

## APPENDIX 1

**CJ104 - 04/01      TENDER FOR SUPPLY OF LEGAL SERVICES TO  
THE CITY OF JOONDALUP - TENDER NO 046-00/01  
- [58264]****WARD - All**

CJ010417\_BRF.DOC:ITEM 2

**SUMMARY**

The existing agreements with the City's current legal advisers (Clayton Utz, Watts and Woodhouse, McLeod and Co and Mallesons Stephens Jaques) are due to expire on 23 April 2001.

Tenders were invited in February this year inviting qualified legal firms to make a submission to provide the City of Joondalup with legal advice for a four year period.

Seven confirming tenders were submitted and evaluated against a selection criteria. It is recommended that the following four firms be appointed:

- Kott Gunning
- Minter Ellison
- McLeod and Co
- Watts and Woodhouse

The appointed firms will not solely concentrate on one category of law, but will be able to provide advice on all the issues facing the City of Joondalup.

**BACKGROUND**

The Joint Commissioners of the former City of Wanneroo resolved at their meeting held on 24 February 1998 (Item FA18-02/98 refers) to:

*'accept the following tenders for a term of 3 years:*

- *McLeod and Co for legal services relating to planning issues;*
- *Mallesons Stephen Jaques for legal services relating to industrial relations;*
- *Clayton Utz and Watts and Woodhouse both be retained to provide legal services on general local government issues.'*

As Council expenditure on legal services is estimated to exceed \$50,000, it was necessary to invite tenders. As a result of these agreements expiring on 23 April 2001, tenders were duly invited for the supply of legal services to the City of Joondalup for a four-year period. Advertisements were placed in the 'West Australian' newspaper on 28 February 2001 and locally in the Community newspaper on 1 March 2001.

## DETAILS

Following the statewide advertisements, there were 35 copies of the Tender Information Document (TID) supplied, with a total of eight tenders being received. The following firms submitted tenders:

- A D M Lindsey
- Bruce Harilch and Associates
- Gibson Tovey Mills
- Ilberys
- Kott Gunning
- McLeod and Co
- Minter Ellison
- Watts and Woodhouse

The expression of interest submitted by A D M Lindsey was declared non-confirming and incomplete, as the required information relating to the TID was not addressed and the submission was more for seeking a retainer rather than complying any of the tendering conditions.

None of the firms that submitted a tender are based within the City of Joondalup, however McLeod and Co did indicate in its tender submission that if successful it would give consideration to opening an office in Joondalup.

Each tender was assessed against an evaluation criteria which covered the following:

- demonstrated experience in providing legal services to other local governments and similar types of industries;
- demonstrated skill base expertise, resources, and in depth knowledge to provide advice across a wide sector of issues that relate to the City of Joondalup;
- areas of practice and firms expertise;
- willingness to provide value for money services;
- adoption of the City of Joondalup as a preferred client and how the firms deals with an actual or potential conflict of interest;
- relationship with other legal firms;
- nomination of two main contact staff, with their details;
- developed performance indicators;
- proposed response times;
- details of at least two referees;
- price.

Following the evaluation of each of the tenderers against the criteria, it is suggested that the following four legal firms be engaged.

- Kott Gunning
- McLeod and Co
- Minter Ellison
- Watts and Woodhouse

## **COMMENT/FUNDING**

The recommendation is to engage a panel of four firms to supply legal advice to the City, with no set ‘categories.’ This will allow more freedom when seeking legal advice, and not restrict those that advice can be obtained from. There, however, is likely to be some of the firms that are more specialised in areas of law than the others.

The following is a brief overview of each of the tenderers recommended.

### Minter Ellison

Minter Ellison is one of WA’s major law firms. It has been providing legal services in Perth for more than 100 years and remain an independent WA owned and operated firm.

In the most recent edition of Legal Profiles (2000/01), Minter Ellison scored the highest available ‘Premier’ rating for legal services in 25 categories of practice including planning and local government, administrative, environment, government, commercial and property transactions and development.

Minter Ellison has acted for local governments in WA for more than 100 years. Its tender submission details:

- 64 municipalities including seven cities, nine towns and 48 shires;
- the Western Australian Municipal Association (WAMA);
- the Local Government Association and the Country Shire Councils Association;
- the Australian Local Government Association.

