



The Talking Law Podcast
Episode 103 – How to win tenders
and business awards

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Transcript

Joanna: Hi, it's Joanna Oakey here and welcome back to Talking Law. A podcast proudly brought to you by our commercial legal practice Aspect Legal. Now today, we have on the show the lovely Rosemary Gillespie from Proof Communications. And today, Rosemary and I are talking all about how to win tenders, including government tenders and how to win business awards and we might just throw in a few legal tips there along the way as well.

So, Rosemary, thank you so much for coming on board to chat to us today.

Rosemary: My pleasure, Jo. Lovely to be here.

Joanna: Yeah, fabulous. Look, I think this is a really important topic. I want you to talk about why you think it's an important topic. First of all, give my sort of synopsis. We have a lot of clients who are involved in responding to tenders. And certainly we also work on the other side in acting for clients who are using an RFP process. But from the flip side, I guess so from the respondent side, when organizations are putting together tenders, it just feels so

huge sometimes right? And it's almost like, well, here's an opportunity that maybe I'm not even going to try because it's just so huge. And I have to say, just this morning, I was on a phone call to a client who called and said, look, we're gonna get you to help with our tender response. But you know what? It's due on Tuesday and we've just realized it's too late. And of course, that is too late right? I mean, I think they probably made a good call. And I'm not just saying that because I didn't get the pressure of having to deliver in one day a complete review of the draft contracts that are often attached to these contracts, which is a whole discussion in and of itself. And perhaps I might do the next podcasting, talking about what sort of things are we specifically look for and how we make that balance between what we should be pushing back against versus not in the attached draft contracts. But I just think it's so important for businesses to understand what's involved and how they manage the process, but also how they can manage it in a way that they are not wasting their time by not giving themselves the right foot up. And I guess the same of business awards. I don't know a lot about that. So I'll be interested in that side of the conversation. But that's my perspective, and that's why I thought it'd be really good for us to chat today, Rosemary.

So maybe you sitting in the seat of the expert, working with these day in, day out. Tell us what your thoughts are on why it's important for people or own businesses to understand this area.

Rosemary: Well, for some businesses there is no choice. They have no way of winning new business unless they're tendering or proposing or pitching in some way. That usually involves submitting some kind of document. Usually in response to set questions from a request for tender request proposal.

Joanna: You're absolutely right, Rosemary. So, you know, it's a really important way of winning business. But it's not just that. It's like there's this. I guess the second component of it is also there's this well of opportunity as well. But it just feels really unobtainable. I think for me, for small businesses, you don't have the in-house resources to just throw at tender, is that correct?

Rosemary: Exactly right. In fact most the companies we work with are SMEs. For that very reason. So if you are a larger company and you're having to do tenders as part of your business development, you probably have at least one person or possibly more involved in your tender preparation process. As for smaller businesses it is a no, unless they're doing tenders all the time. And as I've already mentioned, for some businesses, they have no choice but to tender to a new business. But for most companies, it's an occasional hindrance to their day to day work. It's something they have to do because as you rightly point out, there's opportunities out there, but they can be very overwhelming.

And so if you don't have those in-house resources, where do you start? What do you do? Do you choose to ignore tender opportunity and keep focusing on what you've been doing? Or do you see it as a new business development opportunity to take advantage of? But again, that's a big decision because it does require a lot of investment of time, possibly money. And you have to weigh up the return on investment from that, the effort that's involved in getting the tender ready and getting it submitted on time.

Joanna: But I guess the positives of being involved in the tender process is that, generally speaking, you're looking at big jobs, you know. So organizations won't go out to tender for something super small world, generally speaking, because there's a lot of administration on their behalf as well to administer the process so that by the very, I guess, bars to getting involved, that the jobs that you could win via tender are either number one, long-lasting so that might be where you're looking to be appointed to a panel or two. Two highly lucrative. Well, you know, like a high revenue type project for a business.

Rosemary: Well, it's mixed, of course, Jo. You're absolutely right. If you're a law firm or an accounting firm, you'd often tended to be a pan on a panel. And it's often a government panel that the listed company. There's of course, there's no guarantee that you will actually get any work will be offered the opportunity to put in a quote for any work on the panel. So that's a downside. So our clients, are tending for panels, but also for projects or contracts that will only have one provider.

And as you rightly pointed out, they can be lucrative and they offer fixed term. They usually at least 12 months. But the majority will be three years plus one plus one. So potentially you've got five years there of regular work. And if it's a government tender, you know, you're going to be paid promptly.

Joanna: Fabulous. Okay. All right. So I think we've fairly clearly set out A there's opportunities in being able to respond to tenders, but, B, it can be a painful process.

