

**ITEM 17 TENDER T1000061 - PROVISION OF LEGAL SERVICES TO COUNCIL**

Council called for and received tenders for appointment to a panel of firms to provide legal services to Council. This report recommends the acceptance of the tenders identified below for the provision of legal services to Council.

**RECOMMENDATION**

- 1 In accordance with the Local Government (General) Regulation 2021, Section 178(1)(a), Council accept the tenders of Bartier Perry, Marsdens, Kells, HWL Ebsworth and Hall & Wilcox (Employment/Workers Compensation only) to provide legal services to Council for a term of five years.
- 2 Council delegate to the General Manager the authority to finalise and execute the contracts and any other documentation required to give effect to this resolution.

**REPORT AUTHORISATIONS**

Report of: Jeff Reilly, General Counsel

Authorised by: Renee Campbell, Director Corporate Services - Connected + Engaged City

**ATTACHMENTS**

There are no attachments for this report

**BACKGROUND**

Council first began utilising a full service legal panel in 2009. In 2010, in-house legal services within Council commenced, with particular expertise in planning, property and commercial law. Centralising the provision and engagement of legal services in-house has produced consistent cost savings for Council, as well as improving Council's risk and decision-making approach to legal matters, and accessibility of advice and services.

Importantly, the in-house legal function has allowed Council to better determine when and how to engage external legal services. Such services are now usually secured only where other specialist advice or assistance is needed, or where the matter has particular scale or complexity. The need (and cost) for external legal advice and assistance has thus declined when compared to the corresponding period before the introduction of in-house legal services.

Following the conclusion of the current term of the legal service panel, Council commenced a new tender process. The following firms submitted tenders -

- Shaw Reynolds Lawyers;
- RMB Lawyers;
- Redenbach Legal;
- Moray & Agnew;
- Marsdens Law Group;
- Maddocks;
- Local Government Legal;
- Keystone Lawyers;
- Kells the Lawyers;
- HWL Ebsworth Lawyers;
- Hall & Wilcox;
- Culleton Lawyers; and
- Bartier Perry.

The tenders were weighted against the following criteria:-

#### *Mandatory Criteria*

1. Person/s to provide legal services are eligible to practice law in NSW; and
2. Three referees are identified.

#### *Assessable Criteria*

1. Proposed cost to Council;
2. Identified experience and performance providing legal services in planning, property, environmental and commercial law and litigation, and/or employment law and workers compensation;
3. Identified experience and performance in providing those same legal services to NSW Councils;
4. Qualifications, performance and experience of personnel proposed to be engaged; and
5. Whether service provider meets strengthening of local economic capacity criteria.

### PROPOSAL

In accordance with the evaluation of tenders, it is recommended that Council appoint the following firms to comprise Council's Legal Services Panel:-

- Bartier Perry;
- Marsdens;
- Kells the Lawyers;
- HWL Ebsworth; and
- Hall & Wilcox (Employment Law & Workers Compensation only)

### CONSULTATION AND COMMUNICATION

Each Division was consulted prior to the tender in relation to its legal needs. Relevant Divisions also determined to appoint representatives to the Legal Services Tender Panel.

### PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 Goal 4. It specifically delivers on the following:

Community Strategic Plan 2032		Delivery Program 2022-2026	
Strategy		Service	
4.8	Council's resources are managed effectively to ensure long term financial stability.	Support Services	

### SUSTAINABILITY IMPLICATIONS

The use of a Legal Services Panel to handle specialised or complex areas of law whilst most other matters continue to be handled by the in-house legal team works to ensure efficient and continued improvement in service delivery.

Council has also sought to pursue sustainability goals by proceeding via open tender to give local firms the opportunity to tender.

### RISK MANAGEMENT

The provision of a panel of external legal service providers, grouped in terms of expertise and experience, reduces Council's risk of a legal breach, thus reducing the possibility for penalties and impact on reputation.

## FINANCIAL IMPLICATIONS

Engagement of panel firms will be managed within the existing legal budget.

## CONCLUSION

Renewing the legal service panel complements the provision of in-house legal services for Council.