# A picture containing chain, metalware, scale, locket Description automatically generatedPart A - Introduction

Crown Solicitor’s Office

**TI10 North South Corridor**

**Multi-Use List application form**

**September 2021**

**This application form is for legal service providers to seek inclusion on the Crown Solicitor’s Office’s Multi-Use List for legal services for the North South Corridor project and the associated Preferred Supplier Arrangement of the Department for Infrastructure and Transport.**

## Invitation for inclusion on Multi-Use List

You are invited to apply to be included as a legal provider that the Crown Solicitor or a South Australian public authority[[1]](#footnote-1) may instruct to provide services pursuant to an approved arrangement under Treasurer’s Instruction 10 in one or more of the following categories:

| **Practice Area** | **Example Work Type** |
| --- | --- |
| **Regulatory Approvals** | * QA approvals * Other |
| **Land Acquisition** | * Land acquisition |
| **Environment and Planning** | * Environmental * Planning |
| **Major Projects (including construction)** | * Strategic Oversight and risk management * Probity and confidentiality * Wording of communications * Tenders * Commercial management of project * Contract drafting and formation * Finance |
| **General Commercial (non-litigation)** | * Other commercial drafting |
| **General Property (non-litigation)** | * Real property * Conveyancing |
| **Intellectual Property and information technology** | * Intellectual property issues * ICT contracts |
| **Commercial Litigation** | * Claims * Dispute Resolution * Court proceedings |
| **Competition** | * Competition Law issues |
| **Public and Administrative (including FOI and review of statutory decision making)** | * Requests for information * Administrative law |

## Document structure

This invitation for pre-qualification consists of three parts:

**Part A Introduction**

This part contains a brief background and general information concerning the application process and the Crown Solicitor’s Office TI10 Multi-Use List.

**Part B Application conditions**

This part sets out the procedures for, and conditions of, submitting an application.

**Part C Application form**

This part contains the application form which, if completed, will form your application.

# Background

Treasurer’s Instruction 10 (TI10), issued under the *Public Finance and Audit Act 1987* (SA), reflects long-standing SA Government policy that the Crown Solicitor’s Office (CSO) provides all legal services to SA Government public authorities. TI10 provides that a public authority shall not use the services of a legal practitioner other than the Crown Solicitor unless the Crown Solicitor has first approved the appropriateness of the engagement of that practitioner.

The Crown Solicitor supplements the resources of the CSO through the briefing out to private solicitors of certain legal work.

The CSO and the Department for Infrastructure and Transport (DIT) recognise that the North-South Corridor (NSC) Project will require substantial legal services over its life cycle. The Multi-Use List is separate to CSO’s prequalification register and is intended to be specific to the requirements of the NSC Project. **Legal practitioners who participate in the prequalification register will also need to apply for the Multi-Use List as the requirements are not identical.**

In most cases it is intended that work to be briefed out to legal practitioners on the NSC Project will be to those on the Multi-Use List. In some cases work may be briefed out to legal providers who are not on the Multi-Use List, at CSO’s sole discretion.

Further information in relation to the administration of TI10 arrangements can be found in CSO Legal Bulletin 1: Engagement of External Legal Practitioners under Treasurer’s Instruction 10, available from the AGD website above.