Rosemary: Yes, It can be a very painful process. However, it is a very manageable process. And there are certain things any organization can do to make that process much easier, much less stressful on themselves.

Joanna: Good. And that's what we're digging into today, Rosemary. And that's why you are here. So you're saying here's the opportunity, but it can seem overwhelming. So rather than get fully overwhelmed let's just chat about how to make it easier and what to focus on, because I guess there's two components there, isn't it?

Rosemary: There are. So the most obvious thing is to read all the documents, like literally print them off and go and get a cup of tea, sit down, read them all.

And that includes the contract, of course, as you mentioned, right at the start Jo. The contract is a really important part of the process. And I always recommend to clients that they read the contracts first to see what their level of compliance is going to be. Because if you're tendering and your compliance is not going to be particularly high, there's no point matching tendering. So if you're considering tendering and your level of compliance is not going to be very high, there's no point in tendering.

No one wants to take on an organization that's asked to make changes to 50 percent of the clauses in the contract.

Joanna: Although I just have to step in there, I think it is important that organizations understand that the contract that is attached isn't fixed in stone.

Rosemary: That's not always the case. Some tenders will say state very clearly that this contract is not negotiable. Some other requests for tenders will state that the contract is negotiable. And they'll ask you to put in your amendments to the clauses that you'd like to change but they will also say that one of the evaluation criteria will be your level of compliance with the contract, indicating that if you have a lot of changes and another organization doesn't, but is perhaps other offers equally beneficial outcomes or results in their tender, then they're going to go to another organization.

Joanna: Yeah, just popping in here from legal perspective, because we have certainly sat on the other side of the fence as well. For very large organizations and I just think that it's often an indicator where there's the option for organizations to highlight areas that they might want changes to a contract.

It can be a little bit of a red flag sometimes if someone is a small business, is not asking for

any changes to a contract. And yet large business respondents are asking for heaps and sometimes that can actually raise a red flag in relation to considering the risk and compliance environment of the respondents. Because, you know, a failure to respond to suggests any sort of changes at all sometimes can be seen as though. Well, have they actually read and do they understand.

Rosemary: Exactly why I say to clients right at the start? Have you read the contracts? If not, that's the first thing you've got to do. Before anything else happens.

Joanna: And I think there's a whole other discussion which we won't have now, because we're talking about writing winning tenders. But there's a whole other discussion here about how you can manage the risk within tenders and your responses from the perspective of there's commercial ways to manage risk as well as legal. And, you know, it's important that you understand the risk and you find commercial ways that you can deal with that risk as well as potentially contractual. And as you say, sometimes you might be limited as to what you can do contractually.

Okay. Well, I can't help, but I always feel like I need to throw in the legal elements here. But let's talk more about the elements that relate to how you're actually going to win this tender. What are some of the things that you recommend we should be focusing on?

Rosemary: Well, the first thing, actually, something that nearly every tenderer will overlook and that is taking a few minutes out. Think about what value they're offering, what's the value proposition? Most organizations who respond to attend opportunity by launching and studying, frantically writing responses to the questions. So we always recommend that clients take a deep breath, stand back and actually think about what are we going to offer in this tender?

What value are we proposing to bring to this organization? And just even if it's five minutes, it's really worthwhile. Because that gives you an angle or a hook, if you like, to convey in your tender, in your executive summary and then to feed throughout your actual tender response.

Joanna: OK, fabulous. So make sure you understand your value. And I guess that's you know, that's part of the concept of make sure you're actually pitching yourself, not just answering the questions. So I guess that's you know, that's an important thing because it can be so easy to get lost in the detail and not be able to see the wood for the trees.

Rosemary: That is so right. Yeah. And, you know, that deadline is looming and you just want to get everything down there. You want to get your experience down in people, your team. You want to work in pricing. But it's a really good investment of time. And as a side joke, you might need five minutes, you just need to have a chat with yourself or with your team. But what are we actually offering this potential client or client if they're an existing client?

So what are we actually offering? What are they asking for an attender? What can we offer that will make our tender stand out? It might not be anything revolutionary or overly innovative. It has to be something. And the best value propositions are those that demonstrate tangible outcomes or results. People can quantify based on their experience of working at the projects they've done with other clients. They know that they can save this potential client time or money, or it might be something to do with experience. Whatever it is, it needs to be well thought out right at the start.

Joanna: Great. Okay. So we start with value. Our value proposition, effectively our pitch, and I make sure we're really clear on that. Okay. So that's number one. What's number two?

