

## **LEGAL SERVICES PERIOD OFFER 2007**

### **Generic Debrief to Tenderers**

#### **1. Overview**

- 1.1 AusAID wishes to thank all who tendered for the Legal Services Period Offer which was advertised on 8 September 2007 and closed on Friday 5 October 2007.
- 1.2 The tender proved very productive for AusAID attracting 9 conforming tenders from organisations, the bulk of which were very competitive across the spectrum of services required.
- 1.3 In the Request for Tender, AusAID advised that it would provide tenderers with a generic debriefing within 30 days of tenderers being notified of the outcome of the tender process. Accordingly, the following summary of the common strengths and weaknesses of the tenders received (as identified by the Technical Assessment Panel) is provided to assist tenderers to formulate future AusAID tenders.
- 1.4 A couple of the tenders were rated not technically suitable by the TAP and some tenders that were rated technically suitable by the TAP have not been offered Period Offer Deeds because the number of tenders exceeded AusAID's needs.
- 1.5 Period Offer Deeds have been offered to 3 tenderers.

#### **2. Inclusions which Strengthened or Weakened Tenders**

##### General Comment

##### **Strong Tenders**

- 2.1 The TAP found that tenders which rated well in the technical assessment demonstrated relevant depth and breadth of knowledge and experience. Successful tenders:
  - Demonstrated a clear understanding of the tender requirements
  - Drew upon relevant experience in order to provide original insights with respect to the tender (supported by reference to specific experience and/or project experience cited in CVs)
  - Considered and addressed specifically AusAID's nature and the likely requirements of its core business
  - Demonstrated relevant depth of knowledge and a practical understanding of the environment AusAID operates in and the issues this raises
  - Only incorporated information relevant to this tender

## **Weaker Tenders**

2.2 The TAP found that tenders which rated poorly in the technical assessment did not consider AusAID's specific requirements as a client or the nature of its core business or lacked relevant knowledge and experience. Unsuccessful tenders often:

- Demonstrated knowledge and understanding of a generic nature
- Lacked demonstration of knowledge and understanding of AusAID as a client or the types of issues that might arise given the nature of AusAID as an organisation, its areas of operation and its core business
- Were unable to demonstrate ability to provide breadth of services required by AusAID
- Included irrelevant information

## **Specific Comments Against Selection Criteria**

### **Selection Criterion "A"**

- (i) **The Organisation's (as opposed to the individual's) demonstrated knowledge and experience in the provision of legal services to the Commonwealth Government and an understanding of AusAID procurement and operational processes.**
- (ii) **The Organisation's (as opposed to the individual's) demonstrated knowledge and experience in Commonwealth Employment law and the application of Freedom of Information (FOI) legislation.**

2.3 Tenders which rated well against this criterion were able to:

- Demonstrate knowledge of government processes and Commonwealth experience
- Demonstrate a practical understanding of AusAID's business and processes
- Demonstrate depth of knowledge and relevant experience in employment law and application of FOI legislation

2.4 Tenders which did not rate as well:

- Lacked experience in providing legal services to the Commonwealth government
- Focussed on work based in the ACT jurisdiction
- Didn't focus on the context in which AusAID works
- Lacked depth of knowledge and experience of FOI / employment law and demonstrated more generic knowledge and experience not necessary suited to AusAID's operations/requirements

## **Selection Criterion “B”**

- (i) **The Organisation’s (as opposed to the individual’s) demonstrated ability to provide sound and appropriate legal advice in a developing country context, and a practical understanding of aid delivery in the same. Professional experience in developing countries, working with partner governments, or experience in development situations in Australia would be considered an advantage, but is not a prerequisite for selection.**

2.5 Tenders which rated well against this criterion were able to:

- Demonstrate significant international experience and provision of legal services in a developing country context including identifying practical legal issues involving the same
- Demonstrate experience working with partner governments

2.6 Tenders which did not rate as well:

- Lacked experience working overseas and in developing countries
- Focussed on domestic law issues and work carried out in Australia in a non-development setting

## **Selection Criterion “C”**

**Tenderers are required to nominate a Partner who will be:**

- **The liaison point responsible for AusAID in negotiating a Services Order;**
- **Responsible for managing the activity and the Contractor’s response; and**
- **Responsible for quality control of the activities undertaken under the Period Offer.**

**The Partner must provide a separate response to Selection Criterion C, to address the following:**

- (i) **Demonstrated experience and capacity to lead teams in a legal environment; and**
- (ii) **Demonstrated experience and capacity to provide sound and appropriate legal services as stated in Clause 2.3 Part 2.**

The TAP noted that the tenders rated well against this criterion and considered all the nominated Partners to have suitable experience and the capacity needed to provide legal services as stated above.