000 a year and will be drawn down upon as, if, and when needed in the sole discretion of the OIPC/ORL.

3. Service Areas

The following are services the OIPC/ORL may require from lawyers on the List of Qualified Lawyers:

- Legal advice and representation in administrative law matters related to all aspects of the OIPC/ORL's mandate under FIPPA, PIPA and the LTA; and
- Legal advice and representation on judicial review matters and/or civil lawsuits.

4. Enquiries

All enquiries related to this RFQ are to be directed, in writing, to the contact person identified on the front cover of this RFQ.

5. Closing Date

All responses to the RFQ must be received before 2:00 PM, Pacific Time, on September 15, 2023 at the address on the front cover of this RFQ.

6. How to Submit

Responses must be received by the OIPC/ORL, in accordance with the procedure set out below.

Responses can be received by email to eplato@oipc.bc.ca or by courier at the address set out on the front cover of this RFQ.

Questions about this process must be directed in writing to Ethan Plato, Legal Counsel, who will respond in writing. Communications for this purpose only can be sent to: eplato@oipc.bc.ca.

7. Content of Submission

Submissions to the RFQ must be in writing and include, at a minimum, the following:

- The name of each lawyer who will provide the legal services;
- Confirmation of the lawyer's authorization to practice law in BC;
- Each lawyer's year of call to the BC Bar; and
- A description of each lawyer's experience and expertise as it relates to the legal services required by the OIPC/ORL.

8. Pricing

The OIPC/ORL pays for legal services on an hourly basis. The hourly rate is based on a lawyer's year of call to the BC Bar. The hourly rates are set out in Appendix A and may be increased from time to time at the sole discretion of the OIPC/ORL, taking into account market rates for public sector legal services in BC.

9. Not a Contract

This RFQ is not an agreement to purchase services. Notice in writing to a lawyer that they have been identified as a qualified lawyer on the List of Qualified Lawyers will neither constitute a contract nor give the lawyer any legal or equitable rights or privileges relative to this RFQ. Only

if a lawyer and the OIPC/ORL enter into a subsequent written and executed contract will a lawyer acquire any legal or equitable rights or privileges.

The OIPC/ORL has no obligation to enter into a contract with any lawyer on the List of Qualified Lawyers.

10. List Not Binding

A lawyer may withdraw their name from the List of Qualified Lawyers by notifying the OIPC/ORL in writing. The OIPC/ORL may withdraw the name of a lawyer from the List of Qualified Lawyers by notifying that lawyer in writing.

The OIPC/ORL reserves the right, in its sole discretion, to:

- at any time, cancel, extend, expand or make a call to the marketplace to renew or add to the List of Qualified Lawyers as operationally required; and
- consider requests for inclusion on the List of Qualified Lawyers at any time during the term of the List. Any such requests will be subject to those lawyers submitting their qualification information for review in the same manner as originally outlined in this RFQ.

11. Use of List

The List of Qualified Lawyers will be in effect until March 31, 2026

The OIPC/ORL may, in its sole discretion, from time to time, invite a lawyer from the List of Qualified Lawyers to enter into a contract to provide the legal services required. The criteria for selecting a lawyer from the List to enter into a contract will vary, depending upon the requirements of the task, the specific experience of the lawyer and the lawyer's availability.

The OIPC/ORL has the sole discretion to remove a lawyer from the List of Qualified Lawyers for unsatisfactory performance or for failing to meet the requirements for the List of Qualified Lawyers as set out in this RFQ or as may be communicated by the OIPC/ORL from time to time.

12. Confidentiality of Information

Information pertaining to the OIPC/ORL obtained by the lawyer as a result of participation in this RFQ is confidential and must not be disclosed without written authorization from the OIPC/ORL.

13. Collection of Personal Information

Personal information is collected through this RFQ process, under the authority of s. 26(c) of FIPPA, only for the purpose of assessing suitability for possible provision of legal services to the OIPC/ORL and will not be used or disclosed for any other purpose.

Personal information will be retained by the OIPC/ORL for at least one year after the date on which the OIPC/ORL determines which lawyers are qualified to provide legal services to the OIPC/ORL.

Any questions about this collection of personal information may be addressed to Ethan Plato by email at eplato@oipc.bc.ca.

July 27, 2023

Jeannette Van Den Bulk
Deputy Commissioner
Office of the Information and Privacy Commissioner

Appendix A – Hourly Rates

YEARS OF EXPERIENCE	CALL DATE	HOURLY RATE
1	2023	\$100.00
2	2022	\$110.00
3	2021	\$135.00
4	2020	\$150.00
5	2019	\$165.00
6	2018	\$180.00
7 or more	2017 or earlier	Up to \$250.00

Rates that exceed these amounts must be approved by the Commissioner.