

SAMPLE TENDER EVALUATION PLAN

CONSULTANT ENGAGEMENT USING THE TWO ENVELOPE SYSTEM (WITH PRICE AND NON-PRICE EVALUATION CRITERIA)

ENGAGEMENT NO. 0000000

**ENGAGEMENT TITLE: PROPOSAL TO PROVIDE LEGAL ADVICE AND
ASSISTANCE**

ENGAGEMENT FILE NO. P0000/00000 Pt 000

1] Reference Services, Technology & Administration (DSTA) documents

- RFT Services, Technology & Administration documents for Engagement No. 0302540;
- Department of Services, Technology & Administration (Services, Technology & Administration) Tendering Manual;
- Department of Services, Technology & Administration Consultant Management System (CMS); and
- Department of Services, Technology & Administration Contracts User Guide (For guidance on resolution of contractual qualifications and/or technical departures).

2] Background

- Proposals are being sought from three firms prequalified under the Department's Prequalification Scheme for Consultants in Construction. A first and a second reserve prequalified firm was also selected by the Consultant Selection Committee.
- Proposals will be called on 20 October 20XX.
- Proposals will close at 9.30 am on Tuesday 28 October 20XX in the McKell Building Tender Box.
- As the pretender estimate of fees exceeds \$150,000, the two envelope method of consultant proposal assessment will be used.

3] Evaluation

3.1) Proposal Evaluation Team

- Ms B Brown - Senior Solicitor, SMCC Group (Proposal Assessment Team Chairperson); and
- Mr C Black- Senior Suppliers Systems Officer, GPS, Department of Services, Technology & Administration.

3.2) Department of Services, Technology & Administration Code of Conduct for the Tender Process

After the selected potential consultants have confirmed acceptance of the opportunity to lodge a proposal, the members of the Proposal Evaluation Team will sign the Code of Conduct for the Tender Process. The signed Services, Technology & Administration documents will be placed on the engagement file.

Preliminary Meeting of the Proposal Evaluation Team

The Team will meet prior to the close of tenders to:

- agree on and sign the Tender Evaluation Plan; and
- implement the required administrative arrangements for the proposal evaluation process required under the **CMS** sections, *Two Envelope Tender Procedure* and *Lodging Proposals*.

4] Evaluation Methodology

4.1) Late Proposals

Late proposals will be assessed in accordance with the **CMS** section, *Late Proposals*.

4.2) Evaluation of Non-Price Evaluation Criteria

Proposals will be evaluated in accordance with the **CMS** sections, *Lodging Proposals*, *Evaluating Proposals* and *Two Envelope Tender Procedure*.

The evaluation of non-price evaluation criteria must be completed and signed off by the Team before the envelopes containing the price information are obtained from the McKell Tender Opening Office.

(4.2.1) Non-Price Evaluation Criteria Weightings

The non-price evaluation criteria weightings comprise:

- The firm's and the solicitors' experience and reputation in dispute resolution management, with emphasis on experience in such matters in the Supreme Court [**Firm's experience WEIGHTING 10% & personnel's experience WEIGHTING 15%**];
- The firm's knowledge of and experience in litigation involving government departments [**WEIGHTING 20%**];
- The proposed legal team's commitment to client involvement [**WEIGHTING 5%**]; and
- The approach proposed to be taken to manage this matter, particularly any innovative aspects leading to cost savings [**WEIGHTING 10%**].

(4.2.2) Scoring Scale for Non-Price Evaluation Criteria

The following scale based on the CMS section, *Scoring Proposals*, will be used to score non-price evaluation criteria:

- 100 Exceeds requirements of an ideal proposal.
- 90 Meets all requirements of an ideal proposal.
- 80 Meets most requirements of ideal proposal.
- 70 Meets many of the requirements of ideal proposal.
- 60 Meets some of the requirements of ideal proposal.
- < 60 Fails to meet the requirements. Pass over this proposal.

The attached Appendix describes the proposed scoring methodology for the non-price evaluation criteria (other than pass/fail criteria not weighted and scored).

After the Proposal Assessment Team has reached agreement on the scores for the non-price evaluation criteria, the scores will be entered into a table in the following format: (CMS section, *Sample Recommendation for Consultant Engagement (Multiple Tenders)*, refers):

Factors		Legal Firm 1	Legal Firm 2	Legal Firm 3
Non-Price Scoring				
Firm's experience & reputation Weight 10%	Score			
	Weighted score			
Solicitors' experience & reputation. Weight 15%	Score			
	Weighted score			
Firm's knowledge & experience in litigation involving govt. depts. weight 20%	Score			
	Weighted score			
Proposed legal team's commitment to client involvement. Weight 5%	Score			
	Weighted score			
Management approach & innovations leading to cost savings. Weight 10%	Score			
	Weighted score			
Weighted non-price score (Maximum 60)				
Normalised total non-price score		x (60/)	x 60/)	x (60/)

After checking the scores, the table will be signed off by the Team.