Minter Ellison has nominated Messrs Graham Castledine and Andrew Roberts as its key contacts for the City.

Minter Ellison currently undertakes the City’s prosecution work.

### Kott Gunning

Kott Gunning has been providing legal advice for over 80 years and as such is one of WA’s oldest independent legal practices;

Kott Gunning has grown to become a medium sized law firm providing a full range of services to commercial and private clients. The firm’s major areas of practice are commercial law, property, building and construction, banking and finance, insurance and local government. Kott Gunning has provided legal services on behalf of five metropolitan and two country local governments.

Kott Gunning has nominated Mr Laurie James and Ms Anne Hurley as its key contacts for the City.

Kott Gunning was previously used by the former City of Wanneroo.

#### McLeod and Co

McLeod and Co has been established for 21 years and provides exclusive or substantial legal services to 19 of the 29 metropolitan local governments. It also provides legal advice to some of the more substantial country local governments.

The advice given to these local governments is not solely confined to one category of law, but all areas of local government activity.

McLeod and Co has maintained the primary focus of its local government representation, and has regularly refused instructions to act for private or corporate clients where a conflict with an established local government representation might occur. As at February 2001, approximately 80% of the firm's practice involves acting for local or state government.

McLeod and Co has nominated Messrs Denis McLeod and Geoff Owen as its key contacts for the City.

McLeod and Co currently provide town planning advice to the City.

#### Watts and Woodhouse

Watts and Woodhouse was established in 1997 and since that time has acted for a number of local and regional governments.

Prior to the establishment of Watts and Woodhouse, John Woodhouse was the head of Minter Ellison's local government planning and environment practice in WA and the national head of the Minter Ellison Legal Group's planning and environment practice.

John was the principal legal counsel for the City of Perth (prior to its division) for over a decade and was used as a consultant on local government and planning matters by the Minister for Local Government, the Ministry for Planning, the Minister for Planning, the Office of Premier and Cabinet and WAMA.

Watts and Woodhouse has nominated Mr John Woodhouse and Mr Peter Brown as its key contacts for the City.

Watts and Woodhouse currently provide general local government advice to the City.

Of the current legal advisors, Mallesons Jaques and Clayton UTZ collected the tender documents, however, decided not to submit a tender.

The City's terms and conditions specifically asked the tenderers to demonstrate the avoidance of conflict of interest, prompt services, training session at no cost to the City and detailed invoices. The proposed contracts will not provide any exclusive rights to any of the recommended tenderers. The price schedule submitted by the successful tenderers are attached.

**OFFICER'S RECOMMENDATION:** That COUNCIL in accordance with the general conditions of tendering (Tender No 046-00/01) ACCEPTS the tenders from the following legal firms for the supply of legal advice to the City of Joondalup for a period of four years in accordance with the conditions of tendering:

- Minter Ellison
- Kott Gunning
- McLeod and Co
- Watts and Woodhouse

**MOVED Cr Magyar, SECONDED Cr Carlos that Council:**

- 1 REFERS the matter of accepting the tenders from Minter Ellison, Kott Gunning, McLeod and Co and Watts and Woodhouse for the supply of legal advice to the City of Joondalup to the Audit Committee for further consideration;**
- 2 REQUESTS the Audit Committee to review the processes used by Council staff to obtain legal opinions and advice from legal firms.**

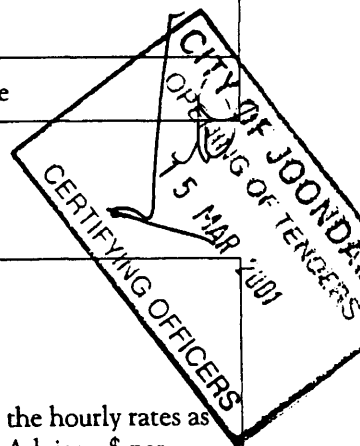
Discussion ensued, with Cr Magyar raising a number of concerns in relation to the obtaining of legal opinions by staff and the contents of some of those opinions. In view of the sensitive nature and complexity of this issue, Cr Magyar felt the matter should be considered by the Audit Committee to evaluate whether elected members concerns were justified prior to formalising any agreement with the legal firms involved.

