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Tender

## **Legal services - future of SWAN**

The Common Services Agency (more commonly known as NHS National Services Scotland) ("NSS")

F21: Social and other specific services – public contracts

Contract notice

Notice identifier: 2021/S 000-000363

Procurement identifier (OCID): ocds-h6vhtk-0288bf

Published 8 January 2021, 2:32pm

The closing date and time has been changed to:

**27 January 2021, 5:00pm**

See the [change notice](#).

## **Section I: Contracting authority**

### **I.1) Name and addresses**

The Common Services Agency (more commonly known as NHS National Services Scotland) ("NSS")

Gyle Square (NSS Head Office), 1 South Gyle Crescent

Edinburgh

EH12 9EB

#### **Email**

[billy.hislop@nhs.scot](mailto:billy.hislop@nhs.scot)

#### **Telephone**

+44 7971460577

**Country**

United Kingdom

**NUTS code**

UKM - SCOTLAND

**Internet address(es)**

Main address

<http://www.nhsscotlandprocurement.scot.nhs.uk/>

Buyer's address

[https://www.publiccontractsscotland.gov.uk/search/Search\\_AuthProfile.aspx?ID=AA11883](https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA11883)

**I.2) Information about joint procurement**

The contract is awarded by a central purchasing body

**I.3) Communication**

The procurement documents are available for unrestricted and full direct access, free of charge, at

[www.publiccontractsscotland.gov.uk](http://www.publiccontractsscotland.gov.uk)

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

[www.publiccontractsscotland.gov.uk](http://www.publiccontractsscotland.gov.uk)

**I.4) Type of the contracting authority**

Body governed by public law

**I.5) Main activity**

Health

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## **Section II: Object**

### **II.1) Scope of the procurement**

#### **II.1.1) Title**

Legal services - future of SWAN

Reference number

NSS202135

#### **II.1.2) Main CPV code**

- 79100000 - Legal services

#### **II.1.3) Type of contract**

Services

#### **II.1.4) Short description**

Provision of legal services for the Future of Swan procurement project.

#### **II.1.6) Information about lots**

This contract is divided into lots: No

### **II.2) Description**

#### **II.2.3) Place of performance**

NUTS codes

- UKM - SCOTLAND

#### **II.2.4) Description of the procurement**

1. The Common Services Agency (more commonly known as National Services Scotland), a statutory body constituted pursuant to the National Health Service (Scotland) Act 1978 ("NSS") is the contracting authority for the Scottish Wide Area Network ("SWAN") which serves the public sector in Scotland. NSS has been instructed by the SWAN members to undertake a procurement for a framework agreement to replace the

current SWAN (the “Project”).

2. NSS requires a high level of professional legal and commercial advice and support throughout the Project and optionally for the duration of the resulting framework. NSS requires to appoint appropriately experienced and qualified legal advisors (the “Firm”) to act on its behalf, to provide pro-active advice on all the contractual and legal aspects of the Project and generally undertake all legal work required to facilitate successful completion of the Project, including those set out in more detail in the ITT.

#### **II.2.13) Information about European Union Funds**

The procurement is related to a project and/or programme financed by European Union funds: No

#### **II.2.14) Additional information**

Only a Firm which will use staff to provide the Legal Services who are appropriately qualified in Scots Law will be considered.

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## **Section III. Legal, economic, financial and technical information**

### **III.1) Conditions for participation**

#### **III.1.4) Objective rules and criteria for participation**

List and brief description of rules and criteria

Economic operators may be excluded from this competition if they are in breach of any of the situations referred to in regulation 58 of the

Public Contracts (Scotland) Regulations 2015.

### **III.2) Conditions related to the contract**

#### **III.2.1) Information about a particular profession**

Execution of the service is reserved to a particular profession

Reference to the relevant law, regulation or administrative provision

It is a mandatory requirement that the appointed Firm will use staff to provide the Legal Services who are appropriately qualified in Scots Law. Any Tender not constructed on this basis will not be further evaluated.

