

Responding to an RFP

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RESPONDING TO AN RFP

Answer the following questions about each RFP

- If you answer “no” to two or more of these questions, you may wish to decline making a response to the RFP:
 - Do we have an existing positive relationship with the client?
 - Do we have unique skills, capabilities or resources that are critical to the project’s success and difficult for competitors to copy?
 - Does the client recognize our unique value?
 - Will we have access to the client before submitting or presenting our proposal?

Mastering The Game

- Market awareness and capabilities get you invited.
- Rational differentiation keeps you in the game.
- Emotional differentiation is what gets you selected.
- Don’t talk too much about yourself.
- Instead, ask thoughtful questions that indicate knowledge of the client and sincere interest.

Designate a Lead Attorney to Call or Otherwise Contact the Client (this may be the same person who received the RFP, sometimes not)

The Lead Attorney Will Be Responsible for Managing the Process, from Preparation of the Response to Preparing for the Interview

The Lead Attorney Will Set Internal Deadlines and Keep Lawyers, Marketing Department Personnel and IT, and Accounting Personnel on Track

The Lead Lawyer Is Responsible for Acknowledging Receipt of the RFP and Subsequent Information Gathering Contacts, Determining the Final Content of the Response and Handling Follow-up Communications after the Response Has Been Delivered.

Preparing the Proposal

- Do your homework on the prospective client.
- Research the history of the organization and the prospect's track record in similar legal matters.
- Get press clippings on the prospective client.
- When writing the proposal, stick to what the client wants to know about the firm. Your ability to tailor the response to meet the client's needs is crucial.
- Organize the proposal to mirror the way the issues were outlined in the RFP.
- The key ingredients of a successful response to a RFP is:

-Executive Summary

The Executive Summary should be written in such a way that it can stand alone. It is the most likely part of the RFP to be circulated among senior management. Your ability to communicate concisely and in terms understandable to a lay person will most likely be judged by the quality of the Executive Summary.

As a rule of thumb, an Executive Summary should not be more than two pages in length. It should lead off with a brief statement of your understanding of the matter, the questions raised and the conclusion. Included should be a proposed staffing plan with brief mention of the expertise of the lawyers, and a mention of fees and costs.

-Evaluation of the Matter and Strategic Approach

This is the best opportunity to educate the client about the vagaries of the matter, including likelihood of success and the major pitfalls along the way. Since RFPs are most commonly used for complex, long-term matters that require a strategic approach, demonstrate your strategic thinking as part of the evaluation.

-Expertise

Sophisticated clients use RFPs as a technique to test the level and depth of expertise available in a firm. The response should accomplish this and should cite specific analogous matters handled by the firm and the lawyers as lawyers who will be staffing the matter.

Generalities are not helpful.

-Staffing Consistency and Depth

The client wants assurances that staffing will not vary and that the firm will adjust its billings if personnel changes require staffing changes.

-Budgeting and Billing

Good response to RFPs should set forth a range of likely cost over the life of the matter and a choice of billing techniques.

-Innovative Fee Arrangements

The RFP and the response can present an excellent opportunity to identify, negotiate and agree upon innovative fee arrangements.

-Contacts and References

In addition to offering the prospective client non-confidential information about similar matters, the firm has handled on behalf of other clients, the RFP response should affirmatively offer the names of individuals who are familiar with them and their services, and with the consent of these individuals, they

should be listed as references along with their contact information.

Perhaps one of the most powerful marketing tools is the existing satisfied client.

Do's and Don'ts

Do:

- Emphasize the firm's practice strengths and admit the practice gaps.
-Be specific about how your pricing strategy will work.
- Use an Executive Summary
- Use a presentation format
- Identify a lead attorney as the main client contact
- Use the results of the firm's client survey to document the high esteem in which the firm is held by clients

Don't:

- Promise what cannot be delivered
- Generally tell the client that the firm is "open" to all kinds of alternative fee arrangements and will do whatever the client wants
- Bury the specific proposal at the end or in the text
- Lead the proposal with a history of the firm, the firm biography or descriptions of the firm practice areas
- Write a proposal that looks like a doorstep