

Professional Advisory Services

Corporate Capability 2019 Commercial and Financial Advisory Services



COVERING EVERY ANGLE WITH INTEGRITY

Built on knowledge,
respect and trust.

Experience success.



About us

We are a Melbourne-based company providing commercial, procurement and probity services to government organisations. Our expertise includes:

1. **Strategic needs analysis** – identifying and prioritising service needs, risks and options and identifying project and program improvements.
2. **Business case development** – ensuring that asset initiatives are well researched and stand up to internal and external scrutiny.
3. **Strategic and transactional procurement services** – identifying, managing and reducing risk and thereby mitigating stress involved in conducting a procurement process, providing end-to-end management and meeting time-frames.
4. **Commercial contract management advice** – developing contract management plans, performance management frameworks, tools and processes and providing contract management training.
5. **Program reviews** – evaluating effectiveness of government contracts and service delivery programs.
6. **Commercial contract advice** – identifying and managing risks, negotiating contracts, advising on risk allocation and dispute resolution.

Founded in 1986, we have almost 30 years' experience delivering government service initiatives, and working on some of Victoria's most important asset and infrastructure projects.

We bring transparency, accountability and high standards of commercial conduct to ensure optimal client outcomes for the best value.

Our unique mix of commercial acumen and extensive government experience enables innovative solutions balanced with best business practice.

Our team collectively
has more than
370 years
of experience!



The finest consultants

Our team represents some of Victoria's finest consultants, offering a valuable combination of skills across a range of sectors including construction, ICT, education, health, pharmaceuticals, transport, justice and legal.

Most of our Principal Consultants have over 20 years' experience in public sector infrastructure delivery, and portfolio asset management and are experts on the applicable policy frameworks. Our Principal Consultants are supported by specialists in document automation, template development, online procurement tools, media relations, marketing and event management.

Our experience and skills provide tailored services that achieve client outcomes efficiently and cost-effectively.



Pauline Bernard
Managing Director

Pauline is a highly experienced procurement and probity professional. With a background in Contract Law, Pauline has more than 25 years' experience working in the Victorian Public Service, and with public sector clients. Specialising in strategic project reviews, procurement, probity and governance, Pauline provides considered and practical guidance tailored to the client's priorities and risks. Clients value her expertise, insight and responsiveness. Since 2005, Pauline has had primary responsibility for all CourtHeath consulting assignments.



Dr Kenneth Doig
Director

Founding director Ken Doig has provided specialist technology services to major companies in Australia for many years. His work has helped achieve breakthroughs in major telecommunications projects, including for Telstra, Siemens, NEC and Nokia Siemens Networks. He has worked in project management and telecommunications infrastructure procurement at the highest level. In recent years, Ken has brought this expertise to the not-for-profit sector, where he has delivered bioinformatics projects for cancer research and clinical diagnostics.



Andrew Smale
Principal Consultant

Andrew is a management consultant specialising in strategic procurement, capital investment and asset management. His extensive knowledge of resource management comes from senior executive roles in project delivery and management, having led business units with over 200 staff, budgets of \$30 million recurrent and \$250 million capital. Andrew develops business cases and business plans for state and local government. As a Principal Consultant at CourtHeath, Andrew has undertaken strategic assessments, program and project reviews, end-to-end procurement management and contract establishment.



Helen Stewart
Principal Consultant

Helen is an experienced member of CourtHeath's probity practice with expertise in government probity and procurement. Before joining CourtHeath in 2015, Helen worked as a probity and procurement consultant for five years, and during that time, was the primary support advisor working with Pauline in the probity practice. Helen previously worked for 12 months in the Department of Infrastructure Contract Services Group providing procurement and internal probity advice and undertaking research. Prior to that, Helen worked for 10 years in private sector law firms as a property lawyer.



Anne Dalton
Principal Consultant

Anne has a distinguished career operating at the highest levels as a commercial and procurement advisor to governments and public bodies across Australia. With a background as a partner in commercial law firms advising on probity and government procurement, Anne is a key advisor to government on service delivery, asset and infrastructure projects. Anne's experience spans many sectors including construction, ICT, health, education and defence. Anne serves on statutory authority boards.



Tony Butler
Principal Consultant

Tony is a respected procurement expert who held senior state and federal government positions. He has significant international experience in development assistance projects and as a researcher on international procurement regimes and agreements. For 10 years, Tony was Director Contract Services and Risk Management at the Department of Infrastructure, working across the full range of the Department's activities, including public construction. Tony was also an invited member of the inaugural Steering Group of senior procurement specialists advising CIPS on the professional procurement agenda in Australia.



