

## Pitching for government legal work

### JMA public sector experience :

- Business requirements studies
- Commercialisation projects
- Insource/outsource decisions
- Preparation of requests : Expression of Interest, Tender
- Evaluated responses
- Facilitated interviews
- Negotiations with providers
- Debriefs with unsuccessful tenderers

### JMA experience with law firms pitching for government work :

- Pre-tender activity
  - Skills workshops
  - Target marketing strategies
  - Profile raising
  - Making the invitation list
- Strategic assessment and advice
- Formulating pricing
- Improve/fine-tune responses
- Writing responses from scratch
- Statistical support
- Coaching for interviews
- Debriefing
- Critique of unsuccessful bids

### Research sources :

- Recent face to face, depth interviews
- Telephone interviews
- Survey of current literature

### Key findings from research :

- Rapidly increasing sophistication in purchase decisions
  - Internal costing and pricing
  - Example: charge out rate for Band 6 (senior supervisor - staff of 5 to 7) now \$110 - \$120 per hour
- Contestability now prominent issue

- Tender processes problematic
  - Open tender versus invitation
  - Panel versus matter-by-matter

### Key findings from research :

- Service quality
- Predictable and controllable fees
  - Fee structure
  - Preference for fixed components
- Price
  - Does price fit the task ?
  - Dollar amount

### Marketing to local government :

- Some tips...
  - Raise profile (see handout)
  - Recognise stakeholders
  - Reflect community concerns
  - Be sensitive to local issues
  - Demonstrate expertise - don't just boast it
  - Differentiate based on (unique) understanding of local sensitivities

### Shaping a winning bid - stage I

- Is this work what we really want ?
- Critically evaluate strategic position
- Analyse competitive positioning
- Identify key differentiators
- Assess probability of success
- Get organised - early

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### Shaping a winning bid - stage II

- Identify issues
- Clarify with prospective client
- Document effective work processes
- Design and document quality assurance
- Formulate pricing strategy

### Shaping a winning bid - stage III

- Allocate responsibilities
  - Assemble material
  - Collect data
  - Collate statistics
  - Pricing
  - Write response
  - Editing
  - Production

### Writing an outstanding proposal : INFORMAL PROPOSALS

#### Some Tips...

1. Written submission poor way to introduce new ideas
2. Proposal should confirm discussions - not surprise
3. Demonstrate strong business understanding
4. Encapsulate your firm culture
5. Differentiate your team
6. Get the offer right - then propose in writing
7. Remember the paper audit trail ....

### Writing outstanding proposals : TENDERS AND EXPRESSIONS OF INTEREST

- Structure tender response according to request
- Make it easy to deal with
- Answer the questions !
- **Append** supplementary material

### Tips for evaluator/reader friendly text:

- Plenty of white space: margins, line spacing, short lines
- Font: serif, large-ish
- Short sentences, paragraphs
- Bullets are often best
- Subject is prospective client and their needs - not yours

- Tips for evaluator/reader friendly text:
  - You, Your department, Department, Your organisation
  - We, we, we
  - The....., the....., the.....
- Quality of expression
- Standard or presentation
- Cohesiveness

### Some winning themes with government :

- Stakeholders
- Accountability
- Effectiveness
- Appropriateness
- Community concerns
- Balancing interests
- Process transparency
- Procedural fairness
- Acceptable outcomes
- Equity
- Fair dealings
- Alignment of interests
- Overall costs
- Ethics
- Recognising superordinate goals

### Another bid, another time - bidding the next time round

- Debriefing/post mortem
- Workshop for organisational learning
- Take the lessons aboard
- Watch for the traps
  - Lost on price
  - Poor decision
  - Foregone conclusion
  - Unfair process
  - Didn't really want it anyway
- Bad losers

## Case study : Queensland Building & Construction Industry Portable Long Service Leave Authority

- Invitation to six providers (including Crown Law)
- Two year appointment to two-firm panel
- Approximately \$100K p.a. per panellist
- Services span property, general advice, complex debt recovery, advice on acts, industrial relations
- Expressions of Interest to address
  - experience of firm
  - proposed practitioners, qualifications, experience
  - formalities: practising certificates, insurance, etcetera
  - contact details
  - technology
  - management structure
  - culture and vision of firm
  - fees and billing : hourly rates; fixed price and other alternatives; bill frequency and reporting; disbursements
  - other information
- One winner offered part-time in-house counsel
- Winners offered 24-hour access, mobile phone numbers, computer access
- Ultimately fees most important: structure and dollar amounts
  - Fixed components plus hourly rates won
  - Winners hourly rates:
  - Firm A: all staffers chargeable - \$185/hour partner down to \$20/hour junior support staff
  - Firm B: blended professional rate - \$150/hour, no charge for support staff
  - No charge for minor disbursements
- Two firms “bad losers”

### Evaluation of tenders :

- Skill and experience
- Responsiveness
- Fee structure
- Quality assurance
- Style and culture
- Understanding of Authority’s needs
- Approach to costing

### What happened...

- All invitees responded
- Quality of EOI documents varied widely
- Some difficult to read
- Clear layout following stated format made some much easier to assess
- Strong preference for bullet points
- Additional information provided fine so long as directly relevant and brief
- Not interested in the glossy brochures appended
- Little separated tenderers: mostly fee structure and responsiveness
  - Styles and cultures of tenderers all very similar
  - All demonstrated understanding of Authority’s needs
  - All firms had skill and experience to do the work