To a query raised by Mayor Bombak, Chief Executive Officer advised that the day to day operations of the City would not be hindered by delaying this issue and referring it to the Audit Committee. He advised there was a printed procedure in place that staff were required to follow in the seeking of legal advice.

**The Motion was Put and**

**CARRIED**

	\$1.00 per page thereafter	
Facsimile transmission	\$2.50 for page 1 \$1.00 per page thereafter	International per page
Courier	At cost	
Travel	We normally charge hourly rates for travel and waiting time, however, this is subject to arrangement with individual clients on a case by case basis. We would be happy to discuss this with you.	
Search	At cost	
Transcript fees	At cost	
<b>OTHER</b>		
Photocopying	30c	Per page



**Standard Document Preparation (Fixed Rate 25/4/2001 to 25/4/2001)**

Deed of leases	Preparation of documents will be charged at the hourly rates as specified in the table entitled 'Timeliness of Advice - \$ per hour'.
Deed of assignments	
Deed of extensions	
Deed of variations	
Deed of novation	
other	

**Prosecutions**

**(Please specify costs associated with prosecutions):**

Prosecutions will be charged at the hourly rates as specified in the table entitled 'Timeliness of Advice - \$ per hour'.

Free Services (conducting on site seminars, providing lectures if invited, conducting problem settling meetings etc.) (Please specify if any services will be supplied to the City of Joondalup free of charge).

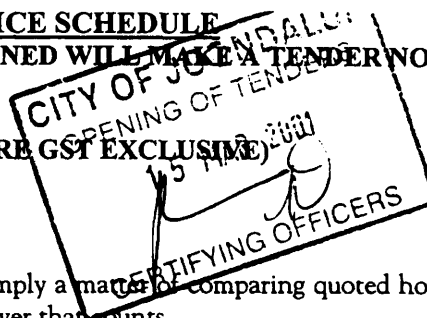
Please refer to section (d) on pages 13 to 14 of our response.

SIGNATURE OF THE AUTHORISED SIGNATORY OF THE TENDERER.....

PRINT NAME..... *Graham Castledine (Partner, Minter Ellison)*

ABN:..... *60886957423* DATE:..... *15 March 2001*

**SCHEDULE OF RATES AND PRICE SCHEDULE**  
**(FAILING TO PROVIDE THIS SCHEDULE DULY SIGNED WILL MAKE A TENDER NON**  
**CONFORMED)**  
**SCHEDULE 3**  
**(THE PRICES IN THIS SCHEDULE 3 ARE GST EXCLUSIVE)**



**More to Determining Value than Comparing Rates**

We do not believe that comparing the cost of legal firms is simply a matter of comparing quoted hourly rates. It is the knowledge, experience and efficiency of the lawyer that counts.

After all, there is no point in engaging a lawyer at a cheaper hourly rate who does not understand your business and takes a substantially longer period to provide advice, ultimately costing you more. It is even worse if the legal advice fails to recognise a practical solution which would have resulted in significant savings.

<b>TIMELINESS OF ADVICE - \$ PER HOUR</b>				
<b>CATEGORY</b>	<b>YEAR 1*</b>	<b>YEAR 2*</b>	<b>YEAR 3*</b>	<b>YEAR 4*</b>
Partners	\$350 hour	\$350 hour	\$385 hour	\$385 hour
Senior Associates	\$300 hour	\$300 hour	\$385 hour	\$385 hour
Associates	\$270 hour	\$270 hour	\$295 hour	\$295 hour
Solicitors	\$230 hour	\$230 hour	\$255 hour	\$255 hour
Articled Clerks	\$130 hour	\$130 hour	\$145 hour	\$145 hour
Junior Graduates	\$130 hour	\$130 hour	\$145 hour	\$145 hour
Typist	The above rates are fully inclusive of secretarial, computer and clerical (including library) support.			
<b>Other</b>				
Consultant	\$310 hour	\$310 hour	\$340 hour	\$340 hour

\* Our rates for the City will not exceed those outlined above.

