

## 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

Assemble "library":

- Hard-copy originals of all proposals/tenders
- Electronic copies (on clearly labelled diskette/s) 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 diskette version of each
- Lawyer CVs: short-form profile and full CV for each lawyer, in both paper and electronic form, clearly indicating date of last update
- Picture of each lawyer
- List of current clients in each field of practice, in both paper and electronic form, together with date of last update
- Originals of all references
- Copy of all awards, letters of commendation or thanks, and compliments
- Originals of all press coverage, published articles, coverage in "Legal Profiles",

etcetera, 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 insurer 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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## Policy issues

- Professional indemnity insurances
- Conflicts of interest
- Quality
  - Accreditations
  - Processes and procedures
- Client service measures
- Value added services
  - Training
  - Seminars
  - Newsletters
  - File reviews
  - Status reports
  - 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
  - Use of counsel
  - Engagement of other experts
  - 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
  - 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)
  - Photocopying of briefs
  - Court photocopying
  - Other disbursements
- 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
  - Consortia 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 and task allocation
- Accountability