# Process

* 1. Any legal services provider which considers that it has appropriate expertise and experience in the context of a major road infrastructure project or other relevant context for the NSC Project may apply to be on the Multi-Use List at any time. The Multi-Use List will be reviewed and updated at least once a year.
  2. Each application will be assessed by the CSO and DIT to determine whether the applicant (among other things) appears to have the necessary expertise, experience, capacity and resources to provide high-quality legal services for the NSC Project. If assessed as qualifying, the applicant may be included in CSO’s Multi-Use List and DIT’s Preferred Supplier Arrangement (or other similar process or arrangement from time to time).
  3. You consent to the information provided in your application being provided by CSO to DIT for consideration.
  4. After the consideration of any applications submitted, CSO will, where appropriate, update the Multi-Use List. CSO will notify each applicant of whether it has been included on the Multi-Use List. CSO is not obliged to give any reasons for its decision. DIT (or any agency having responsibility for the delivery of the NSC Project following Machinery of Government changes) may contact you directly.
  5. The creation of the Multi-Use List or the inclusion on it of a legal provider does not create a process contract, a panel contract or any other contractual arrangement, except as may be otherwise communicated to you.
  6. Prior to any engagement of a legal provider, a further assessment of legal providers (and, in some circumstances, legal providers that are not on the Multi-Use List) will be undertaken by CSO, having regard to the particular nature of the legal work required. The present intention is that any package of legal services the anticipated value of which is $550,000 or more will be subject to a secondary engagement competitive process. Such process may also be held for work of less than $550,000 in estimated value at CSO and DIT’s sole discretion. It is likely that any such secondary engagement competitive process will be a selective process involving legal providers on the Multi-Use List. A simplified secondary engagement process will be used for engagements under $550,000 which will usually involve one or more quotes being sought from legal providers.
  7. Acceptance of your application and the inclusion of a legal provider on the Multi-Use List will not guarantee that the provider will be engaged to provide any, or any volume, of legal work.
  8. CSO will periodically, and may at any time, review the Multi-Use List and, as a result, may amend entries within, add legal providers to, or remove legal providers from it.

# Essential inclusion requirements

The following requirements are essential, and a legal provider will not be included on the Multi-Use List unless the CSO is satisfied of the following requirements:

* 1. The legal provider holds a South Australian legal practising certificate or, if it is a law firm, the lawyers whom it generally proposes to make available hold South Australian legal practising certificates, or whether the practitioner(s) are otherwise entitled to practice the profession of the law in South Australia.
  2. The legal provider agrees to provide legal services when engaged under an approved TI10 arrangement:
     1. on the basis of the applicable CSO’s Standard Terms of Engagement (either for solicitors or counsel as appropriate), which are published on the AGD website above; and
     2. at rates not greater than the applicable CSO TI10 Rates for Private Solicitors and Counsel, which are published on the AGD website above;
     3. or, in the alternative to 2.2.1 and 2.2.2, proposes acceptable departures from the Standard Terms of Engagement (including as to TI10 Rates for Private Solicitors and Counsel); or
     4. in the further alternative, will propose innovative fee arrangements for consideration in a secondary engagement competitive process (specific fee rates and terms may, but need not be provided at this stage).
  3. The legal provider maintains a permanent South Australian office or in the alternative will in a secondary engagement competitive process propose arrangements by which it can provide advice and representation for the NSC Project in person in Adelaide SA (Specific arrangements may but need not be provided at this stage).
  4. The legal provider agrees in writing that the notice period for any secondary engagement competitive process may be reduced (if applicable) to 25 days.

# Non-Weighted Selection criteria

The assessment of applications will include the following criteria:

* 1. The skills, experience and expertise of relevant practitioners within the applicant’s organisation.
  2. The level of resources and capacity of the legal provider to provide legal services on instruction from the Crown Solicitor.
  3. The insurances maintained by the applicant at the date of the application.
  4. Any proposals made at this stage, or which will be made in the course of a secondary engagement process regarding the skilled Aboriginal workforce / students in South Australia.
  5. Such other criteria that the CSO considers relevant. Specific criteria will be provided for any secondary engagement competitive processes that may be held in due course.

Part B - Invitation conditions

# Format of application

* 1. Application for being considered for work on the NSC Project and included on the Multi-Use List may be made by completing the application form set out in Part 3 of this invitation (application form) and attaching any further documentation requested in the application form.
  2. You must complete a separate schedule to the application form for each of the 10 categories of work (as set out at clause 1 above) in respect of which you wish to be included on the Multi-Use List.