4.3 Evaluation of Tendered Hourly Rates and Disbursements

(4.3.1) Hourly Rates

For the purpose of tender comparison the tendered hourly rates will be compared on the basis of estimated total fees calculated as follows:

- total time of 70 working days, at a maximum of 8 hours per day, at 5 days per week;
- Partner working on the engagement for 30% of the total time;
- Senior Associate/Associate working on the engagement for 40% of the total time; and
- Solicitor working on the engagement for 30% of the total time.

The estimated total fees will be checked against the pretender estimate of \$200,000.

(4.3.2) Disbursements

Tendered rates for disbursements including photocopying, facsimiles, courier services and travel/accommodation will be compared with the following pre tender estimate rates and amounts:

- photocopying at \$0.50 per page- allowance 500 pages
- facsimiles at \$1.00 per page- allowance 500 pages
- courier services- at cost- nil allowance made
- travel & accommodation- at cost- nil allowance made.

The total estimated cost of disbursements will be checked with the pretender estimate for disbursements of \$1,000.

(4.3.3) Resolution of Qualifications and Departures

Proposals will be checked for conformity with the brief. Any qualifications and departures identified will be evaluated and adjusted for by the Team so that proposals can be compared on an equal basis (*Contracts User Guide, Review of Tenders, refers*).

A clear auditable trail will be maintained when contacting tenderers to resolve qualifications and departures.

(4.3.4) Comparison of Adjusted Total Estimated Hourly Rates

The comparison of the adjusted total estimated value calculated using the tenderers' hourly rates will be calculated as follows:

Factors	Legal Firm 1	Legal Firm 2	Legal Firm 3
Price Scoring			
Tendered Fee	\$	\$	\$
Adjusted Tendered Fee (after negotiation with consultant)			
Adjusted Price after QA preference (P _c)	\$	\$	\$
P _{av} = average of all Consultants' Prices	\$	\$	\$
$P_s = \text{price score} = 200 - \left(\frac{100}{1} \times \frac{P_c}{P_{av}} \right)$			
P _n = normalised price score $P_n = \frac{P_s}{\text{Highest } P_s} \times \frac{100}{1}$			
P _w = weighted price score (Maximum 40) $P_w = P_n \times \frac{\text{percentage weighting}}{100}$			
Total Score (Total of normalised total non-price score and weighted price score)			

The proposal with the highest total of normalised non-price score and weighted price score will be the proposal offering the best value for money subject to final checks and sensitivity analysis in terms of the evaluation criteria.

(4.3.4) Final checks

The following checks will be undertaken in accordance with the Consultant Management System guidelines:

- resolution of significantly lower priced proposals, including intentional "below market" bids and review of the rates to suit the people to be provided;
- sensitivity analysis using the tendered hourly rates to check for possible changes in relativity of proposal total estimated fee for possible reduction or increase in the estimated engagement duration;
- evaluation of the risk in accepting proposed innovative aspects leading to cost savings;
- resolution of two or more proposals representing "equal" best value for money;
- adequacy of available funds; and
- **MOST IMPORTANTLY**- satisfaction that the proposal evaluation process has identified the best value for money proposal.

5] Submission of Consultant Recommendation for Review and Concurrence

On completion of the evaluation of proposals a submission in accordance with the CM section, *Recommendation for Consultant Engagement*, will be prepared and referred to a review body (note – name body) for concurrence as the pretender fee estimate exceeds \$150,000.

6] Approval of the Recommendation for Consultant Recommendation

Subsequent to receipt of review body concurrence, approval to accept the recommended proposal will be obtained from the (insert authorised officer).

7] Advising Consultants

The successful tendering consultant will be informed by letter in accordance with the **CM Sample Letter of Engagement: Contracts Over \$30,000**.

The unsuccessful tenderers will be informed by letter in accordance with the **CMS Sample Letter to Unsuccessful Consultants**.

8] Enquiries from Unsuccessful Consultants

The chairperson of the Proposal Evaluation Team, will respond to enquiries from unsuccessful tenderers in accordance with the **CMS section, Advising Unsuccessful Consultants**.