Rosemary: Well, following on from that really number two is making sure you really are clear about the evidence you're giving for your clients for your value. And that ties in with features and benefits of which most people are familiar. So a lot of tenders, even someone from a really strong marketing or business development background, their tenders will still often focus on the features of the product or service they're offering. So and that's important, of course. But they forget to focus on what that means for their potential clients.

What are they gonna get out of their product or service? So what's in it for them? Well, what are the benefits? What are the outcomes? What are the results? And so that ties back to that value proposition. But you also have to give really hard facts. And it's the same as you're running a business award. You need to talk about how you've delivered that for other people or the results you've achieved or brought the savings of time or the new product or new service, how you reduce stress, whatever it might be, or reduce their risk, for example, whatever it might be, you have to. As far as you can and quantify it.

Joanna: Do you have any examples of the types of things that you see quite often and then, you know, or maybe even one example of something you've worked in the past for a response that's come to you and then you've looked at and gone. This is what they're really missing in the value proposition or the features and benefits.

Rosemary: Just as a general point, it comes to value, value propositions. They're almost always missing from a tender. So even if you've got one, you've got a head start as an example. One of our clients, which is the Australian arm, of a large global organisation, tenders frequently to government. And it's very successful doing so because they have become, with our help, very adept at describing the number one, the experience, but to the risk minimization that they bring. So, for example, what they do is quite technical. It requires a lot of equipment.

So it can be quite risky for people buying that service. And they are able to demonstrate by giving very tangible examples that number one, no injuries on any of their sites. Number two, the experience of the team, the examples of the other projects delivered are actually standing. And so they've really maximized the risk minimization benefit of that tender.

Joanna: Which is so important, what a great example, because I think sometimes businesses make the mistake of thinking that a tender is all about price, but it's not at the end of the day, quite often ones that can be. But more often than not, it's actually a complex mix of factors that and there's a lack of, you know, if you get your pitch right, your value proposition. And you're clear about the benefits that can then put you in the position where you can have higher pricing and still be a really serious front runner.

Rosemary: Absolutely right. So you've summed it up really well there is the value proposition. It's the benefits. But thirdly, it's what those benefits result in. So what are the tangible outcomes that client, prospective client is going to be gained by choosing your company? And that goes back to giving really hard evidence of previous examples.

So another example might be that by using your service or product, you save 10 hours a week or you save X number of dollars a week. As staff member or per year. And if so, that's why quantify with facts and figures is so much more powerful than saying we save people money will save you time. Of course that's always possible. In particular, if you're delivering a service. So one way around that is to talk about again, the outcome.

Joanna: Okay. So we've talked about the value proposition. We've talked about making sure we spell out the benefits and also that outcome and putting proof behind that, which I think is such a good point. What else should they be thinking about?

Rosemary: Well, one of the great things about making your tender writing process easier is if you've got your value proposition upfront, everything else will slot in to that. But of course, you still have to put pen to paper or fingers to the keyboard. So you still have to write the response. And what we've found over the years is that the more people that are involved in the tender, the more difficult it is to achieve a really high quality response. And the deadline is often looming and people are getting more more stressed. And there's a lack of agreement around the content example team members.

So depending on the size of your organization, you need to always have somebody to lead the tender. Who has authority within your organization to get sign off and to get by. And who, if you're a larger organization, you got lost subject matter experts, for example, contributing information that you need one person to lead that to organise all of that. All of that have the authority to chase people up because a lot of people are trying to do that Day-To-Day job. So that's always a priority to them to give you the information you need on your tender. If you're a small business, it's much easier in that sense for less people involved and often the BD marketing or even the directors of companies leading the tender. So always, depending on your organization, make sure we get someone to lead the process. Second thing is, of course, it's actually when you come to writing is to making sure that you are answering the questions.

So one of the things we do all the time is answer the questions that position our clients using their value proposition that we've agreed up front, positioning them for the best opportunity for success. So it's an interesting mix of answering often quite pedestrian questions and a sales marketing document at the same time. So, again, it comes back to saying when they ask a question, yes, we can do that. And this is how we've done it for other people and this is the results they've achieved. Bearing in mind as well that you are writing to another human being and one of the biggest mistakes we've seen, tenders, apart from the lack of value proposition, is the complete focus by the client on themselves in their tender.

Joanna: That's such a good point.

Rosemary: Every paragraph will start with their company's name or the word we. We've read so many tenders that have been written by our clients when they've called us in to help. We've looked at their previous tenders and we found that we don't even know to which organization they were tendering because they haven't mentioned the client's name in any of their tenders.

Joanna: Haha I love it.

Rosemary: Quite extraordinary. From our perspective that when people start writing, they forget that they're talking to other people. So it's very important to address your client, prospective client in your tender, use their name used words like we or our us in terms of your collaboration with them.