Dr Julia Cornwell McKean
Principal Consultant

Julia brings nearly twenty years of experience in regulation and governance to CourtHeath, including twelve years as an Executive in the Commonwealth Public Service. Julia is an experienced probity advisor who has worked on a number of procurement, licensing and grants processes for Victorian Public Sector, Local Government and tertiary sector clients. She brings specialist expertise in internal audit, policy review, risk management, investigations, governance and cyber-security. Julia also has a keen personal interest in sustainability, and is CourtHeath's in-house expert on Victoria's Social Procurement Framework helping our clients to leverage their procurements to achieve social and sustainable outcomes for Victorians.



Phillip Weiss
Principal Consultant

Phillip has extensive experience working for private firms and for government organisations including Victorian government departments and agencies where he worked as an internal probity advisor. He is very experienced as a probity practitioner, procurement consultant and lawyer. He has a broad educational background with a Diploma of Electronics, a Bachelor of Arts, an Honours Law Degree and a Master of Laws specialising in commercial law. In his Masters degree in Government Contracting and Tendering, Phillip focused on the legal basis and relevant case law that forms the basis for probity.



Carol Dale AM
Principal Consultant

Carol has more than 35 years' experience in probity and procurement, including a mix of military logistics and procurement, outsourcing, category management, probity and strategic sourcing, for government and private enterprise. Carol's speciality is services procurement and strategic sourcing. She has procured services as wide ranging as aircraft research and development activities, to facilities management services, such as cleaning and waste management. She has undertaken major outsourcing projects for Government and the private sector, and has provided guidance and assistance to SMEs tendering for Government work.



Dr Allan Davey
Specialist Advisor

Allan is a management consultant specialising in innovation. A former Victorian Public Service officer, Allan was responsible for business cases and competitive processes for innovation projects including tenders and grant programs. Allan's background in science positioned him well to work on many of the State's recent significant scientific and research infrastructure projects. He currently undertakes special projects across the higher education, research and industry sectors in the development and management of innovation initiatives.



Lyn Malone
Consultant

Lyn has a strong background in Victorian government public policy and project management. From her long career in the public service, Lyn brings knowledge of government projects and policy implementation, particularly in the areas of the environment and the development of legislation. Together with her highly developed written and oral communication skills and analytical ability, Lyn's public sector and academic research abilities contribute to the strategies that CourtHeath develops for clients.



Alf Zarro
Consultant

Alf is a highly experienced procurement and probity consultant with a background in Victorian public sector ICT procurement (especially software licensing) and professional services. He has led software audits and reviews resulting in significant cost savings. Alf brings to CourtHeath his experience undertaking audit reviews of procurement, providing probity advice on associated transactions, overseeing evaluation processes and contract negotiations, and contributing to the probity component of business cases. Such a skill set offers a deep understanding of the world of probity and its demands, which is invaluable to CourtHeath and our clients.



James Moss

Consultant

James is a management consultant with expertise in government procurement and probity, risk management and major infrastructure projects. He has a strong reputation in undertaking investigations. Post graduate qualifications in construction law and risk management complement his expertise in the administration of major government projects and tender processes, and the application of probity and governance standards. Most recently he worked with the Victorian Building Authority in a senior policy consulting role in relation to the delivery of the State-wide Cladding Audit.



Helen Bernard

Project Consultant

Helen is an experienced architect working in CourtHeath's construction procurement practice and on modular building and energy projects. Helen's experience includes all aspects of project delivery, from feasibility studies, development of a design brief, concept design and documentation for planning and building approval, to tendering and contract administration. Consultancy is provided to facilitate the uptake of energy efficiency in residential, commercial and public buildings to meet stakeholder targets for reduced use of resources, lower running costs in the face of energy price rises, and greenhouse gas emissions reduction.

On client surveys,
satisfaction with our people
averages **92%** on a range of KPIs
including:

- satisfaction with services
- satisfaction with managing fees
- satisfaction with quality of work



Excellent services

Our Commercial and Financial Advisory Services experience is informed by both government and service provider perspectives.

“The service was of very high quality and well received. Pauline and Helen assisted the Department with its objectives. Their conduct was very professional, timely and considered, particularly noted were the positive and helpful interactions with myself and other Departmental stakeholders. The quality of documents and outputs were also of a professional quality.”

Government Client





Strategic policy review, reform and project development

We have undertaken a number of assignments involving service need analysis, service planning, feasibility and strategic assessments.