#### **III.2.3) Information about staff responsible for the performance of the contract**

Obligation to indicate the names and professional qualifications of the staff assigned to performing the contract

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## **Section IV. Procedure**

### **IV.1) Description**

#### **IV.1.1) Form of procedure**

Open procedure

### **IV.2) Administrative information**

#### **IV.2.2) Time limit for receipt of tenders or requests to participate**

Originally published as:

Date

22 January 2021

Local time

10:00am

Changed to:

Date

27 January 2021

Local time

5:00pm

See the [change notice](#).

#### **IV.2.4) Languages in which tenders or requests to participate may be submitted**

English

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## **Section VI. Complementary information**

### **VI.2) Information about electronic workflows**

Electronic ordering will be used

Electronic invoicing will be accepted

Electronic payment will be used

### **VI.3) Additional information**

Community benefits are included in this requirement. For more information see:

<http://www.publiccontractsscotland.gov.uk/info/InfoCentre.aspx?ID=2361>

A summary of the expected community benefits has been provided as follows:

The Public Sector in Scotland is committed to the delivery of high quality public services, and recognises that this is critically dependent on a workforce that is well-rewarded, well-motivated, well-led, has access to appropriate opportunities for training and skills development, diverse and engaged in decision making. These factors are also important for workforce recruitment and retention, and thus continuity of service.

Public Bodies in Scotland are adopting fair work practices, which include:

A fair and equal pay policy that includes a commitment to supporting the Living Wage, including, for example being a Living Wage Accredited Employer;

clear managerial responsibility to nurture talent and help individuals fulfil their potential, including for example, a strong commitment to Modern Apprenticeships and the development of Scotland's young workforce;

Promoting equality of opportunity and developing a workforce which reflects the population of Scotland in terms of characteristics such as age, gender, religion or belief, race, sexual orientation and disability;

Support for learning and development;

Stability of employment and hours of work, and avoiding exploitative employment practices, including for example no inappropriate use of

zero-hours contracts;

Flexible working (including for example practices such as flexi-time and career breaks) and support for family friendly working and wider

work life balance;

Support progressive workforce engagement, for example Trade Union recognition and representation where possible, otherwise alternative

arrangements to give staff an effective voice.

In order to ensure the highest standards of service quality in this contract we expect contractors to take a similarly positive approach to fair work practices as part of a fair and equitable employment and reward package.

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Please describe how you will commit to fair work practices for workers (including any agency or sub-contractor workers) engaged in the delivery of this contract.

NOTE: To register your interest in this notice and obtain any additional information please visit the Public Contracts Scotland Web Site at

[https://www.publiccontractsscotland.gov.uk/Search/Search\\_Switch.aspx?ID=640454](https://www.publiccontractsscotland.gov.uk/Search/Search_Switch.aspx?ID=640454).

The buyer has indicated that it will accept electronic responses to this notice via the Postbox facility. A user guide is available at

[https://www.publiccontractsscotland.gov.uk/sitehelp/help\\_guides.aspx](https://www.publiccontractsscotland.gov.uk/sitehelp/help_guides.aspx).

Suppliers are advised to allow adequate time for uploading documents and to dispatch the electronic response well in advance of the closing time to avoid any last minute problems.

Community benefits are included in this requirement. For more information see:

<http://www.publiccontractsscotland.gov.uk/info/InfoCentre.aspx?ID=2361>

A summary of the expected community benefits has been provided as follows:

Please see VI.3

(SC Ref:640454)

## **VI.4) Procedures for review**

### **VI.4.1) Review body**

Edinburgh Sheriff Court



Sheriff Court House, 27 Chambers Street

Edinburgh

EH1 1LB

Email

[edinburgh@scotcourts.gov.uk](mailto:edinburgh@scotcourts.gov.uk)

Telephone

+44 1312252525

Country

United Kingdom

#### **VI.4.3) Review procedure**

Precise information on deadline(s) for review procedures

Economic operators should approach the contracting authority in the first instance. However, the only formal remedy is to apply to the courts:

An economic operator that suffers, or is at risk of suffering, loss or damage attributable to a breach of duty under the Public Contracts (Scotland) Regulations 2015 or the Procurement Reform (Scotland) Act 2014, may bring proceedings in the Sheriff Court or the Court of Session.