If we are appointed sole provider a 10% discount to the above rates will apply.

**Disbursements (Fixed Rate 25/4/2001 to 25/4/2005) \$**

<b>DISBURSEMENTS</b>	<b>Fixed rate 25/4/2001 to 25/4/2005</b>	<b>Unit</b>
Phone calls	No charge	Local
Phone calls	For time on call	Std
Phone calls	For time on call	Isd
Facsimile transmission	\$2.50 for page 1 \$1.00 per page thereafter	WA per page
Facsimile transmission	\$2.50 for page 1	Interstate per page

**SCHEDULE OF RATES AND PRICE SCHEDULE**  
**(FAILING TO PROVIDE THIS SCHEDULE DULY SIGNED WILL MAKE A TENDER NON**

**CONFORMED)**

**SCHEDULE 3**

**(THE PRICES IN THIS SCHEDULE 3 ARE GST EXCLUSIVE)**

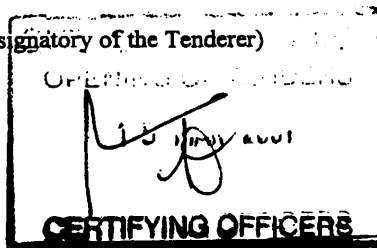
PLEASE REFER TO  
THE FOLLOWING  
PAGE

TIMELINESS OF ADVICE - \$ PER HOUR				
CATEGORY	YEAR 1	YEAR 2	YEAR 3	YEAR 4
Partners				
Senior Associates				
Associates				
Solicitors				
Articled Clerks				
Junior Graduates				
Typist				
Other (provide additional sheets)				

**Disbursements (Fixed Rate 25/4/2001 to 25/4/2005) \$**

(If required please provide separate sheets – duly signed by the authorised signatory of the Tenderer)

- telephone (local, interstate and international)
- facsimile (local, interstate and international)
- courier
- travel
- search
- transcript fees
- other (please specify)



**Standard Document Preparation (Fixed Rate 25/4/2001 to 25/4/2005) \$**

- Deed of leases
- Deed of assignments
- Deed of extensions
- Deed of variations
- Deed of novation
- other (please specify)

**Prosecutions**

(Please specify costs associated with prosecutions):

Free Services (such as conducting on site seminars, providing lectures if invited, conducting problem settling meetings etc.) (Please specify if any services will be supplied to the City of Joondalup free of charge).

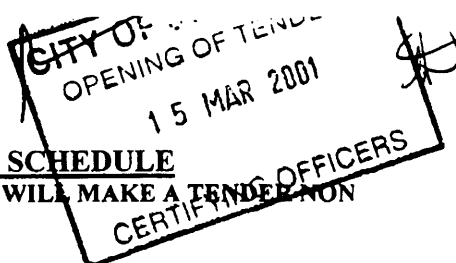
SIGNATURE OF THE AUTHORISED SIGNATORY OF THE TENDERER: .....

PRINT NAME: Graham Castledine (Partner, Munster Ellison)

ABN: 60886957423 DATE: 15-03-01



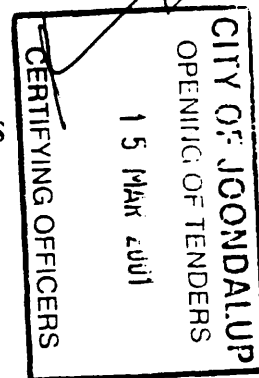
**SCHEDULE OF RATES AND PRICE SCHEDULE**  
 (FAILING TO PROVIDE THIS SCHEDULE DULY SIGNED WILL MAKE A TENDER NON  
 CONFORMED)  
**SCHEDULE 3**  
 (THE PRICES IN THIS SCHEDULE 3 ARE GST EXCLUSIVE)



