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Tender

## **Provision of Legal Services, Support, Advice & Representation: General Legal Services & Court of Session Work**

Fife Council

F02: Contract notice

Notice identifier: 2021/S 000-005254

Procurement identifier (OCID): ocids-h6vhtk-029bf7

Published 16 March 2021, 9:08am

### **Section I: Contracting authority**

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

Fife Council

Bankhead Central, Bankhead Park

Glenrothes

KY7 6GH

#### **Contact**

Yahia Reggab

#### **Email**

[yahia.reggab@fife.gov.uk](mailto:yahia.reggab@fife.gov.uk)

#### **Telephone**

+44 3451550000

**Country**

United Kingdom

**NUTS code**

UKM72 - Clackmannanshire and Fife

**Internet address(es)**

Main address

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

Buyer's address

[https://www.publiccontractsscotland.gov.uk/search/Search\\_AuthProfile.aspx?ID=AA00187](https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA00187)

**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

<https://www.publictendersscotland.publiccontractsscotland.gov.uk/esop/pts-host/public/pts/web/login.html>

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

<https://www.publictendersscotland.publiccontractsscotland.gov.uk/esop/pts-host/public/pts/web/login.html>

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

Regional or local authority

**I.5) Main activity**

General public services

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## **Section II: Object**

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

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

Provision of Legal Services, Support, Advice & Representation: General Legal Services & Court of Session Work

Reference number

CFM002

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

- 79100000 - Legal services

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

Services

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

Fife Council has a requirement to secure a Contract offering Best Value to the Council for the provision of legal services, support, advice & representation: general legal services & court of session work, as required, to the Council's Legal Services.

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

Value excluding VAT: £920,000

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

This contract is divided into lots: Yes

Tenders may be submitted for all lots

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

#### **II.2.1) Title**

Provision of Legal Services, Support, Advice & Representation: General Legal Services

Lot No

2

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

- 79100000 - Legal services
- 79111000 - Legal advisory services
- 79110000 - Legal advisory and representation services

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

NUTS codes

- UKM72 - Clackmannanshire and Fife

Main site or place of performance

Fife

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

Fife Council has a requirement to secure a Contract offering Best Value to the Council for the provision of support, advice, and representation: general legal services, as required, to the Council's Legal Services.

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

Quality criterion - Name: Technical / Weighting: 50

Price - Weighting: 50

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

Value excluding VAT: £286,000

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

Duration in months

48

This contract is subject to renewal

Yes

Description of renewals

The framework period is for a three years period with the option to extend a further 12 months, dependant on the performance of the contractor and the Council's requirements.

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

Variants will be accepted: No

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

Options: No

#### **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) Description**

#### **II.2.1) Title**

Provision of Support, Advice and Representation: Court of Session Work

Lot No

1

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

- 79112000 - Legal representation services
- 79100000 - Legal services
- 79110000 - Legal advisory and representation services

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

NUTS codes

- UKM72 - Clackmannanshire and Fife

Main site or place of performance

Fife

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

Fife Council has a requirement to secure a Contract offering Best Value to the Council for the provision of support, advice, and representation: Court of Session Work, as required, to the Council's Legal Services

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

Quality criterion - Name: Technical / Weighting: 50

Price - Weighting: 50

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

Value excluding VAT: £640,000

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

Duration in months

48

This contract is subject to renewal

Yes

Description of renewals

The framework period is for a three years period with the option to extend a further 12 months, dependant on the performance of the contractor and the Council's requirements.

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

Variants will be accepted: No

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

Options: No

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

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

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

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

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

List and brief description of selection criteria

4B1.1 - Tenderers are required to provide their annual turnover for their last two financial set of accounts.

4B.4 - The Current Ratio will be applied. Tenderers are to provide their current assets and current liabilities in relation to their audited published accounts for the last two years and to divide the current assets by the current liabilities figure. If a company does not have 2 years of audited published accounts an explanation should be given.

4B.5.1b - Insurance - Employer's (Compulsory) Liability: Bidders are required to hold or commit to obtaining GBP 10,000,000 of Employer's (Compulsory) Liability Insurance.

4B.5.2-Insurance-All other types listed: Bidders are required to hold or commit to obtaining, prior to the commencement of the contract, the levels of all other types of insurance cover indicated. The values of the policies must be as follows:

Employer's Liability - 10 million GBP

Public Liability – 2.5 million GBP

Professional Negligence - 250,000 GBP

Minimum level(s) of standards possibly required

4B1.1 - Tenderers will be required to have a minimum "general" yearly turnover of GBP GBP 1.40M for the last 2 years.

Tenderers shall be advised that where they do not currently meet the above requirements they shall require to confirm why and the Council may undertake additional financial checks checks using a tool such as Creditsafe and a qualitative judgement shall be made as to the financial capacity of the tenderer. Fife Council may require a parent company guarantee, a performance guarantee bond, a bank guarantee, and/or an advance payment bond.

4B.4 - Tenderers are expected to achieve a ratio of 1 or more. Where a Tenderer does not meet this requirement further details should be provided to confirm why and the Council may undertake additional financial checks using a tool such as Creditsafe and a qualitative judgement shall be made as to the financial capacity of the tenderer. Fife

Council may require a parent company guarantee, a performance guarantee bond, a bank guarantee, and/or an advance payment bond.