Our team's experience includes:

1. reviewing program delivery practices, investigating relevant delivery model options and recommending reforms to improve service outcomes and reduce inappropriate spend
2. contributing to the development of Victorian government commercial policy
3. providing commercial advice and undertaking strategic reviews, feasibility studies, preliminary cost benefit analysis, preliminary project costing, and whole-of-life costing including benchmarking and risk valuation

4. advising state government agencies on project delivery options including the suitability of alliancing frameworks, design-and-construct versus lump-sum contracts, and implications for different types of projects.

Outcomes include:

- more effective and responsive service to stakeholders
- reduced risk of roting and adverse audits
- enhanced reputation and respect within the public sector through strengthened programs.

Business case development

We have significant experience preparing business cases, including analysis of market capability and appetite, detailed financial analysis, stakeholder identification, consultation and issues analysis as well as defining the project requirements. Our approach aligns with Treasury's Infrastructure Management Standard and the Investment Lifecycle Guidelines.

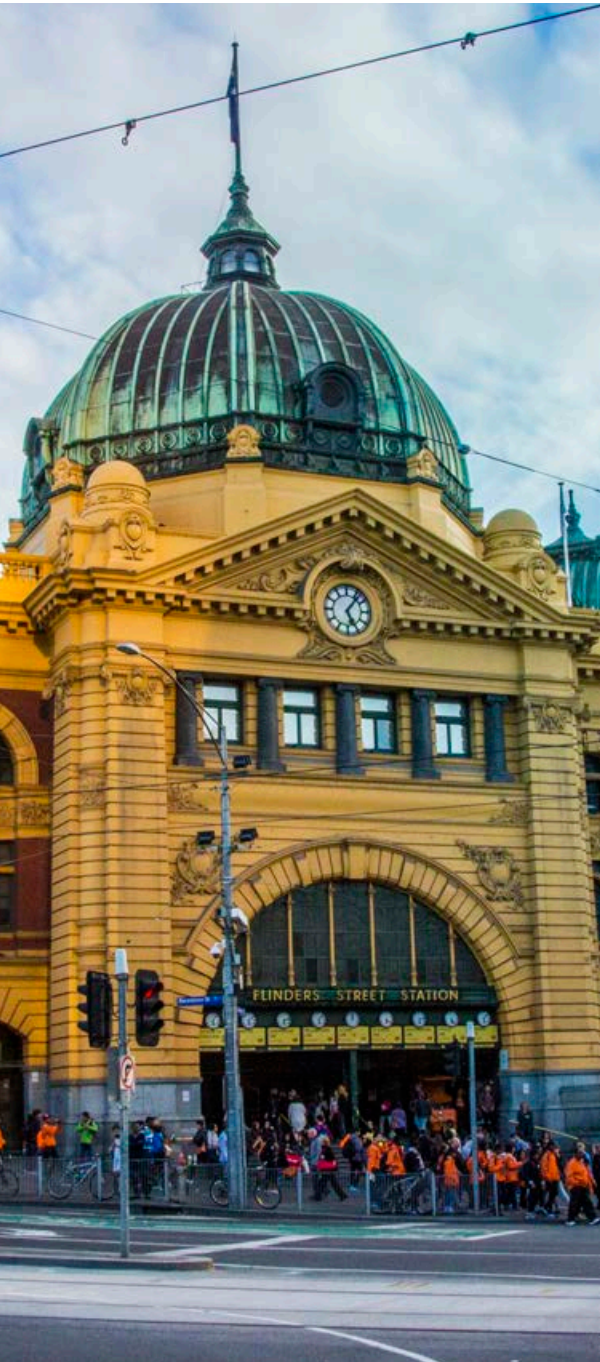
Our team's experience includes:

1. formulating risk mitigation strategies through risk identification, analysis and valuation
2. identifying optimal delivery models for complex or simple contracts
3. developing and reviewing business cases
4. developing/reviewing media and communication plans
5. demonstrating expertise in determining whether commitments made to government in the business case have been delivered to the quality, price and time promised at project close.

Outcomes include:

- enhanced evidence-based decision making, scaled to match the characteristics of individual initiatives
- business cases strategically aligned to priorities and objectives, representing value for money.





Market engagement and implementation

The development of tendering strategies and management of procurement processes to ensure alignment with sound commercial practice and government policy.

