

Being prepared for tenders



by Trish Carroll

Has your firm avoided the need to submit written tenders, proposals, expressions of interest or capability statements? Count your blessings. Your clients are bucking a growing trend, or perhaps your commitment to them is such that they have no reason to test the market. Congratulations.

For more than 15 years, federal, state and local governments have put out their legal work to tender. Their counterparts in the private sector have been moving steadily in the same direction for about 10 years. Yet, for firms of all sizes, the prospect of having to bid for work competitively often puts them in a cold sweat.

This is preferable to that last-minute email, from the partner sitting on the tender, to other partners (or in larger firms the marketing group), requesting or demanding assistance – now, if you please.

Why is a cold sweat preferable? Because it usually indicates a sense of excitement about an opportunity that's been present for some time and which has finally arrived, or an existing client engaging in standard supplier management procedures. Whatever the situation, converting the analysis, work and time the firm has invested in being ready for this moment is usually a relief. This is the ideal situation. You're prepared and ready to demonstrate how your firm can deliver a superior offering.

The last-minute email

So what about the last-minute email? Given the many years tendering has been in use, the last-minute email should be extinct. Surprisingly, it's alive and well. Why? Some lawyers continue to think there's a magic button that, once pressed, will speedily generate a

credible, compelling tender or proposal. Not only does the magic button achieve this feat, it does so with minimal input from those who need to be engaged in the process – the lawyers.

It's an interesting phenomenon when you consider that responding to a request for tender, proposal or just a plain old capability statement requires a degree of analysis and knowledge from which a strategy needs to be distilled. At the very least you need to:

- understand the client or prospective client's industry, business, in-house legal capability and which specific areas of legal expertise are required, why and in what locations
- objectively evaluate your firm's ability to deliver on the client's requirements
- form a team with the requisite skills, attitude and availability to give the client the expertise and attention they want
- demonstrate clearly how your industry and legal knowledge will assist the client to do business better
- develop a pricing strategy the client can trust and which is consistent with your firm's profit objectives
- identify a range of initiatives that genuinely add value – initiatives the client would actually find valuable rather than your boilerplate value-adds.

Consider your capability

If you can deliver on this list, you've met the baseline requirement. If you can't deliver on this list you should seriously consider whether your firm has the commitment and capability to bid, let alone win. If you proceed anyway, you'd better have a long list of committed and vocal champions in the tendering organisation.

Regardless of how solid the relationships are when the bids are evaluated, your firm's bid must be compelling and deal clearly and directly with what the client is seeking.

Most in-house legal teams and business executives must continuously demonstrate their worth. A key

component in doing so is how scrupulously they manage the value extracted from expenditure on legal services, both internal to the organisation and external.

As the scouts say, "Be prepared". Here are some useful tips gained from painful experience to help you do just that.

1. Implement systems and processes to reduce time spent on logistics so that you have more time to develop a bid strategy.
2. Only bid for work you really want and for which you have genuinely strong credentials.
3. Responding to an advertised tender with an organisation your firm either has no relationship with, or only a very slight one, rarely results in a win.
4. Understand what's driving the tender process.
5. Investigate and evaluate the drivers and pragmatically assess your likelihood of success before investing too much time and energy.
6. Think like the client – would you choose your firm?
7. Be clear about how your offering matches what the client is seeking.
8. Once you've matched what the client is seeking – go beyond with a 'wow' factor that elevates you from the pack.
9. Write for the client – use their language, make it real, keep it credible.
10. Share the glory when you win and learn from your losses.

If you follow these 10 tips you are likely to have more success in your tendering efforts and without the stress many firms have come to regard as the norm when engaging in the tendering process. ■

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