4B.5.1b - The bidder must confirm that they already have or can commit to obtaining, prior to the commencement of the contract, valid insurance which must be in place for 5 years after the elapsed date of the contract GBP 10,000,000 of Employer's (Compulsory) Liability Insurance, the Council may exclude the Bidder from the competition.

4B.5.2 - Where a Bidder does not confirm that they already have or can commit to obtaining, prior to the commencement of the contract

Employer's Liability - 10 million GBP

Public Liability – 2.5 million GBP

Professional Negligence - 250,000 GBP

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

List and brief description of selection criteria

#### **SELECTION CRITERIA (SPD)**

Lots 1 & 2

Tenderers (Lot 1&2) shall be evaluated under stage 1. The selection stage is divided into the following sections:

A: Suitability.

B: Economic and financial standing. (Financial Criteria)

C: Technical and professional ability.

D: Quality assurance schemes and environmental management standards.

E: Global indication for all selection criteria.

Minimum criteria:

(i)Both Lots: All solicitors working on the contract must hold a current Law Society of Scotland Practising Certificate

(ii)Lot 1: Capability to lodge Court of Session documents within necessary Court



timescales.

(iii) Lot 2: Tenderers must be able to practice in Scotland and able to cover the following areas of law :

The tenderers must be able to practice in Scotland and able to cover the following areas of law:

Type of Work

Commercial Sale/Purchase

Domestic Sale/Purchase

Commercial Lease

Advice on dilapidations

Domestic Lease

Agricultural Lease

Compulsory Purchase Orders

Procurement

Drafting and Revising Contracts

Charity Law

Planning

S75 Agreements

Environment

Waste Management

Criminal Litigation

Civil Litigation

Employment Tribunal

Company Formation

Formation of LLPs and Trusts

Advice on establishing arms length organisations

Local Authority Participation in Companies

Joint Venture Agreements

Protection of Intellectual Property

Competition Law and State Aid

Copyright Interests

Patent and Trademark Law

Telecommunications Law

Building and Civil Engineering Disputes

Arbitration and Alternative Dispute Resolution

Transportation and Infrastructure

Employment Law including TUPE

Pensions

Judicial Review

Reparation

Debt Recovery

Data Protection and Freedom of Information

Health and Safety

Regulation of Investigatory Powers (Sc) Act

Minimum level(s) of standards possibly required

## SELECTION CRITERIA (SPD)

### Lots 1 & 2

Tenderers (Lot 1&2) shall be evaluated under stage 1. The selection stage is divided into the following sections:

A: Suitability.

B: Economic and financial standing. (Financial Criteria)

C: Technical and professional ability.

D: Quality assurance schemes and environmental management standards.

E: Global indication for all selection criteria.

Minimum criteria:

(i) Lot 1 only: Capability to lodge Court of Session documents within necessary Court timescales.

(ii) Both Lots: all solicitors working on the contract must hold a current Law Society of Scotland Practising Certificate

(iii) Lot 2: The tenderers must be able to practice in Scotland and able to cover the following areas of law:

### Type of Work

Commercial Sale/Purchase

Domestic Sale/Purchase

Commercial Lease

Advice on dilapidations

Domestic Lease

Agricultural Lease

Compulsory Purchase Orders

Procurement

Drafting and Revising Contracts

Charity Law

Planning

S75 Agreements

Environment

Waste Management

Criminal Litigation

Civil Litigation

Employment Tribunal

Company Formation

Formation of LLPs and Trusts

Advice on establishing arms length organisations

Local Authority Participation in Companies

Joint Venture Agreements

Protection of Intellectual Property

Competition Law and State Aid

Copyright Interests

Patent and Trademark Law

Telecommunications Law

Building and Civil Engineering Disputes

Arbitration and Alternative Dispute Resolution

Transportation and Infrastructure

Employment Law including TUPE

Pensions

Judicial Review

Reparation

Debt Recovery

Data Protection and Freedom of Information

Health and Safety

Regulation of Investigatory Powers (Sc) Act

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

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

The successful Contractor shall be required to attend quarterly meetings to discuss performance to date and future requirements of the Contract. If there are any issues with the Contract the Council may opt to amend the frequency of the meetings.

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## **Section IV. Procedure**

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

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

Open procedure

#### **IV.1.3) Information about a framework agreement or a dynamic purchasing system**

The procurement involves the establishment of a framework agreement

Framework agreement with several operators

Envisaged maximum number of participants to the framework agreement: 2

In the case of framework agreements, provide justification for any duration exceeding 4

years:

N/A

#### **IV.1.6) Information about electronic auction**

An electronic auction will be used

#### **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

19 April 2021

Local time

12:00pm

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

English

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

Date

19 April 2021

Local time

12:00pm

Place

Fife

Information about authorised persons and opening procedure

Yahia Reggab/ Tracey Clark

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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**

The buyer is using PCS-Tender to conduct this ITT exercise. The Project code is 18079.  
For more information see:

<http://www.publiccontractsscotland.gov.uk/info/InfoCentre.aspx?ID=2343>

(SC Ref:644455)

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

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

Kirkcaldy Sheriff Court and Justice of Peace Court

Courthouse/Whytescausway

Kirkcaldy

KY1 1XQ

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