

REQUEST FOR PROPOSAL:

ONTARIO FEDERATION OF SNOWMOBILE CLUBS
(OFSC)

Legal and Insurance Experts for
Non-Standard Agreements

April 27, 2022



INTRODUCTION & PROJECT OVERVIEW

The Ontario Federation of Snowmobile Clubs (OFSC) is accepting proposals for the fulfillment of its Non-Standard Land Use Agreements as engaged by our members. The 3rd party expert is responsible for reviewing, providing recommendations, and being a resource in negotiating and securing these agreements.

ABOUT THE OFSC

The Ontario Federation of Snowmobile Clubs (OFSC) is a volunteer led not-for-profit association that provides the voice for organized snowmobiling in the Province of Ontario.

Our **Mission** is to:

Provide leadership to member organizations in our commitment to enable exceptional snowmobile trails and rider experiences throughout the province.

Our **Vision** is that:

Snowmobiling is recognized and celebrated as Ontario's premier winter recreation and tourism experience.

As a provincial federation, the OFSC succeeds when our members succeed. Consequently, we strive to fully understand and consistently meet the needs and expectations of all our various members. Our decision-making processes are accountable, transparent, inclusive, timely, provincial in perspective, and respectful of local interests and priorities.

The working environment is atypical from most medium-sized operations with centralized ownership of the assets and de-centralized operation and management across 200+ member organizations – both for our 16 current districts and our respective clubs.

BACKGROUND – AVERAGE ANNUAL NON-STANDARD AGREEMENTS THAT REQUIRED A CERTIFICATE OF INSURANCE OVER THE PAST 2 YEARS

	Ontario Federation of Snowmobile Clubs (OFSC)
50	Non-Standard Land Use Agreements
15	Other Contracts
7	Standard Agreements with Modifications
43	Standard Agreements with Attachments

The figures represented above indicate the number of agreements that required a Certificate of Insurance to be issued to the Landowner/Occupier. This initiative would see a significant increase in volume as it is anticipated that there are approximately 200 to 250 Non-standard Land Use Agreements that are negotiated on an annual basis. Some require a Certificate of Insurance, and some do not. They will all require legal expert review.

The OFSC maintains an arms-length operational relationship with the 16 districts. These districts, with the assistance of the applicable club level volunteer group, will secure various land parcels to help either grow or maintain our current trail network. The process of securing these land parcels involves negotiating with the landowner or occupier. The landowner or occupier provides permission to use the designated property for a snowmobile trail and enter into an agreement with the member to authorize this access. Prior to binding the agreement, it is vital to review the terms and conditions regarding the use of the land and parameters of the trail network.

There are circumstances that a Standard Memorandum of Understanding is established with a local community landowner/occupier. However, negotiating with other landowners that are seeking non-standard agreements has become more challenging. We are required to review not only the parameters of the use, the insurance obligations, but also operational obligations which have become more complex to meet the needs of the applicable landowner/occupier.

Our members are seeking a 3rd expert to review, provide recommendations, be a resource and engage in negotiations of non-standard land use agreements. Some examples of landowners that require a Non-Standard Land Use Agreement include: the Ministry of Transportation of Ontario, Ministry of Natural Resources, various rail-crossings with CP Rail and CN Rail.

Responsibilities for assignment of tasks:

Operational Overview	
Requisition for Legal Services	Member Districts and Clubs
Filter Referral and Review of Criteria for Assignment <ul style="list-style-type: none"> • Members will be required to submit a request for consideration • Only referrals that meet criteria described by the OFSC will be forwarded to legal experts 	OFSC
Submit formal referral for legal services and provide background details	OFSC
Engagement in local Landowners/Occupiers	Member Districts and Clubs, or 3 rd Party Expert
Negotiate and finalize Terms and Conditions of Land Use	3 rd Party Expert
Provide necessary guidance and recommendations based on terms of the agreement	3 rd Party Expert

SCOPE OF WORK:

- The OFSC and its members establish a trail network where the goal is to provide a comfortable rider experience on OFSC Prescribed Trails
- The trail network is established through the support of our members and volunteers.
- Across Ontario, we are required to obtain agreements with various Landowners and Occupiers who provide authorization to use their land for snowmobile trail development.
- The agreement will outline various terms and conditions of the land use including but not limited to, Insurance provisions that provide liability coverage regarding the specified land, area of land for authorized use, conditions that must be met to maintain the land-use, and provisions that would deem further use null and void.
- While working with the local community can be less complicated, there are scenarios across Ontario where the member require assistance in negotiating terms and conditions with other Landowners that may result in a parti pris risk transfer.

GOALS AND OBJECTIVES

- Effectively evaluate the risks associated with Non-Standard Land Use Agreements and provide negotiated terms that cement a more balanced risk transfer
- Evaluate the land parcels to ensure there are no concerns in entering the agreement with local groups, municipalities, and nearby residents, etc.
- Negotiate agreements that do not place our members in erroneous positions regarding their obligations to the agreement
- Ensure that the terms and conditions meet the definition as established with our insurer for what are Operations usual to an OFSC Member Snowmobile Club
- Provide summary and instructions for the member club to meet the terms as conditions of the agreement pertaining to legal compliance

LAND USE AGREEMENT PROCESS

- All negotiations and agreements are Private and Confidential
- Where applicable, the OFSC Director of Claims, Risk Management and Insurance is required to authorize the agreement
- All digital agreements are to be stored in a data vault with encryption
- All hard copy agreements are to be stored in a locked vault
- All agreements are to be forwarded to our Insurance Broker
- Privacy policy that complies with all current privacy legislation for the storage of personal and private information
- Daily, weekly and monthly reporting in adherence to the Service Level Agreement
- Interactions with landowners/occupiers and our member clients are to be conducted with professionalism and adherence to client privilege.

SERVICE GUIDELINES

- For services related to the securing of Non-Standard Land Use Agreements, pricing guidelines are to be established through what is likely a tiered pricing program billed based on complexity and hours required for a particular agreement.
- As noted above, the agreements range from:
 - Non-standard Agreements: likely with various municipalities, Ministries, and Conservation Land Groups. This would be considered the most complex of agreements.
 - Other Contracts: may include land use for environmental purposes such as fuel storage, etc.
 - Standard with Attachments and/or Amendments: Low complexity designed agreements that utilize our current Standard Agreement but have minor adjustments.
- Established legal experts with negotiation skills are recommended.

MANDATORY INCLUSIONS

Please provide the following information with your proposal:

- Company Information and Contact;
- Summary and history of company and proposed tiered pricing plan;
- Portfolio of similar work or other negotiated Land Use Agreements
- Curriculum Vitae of staff assigned to our client profile along with hourly rates;
- Service Level Agreement;
- Outline of staff capacity to meet Service Level Agreement;
- Overview of data storage, backups and privacy controls; and,

RFP & PROJECT TIMELINE AND DELIVERABLES

April 27, 2022	Bid Opens
May 18, 2022	Bid Submission Deadline (4:00pm Eastern Time)
May 24, 2022	Short listed candidates notified and invited to present
May 31, 2022 to June 6, 2022	Short listed candidate presentations to OFSC
June 10, 2022	Vendor Selection
June 20, 2022	Project Launch and Onboarding

PROPOSAL SUBMISSIONS AND INQUIRIES

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