TIMELINESS OF ADVICE - \$ PER HOUR				
CATEGORY	YEAR 1	YEAR 2	YEAR 3	YEAR 4
<b>Partners</b>	PER HOUR	PER HOUR	PER HOUR	PER HOUR
Denis McLeod	\$300.00	\$300.00	\$300.00	\$300.00
Geoff Owen	\$230.00	\$230.00	\$240.00	\$240.00
Linda Rowley	\$230.00	\$230.00	\$240.00	\$240.00
Craig Slarke	\$210.00	\$210.00	\$220.00	\$220.00
Peter Wittkuhn	\$210.00	\$210.00	\$220.00	\$220.00
Senior Associates	\$200.00	\$200.00	\$210.00	\$210.00
Associates	\$190.00	\$190.00	\$200.00	\$200.00
Solicitors	\$160-\$180	\$180.00	\$190.00	\$190.00
Articled Clerks	\$130.00	\$130.00	\$130.00	\$130.00
Junior Graduates ( <i>Paralegal</i> )	\$80.00	\$80.00	\$80.00	\$80.00
Typist	NIL	NIL	NIL	NIL
Other - Legally Qualified (No Practice Certificate)	\$160.00	\$160.00	\$160.00	\$160.00

The above are our retainer client rates which are linked to an annual retainer fee described at Part 8(b) on page 22 of the Additional Tender Submissions.

DISBURSEMENTS	Fixed rate 1/5/2001 to 30/4/2005	Unit
Telephone	\$1 (both local and mobile)	local
Telephone	\$1	std
Telephone	\$1	isd
Facsimile transmission	\$1.50	W.A. per fax
Facsimile transmission	.50c (min. \$1.50)	interstate per page
Facsimile transmission	\$1 (min. \$2)	international per page
Courier	Cost only (no percentage added)	N/A
Travel	Nil in each case for prosecutions. In each case for civil actions and appeals, normal fee earner rates.	
Search fees	One unit of fee earner time. The rate therefore is \$8-\$30 depending on the fee earner.	
Transcript fees	Cost only	
(Other) Photocopying	.50c	per page



### Standard Document Preparation (Fixed Rate 25/4/2001 To 25/4/2005) \$

- |                          |   |                              |
|--------------------------|---|------------------------------|
| • Deed of leases         | - | at hourly rates shown above  |
| • Deed of assignments    | - | at hourly rates shown above  |
| • Deed of extensions-    | - | at hourly rates shown above  |
| • Deed of variations     | - | at hourly rates shown above  |
| • Deed of novation       | - | at hourly rates shown above  |
| • other (please specify) | - | at hourly rates shown above. |

We have a dedicated conveyancing section which has reached a high degree of proficiency with regard to standard documentation which is provided at a reasonable cost.

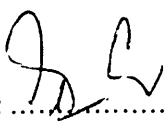
### Prosecutions

This firm endeavours to conduct prosecutions on the basis that the costs charged by the firm are the costs ordered by the Court and any fine imposed is thereby additional revenue to the City. This is normally possible on undefended or uncomplicated matters but there will be occasions when prosecutions are charged for at the hourly rates shown above.

### Free Services to the City

Under the Firm's normal Retainer Fee arrangement, which has operated with the City for a number of years, the following additional free services are provided:

- (a) **Client Information Bulletins** - Regular bulletins of advice on current issues of interest or concern to local governments.
- (b) **Seminars, Lectures and Training Services** - Provided to Councillors and employees on issues such as Conflict of Interest and Bias; Duties under Codes of Conduct; Duties and Liabilities of Councillors; Formulating Approvals and Conditions; Prosecution Procedures; Evidence Gathering; Formalities for Easements, Restrictive Covenants and Agreements under Conditions; and other topics as required.
- (c) **Free Advices** - To CEO or Head of Department (Executive) on matters of general principle without files.
- (d) **Free Advices** - Where informal advices are otherwise required, or initial direction is sought on a matter not subject to existing instructions, or on matters of general principle.

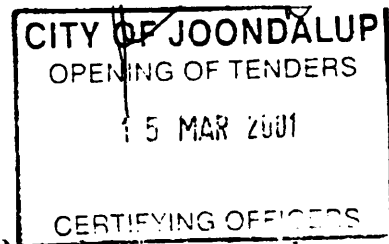
SIGNATURE OF THE AUTHORISED SIGNATORY OF THE TENDERER: 

PRINT NAME: Geoffrey Owen

ABN: ..... 61 792 539 313 .....

