

May 30, 1977

Dr. Ian H. Rowe
Executive Co-ordinator
Energy Conservation Group
Ministry of Energy
12th Floor
56 Wellesley Street West
Toronto, Ontario
M7A 2B7

Dear Dr. Rowe:

Some time ago, the Canadian Environmental Law Research Foundation and the Canadian Environmental Law Association presented a proposal to both the federal Department of Energy, Mines and Resources and to your Ministry to do research into solar assessments. We recently met with Mr. Richard Smith, Ms. Dianne Saxe, and others to discuss this proposal.

At our meeting, Mr. Smith asked whether we would object to the Ministry revising this proposal and submitting it to others as well as ourselves for consideration. We advised Mr. Smith that we had no objection to competing with others in a fair tendering system. We were prepared to permit your Ministry in effect to give our proposal to others to bid on, because we are aware that the Canadian Environmental Law Research Foundation and the Canadian Environmental Law Association which has been involved in one way or another in much of the major environmental and energy law research in Canada in recent years, can compete with anyone in terms of price and quality.

However, it has now become obvious to us that your Ministry does not contemplate a fair competition. At our meeting, Mr. Smith asked me why we had made our proposal to the federal Department rather than to your Ministry. I gave Mr. Smith one of the reasons; that is, that we were aware that the federal Department had funding available for worthy projects. However, I did not mention the other reason, which was that I did not think that the Ontario government Ministry would give fair consideration to any proposal by the Canadian Environmental Law Research Foundation or the Canadian Environmental Law Association.

... /2

Dr. Ian H. Rowe

Page 2

May 30, 1977

I am very sorry to say that I now have further reason to believe that I was right and that no matter what we bid on the revised proposal, Mr. Hilton will ensure that the contract is not given to us. However, our willingness to allow the Ministry to revise our proposal on solar easements is based on the presumption that any submissions for tender will be fair and open. We can only hope that the Foundation's association with the Canadian Environmental Law Association, a government critic, will not colour the attitudes some officials in the Ministry may bring to the decision-making process.

It would be a pity if, no matter what the Foundation might bid on the proposal, those who had confronted the Canadian Environmental Law Association in the courts in the past could insist that the contract never be awarded to the Canadian Environmental Law Association or the Canadian Environmental Law Research Foundation. It would be a pity if any one person's response could prejudice the project.

Therefore, the Canadian Environmental Law Association and the Canadian Environmental Law Research Foundation are pleased to be a part of the tendering process of the Ministry of Energy, on the revised version of our proposal. We are prepared to fulfill the requirements of the terms of reference of the revised "solar easement research" project for \$6,505.00 as set out in the budget submitted to your Ministry as part of our previous proposal. We will present our tender on the research proposal in good faith, and look forward to the response of the Ministry.

Sincerely,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

John Swaigen
Counsel

:by

cc The Honourable R. Roy McMurtry, Q.C.

cc Mr. Michael James