

PRIVATISATION &

PROCUREMENT

McMillan Binch Mendelsohn is a market leader in privatisation and procurement. We are well-suited to assist on project planning, procurement, negotiating, and tendering. We have acted on transactions involving all types of public infrastructure arrangements including privatisations, outsourcing arrangements, public-private partnerships, alternative financing and procurement, concessions, leases and alternative financing structures.

Our Privatisation and Procurement group advises both public sector and private sector participants across Canada in a broad spectrum of arrangements. Our team includes professionals with an unparalleled level of experience in negotiating and closing project-based transactions for public infrastructure and privatisation. We have in-depth sector experience in power and utilities, defence, health, transportation, waste and water, as well as other types of social infrastructure such as courthouses and recreation facilities. Our Privatisation and Procurement group also includes public policy experts and former senior members of government, whose understanding of the inner workings of government is instrumental to our being able to provide useful, practical, and innovative advice.

Our Privatisation and Procurement group brings together individuals from a wide variety of practice areas. With core expertise drawn from our [Debt Products](#) and our [Construction Law](#) professionals, our [Privatisation and Procurement](#) team is able to comprehensively advise both project sponsors and lenders on the financeability concerns inherent in project finance structures. Together with other experts within our firm, including our [Projects](#), [Government Relations and Public Policy](#), [Energy](#), [Health Law](#), and [Corporate](#) groups, we provide the full range of legal services. We advise on all aspects of privatisation and procurement, including the procurement process, the structure and financing of the partnership, as well as [Tax](#), [Real Estate](#), [Municipal](#), [Labour](#), [Competition](#) and [Environmental](#) issues.

McMillan Binch Mendelsohn partners have significant expertise in procurement matters. Most recently this has included designing a Request for Proposals for the supply of new helicopters for Emergency Medical Services, negotiating with manufacturers, selecting successful proponents and concluding formal aircraft purchase agreements.

PROJECTS AND INFRASTRUCTURE

We have a high degree of experience on diverse public private partnership models ranging from short term Build-Finance models to longer term Design-Build-Finance-Operate-Manage (DBFOM) arrangements. Our Projects group advises both public sector and private sector participants across Canada in a broad spectrum of arrangements where services or infrastructure traditionally provided by the public sector are instead provided in whole or in part by the private sector.

We have acted for lenders, contractors, and bidding consortia in Ontario, Alberta, and British Columbia. We have experience acting at all stages of a transaction, from procurement design to financial close. Our experience and resources enables us to custom tailor our services to each stage of a transaction:

- Request for Proposals development;

- bid review and proposal submission;
- negotiation of project documents;
- preferred proponent stage; and
- financial close.

One of our more recent transactions includes acting for the mandated lead arrangers and lenders in the \$650 million Calgary Ring Road project. The transaction represents the first time a Canadian domestic project finance loan has been wrapped by a monoline. The Canadian Council for Public-Private Partnerships awarded this project the “Award of Merit, for Implementation of the P3 Process”.

ENERGY

We have extensive legal expertise on both the regulated and unregulated sides of the energy business. We understand electricity markets and have acted for a variety of generation and cogeneration clients in Ontario, Québec, across Canada and throughout North America. Our firm is committed to the environment and reduction of greenhouse gases: we are the first law firm to purchase exclusively green energy to power our Toronto Client Service Centre.

We have been involved in transmission and distribution projects as well as the corporatization of local distribution companies and their regulation. Our lawyers have provided advice in relation to power purchase and gas purchase agreements, as well as development and connection agreements and has represented numerous clients in the distribution, metering, generation and municipal sectors with respect to the development of public policy.

We have advised numerous bidders into various government RFP’s and other procurement processes. We also acted for the Ontario Power Authority in the development of Ontario’s first Standard Offer Program for renewable energy, helping to draft both the procurement process rules as well as the standard offer contract.

PUBLIC POLICY AND GOVERNMENT RELATIONS

Our Public Policy and Government Relations Group has a long history of leadership on government relations and public policy issues, which stems from our well-established relationships with key decision makers at all levels of government. Our Public Policy and Government Relations lawyers include a former Ontario Deputy Minister, a former MPP in the Ontario Legislature, two former Chiefs of Staff to Prime Ministers of Canada (one Liberal and one Conservative), two Senators and lawyers active in politics at all levels.

Our focus is on the interface between the regulatory activity of all levels of governments and the interests of private sector developers and investors, and our lawyers regularly advise corporations, agencies, non-governmental organizations, associations and governments on public policy matters. We seek opportunities to establish common ground between the objectives of business clients and governments. Using the creative potential of the law and public policy problem-solving, we employ our in-depth knowledge of government operations and motivations to get results.

REPRESENTATIVE TRANSACTIONS

Involved with government, lenders, bidders, or developers in:

(a) Health

- William Osler Health Centre
- Kelowna and Vernon Ambulatory Care Facilities
- Bluewater Health Capital Redevelopment Project
- Sault Area Hospital
- Sudbury Regional Hospital
- Trillium Health Centre
- Royal Jubilee Hospital
- Rouge Valley Ajax Pickering Hospital Phase I
- St. Catharines Hospital
- North Bay Regional Health Centre
- Quinte Health Care Belleville
- Muskoka Long Term Care Facility

(b) Transportation

- Calgary Ring Road
- Edmonton Ring Road
- Gateway Road
- St. Lawrence Seaway
- Pearson Terminal 3
- Highway 407
- Port of Oshawa

(c) Waste and Water

- York Region
- Halton Region
- Saudi Arabia (Represented a Canadian company in its negotiations with Saudi Arabian Government)
- Other: Acted for municipalities in the proposed financing, structuring and construction of water and sewage pipeline infrastructure, including the acquisition of public and private funding, land rights, and permits

(d) Energy And Power

- OPA GTA West RFP for gas-fired generation
- OPA Clean Energy Supply RFP for gas-fired generation
- OPA DSM RFP for demand-side management projects
- Renewable Energy Standard Offer Program
- Blackstart generation capacity procurement
- Landfill Gas Projects
- Distribution Utility Rationalization

(e) Defense

- Allied Wings - flight training centre for the Canadian Air Force

(f) Social Infrastructure

- Greater Toronto Area Youth Centre
- Durham Consolidated Courthouse
- Toronto Waterfront Revitalization
- Brampton Sportsplex
- Orillia Recreational Facility

ABOUT MCMILLAN BINCH MENDELSON LLP

McMillan Binch Mendelsohn LLP, one of Canada's leading business law firms, is committed to advancing our clients' interests through exemplary client service combined with thoughtful and pragmatic advice. The firm is a values-driven organization that takes a dynamic and sophisticated approach to providing practical and creative solutions to its clients. Its client first, team-based approach draws effectively upon our diverse expertise. The firm has a national, cross-border and international practice and has grown to be one of the top 20 largest firms in Canada. The firm is agile and flexible, committed to always striving for excellence. For additional information, visit www.mcmbm.com.

WHO WE ARE

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