DATE: 14.3.01

## 8(b) RETAINER



8.7 There are advantages to clients in establishing a retainer. Note the comments under the heading PREFERRED CLIENT set out above.

8.8 The retainer fee is generally modest. Existing retainers range from \$2,500.00 to \$6,500.00 and are set on a rough estimate from time to time of the value of the retainer service for the preceding financial year. The fee for the City of Joondalup for years one and two would be \$4,000 and thereafter it would increase to \$4,500 for years three and four of the contract. The relationships between retainer fees and the value of retainer services is generally heavily weighted in favour of the retainer client. The principal benefit to the firm is derived from the certainty of legal representation in areas of exclusive practice for the firm.

**8. BASIS OF FEE STRUCTURE** 5 MAR 2001  
(INCLUDING TELEPHONE ADVICE)

**CERTIFYING OFFICERS**

- 8.1 For private and corporate clients, and non-retainer local government clients the following charge rates are applied:

D McLeod	\$350.00 per hour
G Owen	\$260.00 per hour
L Rowley	\$260.00 per hour
P Wittkuhn	\$240.00 per hour
C Slarke	\$240.00 per hour
B Callanan	\$220.00 per hour
F Grgich	\$210.00 per hour
M Spillane	\$180.00 - \$230.00 per hour
M Matthews	\$180.00 - \$220.00 per hour
K Spillane	\$160.00 - \$200.00 per hour
P Mishra (Articled Clerk)	\$100.00 - \$150.00 per hour
T Whelan (Articled Clerk)	\$100.00 - \$150.00 per hour

- 8.2 For Retainer Clients:

D McLeod	\$300.00 per hour
G Owen	\$230.00 per hour
L Rowley	\$230.00 per hour
P Wittkuhn	\$210.00 per hour
C Slarke	\$210.00 per hour
B Callanan	\$200.00 per hour
F Grgich	\$190.00 per hour
M Spillane	\$160.00 - \$180.00 per hour
M Matthews	\$160.00 - \$180.00 per hour
K Spillane	\$140.00 - \$160.00 per hour
P Mishra (Articled Clerk)	\$80.00 - \$130.00 per hour
T Whelan (Articled Clerk)	\$80.00 - \$130.00 per hour

- 8.3 By reason of the regularity of work done for Retainer Clients the firm is able to reduce its hourly rates. If the firm was engaged on a retainer, or exclusive service basis for the City of Joondalup, it would adopt the Retainer Client hourly rate.

Those rates would be subject to the increase indicated in Schedule 1 after 2 years if there has in the meantime been a review of the Supreme Court and other scales applicable to the legal profession.

## SCHEDULE OF RATES AND PRICE SCHEDULE

### PRICE SCHEDULE 3

#### TIMELINESS OF ADVICE - \$ PER HOUR

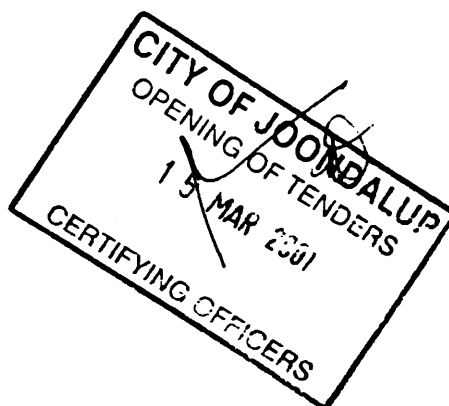
	YEAR 1	YEAR 2	YEAR 3	YEAR 4
Partner	\$250 - \$275	\$250 - \$275	*	*
Senior Associates	\$200	\$200	*	*
Associates	N.A.	N.A.	N.A.	N.A.
Solicitors	\$150 to \$170	\$150 to \$170	*	*
Articled Clerks	\$110	\$110	*	*
Junior Graduates	N.A.	N.A.	N.A.	N.A.
Typist	Kott Gunning does not charge fees for secretarial services which form part of the normal word processing functions associated with a matter.			
Paralegals	\$80 to \$150	\$80 to \$150	*	*

We offer to fix our fees for our professional services for the first and second years of this contract until 30 April 2003.