Joanna: Fabulous. I think it's such a good point that you make there, Rosemary. Absolutely. And I guess it sort of feels a little bit like we're talking about marketing 101 here. But I think it's so important because the point of all of this is that people forget that this is a marketing document as well, even though maybe that's clear at the beginning.

But it's just I think the detail that is required in terms of, you know, potentially the number of questions or what you're needing to think about sort of then takes over in our brains and sort of overrides the reminder that we should have that this is essentially a marketing document.

Rosemary: It absolutely is. And I think the other challenge as well is that the people in or any companies of all shapes and sizes who are writing tenders don't necessary have a

marketing background, they don't have that mindset of business development. They might often be a salesperson or the owner of the business or to someone who's unfortunately being tasked with the challenge of writing a tender. I don't have any experience and it's natural to talk about yourself because that's what, you know, best said, flipping it and thinking, actually, I'm talking to someone else. What do they want to know? What would they be interested in? How I communicate this to them clearly and efficiently.

Answer the question. Position ourselves. Make sure it's all about them. So as well as the value proposition often lacking. The other thing, Jo, is, as I've just said, is the lack of focus on the client, prospective client.

Joanna: Such good points. And I guess, you know, I'd throw in one here as well, which is time management. I think time management is probably a really important component as well. And I sort of alluded to it as I was talking about the idea of being able to get together a tender in two days, which is never going to happen. But even if you've started down the process, like, it's just making sure everyone starts on time and who's going to do what component and then making sure each component is, you know, you've worked through on time.

And if you're getting Legals, give legal enough time to look at it, you know, because otherwise I think generally speaking, you know, many projects that aren't all crazy, right at the last couple of days.

Rosemary: Everything isn't there. It's like the more time you have all the more money you have and the more time you use up to start uni assignments, people doing them night before.

Joanna: Yeah it is bit like that isn't and what tips do you have then on time management, because I think the reality is that probably just such a common issue. It's not funny.

Rosemary: It is a very common issue. And going back to the point I made earlier about having someone to lead the tender, that is really important, whether it's your small company and there's only two people involved in your tender whether you're in a large organisation, there's 20 people involved, need someone to lead it.

And that means driving it so very we do a very simple milestone plan at the beginning of the a working back from the deadline. And of course, you have to be absolutely certain, you know, when that tenders due in what time of day, particularly.

Joanna: I must say, there's lots of interesting case law about that, actually. But I'm not going to launch into right now. But it's interesting because you really need to be aware of what time zone.

Rosemary: Yeah, it's not every 5:00 p.m. either. We've had one due in today that was well, it's due right now actually at midday, so...

Joanna: Well, I mean, that can be something that you can totally miss if you're not if someone hasn't really clearly specified that up front.

Rosemary: Exactly if you clearly you haven't read the documentation properly or you think someone else is looking after that they need to have one person driving that tender, working out a very simple time frame, milestone plan starting from the deadline and working backwards to where you are now, the day from now.

What are the key components, When do they need to be provided? If you're running the

whole thing, clearly you have the all the control but if you're relying on subject matter experts and other colleagues providing for, you know, when do you notify them? What deadline do you give them also you've got to get some a buffer before the deadline.

Joanna: Yeah, I was going to say make sure you're building a little bit of extra time because we know people don't meet deadlines.

Rosemary: And you also have to consider, too, when you're getting information from different people. Everyone writes in a slight different style of voice. And so you pulling together content into one document. You need to make some time to edit that to make sure it speaks with one voice and proofreading to make sure the terms are consistent. Make sure there's no typos errors because stones can slip through very, very easily.

Joanna: Well, look, thank you so much for all of this information today. Are there any have we missed out on anything or do you think we've covered the field?

Rosemary: I think the main points we've covered off have been a really, really important the value proposition, focusing on the benefits and outcomes. Hard evidence to back those up. Time management, clear leadership and making sure you practice in time for editing and proofreading, even if you've read it yourself. Get someone who you work with to read through it before you submit it, because we can't see our own typos or grammatical mistakes.

Joanna: Absolutely. I think that's a massively important point as one that's almost I mean, that's taking over the skill set in to this editing sort of skill set as well, which, you know, quite often the people who are working on the tenders themselves don't have that skill set. So it's about recognising the skill sets that you don't have and when to bring in, you know, people to assist that have the skill sets that are missing.

Rosemary: That's exactly right. And I think that's why people. Well, it's one of the many reasons why people find tend to say challenging, not not least. the amount of paperwork, particular from the government, all the documents you have to read and comply with. But in addition to that, working out value proposition is not always easy for some people. Writing is not people's natural forte.

