

Preparing for competitive tenders and proposals

Competitive bids and tenders are now a way of life in the market for many legal services. For the foreseeable future, law firms can expect to maintain and win a substantial portion of work this way.

These notes are directed to assisting clients of Julian Midwinter & Associates to win in the face of growing competition and increasingly astute volume clients who are actively shrinking their panels.

Resource materials

Previous bids

- Hard-copy originals of all proposals/tenders
- Electronic copies (on clearly labelled CDs) of each bid and all of its attachments and appendices, stored with original document
- Working copy of each bid/proposal in unbound "ready for photocopying" condition
- Copies of all your firm's seminar papers, education materials, firm profiles, promotional materials, together with labelled electronic version of each

Lawyer CVs

- short-form profile and full CV for each lawyer, with all their credentials and qualifications, in both paper and electronic form, clearly indicating date of last update
- Picture of each lawyer

Clients

- List of current clients in each field of practice, in both paper and electronic form, together with date of last update
- Originals of all written references
- Telephone referees ensure details are up-to-date

Other items

- Copy of all awards, letters of commendation or thanks, and compliments

- Originals of all press coverage, published articles, including full references to publication, appearance date
- Copies of professional indemnity insurance policies
- Any statistical measures and quantitative data available
- Organisation chart for each office of your law firm
- Organisation chart for your national firm or associated firms

Market intelligence

Assemble "library"

- Annual reports, brochures, promotional materials, copies of strategic plans/papers, copies of advertisements, from each client
- Organisation chart for each key client: names, titles, date of last revision
- Copies of client questionnaires, notes/records of interviews, and similar
- Firm profiles and other promotional materials from competitor law firms

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Your firm policies

- Professional indemnity insurances
- Conflicts of interest
- Quality
 - Accreditations
 - Processes and procedures
- Client service measures
- Human resources
 - EEO
 - OH&S
- Corporate social responsibility
- Environmental policy
- Value added services
 - Training
 - Seminars
 - Newsletters
 - File reviews
 - Status reports
 - Any others ?
- Information technology resources
- Communication standards
 - Telephone calls
 - Email
 - Faxes
 - Letters
 - Formal reporting
- File management
 - Engagement
 - Advice
 - Expert reports
 - Resolution processes
 - Preparation for hearings
 - Settlement
- Roles of :
 - Partner
 - Senior Lawyer
 - Junior Lawyer
 - Paralegals
- Engagement of other experts
 - Use of counsel
 - Use of investigators
 - Use of agents
- Approvals sought from clients for involvement of others
- Consortium or co-operative bid arrangements

Pricing issues

Cost of production

- What does it cost to produce this work ?
- What information do we have to support this ?
- What are our underlying assumptions ?

Professional fees

- Policy on time recording: time units, recording methods, what is chargeable, and what isn't
- Time rates for partner, senior associate, associate, senior lawyer, lawyer, junior lawyer, paralegal, secretary, any others
- Secretarial services: chargeable/non-chargeable ?
- Services to which standard or fixed fees can be applied
- Acceptable "discounts" on time rates
 - Volume discounts
 - Alternate pricing arrangements

Disbursements

- Overheads such as ordinary photocopying, faxes, phone calls, postage, email, Internet research
 - Photocopying of briefs
 - Court photocopying
 - Other disbursements
- Travel: fares to local courts, suburban courts, regional courts, other venues, fares to visit clients and employers, interstate travel, class of airline travel, use of discounted fares
- Accommodation and meals: standard, what is billed and what isn't (laundry, mini-bar, etc)

Billing

- Range of bill formats
- Billing frequency
- Payment terms
- GST
- Price reviews
- Uniformity between states
- Rates and policies.

Organisational issues

Cooperative/group bids

- Organisation of bids
- Resourcing of bids
- Logistics
- Decisionmaking and authority to commit
- Consortiums and cooperative bids with others

Client relationship management

- Accountability within each office of your law firm
- Accountability across group/association/consortium

Expenses sharing

- Tendering
- Background research
- Client relationship management
- Value added services.

Preparing for interviews and free-form pitches

- Experience and history
- Assessment of current capabilities
- Skills development programs
- Consultant support
- Resourcing.

Training and coaching

- Identification of needs
- Development of training/skills development programme
- Budget
- Implementation.

Forthcoming tenders and competitive bids

- Expected competitions and dates
- Preparation required
- Accountability.

Insurance specific

- Current caseloads of your staff to demonstrate capacity.

Public sector specific

- Briefing female barristers (who and how frequently ?)
- Pro bono work.

Local government specific

- Include specialist accreditation details.