- \* Thereafter our fees during years 3 and 4 of the contract will be adjusted annually in accordance with the CPI or subject to agreement with the City.

NOTE: In accordance with the tender brief we have not included GST in our tender prices.

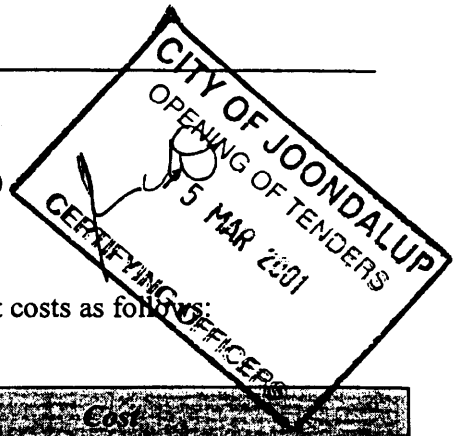
Where GST is payable, the City will be required to pay GST in addition to the cost of our professional services and disbursements.



**PRICE SCHEDULE 3 (Continued)**

**Disbursement Costs**

We are pleased to provide a summary of our disbursement costs as follows:



<i>Type Of Disbursement</i>	<i>Cost</i>
<i>Photocopying</i>	\$0.50 per page
<i>Facsimile transmission</i>	\$1.50 W.A. per page
<i>Facsimile transmission</i>	\$2.50 interstate per page
<i>Facsimile transmission</i>	\$4.00 international per page
<i>Phone calls</i>	Non-chargeable( local)
<i>Phone calls</i>	As per standard costing (std)
<i>Phone calls</i>	As per standard costing (isd)
<i>Courier</i>	As per standard costing (plus cost)
<i>Advertising Pursuant to Statutory or Court Requirement</i>	As charged by advertising medium
<i>Agents Fees</i>	Will vary from case to case (details of costs will be discussed with the City whenever agents services are required)
<i>Business Name and Company Search and Lodgement Fees</i>	As charged by ASIC
<i>Court Fees (Local, District, Supreme and Federal Courts, Court Of Petty Sessions)</i>	As charged by the relevant court
<i>Appeal and Tribunal Fees</i>	As charged by the relevant tribunal or authority
<i>Land Titles Office Fees</i>	As charged by the Land Titles Office from time to time
<i>Land Tax/Local Authority/Water Corporation Enquiry Fees</i>	As charged by relevant authority
<i>Other Government Department Fees</i>	As charged by relevant department
<i>Service Fees</i>	As charged by court bailiff or process server
<i>Stamp Duty</i>	As assessed by Department of State Revenue
<i>State Taxes:</i> <i>BAD</i> <i>FID</i>	As charged by the State Government on the value of the transaction

**PRICE SCHEDULE 3 (Continued)**

**Conveyancing – Property Settlements**

At Settlement Agents Scale.

Kott Gunning will complete property settlements for the City at the same cost as that charged by Settlement Agents in accordance with the Settlement Agents Scale of Charges.

These charges are on the basis that the following matters comprise work in addition to acting at settlement and depending on the amount of work involved may be charged on a time basis or as agreed with the client:

- Any service performed or rendered in respect of drafting or amending the contract of sale.
- The perusal of any document other than the contract of sale.
- The preparation of any document other than the transfer.
- Requisitions on title or answers to those requisitions.
- Correspondence or attendances as may be rendered necessary by the amendment to or the preparation of any document other than the transfer.
- Correspondence or attendances not usually involved in respect of completion of the contract of sale.
- Any service performed or rendered in respect of the default of any party and/or the settlement not proceeding on the due date.

Due diligence on behalf of the purchaser.

**Standard Document Preparation (Fixed Rate 25/4/2001 to 25/4/2005) – not including disbursements and GST**

Deed of leases	\$500
Deed of assignments	\$300
Deed of extensions	\$300
Deed of variations	\$500 (If substantial alteration required then hourly rate may apply)
Deed of novation	\$300
Other: Property Settlements	At same scale as for settlement agents

### PRICE SCHEDULE 3 (Continued)

These charges do not include the following work which will be charged on a time basis:

- negotiating the provisions of the lease with the Tenant;
- attendances, correspondence with client and Tenant/Tenants lawyers in respect of changes to the standard lease form;
- perusal of any document other than the offer to lease;
- advice in respect of the meaning of lease provisions;
- obtaining the consents of any government departments to the lease;
- drafting special conditions to the lease or variations to the standard lease document.