Signatures of Evaluation Team Members

B Brown
Date

C Black
Date

Appendix to Engagement No. 0000000
Recommendation for Consultant Engagement

Factors/ Non- Price Criteria	Exceeds requirements of an ideal proposal	Meets all requirements of an ideal proposal	Meets most requirements of an ideal proposal	Meets many requirements of an ideal proposal	Meets some requirements of an ideal tender	Fails to meet requirements
Score ranges	100	90	80	70	60	<60
<p>The firm's and the solicitors' experience and reputation in dispute resolution management with emphasis on experience in such matters in the Supreme Court .</p> <p>WEIGHT 25%</p> <p>Comprising:</p> <p>Firm 10%</p> <p>Team 15%</p>	<p>Firm: Relevant demonstrated experience greater than that expected in an ideal proposal.</p> <p>Team: Relevant experience greater than that expected of an ideal proposal.</p>	<p>Firm: Extensive relevant recent litigation experience.</p> <p>Team: Proposed team members CV's supplied and their respective roles in above cases outlined. Alternative comparably experienced team members available and nominated. Additional resources e.g. Senior Partners or Consultant Solicitors available to advise Partner leading the team.</p>	<p>Firm: Relevant recent litigation experience considered to be slightly less extensive than expected in an ideal proposal.</p> <p>Team: Proposed team's experience considered slightly less extensive and slightly less well detailed. No significant deficiencies identified in any proposed key team's relevant recent experience.</p>	<p>Firm: Relevant recent litigation experience is considered significantly less extensive than that expected in an ideal proposal but firm is still considered able to undertake the engagement.</p> <p>Team: The relevant recent experience of one or more proposed key team members' experience is considered significantly less than that of an ideal team.</p>	<p>Firm: Extent of relevant recent litigation experience raises some doubts regarding the firm's capacity to undertake the engagement to the required standard.</p> <p>Team: Extent of relevant recent experience provided raises some doubts regarding the capacity of one or more key team members to undertake their respective roles in the engagement.</p>	<p>Firm: Extent of the firm's relevant recent litigation experience is not considered sufficient to warrant awarding the engagement.</p> <p>Team: The extent of the team's overall relevant recent experience is not considered sufficient to warrant awarding the engagement.</p>

Factors/ Non- Price Criteria	Exceeds requirements of an ideal proposal	Meets all requirements of an ideal proposal	Meets most requirements of an ideal proposal	Meets many requirements of an ideal proposal	Meets some requirements of an ideal tender	Fails to meet requirements
Score ranges	100	90	80	70	60	<60
The firm's knowledge of and experience in litigation involve. Government departments. WEIGHT 20%	Extent of firm's knowledge of and relevant recent litigation experience exceeds that expected in an ideal proposal.	Firm has extensive recent experience in advising and/or representing government departments on Supreme Court litigation matters. Experience includes advising and representing NSW Govt. departments on construction or contract related litigation matters.	Extent of the firm's knowledge of and recent relevant experience in litigation involving government departments is considered slightly less extensive than that of an ideal proposal.	The extent of the firm's knowledge of and recent relevant experience in litigation involving government departments is considered significantly less extensive than that of an ideal proposal.	The extent of the firm's knowledge of and recent relevant experience in litigation involving government departments is considered to raise some doubts regarding the capacity of the firm to undertake this engagement	The extent of the firm's knowledge and recent relevant experience in litigation involving government departments is considered not sufficient to warrant awarding the engagement.
The proposed legal team's commitment to client involvement. WEIGHT 5%	The firm has provided more extensive relevant recent examples of the proposed legal team's commitment to client involvement than expected in an ideal proposal.	Proposed legal team has demonstrated extensive relevant recent experience in commitment to client involvement.	The firm has provided slightly less extensive relevant recent examples of the proposed team's commitment to client involvement than expected in an ideal proposal.	The firm has provided significantly less extensive relevant recent examples of the proposed team's commitment to client involvement than expected in an ideal proposal.	The extent of the proposed team's commitment to client involvement is considered to raise some doubts regarding the firm's compliance with this requirement.	The firm has not demonstrated sufficient commitment by the proposed team to client involvement.

Factors/ Non- Price Criteria	Exceeds requirements of an ideal proposal	Meets all requirements of an ideal proposal	Meets most requirements of an ideal proposal	Meets many requirements of an ideal proposal	Meets some requirements of an ideal tender	Fails to meet requirements
Score ranges	100	90	80	70	60	<60
<p>The approach proposed to be taken to manage this matter, particularly any innovative aspects leading to cost savings.</p> <p>WEIGHT 10%</p> <p>Case management approach 5%</p> <p>Cost saving innovations 5%</p>	<p>The firm has submitted a case management approach which exceeds that expected from an ideal consultant.</p> <p>The firm has outlined case management innovations leading to cost savings to the extent expected in an ideal proposal.</p>	<p>The firm has clearly outlined an effective case management approach to be implemented if awarded the engagement.</p> <p>The firm has outlined practical case management innovations leading to cost savings proven on current and/or recent comparable matters.</p>	<p>The firm's proposed case management approach is considered slightly less effective than that expected from an ideal proposal.</p> <p>The firm has outlined case management innovations leading to cost savings which are considered to be slightly fewer in number and/or of less practicality than that expected from an ideal proposal.</p>	<p>The firm's proposed case management approach is considered significantly less effective than that expected from an ideal proposal.</p> <p>The firm has outlined case management innovations leading to cost savings which are considered to be significantly fewer in number and/or of less practicality than that expected from an ideal proposal.</p>	<p>The firm's proposed case management approach raises some doubts regarding the firm's understanding of this requirement.</p> <p>The firm's response to this requirement raises some doubts regarding the firm's understanding of this requirement.</p>	<p>The firm's proposed case management approach is considered to raise significant concerns regarding the firm's capacity to undertake the engagement.</p> <p>The firm has not demonstrated a satisfactory understanding of case management innovations leading to cost savings.</p>