Our team's experience includes:

1. managing end-to-end procurement process activities including drafting invitation documents, developing evaluation criteria, providing evaluation management and support, and documenting recommendations to demonstrate achievement of value for money outcomes
2. drafting specifications and coordinating the development of technical specifications by others
3. developing and advising on tendering strategies, evaluation criteria, and project tender documentation including EOI, RFP, RFT, RFQ and other invitations
4. developing tendering tools and template documents
5. reviewing tendering processes and templates
6. producing procurement guidance
7. working with external lawyers to develop performance standards and performance management regimes with measurable KPIs, tiered consequences with robust payment mechanisms that provide performance incentives and match the value for money drivers
8. providing strategic and technical input to the development of contractual structures (in conjunction with separate legal advisors)
9. facilitating interactive tender processes as the procurement advisor
10. developing negotiation strategies.

Outcomes include:

- the removal of unnecessary steps in the process
- assurance and confidence that processes have been undertaken thoroughly and that recommendations are well supported
- market engagements that progress efficiently, cost-effectively and without compromise to process integrity
- optimal outcomes that are defensible.

Commercial contract management

We have provided extensive contract management advice, both as public sector advisors and in the private sector.

Our team's experience includes:

1. preparing contract management plans
2. designing supplier review programs
3. coordinating the preparation of contract administration manuals to support contract administration on a day-to-day basis
4. commercial contract management advice
5. contract management training to Commonwealth and State entities.

Outcomes include:

- a strengthened capability through practical legal and commercial contract experience
- collaborative contracting behaviour that maximises value and addresses challenges effectively
- exposure to government contracting shared through formal training and specialist advice.



VicRoads South-Western Region maintenance alliance



Project, program and business review

(incorporating business re-organisation reviews)

We have recently undertaken a number of state government reviews of program delivery and operations.

Our team's experience includes:

1. reviewing compliance with procurement policies and processes and use of intellectual property
2. reviewing construction programs, considering contracting and tendering practices and compliance with applicable procedures
3. considering practices in other jurisdictions, identifying opportunities for service improvements and evaluating delivery, operations and benefits.
4. reviewing internal, policies, practices and procedures to assess compliance with applicable requirements and making best practice recommendations.

Outcomes include:

- significant cost savings through program reviews
- an understanding of factors affecting efficiency including investigating practices and relationships with stakeholders
- the elimination of avoidable inefficiencies in the program re-design
- improved processes, providing re-assurance to the complainants.

General commercial advice

(incorporating commercial negotiations)

We have significant experience providing commercial advice including negotiation advice.

We provide sound commercial advice to state government departments to enable implementation of improved commercial models. Our detailed advice covers operational and governance issues, including optimal risk allocation.

Our team's experience includes:

1. developing risk registers and risk management plans
2. leading commercial negotiations
3. risk allocation and commercial contracting advice
4. advice about contract dispute resolution over many government contracts (including as qualified mediators and dispute resolution practitioners)
5. claims assessment and development of responses to claims (especially in construction).

Outcomes include:

- well-constructed negotiation strategies that match risk and return outcomes
- contracts that are objective and reasonable towards all parties and are unlikely to fail or bring clients into disrepute
- commercial outcomes that are defensible and can stand up to external scrutiny.



Port expansion project

Our recent clients



Australian Catholic University



Australian Red Cross Blood Service



Care Connect



Cenitex



City of Darebin



City of Melbourne



City of Port Phillip



Country Fire Authority



Department of Jobs, Precincts and Regions



Department of Education and Training - Victoria



Department of Environment, Land, Water and Planning - Victoria



Department of Health and Human Services - Victoria



Department of Justice and Community Safety



Department of Premier and Cabinet



Environment Protection Authority Victoria



Emerald Tourist Railway Board - Puffing Billy



Emergency Services Telecommunications Authority



Greater Metropolitan Cemeteries Trust



Hobsons Bay City Council



Major Road Projects Authority



Melbourne Market Authority



Moonee Valley City Council



National Gallery of Victoria



Primesafe



Sustainability Victoria



Swinburne University



Transport Accident Commission



Transport For Victoria



The University of Melbourne



VicRoads



Victorian Managed Insurance Authority



Victoria Police



Victorian Planning Authority



Victorian School Building Authority

“The integrity of our process had to be flawless, within extremely tight timelines. We contracted CourtHeath to ensure the process was thorough and the probity assured. They were terrific, guiding us through the government policies and processes in a manner that impressed even our internal experts. CourtHeath has the ability to manage the client in a way that generates confidence in the integrity of each and every step. I would certainly recommend CourtHeath to the public sector for probity and procurement services.”

Andrew Williamson



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