

6.3.5 Tender 2013/20 Provision of Legal Services

REPORT BY THE DIRECTOR, DEVELOPMENT AND COMMUNITY SERVICES TO 5 FEBRUARY 2014
COUNCIL MEETING

140205 Council1

GOV400038, COR400056

RECOMMENDATION

That:

1. **the report by the Director, Development and Community Services on the Tender 2013/20 Provision of Legal Services be received;**
2. **Council appoints the following suppliers under Tender 2013/20 for the provision of Legal Services as a panel of supplier for a contract term of 5 years, commencing 1 April 2014:**
 - **Flynn's Solicitors**
 - **Local Government Legal**
 - **Crennan Legal; and**
 - **Lindsay Taylor Lawyers**
3. **the General Manager be authorised to notify the successful and the unsuccessful tenderers and also authorised to appoint the appropriate legal firm for the issue requiring a legal opinion.**

Executive summary

Due to Council's increasing representation costs, it was necessary to conduct a tender for the purpose of creating a panel of professionals with the ability to represent Council in numerous legal matters.

Tenders were called from Friday 15th November 2013 and closed Friday 13th December 2013 at 2.00pm. The tender was advertised in Sydney Morning Herald, Mudgee Guardian and Tenderlink.

Terms of the contract are for a panel of suppliers for the provision of legal services for a period of five years.

The tender process was initiated and a Procurement Plan/Evaluation plan was developed. A tender assessment panel was formed, comprising of representatives from the most relevant departments within Council. The tender evaluation panel members used the evaluation plan and methodology to determine which tenderers satisfied the legal needs of Council.

The panel members consisted of:

- Warwick Bennett – General Manager
- Catherine Van Laeren – Direct Development & Community Services
- Ian Clayton – Assistant Revenue & Property Manager

Detailed report

TENDERERS

Twelve applications were received and assessed:

- Crennan Legal
- Flynn's Solicitors
- Houston Dearn O'Connor
- Kenny Spring Solicitors
- Lindsay Taylor Lawyers
- Local Govt. Legal
- Marsden's Law Group
- Meyer Vandenberg Lawyers
- Pikes & Verexers Lawyers
- MSB Lawyers
- Prevention Partners
- Sparke Helmore Lawyers

LATE TENDERS

No late tenders were received.

CONFORMING TENDERS

There were four tenders that were non conforming to various degrees at the time of evaluation. The main non compliance was insufficient insurance coverage, however, incorrect rates has also been submitted. Clarification was requested from all non conforming firms.

TENDER EVALUATION

The tender was assessed on Thursday 19 December 2013 by the abovementioned panel members. Kristie Ward was originally named as an evaluation panel member, however declared a conflict of interest for the evaluation process and removed herself from the tender evaluation panel.

Tenders were evaluated strictly in accordance with the tender evaluation plan, and in compliance with the provisions of the Local Government Act 1993 and Local Government (General) Regulation 2005. Probity and confidentiality were maintained during the process.

Evaluation Criteria	Weighting
Price	20%
Experience in Local Government and Planning	60%
Availability and timeliness of advice	20%

Recommended for acceptance

Crennan Legal	Recommended for inclusion on panel
Flynn's Solicitors	Recommended for inclusion on panel
Lindsay Taylor Lawyers	Recommended for inclusion panel
Local Govt. Legal	Recommended for inclusion panel

Not recommended for acceptance

Houston Dearn O'Connor	Not recommended for panel
Kenny Spring Solicitors	Not recommended for panel

Marsden's Law Group	Not recommended for panel
Meyer Vandenberg Lawyers	Not recommended for the panel
Pikes & Verexers Lawyers	Not recommended for panel
MSB Laywers	Not recommended for panel
Prevention Partners	Not recommended for panel
Sparke Helmore Lawyers	Not recommended for panel

The appropriate solicitor will be selected from the panel depending on the nature of work, for example, conveyancing and local court proceedings would be handled by Flynn's Solicitors with large Land and Environment Court issues to be handled by Lindsay Taylor Lawyers.

Financial and Operational Plan implications

Legal costs are covered with the current operation plan with the necessary adjustment made for unforeseen court proceedings.

Community Plan implications

Not applicable.

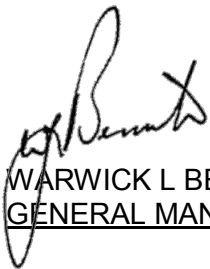


CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES

20 December 2013

Attachments: 1. Tenderers' detailed scores (included in confidential section of the business paper)

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER