Item 8.

Tender - T-2025-1697 - Legal Services Panel

File No: X125792

Tender No: T-2025-1697

Summary

This report provides details of the tenders received for the provision of legal services through the re-establishment of a legal services panel.

The City of Sydney Council (City) uses a hybrid model for legal support, with experienced in-house lawyers supplemented by external legal support to assist the City to deliver its services. The current legal services panel has seven areas of law to allow staff to call on external legal support in circumstances such as where in-house legal support is not appropriate, certain specialised legal expertise is needed or when additional resourcing is required.

The re-establishment of the legal services panel across the seven areas provides the City's internal legal, insurance, property, WHS and People & Culture staff with access to an approved panel of legal firms to deliver legal services within the nominated areas of law as and when required. Much of the City's legal work is done by in-house lawyers, but the panel is needed to provide additional support in relation to specialised areas of expertise including work health and safety, support in high volume work areas such as the preparation of leases, for occasions where additional resources are required or in circumstances where a potential conflict of interest arises.

This report recommends that Council accept the tender offers of Tenderers B, D, G, I, M, N, O, Q, R, S, V, W, X, Y, AA, AC and AD for appointment to the specified areas for the legal services panel listed in Confidential Attachment A. The identity and number of recommended tenderers vary across the different areas, reflecting requirements for different skills and experience, and to ensure adequate coverage of the City's requirements in the different areas of law.

Recommendation

It is resolved that:

(A) Council accept the tender offers of Tenderers B, D, G, I, M, N, O, Q, R, S, V, W, X, Y, AA, AC and AD for the appointment to the legal services panel in the areas of law noted in Confidential Attachment A to the subject report, and at the rates set out in Confidential Attachment B to the subject report, for a period of 3 years, with the option to extend for a 3 year period and a further option to extend for 2 additional years, if appropriate

(B) authority be delegated to the Chief Executive Officer to finalise, execute and administer all contracts relating to the tender

(C) authority be delegated to the Chief Executive Officer to exercise the options referred to in (A), if appropriate

Attachments

Attachment A. Tender evaluation summary (confidential)

Attachment B. Contract price and schedule of rates (confidential)

Background

1. On 14 December 2020, Council resolved to appoint various legal service providers to a legal services panel across 7 specific areas. The appointment was for an initial 4-year term with the option of 2 further one-year extensions. The period of appointment to the current legal services panel is due to come to an end on 16 December 2026.

2. The continuation of a legal services panel allows the following teams access to a pre-approved panel of qualified law firms to deliver legal services within the nominated areas of law:

   (a) Legal and Governance (including insurance)

   (b) Property

   (c) Work Health and Safety (WHS)

   (d) People and Culture (P&C).

3. The nominated areas of law for the proposed legal services panel mirror the 7 areas on the existing panel, with the exception that two sub-panels have been created in the property area, to distinguish between property transactions and stream leasing, which better reflects the specific needs of the City in this area.

4. A large portion of the City's legal work is carried out by its in-house lawyers. The legal services panel allows staff to access additional support in circumstances including:

   (a) where specialist legal expertise is required

   (b) to support high volume work such as the preparation of leases

   (c) in circumstances where additional resources are required

   (d) in circumstances where a potential conflict of interest arises.

5. External law firms are engaged by the City in accordance with the specific delegations on an "as needs" basis. There is no requirement or commitment for the City to request a specific volume of services to any law firms appointed to any areas of law under the current or proposed legal services panel.

Invitation to tender

6. The tender was advertised on 8 July 2026 on Tenderlink, and via Supply Nation and the NSW Indigenous Chamber of Commerce.

7. The tender closed on 19 August 2026.

Tender submissions

8. Thirty-one submissions were received from the following organisations:

Legal Name	Trading Name	ABN
A ABRAHAMS & Others	Lander & Rogers	58 207 240 529
N.A ACKROYD & Others	Holding Redlich	15 364 527 724
L AIKEN & D.J BEER & G.K BRENNAN & P DE HAAN & M.K DOUGLAS & D.G GASZNER & P.L LE GUAY & K.A LUKE & M.J O'DONNELL & L.A REYNOLDS & J.A SEEMANN CHARAK & L.J SMITH & P.L TANTI & A.A TEMBEL & S.D VOSS note: tendered as L.P AIKEN & D.J BEER & T.D BOYCE & G.K BRENNAN & D.J CAMPBELL-WILLIAMS & P.N DE HAAN & M DOUGLAS & D.G GASZNER & M.D GEORGE & P.R GRINTER & J HOWARD & P.L LE GUAY & K.A LUKE & S.J LYONS & others. Legal name change during evaluation period.	Thomsons	21 442 367 363
AMK LAW PTY LTD	AMK Law	96 626 787 193
M.R ANDERSON & J.S GILL & J GRAY	ClarkeKann	92 990 809 254
J.R ARKLAY & Others	McCullough Robertson	42 721 345 951
D.R BAIRD, B.M BALASUBRAMANIAN, G BONURA, P.J CRITTENDEN, T.M DANJOUX, A.C GORDON, R LACHMAN, J.H MARSDEN, T.C REEVE, A.J SETON, W.D THOMAS, J.R THORNTON, K WOLTHERS, B WONG, N YOUSSEF & J ALIM	Marsdens Law Group	59 874 202 316
Bartier Perry Pty Limited		30 124 690 053

Legal Name	Trading Name	ABN
R.J BENNETT & A.W KNOX & R.M MC CULLOCH & J.R PALMER & R.J TASSELL & B WALTON & T.A WARD	Pikes & Verekers Lawyers	77 357 538 421
N.A BRAMLEY-MOORE & C.A DRAYTON & M GERATHY & A KOHN & N.S REGENER & S.J ROBERTS	Makinson d'Apice	83 586 046 478
C BROWN & Y CHEN & G DOWD & A.M FORSTER & S.L LEASK & S.P MORGAN & J O'KANE & E WOOLLEY	Hall & Wilcox	58 041 376 985
Clayton Utz		35 740 217 343
ID Denham & Others note: tendered as J Cooper & Others. Legal name change during evaluation period.	Moray & Agnew	76 486 092 631
DWF Law Australia Pty Ltd	DWF (Australia)	48 630 454 134
ESM United Pty Ltd	WeDo Legal	91 667 839 170
G J VALLELY AND OTHERS	HFW Australia	43 482 198 170
JL2 Systems Pty Limited	JL2 Legal	63 632 827 582
JSP LEGAL PTY LTD		78 691 098 245
K&L GATES		81 310 965 026
Maddocks		63 478 951 337
MASSONS COMMERCIAL PROPERTY LAW PTY LTD		36 611 998 764
McCabes Lawyers Pty Ltd	McCabes Lawyers	89 626 085 685

Legal Name	Trading Name	ABN
McCulloch & Buggy Pty Limited	McCulloch & Buggy Lawyers	94 136 832 294
McInnes Wilson Lawyers Pty Ltd	McInnes Wilson Lawyers	30 1372 130 15
NORTON ROSE FULBRIGHT AUSTRALIA	Norton Rose Fulbright	32 720 868 049
RANKIN ELLISON LAWYERS PTY LTD	Rankin Ellison Lawyers	63 136 438 063
Samaras Lawyers Pty Ltd	Samaras Lawyers	59 145 697 614
THOMPSON COOPER LAWYERS PTY LTD		82 100 186 123
CE WILKINSON & AS WHITE & OTHERS note: tendered as RM HASSALL & AS WHITE & OTHERS. Legal name change during evaluation period.	Sparke Helmore	78 848 387 938
Wotton Kearney Pty Ltd	Wotton Kearney	94 632 932 131
YIMBA PTY LTD	YIMBA Legal & Consulting	59 633 773 207

9. No late submissions were received.

Tender evaluation

10. All members of the Tender evaluation panel have signed conflict of interest declarations. No conflicts of interest were noted.

11. The relative ranking of tenders as determined from the total weighted score is provided in the Confidential Tender Evaluation Summary – Attachment A.

12. All submissions were assessed in accordance with the approved evaluation criteria being:

Evaluation criteria	**Evaluation weightings %**
Schedule of Rates (refer to Confidential Attachment B)	30%
Demonstrated experience and expertise of the law firm in carrying out services of a similar size and nature for each nominated area of law	20%
Demonstrated experience and expertise of the proposed staff in carrying out services of a similar size and nature for each nominated area of law	20%
Proposed methodology for providing the services, including but not limited to: • demonstrated ability to deliver quality outcomes for clients • proposed allocation of staff to matters • approach to using technology and providing legal/operational support.	20%
Approach to developing and maintaining a relationship with the City and demonstrated approach to assisting the City deliver its strategic objectives, including suitable demonstration of Modern Slavery management.	10%
Material acceptance of the City's standard form contract (Standing Offer Deed)	Mandatory (Y/N)
Acceptable proposed form of Agreement	Mandatory (Y/N)
Financial and commercial trading integrity including insurances	Mandatory (Y/N)

Performance measurement

13. All law firms appointed to the legal services panel will be required to sign a standing offer deed, which will govern the terms of the appointment to the nominated areas of law, and will set out the performance obligations of the law firms with respect to the services being provided.

14. The decision to extend the term of the legal services panel will be at the City's sole discretion. Further there is no guarantee that any of the appointed law firms will receive any amount of work as a result of being appointed to the nominated area of law under the legal panel.

15. Law firms appointed to the legal services panel who are engaged by the City on legal matters will be assessed annually against all key performance measures in accordance with the contract. These performance measures include budget management and cost control, regular reporting, continuous improvement through efficiencies and technological innovation, and compliance with requirements relating to the approval and use of artificial intelligence tools, including associated billing arrangements.

Risks

16. The City's Risk Appetite Statement sets out the amount of risk that the City is willing to take in order to achieve our strategic goals, while ensuring the protection of our assets, reputation and the wellbeing of our employees and community. The legal services panel is crucial in ensuring we achieve one of our primary objectives in managing risk being to ensure compliance with applicable laws, regulations and standards.

17. The City's risk appetite statement acknowledges that we will tolerate litigation risks in certain circumstances and that we encourage consideration of expert and professional legal advice when making significant decisions. The panel established by this tender is essential to meeting these outcomes.

Financial implications

18. There are sufficient funds allocated for this service within the current year's operating budget and future years' forward estimates.

Relevant legislation

19. The tender has been conducted in accordance with the Local Government Act 1993, the Local Government (General) Regulation 2021 and the City’s Procurement and Contract Management Policy.

20. Local Government Act 1993 - Sections 10A and 10B provide that a council may close to the public so much of its meeting as comprises the discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business if it is in the public interest to do so.

21. Attachments A and B contain confidential commercial information of the tenderers and details of Council's tender evaluation and contingencies which, if disclosed, would:

    (a) confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business

    (b) prejudice the commercial position of the person who supplied it.

22. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest. The reasons supporting this are that disclosure of the confidential information would compromise Council's ability to negotiate fairly and commercially to achieve the best outcome for its ratepayers. In addition, disclosure of the information provided in the course of the procurement process and the assessment of that information would prejudice the commercial position of the participants in the procurement process.

Critical dates / Time frames

23. The current legal services panel comes to an end on 16 December 2026.

Options

24. A greater proportion of legal services could be provided wholly internally by internal staff at a substantial increase in the number of staff, with ad-hoc requests for tender or requests for quote processes being undertaken for each individual engagement of an external law firm. This option is not recommended due to the varied nature of the legal work required by the City. For example, part of the leasing work can be routine or repetitive, making continued engagements more efficient, whereas some engagements involve a niche area of law or may require immediate involvement from a firm. It would not be possible to maintain staff with all areas of legal expertise and capacity required by the nature of the City's operations in house at all times. The establishment of the panel enables efficient allocation and appointment of appropriate external resources where this is required due to specialisation or other matters.

Public consultation

25. No public consultation was required for this tender.

KIRSTEN MORRIN

General Counsel, Executive Director Legal and Governance

Esther Nelson, Principal Lawyer, Legal Services