#### Prosecutions

- Non-Complex Prosecutions:

Where prosecutions are non-complex and involve taking instructions, perusal of documents, seeking clarification of facts but do not involve proofing of witnesses or detailed research of law or facts and which could be resolved by a plea of guilty or non-appearance at the first return date we offer our service at our hourly rate up to a maximum of \$750.00. (This does not include disbursements and GST which the City must pay as an additional cost).

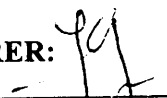
- All Other Prosecutions

It is not possible to offer a fixed fee for our service for prosecutions.

Our cost will be based on our hourly rates which will depend on factors such as the degree of complexity of law and facts, the number of witnesses, whether the other party is represented or not, and whether there are any adjournments.

#### Free Services

Our charges are already competitive and represent excellent value for money. Our free services are mentioned under 10(d) Value for Money.

NAME OF TENDERER:	Kott Gunning Lawyers
SIGNATURE OF TENDERER: 	DATE: 15/03/2001



15 MAR 2001

CERTIFYING OFFICERS

**SCHEDULE OF RATES AND PRICE SCHEDULE**  
**(FAILING TO PROVIDE THIS SCHEDULE DULY SIGNED WILL MAKE A TENDER NON**  
**CONFORMED)**  
**SCHEDULE 3**  
**(THE PRICES IN THIS SCHEDULE 3 ARE GST EXCLUSIVE)**

**TIMELINES OF ADVICE - \$ PER HOUR**

CATEGORY	YEAR 1	YEAR 2	YEAR 3	YEAR 4
Partners	275	285	295	305
Senior Associates	200	210	220	230
Associates				
Solicitors				
Articled Clerks	180	180	190	200
Junior Graduates				
Typist				
Other (provide additional sheets				

**Disbursements (Fixed Rate 25/4/2001 to 25/4/2005) \$**

(If required please provide separate sheets - duly signed by the authorised signatory of the Tenderer)

- telephone (local, interstate and international) Refer
- facsimile (local, interstate and international) to
- courier Attachment
- travel 1
- search
- transcript fees
- other (please specify)

**Standard Document Preparation (Fixed Rate 25/4/2001 to 25/4/2005) \$**

- Deed of leases \$750
- Deed of assignments \$450
- Deed of extensions \$450
- Deed of variations \$450
- Deed of novation \$500
- other (please specify)

**Prosecutions**

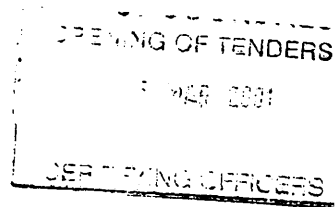
(Please specify costs associated with prosecutions): - Not applicable

**Free Services (such as conducting on site seminars, providing lectures if invited, conducting problem settling meetings etc.) (Please specify if any services will be supplied to the City of Joondalup free of charge). See clause 10(d)2 and 10(d)8 of Statement Addressing Criteria.**

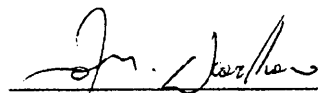
SIGNATURE OF THE AUTHORISED SIGNATORY OF THE TENDERER: 

PRINT NAME: John M Woodhouse

ATTACHMENT 1



DISBURSEMENTS	Fixed rate 25/4/2001 to 25/4/2005	Unit
Photocopying	\$0.75	per page
Facsimile transmission	\$0.60	W.A. per page
Facsimile transmission	\$1.20	interstate per page
Facsimile transmission	\$1.50	international per page
Phone calls	\$at cost	local
Phone calls	\$at cost	std
Phone calls	\$at cost	isd
Courier	\$25.00	\$25.00
Transcript fees	\$ at cost	
Travel	Only charged if travel is required by the City. Fee by negotiation.	



Signature of  
Authorised Signatory.