# Submission of application

* 1. Completed application forms (including attachments) must be sent by email to [CSO-LegalMUL@sa.gov.au](mailto:CSO-LegalMUL@sa.gov.au) with the subject heading “Application for NSC Project Multi-Use List” and should be not more than 5MB in size.
  2. Hard-copy applications will **not** be accepted.

# Probity and publicity

* 1. CSO requires that you will:
  2. declare any actual or potential conflict of interest; and
  3. not make any news releases or responses to media enquiries and questions pertaining to the application process or the Multi-Use List without CSO’s prior written approval.
  4. If you act contrary to these expectations, CSO reserves the right, in its discretion, to terminate consideration of your application or to remove you from the Multi-Use List if you are successful in being included and / or advising DIT that you should not be considered in its Preferred Supplier Arrangement or any similar process or arrangement from time to time.

# Reservation of rights

CSO reserves the right to:

* 1. clarify any aspect of a completed application with an applicant;
  2. remove a legal provider from the Multi-Use List at any time;
  3. engage, or negotiate with, any other person or company who is not an applicant in response to this Invitation;
  4. allow an applicant to change its completed application;
  5. change these Invitation Conditions;
  6. subsequently initiate any other process for the same or similar requirements;
  7. invite any person to submit an application;
  8. make enquiries of any person, company or organisation to ascertain information in relation to an applicant and its completed application;
  9. consider an incomplete application; and
  10. consider an application submitted otherwise than in accordance with these Invitation Conditions.

# Confidentiality

* 1. Information supplied by or on behalf of CSO is confidential to CSO and you are obliged to maintain its confidentiality.
  2. Although CSO understands the need to keep commercial matters confidential in appropriate circumstances, CSO reserves the right to disclose some or all of the contents of an application as a consequence of a constitutional convention or in order that the relevant minister may answer questions raised in the South Australian Parliament, keep Parliament informed or otherwise discharge the minister’s duties and obligations to Parliament and to advise the Governor, Parliament and/or the South Australian Government. Any condition in an application that purports to prohibit or restrict the minister’s right to make such disclosures cannot be accepted.
  3. You consent to, acknowledge and agree that CSO may provide your application and any information associated with it to DIT (or any agency that may in future be tasked with the delivery of the NSC Project due to Machinery of Government changes) for the purposes of consideration of your suitability to provide legal services for the NSC Project or participation in a secondary engagement competitive process. CSO reserves the right not to so communicate with the agency in relation to your application.

# Copyright and intellectual property

By submitting an application you license CSO to reproduce for the purposes of this process (and as indicated in this document) the whole or any portion of the application despite any copyright or other intellectual property right that may subsist in the application.

# Cost of preparation of applications

You are responsible for the cost of preparing and submitting your application and for meeting all other costs incurred by you arising out of the process.

Part C - Application form

# Applicant’s details

### Applicant’s name

|  |
| --- |
| Click here to enter text. |

### Applicant’s address and general email / phone contact details (Must be a permanent South Australian office. PO Boxes are not acceptable.)

|  |
| --- |
| Click here to enter text. |

### Applicant’s legal status

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| --- |
| Click here to enter text. |

### Applicant’s ABN

|  |
| --- |
| Click here to enter text. |

# CSO’s Terms of engagement

Specify whether the applicant will accept the applicable CSO’s Terms of Engagement, **without any modification**, if engaged to provide legal services to South Australian public authorities. Terms of Engagement for Private Solicitors are available on the AGD website.

|  |
| --- |
| Yes  No |

**Please note: If you respond ‘No’ please indicate in attached documentation the proposed departures.**

# Rates

Specify whether the applicant agrees to provide legal services on instruction from the Crown Solicitor or a South Australian public authority at rates not greater than the applicable CSO TI10 Rates for Private Solicitors and Counsel, available on the AGD website.

|  |
| --- |
| Yes  No |

**Please note: If you respond ‘No’ please indicate in attached documentation your proposal or that you would intend in any secondary engagement competitive process to provide an innovative fee proposal.**

# Insurance

If the applicant currently holds professional indemnity insurance and/or public liability insurance specify, in respect of each type of insurance:

* the name of the insurance company;
* the date the current policy expires; and
* the amount for which the applicant is currently insured (for any one event and in the aggregate).

|  |  |  |  |
| --- | --- | --- | --- |
| Type of insurance | Insurance company | Expiry date | Amount |
| Professional indemnity | Click here to enter text. | Click here to enter text. | Click here to enter text. |
| Public liability | Click here to enter text. | Click here to enter text. | Click here to enter text. |

# Professional Services Limitation of Liability Scheme (if applicable)

Provide details including name of scheme and limitation level.

|  |
| --- |
| Click here to enter text. |

# Skilled South Australian Aboriginal Workforce / Students Proposal

Please indicate in attached documentation your proposal or that you would intend in any secondary engagement competitive process to provide a detailed proposal.

|  |
| --- |
| Click here to enter text. |

# Conflicts of interest

Declare any actual or potential conflict that may arise if the applicant is included in the Multi-Use List and/or engaged to provide legal services in relation to activities of any South Australian public authority and your proposal to manage any conflict of interest including details of any proposed information barrier.

|  |
| --- |
| Click here to enter text. |

# Declaration

I, on behalf of Click here to enter text. (Applicant), make application for inclusion in the Multi-Use List and engagement through the CSO to provide legal services in relation to the NSC Project. I declare as follows:

1. that the information shown in this application is true and correct in every detail.

2. that I will (and do undertake) to advise CSO of any changes to the circumstances of the applicant affecting the information contained in this application.

3. I am willing to furnish such information as CSO may require in relation to the legal provider’s financial viability.

4. I consent to any period of any secondary engagement competitive process referred to in paragraph 1.6 of the Invitation Conditions being reduced to 25 days.

5. I undertake to comply with the requirements of any Probity Framework and Proponent Probity Plan (if required) associated with the NSC Program from time to time.

**Name** Click here to enter text.

**Position** Click here to enter text.

**Signature**

**Date** Click here to enter text.

Schedule to application form

# Nomination of work types

*(A separate Schedule is to be completed for each nominated work type)*

**S1. Work type within Multi-Use List applied for**

1. Regulatory Approvals

2. Land Acquisition

3. Environment and Planning

4. Major Projects (including Construction)

5. General commercial (non-litigation)

6. Intellectual Property and Information Technology

7. Commercial Litigation

8. Competition

9. Public and Administrative (including FOI and review of statutory decision-making)

10. Conveyancing

**S2. Applicant’s representative’s name and contact details for work type:**

|  |
| --- |
| Click here to enter text. |

**S3. Suitability of practitioners**

List the names and job titles of practitioners that the applicant will make available to provide legal services in relation to the relevant work type. Ensure that key personnel with at least ten years’ experience in their field are listed (and proposed to be actually involved in providing the services).

Demonstrate the level to which each practitioner has the necessary skills, expertise, and experience to provide legal services in respect of the relevant work type in the context of a major road infrastructure project or any other context you consider to be relevant, including an identification of work carried out for any public authority in the last two years.

Attach, where relevant, any supporting documentation (such as professional resumes or copies of client feedback / references (at least three (3)).

|  |  |  |  |
| --- | --- | --- | --- |
| Name | Job title | Current SA legal practising certificate (Yes/No) / entitlement to practice | Comments |
| Click here to enter text. | Click here to enter text. | Click here to enter text. | Click here to enter text. |
| Click here to enter text. | Click here to enter text. | Click here to enter text. | Click here to enter text. |
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**S4. Capacity to provide services**

Demonstrate the level to which the applicant has capacity and sufficient resources to provide legal services in respect of the relevant work type in the context of a major road infrastructure project or any other context you consider to be relevant, within tight timeframes (which will vary and may be provided at short notice).

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1. Including by way of any Preferred Supplier Arrangement or similar process or arrangement being conducted by the Department for Infrastructure and Transport from time to time. [↑](#footnote-ref-1)