



Mutual Mediations Pty Ltd

Dispute Resolution Practitioners

Register of Consultants

for prequalification for the entry onto a register of experts in the areas of Mediation, Conciliation, Negotiation, Facilitation, Adjudication, Arbitration, Conferencing, Restorative Practices, Training in Dispute Resolution or other specialised knowledge relevant to conflict management or dispute resolution processes.

Issue Date: 29 January 2005

Term of Appointment: 1 year

1 Introduction

1.1 Brief Description of Requirements

Mutual Mediations Pty Ltd is seeking to establish a register of individuals and organisations that can provide one or more of a range of services (“the Requirements”) in relation to the resolution of disputes and the management of conflict, throughout Australia.

The services included within the scope of the Requirements are:

- Mediation
- Conciliation
- Negotiation
- Facilitation
- Conferencing
- Restorative Practices
- On-line Dispute Resolution
- Training in Dispute Resolution
- Dispute Resolution Coaching and Mentoring
- Case Appraisal
- Expert Determination
- Adjudication
- Arbitration

These services are required in all areas of Civil and Commercial fields, including but not limited to:

Business disputes; Real Estate; Building and Construction; Employment and Workplace; Government; Indigenous; Insurance; Wills and Estates; Franchising; Bad Debts; Partnership disputes; Joint Ventures; Copyright/Entertainment; Intellectual Property; Multi-party disputes; Community Interventions; Neighborhood disputes; Body Corporate; Native Title; Family Law – Property – Parenting Issues (including Defacto); Group Facilitations, and any other field that may require alternative dispute resolution interventions.

1.2 Background

Mutual Mediations is a dispute resolution portal encompassing the entire spectrum of conflict resolution processes. We assist hundreds of companies, consumers and agencies with resolving disputes at a fraction of the cost and time that it would take through traditional legal means.

Mutual Mediations is focused on facilitating highly professional, diplomatic and responsive interventions that achieve successful outcomes for all the parties involved.

Our goal is to provide affordable and accessible dispute resolution services as opposed to potentially expensive and protracted litigation, where ultimately each party loses “control of the process and related costs.” Mutual Mediations provides quality, cost-effective dispute resolution services to Governments, businesses, industry associations and individuals, as well as solicitors and advisors throughout Australia. We are a national organisation with a vast network of dispute resolution practitioners who are leaders in this specialist field.

Mediation and other Alternative Dispute Resolution processes are founded on the principles of Interest Based Negotiations. These provide disputants with a method of resolving a wide variety of disputes out of court, privately, quickly, cheaply and with the least disruption to personal and business relationships.

Alternative Dispute Resolution (ADR) is the most efficient and effective means to deal with conflict and avoids lengthy and costly trials. It takes the combined efforts, cooperation and the understanding of the parties to make it work to everyone's advantage, and to achieve a “win-win” outcome.

We are dedicated to preventing legal risks from becoming legal problems, through the provision of preventative law systems, with a primary focus on mediation and dispute resolution processes.

1.3 Purpose of Prequalification

The purpose of this request for Prequalification is to allow Mutual Mediations to compile a register of suitably qualified practitioners for its various requirements. The Prequalification should address the points in section 6 below in sufficient detail to allow Mutual Mediations to determine the suitability of practitioners for its various requirements.

Practitioners who submit a Prequalification and are entered on the register will be approached on a case-by-case basis. They may be offered specific jobs at any time in the future on terms to be negotiated at the time or may be invited to tender for a specific job.

1.4 Timing

The requirements of Mutual Mediations' Register of Consultants and the work to be undertaken depend on factors beyond its control, including Court time-tables, the parties willingness to engage in alternative dispute resolution and the activities of other government departments, private organisation as well as individuals. It is not possible to specify when any particular job requiring expert assistance will arise.

It is envisaged that the register will be considered valid for twelve months after which time Mutual Mediations will re-issue a request for prequalification (for professionals not already on the register) and request those on the register to update their details.

1.5 Further Information

Further information on Mutual Mediations can be found at the following website:
www.mutualmediations.com.

1.6 Selection

Selection of a consultant for inclusion on the Consultant Register does not create a contract between the consultant and Mutual Mediations. No contract will exist until a formal written contract has been executed by the parties in relation to a specific project.

