

#### 4.5 TENDER FOR PROVISION OF LEGAL SERVICES PANEL<sup>1</sup> (2023199: TK)

Responsible Officer: Rob Pedder

Responsible Director: Jarrod Doake

##### **RECOMMENDATION\***

*That Council:*

1. *Awards the tenders from the following tenderers to form a panel for the Provision of Legal Services, Contract No. 2023199 for a schedule of rates-based contract with an estimated contract value of \$2,101,500 for the initial term and an estimated total contract value of \$3,502,500 inclusive of all available extension options;*
  - *FOI Solutions*
  - *Francis Abourizk Lightowers*
  - *Hall and Wilcox*
  - *Hunt and Hunt Lawyers Victoria*
  - *HWL Ebsworth Lawyers*
  - *Maddocks*
  - *Planology Pty Ltd*
  - *Rigby Cooke Lawyers*
  - *Russell Kennedy Lawyers*
  - *SLF Lawyers*
  - *Moray Agnew*
  - *Wisewould Mahoney Lawyers*
2. *Authorises the Chief Executive Officer or her delegate to execute the contract agreements;*
3. *Notes that the contract will commence on 1 August 2023, with an initial term of three (3) years and the contract has two (2) extension options of one (1) year each and authorises the Chief Executive Officer to approve extension options subject to satisfactory performance; and*
4. *Notes that the estimated schedule of rates contract values stated above are also subject to an annual CPI indexation as per the contract.*

*(\*Please note that all dollar figures are GST Inclusive unless stated otherwise)*

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<sup>1</sup> Updated 31/08/2022

**INTRODUCTION**

Council has conducted a public tender process for the provision of Legal Services.

As part of its planning process for this tender, Council Officers considered its procurement options, including whether to go to market itself, participate in regional or sector collaboration or to access established contracts via other compliant Procurement agreements. It was determined to invite open public tenders to provide an opportunity to any legal service provider who may wish to submit a tender.

**BACKGROUND**

Council's requirement for legal services covers a wide variety of specialised areas, including property, commercial, building and construction, intellectual property and technology, general litigation, administrative, FOI & privacy, protected disclosures, human rights, record management, local government, workplace relations, planning and environment, community and health, family law, and entertainment and events.

Services required will include, but not be limited to, the provision of verbal and written advice, preparation of legal documents, and representation on Council's behalf in meetings, panels and courts.

Legal Service requests are usually reviewed, approved and requested by the Governance and Legal Department and the initiating Officers may provide further clarification to those instructions once the Legal Services provider has been engaged.

Council has previously engaged these services from a range of legal firms via a panel arrangement.

**NOTIFICATION**

A public notice was placed in The Age newspaper on 29 April 2023 and the tender closed on Friday 19 May 2023.

**TENDERS RECEIVED**

Tender submissions were received from the following fifteen (15) suppliers by the appointed closing time.

No.	Tenderer
1	FOI Solutions
2	Francis Abourizk Lightowlers
3	Hall & Wilcox
4	Hunt & Hunt Lawyers
5	HWL Ebsworth Lawyers
6	Jackson Lane Group Pty Ltd
7	Macquarie Local Government Lawyers
8	Maddocks
9	Meerkin & Apel Lawyers
10	Moray & Agnew
11	Planology Pty Ltd

12	Rigby Cooke Lawyers
13	Russell Kennedy Lawyers
14	SLF Lawyers
15	Wisewould Mahony Lawyers

### **Tender Conformance:**

All submissions were assessed for their compliance with the tender conditions including the contractual terms and conditions and the requirements of the response schedules.

All tender submissions were deemed conforming with the general requirement of the tender and several contract departures were also proposed that were assessed and deemed to be acceptable to Council.

### **TENDER EVALUATION**

All members of the evaluation panel signed Conflict of Interest and Confidentiality forms and no conflicts were raised.

The tenderers were assessed in accordance with the evaluation criteria published in the tender documentation:

<b>Table 1: Pass/Fail Assessment Criteria</b>	<b>Score</b>
Quality Systems (if applicable)	<i>Pass/Fail</i>
OHS	<i>Pass/Fail</i>
Mandatory Insurances (if applicable)	<i>Pass/Fail</i>

<b>Table 2</b>	<b>Key Selection Criteria</b>	<b>Criteria Weightings</b>
Qualitative Criteria	Capacity and Capability	35%
	Sustainability (Mandatory)	5%
Quantitative Criteria	Price (Mandatory)	60%

### **DISCUSSION**

The following information supports the evaluation panel's recommendations.

For the 12 categories of law tendered, the panel confirms that twelve (12) suppliers are recommended to satisfy Councils service needs. The final evaluation (including price and non-price evaluation criteria) included the following suppliers:

- *FOI Solutions*
- *Francis Abourizk Lightowlers*
- *Hall and Wilcox*
- *Hunt and Hunt Lawyers Victoria*
- *HWL Ebsworth Lawyers*
- *Maddocks*
- *Planology Pty Ltd*
- *Rigby Cooke Lawyers*
- *Russell Kennedy Lawyers*
- *SLF Lawyers*
- *Moray Agnew*
- *Wisewould Mahoney Lawyers*

As such, the evaluation panel recommends these suppliers as representing the best value outcome for Council as there will be sufficient options available to determine the best supplier in a particular set of circumstances.

#### ***FINANCIAL IMPLICATIONS***

The demand for legal services and the expenditure for same can fluctuate from year to year, dependent upon the number of issues/projects requiring legal advice and the type and complexity of the legal challenges that arise.

The 2023-2024 Budget for legal services expenditure is \$700,500.

#### ***CONCLUSION***

That Council approves the recommendations contained within this report.