

3. Specification

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Introduction

The Port Phillip City Council (“the Council”) invites tenders from appropriately experienced and qualified legal practitioners to provide specialist legal services.

Council’s objective is to develop a non exclusive panel of specialist legal firms to provide expert legal advice, representation, and support over a broad range of issues. Council also envisages the development of a more strategic approach to the provision of legal services.

Spanning part of Port Phillip Bay, the City of Port Phillip takes in a variety of urban villages close to some of Melbourne's most popular beaches. Its urban character is marked by a richness of diversity, and features some of Victoria's most celebrated and innovative cultural events, recreational facilities, restaurants and entertainment venues.

The Council comprises seven Councillors. The current Councillors were elected in November 2008 for a four year term.

Some key statistics relating to the municipality are:

- a) the municipality has a population of approximately 96,000;
- b) the Council’s 2009/10 budget provided for:
 - operating income of \$140m;
 - operating expenditure of \$111m;
 - capital expenditure of \$31.5m
- c) the Council employs approximately 590 staff (EFT).

Scope of Service

Tenders are invited to provide services, including advice, opinions, representation at Courts, Tribunals and Commissions and briefing of counsel for one or more of the categories shown in *Table 1* or specific matters that may arise throughout the contract period.

Component	Service Description
<u>Component 1</u> – Government legislation	The complete range of Acts and regulations which affect local government with particular reference to the <i>Local Government Act 1989</i> (“the Act”) and Regulations made under the Act.
<u>Component 2</u> – Property	Real property and conveyancing. Leases and licences. Planning. Wills and estates. Trusts.

Component	Service Description
<u>Component 3 – Commercial Law</u>	Tendering and Contracts. Taxation and Stamp Duty. Trade Practices/Competition. Corporations Law. Construction & Project Management. Risk Management & Insurance. Banking and Finance. Joint Ventures. Environmental, Water and Energy.
<u>Component 4 – Intellectual Property and Technology Law</u>	Intellectual Property (Copyright, Patents and Trademarks). Information Technology.
<u>Component 5 – Litigation</u>	Personal Injuries. Building and Planning Disputes. Prosecutions. Defamation.
<u>Component 6 – Work Health & Families</u>	Workers' Compensation. Funding Agreements. Health Compliance.
<u>Component 7 - Representation</u>	Representing Council in Courts, Tribunals and Commissions.
<u>Component 8 – Subscription services</u>	The supply and regular updating of material including, but not limited to: <ul style="list-style-type: none"> a) a suite of Conditions of Contract and Conditions of Tender; b) a Delegations and Authorisations service which addresses the requirements of the Act including Instruments of Appointment.
<u>Component 9 – Staff development</u>	The conduct of staff training or workshops including any associated fees.
<u>Component 10 – pro bono services</u>	The Council has a strong commitment to social justice and to supporting local community groups. The successful tenderer(s) will be required to provide some <i>pro bono</i> services. (Refer to Schedule 2 of the Conditions of Tender).
<u>Component 11 – Work Place Related Matters</u>	Fair Work Act Discrimination OHS Employee Law Employment related matters

Table 1

Commencement Date and Term

The contract period is three (3) years with an optional at Councils discretion to extend for a further two (2) years. The term commences following the appointment of a panel of legal organisations.

Fee structure

Council requires a schedule of rates for the different level of legal practitioners providing service across the ranges of service areas. Tenderers should also submit details of fees, charges and disbursements (such as photocopying, search fees, and telephone fees). Tenderers should also detail the proposed practitioner(s) and their role in the provision of service.

Methodology

Council's objective is to develop a service model that provides the contractor(s) with a clear and concise direction for each legal requirement. Tenderers should include their recommended methodology to ensure a "best value" outcome for Council.

Consideration would also be given to innovative service delivery options that add value to Council's processes.

Reporting

The contractor(s) shall be required to provide monthly reports to Council's project manager, detailing all processes undertaken, including costs to date, and the project status.

A draft format shall be finalised with the successful panel.

Each quarter a formal review of the contract shall be undertaken to discuss the operation of the contract to date, and to provide an opportunity to review possible improvement opportunities.

Performance measurement

The contractor's performance shall be measured by:

- a) the quality of advice given to Council;
- b) the accuracy, content and detail with which documents are prepared;
- c) timeliness of response;
- d) development of processes to support the service; and
- e) cost of services rendered.