Inclusion of a consultant on the Consultant Register does not mean that work will necessarily flow to the consultant. We reserve the right to engage any consultant who appears on the Consultant Register at our discretion, and are not bound to engage any particular consultant from the register.

2 Process

2.1 General Conditions

- All responses will be acknowledged following the closing date.
- No response will necessarily be accepted.
- No contract will necessarily be entered into as a result of the issue of this request for Prequalification.
- The issue of this request for Prequalification does not give rise to or amount to a process contract whether or not an application is submitted in response to this request. (A process contract means a contract about the process.)
- Mutual Mediations reserves the right not to proceed with this process at any time or to pursue an alternative strategy.
- All information provided by you as a result of responding to this document will be treated as commercial-in-confidence.

2.2 Costs

You are responsible for the cost of preparing and submitting your Prequalification.

If accepted to become a member of Mutual Mediations Register of Consultants an administration fee of \$220.00 per annum will apply, and be conditional upon payment to become registered.

Solicitors and accountants practices which have nominated more than one mediator to our panel are required to pay an additional annual administration fee of \$220 (inclusive of GST).

3 Lodgement Details

3.1 Address for Lodgement

Prequalification should be emailed to info@mutualmediations.com . Only electronic formats will be considered.

The consultant register established on the basis of these Prequalifications can be added to any time at the discretion of Mutual Mediations.

4 Enquiries

4.1 Contact Person

The only person authorised by Mutual Mediations to communicate with you in relation to this request for Prequalification is the Contact Person. Therefore, you cannot rely on communications with any other person. All communication with the Contact Person should be in writing or email.

The contact person is:

Mr Callum Campbell

Address:

Mutual Mediations

6/8 Petrie Tce

Brisbane Qld 4000

E-mail: info@mutualmediations.com.au

Fax: (07) 3876 6259

4.2 Responses

Responses to your enquiries will be in writing or by e-mail.

5 Scope of Requirements

Mutual Mediations Requirements vary depending on the context of the work. Exceptional conflict resolution skills and the ability to demonstrate impartiality and work under pressure are essential to all tasks.

The services included within the scope of the Requirements are:

- Mediation

- Conciliation
- Negotiation
- Facilitation
- Conferencing
- Restorative Practices
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6 Format of Submission

Your submission is to be set out in discrete sections, in accordance with the information requested below.

6.1 Contact Details

You will need to provide the following contact details in your submission:

- Personal or Business Name
- A.B.N.
- Postal Address
- Details of your nominated contact person, including
 - o name
 - o title
 - o telephone number
 - o facsimile number

o e-mail address

- Website address (if applicable)

6.2 Services

You will need to specify which of the services described in Section 5 you are nominating to provide to Mutual Mediations.

6.3 Capabilities and Experience

You will need to provide a detailed curriculum vitae of the person(s) nominated as experts. If the Prequalification is made through a company, an organisational profile may also be submitted. The curriculum vitae should detail:

- relevant experience;
- relevant specialised training;
- any work to a similar scope of the Requirements fulfilled in the past;
- any work to a similar scope of the Requirements currently being undertaken;
- any other academic and professional experiences that may be relevant to the Requirements;
- any limitations on your availability (e.g. potential conflicts of interest in certain areas of the State);
 - contact details for referees.

The organisational profile (if applicable) should describe:

- the nature of the organisation;
- the history of the organisation; and
- its most significant involvement in jobs related to the Requirements.

(NOTE: The organisational profile is optional and no substitute for a detailed CV of the nominated expert(s))

6.4 Fees

You will need to provide your current fee structure. These fees will be set for a 12 month period after which time you can adjust them by giving Mutual Mediations notice in writing.

6.5 Other Information

Please provide any other information you wish to make available in support of your submission.

7 Evaluation Criteria

The criteria used to evaluate the Prequalification and determine whether or not you may be offered a job or invited to tender for a job include, but are not necessarily limited to, the following factors:

- provision of sufficient information in the Prequalification to make an evaluation;
- nomination for at least one service within the scope of the Requirements;
- experience in working in legal/HR/Social Sciences and Community settings;
- relevant technical knowledge;
- experience in demonstrating impartiality;
- compliance with terms and conditions of this document.