Pulling together a tender involves many different skill sets. Since the management. Time management leadership is writing skills with editing, proofreading, checking the compliance, being prepared to sit down, read all the documentation. Which is why, again, it's often good to have other people to back you up and use some support through that process.

Joanna: Brilliant, okay. Wonderful. So we've talked mostly about tender's, so let's just give a couple of minutes very quickly to winning awards as well. I guess the first thing to say is there's probably a lot of overlap between what we've been talking about with tender's and winning awards. We don't have a lot of involvement from the legal perspective because I don't think there's much of a legal perspective related to awards. But I'm really interested in this and I think our listeners are probably interested in understanding this as well.

And probably when businesses are thinking about awards, they've probably, you know, right in the beginning, if they've not been through the process of thinking about how to prepare for applying for an award, whatever. What are the things that they should be aware of right off the bat?

Rosemary: That's a really good question, Jo. And the first thing, just like tender's is time. Writing an award entry is much less arduous in writing a tender bar. It still takes time and these things always take longer than we think they're going to take. The first thing is making

sure going on time, and that includes factoring in time for editing and proofreading, perhaps by a colleague, just to make sure that there's nothing nothing's been overlooked. There's no typos or grammatical mistakes.

Everything makes sense because we write content ourselves. We can't. As I've said before, we can always say our mistakes are finding time for review. The second thing to think about is who is actually going to write the award. So a lot of people feel uncomfortable about writing an award entry for themselves. So the awards we work on are all business awards, but they vary between awards for individuals or to retain awards for projects or awards for company. And so if you've been nominated as an individual and you might be thrilled to be nominated, and then you're faced with having to answer questions about your achievements, how you've helped other people who go to the future, you can be a little bit confronting for a lot of people to have to write information that sells themselves as individuals.

So think about who's going to write that award and if you do need to get someone else to write about to you.

Joanna: It isn't a really good point. I mean, what a great idea. It's probably back to things you were talking about with Tenders, which is, you know, understand your value proposition in in terms of, you know, why you would be the right person to win the award and, you know, understand the benefits that you're driving and probably include outcomes. Am I right?

Rosemary: Yes. So that's the third thing is you've got to give evidence. When I've spoken to judges from all sorts of awards, they've said we've read through all these submissions and people talk about how great they are or the return on investment they bring to their clients or how they've done this with their staff. But they never give any facts and figures around those achievement or deliverables. And so, again, you've got to give hard facts. You've got to explain how you've grown the business.

So, again, you've got to give hard facts. If you've grown your business explained by how much you might not want to give. Dollar dollar figures, but you can give percentages. If you've coached just staff through some tricky situations or you're just mentoring someone, give examples of some of the advice and outcomes you've given. If you've introduced an innovation to your business, to perhaps a process and a new process or a product or service. Explain how that has benefited your staff or your customers.

If you've made contributions to local community, again, put hard facts around that, perhaps fundraising amounts or events, you've sponsored the outcomes of those. If you. That's increased your business or increased number of leads or inquiries. Put hard facts, numbers, percentages around those. It's much, much more powerful than just saying, oh, we've we had a really great year and we did some sponsorship and we took on three new staff.

Joanna: Yeah, absolutely. Well, look, Rosemary, I just want to say a massive thank you for coming on today to give us the lowdown on how we make those tenders and award applications winning ones, which, of course, is the point and the point not to shy away from it.

If people if our listeners are looking for someone like you to help them out with this process, how did they find you?

Rosemary: They can find me on LinkedIn. Rosemary Gillespie or they can, of course, go to our Web site, which is www.proofcommunications.com.au

Joanna: Fabulous. Thank you. We will link all of that in our show notes. So if you are running along the beach, lucky you..or you are on your commute to or from work, don't worry we will link all of that on our show notes and ofcourse our website which is talkinglaw.com.au, through that website you will also be able to download a transcript of this podcast episode if you want to read back everything Rosemary has told us today. There you will also be able to find out how to contact our lawyers in Aspect Legal if you or your client need assistance with any legal elements of tenders. So, I just want to thank you Rosemary for coming in.

Rosemary: Thank you so much Jo. Thank you for having me on. It has been wonderful.

Joanna: My Pleasure.

And thanks to you our listening audience if you enjoyed what you heard today, don't forget to hit subscribe on your favorite podcast player and join us for our next Talking Law episode. Thanks again for listening in and again you have been listening to Joanna Oakey and Talking Law a podcast proudly brought to you by our commercial legal practice, Aspect Legal. See you next time!