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Tender

## **Provision of Legal Advice for the Orkney Harbour Masterplan Projects**

Orkney Islands Council

F05: Contract notice – utilities

Notice identifier: 2023/S 000-002211

Procurement identifier (OCID): ocids-h6vhtk-039a4d

Published 24 January 2023, 4:52pm

### **Section I: Contracting entity**

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

Orkney Islands Council

Council Offices, School Place

Kirkwall

KW15 1NY

#### **Contact**

Rosemary Colsell

#### **Email**

[rosemary.colsell@orkney.gov.uk](mailto:rosemary.colsell@orkney.gov.uk)

#### **Telephone**

+44 1856873535

#### **Country**

United Kingdom

**NUTS code**

UKM65 - Orkney Islands

**Internet address(es)**

Main address

<http://www.orkneyharbours.com>

Buyer's address

[https://www.publiccontractsscotland.gov.uk/search/Search\\_AuthProfile.aspx?ID=AA11522](https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA11522)

**I.3) Communication**

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

<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

<http://www.publiccontractsscotland.gov.uk>

Electronic communication requires the use of tools and devices that are not generally available. Unrestricted and full direct access to these tools and devices is possible, free of charge, at

<http://www.publiccontractsscotland.gov.uk>

**I.6) Main activity**

Port-related activities

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## **Section II: Object**

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

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

Provision of Legal Advice for the Orkney Harbour Masterplan Projects

Reference number

OIC/PROC/1645

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

- 79100000 - Legal services

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

Services

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

Orkney Islands Council (OIC) has a requirement for legal advice services in relation and at this stage specifically to potential developments at Hatston (Orkney Logistics Base), Scapa Flow (Scapa Deep Water Quay) and Lyness (Lyness Storage Facility) as the projects move towards detailed design and construction, noting that the Orkney Harbour Masterplan Phase 1 contains other projects.

#### **II.1.5) Estimated total value**

Value excluding VAT: £500,000

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

This contract is divided into lots: No

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

#### **II.2.2) Additional CPV code(s)**

- 79100000 - Legal services
- 79111000 - Legal advisory services

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

NUTS codes

- UKM65 - Orkney Islands

Main site or place of performance

Orkney Main Island

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

Orkney Islands Council (OIC) has a requirement for legal advice in relation and at this stage specifically to potential developments at Hatston (Orkney Logistics Base), Scapa Flow (Scapa Deep Water Quay) and Lyness (Lyness Storage Facility) as the projects move towards detailed design and construction, noting that the Orkney Harbour Masterplan Phase 1 contains other projects. Work will include providing advice on these potential developments only i.e: Scapa Deep Water Quay, Hatston (Orkney Logistics Base) and Lyness (Lyness Storage Facility). Workload and timing will be dependent on the progression of each project through the development of ScotWind offshore windfarm construction programmes, consenting and internal Council approval processes.

The Council seeks a suitably qualified and experienced legal services contractor to undertake this Legal Advisor role.

#### **II.2.5) Award criteria**

Quality criterion - Name: Project Understanding / Weighting: 10

Quality criterion - Name: Project Methodology / Weighting: 40

Quality criterion - Name: Contract Management / Weighting: 30

Price - Weighting: 20

#### **II.2.6) Estimated value**

Value excluding VAT: £500,000

#### **II.2.7) Duration of the contract, framework agreement or dynamic purchasing system**

Duration in months

96

This contract is subject to renewal

No

#### **II.2.10) Information about variants**

Variants will be accepted: No

#### **II.2.11) Information about options**

Options: Yes

Description of options

Given the nature of the projects involved, it is possible that unforeseen additional work may arise during the course of this service contracts, or that the requirements are reduced particularly if projects do not achieve planning consent. This may give rise to a requirement for a variation in agreed works or a contract extension however this option will be at the sole discretion of the Authority and subject to availability of funding.

#### **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**

The contract duration is for an initial 24 mths with an option at the Authority's discretion (subject to approval by the Council of funding beyond the first 12 mths of the initial two year period) option to extend by a further 3 x 24 mths to end in March 2031 with a total value of up to a max of 500000 GBP Details of approved funding contained in the tender documentation.

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

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

#### **III.1.1) Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers**

List and brief description of conditions

As detailed in the tender documentation.

#### **III.1.2) Economic and financial standing**

Selection criteria as stated in the procurement documents

#### **III.1.3) Technical and professional ability**

Selection criteria as stated in the procurement documents

### **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

#### **III.2.2) Contract performance conditions**

As detailed in the tender documentation.

#### **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) Type of procedure**

Open procedure

#### **IV.1.8) Information about the Government Procurement Agreement (GPA)**

The procurement is covered by the Government Procurement Agreement: Yes

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

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

Date

24 February 2023

Local time

12:00pm

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

English

### **IV.2.6) Minimum time frame during which the tenderer must maintain the tender**

Duration in months: 3 (from the date stated for receipt of tender)

### **IV.2.7) Conditions for opening of tenders**

Date

24 February 2023

Local time

2:00pm

Place

TEAMS

Information about authorised persons and opening procedure

Tender Opening carried out by 3 Officers with Delegated Procurement Authority including the Procurement Service Manager

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## **Section VI. Complementary information**

### **VI.1) Information about recurrence**

This is a recurrent procurement: No

### **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**

Orkney Islands Council reserves the right to cancel the procurement at any stage and not award a Contract. The expenditure, work or effort undertaken by bidders prior to the award of any Contract is accordingly a matter solely for the commercial judgement of bidders. Late tenders will not be considered by the Council and all questions are to be submitted via the Questions and Answers section of this contract

advertisement on PCS. An economic operator that suffers, or risks suffering, loss or damage attributable to a breach of duty under the

Public Contracts (Scotland) Regulations may bring proceedings in the Sheriff Court of Court of Session.

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=718306](https://www.publiccontractsscotland.gov.uk/Search/Search_Switch.aspx?ID=718306).

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.

(SC Ref:718306)

Download the ESPD document here:

[https://www.publiccontractsscotland.gov.uk/ESPD/ESPD\\_Download.aspx?id=718306](https://www.publiccontractsscotland.gov.uk/ESPD/ESPD_Download.aspx?id=718306)



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

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

Kirkwall Sherriff Court

Watergate

Kirkwall

KW15 1PD

Email

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

Telephone

+44 1856872110

Country

United Kingdom

Internet address

<http://www.scotcourts.gov.uk>