



AUSTRALIAN
mediation
association
Specialists in Preventative Law

Request for
Dispute Resolution Practitioners
to be included on a
National Panel of ADR Consultants

Term of Appointment: 12 months

1 Introduction

1.1 Brief Description of Requirements

The Australian Mediation Association is seeking to establish a panel 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:

- Family Dispute Resolution
- Mediation
- Conciliation
- Negotiation
- Facilitation - Multi-party Disputes
- Conferencing
- Restorative Practices
- On-line Dispute Resolution
- Training in Dispute Resolution
- Conflict Coaching
- Dispute Resolution Coaching and Mentoring
- Case Appraisal
- Expert Determination
- Adjudication
- Arbitration
- or other specialised knowledge relevant to conflict management or dispute resolution processes

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

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

1.2 Background

The AMA is an association of mediators and conflict resolution practitioners who provide private mediation services, ADR consulting services and education in mediation, communication and negotiation. Services are provided to assist Governments, businesses, organisations and individuals avoid disputes through planning and to resolve disputes through mediation and other forms of ADR.

Alternative Dispute Resolution (ADR) has become a widely used set of processes that continues to grow as a means of resolving even the most complex, high stakes cases. Through a combination of the expertise of our distinguished mediators and associates and effective business practices, we have set the standard for ADR providers nationwide. 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.

The AMA 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.” The AMA 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.

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 the AMA to compile a panel of suitably qualified ADR practitioners for its various requirements. The Prequalification should address the points in section 6 below in sufficient detail to allow the AMA to determine the suitability of practitioners for its various requirements.

Practitioners who submit a Prequalification and are entered on the panel 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 the AMA's National Panel of ADR 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 organisations as well as individuals. It is not possible to specify when any particular job requiring expert assistance will arise.

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

1.5 Further Information

Further information on the AMA can be found at the following website:

www.ama.asn.au

1.6 Selection

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

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

2 Process

2.1 General Conditions

- All responses will be acknowledged.
- 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.)
- The AMA 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.

There is special introductory fee joining fee of \$220 (inclusive of GST) for all mediators and dispute resolution practitioners joining our national panel. Solicitors and Barristers practices or any other organisation which have nominated more than one mediator to our panel are required to pay an additional annual administration fee of \$220 (inclusive of GST). Fees will be charged on an annual basis thereafter.

3 Lodgement Details

3.1 Address for Lodgement

Prequalification should be emailed to panel@ama.asn.au Only electronic formats will be considered.

The consultant panel established on the basis of this Prequalification can be added to any time at the discretion of the AMA.

4 Enquiries

4.1 Contact Person

The only person authorised by the AMA 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

E-mail: callum@ama.asn.au

Fax: (07) 3876 4259

4.2 Responses

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

5 Scope of Requirements

The AMA's 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.

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
- Email address
- Details of your nominated contact person, including
 - o name
 - o title
 - o telephone numbers – office & mobile
 - 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 the AMA.

6.3 Capabilities and Experience

You will need to provide a detailed curriculum vitae of the person(s) nominated as ADR Consultants. 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;
- experience in demonstrating impartiality;
- 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

Standard fee rates will be contained in the written contract entered into between the AMA and the successful ADR practitioners. Alternative fee structures are able to negotiated.

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.