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Tender

Framework for the provision of Legal Services (2023-2027)

Scottish Government

F02: Contract notice

Notice identifier: 2023/S 000-005279

Procurement identifier (OCID): ocds-h6vhtk-03a76e

Published 22 February 2023, 11:59am

Section I: Contracting authority

I.1) Name and addresses

Scottish Government

5 Atlantic Quay, 150 Broomielaw

Glasgow

G2 8LA

Email

Elizabeth.Burns@gov.scot

Country

United Kingdom

NUTS code

UKM - Scotland

Internet address(es)

Main address

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

Buyer's address

https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA10482

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>

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>

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

<https://www.publictendersscotland.publiccontractsscotland.gov.uk>

I.4) Type of the contracting authority

Ministry or any other national or federal authority

I.5) Main activity

General public services

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

Framework for the provision of Legal Services (2023-2027)

Reference number

SP-21-011

II.1.2) Main CPV code

- 79100000 - Legal services

II.1.3) Type of contract

Services

II.1.4) Short description

The Scottish Procurement and Property Directorate (SPPD) is the organisation tasked with procuring frameworks and contracts on behalf of Scottish public sector bodies. This Legal Services Framework will be a multi-lot and multi-supplier agreement and will cover the following services: Contract, Commercial & Corporate; Debt Recovery; Litigation, Reparation, Employment & Inquiries; Major Infrastructure and Commercial Projects (incl related litigation); Property and Related Matters; One Stop Shop.

The Legal Services Framework agreement will be available for use by the Scottish Ministers (including Agencies), Scottish Non-Departmental Public Bodies, offices in the Scottish Administration which are not ministerial offices, cross-border public authorities within the meaning of section 88(5) of the Scotland Act 1998, The Office of the Advocate General; The Office for the Secretary of State for Scotland, the Scottish Parliamentary Corporate Body, Student Loans Company Limited, the Commissioner of Northern Lighthouse operating as the Northern Lighthouse Board, Scottish Futures Trust, Equality and Human Rights Commission, Business Stream Ltd, any public body established by or under the Scotland Act 1998 or any Act of the Scottish Parliament, any association of or formed by one or more of the foregoing, bodies financed wholly or mainly by one or more of the foregoing, bodies subject to management supervision by one or more of the foregoing and bodies more than half of the board of directors or members of which, or, in the case of a group of individuals, more than half of those individuals, being appointed by one or more of the foregoing.

Information about agencies of the Scottish Ministers, Scottish Non-Departmental Public

Bodies and offices in the Scottish Administration which are not ministerial offices are listed at:

<http://www.scotland.gov.uk/Topics/Government/public-bodies/about/Bodies>

Overview of the governance structure of public procurement for Scotland, including the Public Procurement Group.

<https://www.gov.scot/publications/public-procurement-governance/>

II.1.5) Estimated total value

Value excluding VAT: £28,000,000

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

Contract, Commercial and Corporate Law

Lot No

1

II.2.2) Additional CPV code(s)

- 79100000 - Legal services

II.2.3) Place of performance

NUTS codes

- UKM - Scotland

II.2.4) Description of the procurement

Lot 1 will cover a broad range of commercial and contract work arising including advice in relation to commercial arrangements required to support the drafting of contracts and other commercial documents and advising on contractual issues generally, advice in relation to corporate matters, including setting up companies, corporate governance,

finance and assets.

II.2.5) Award criteria

Quality criterion - Name: Quality / Weighting: 60

Price - Weighting: 40

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 will be placed for a 4 year period and may be subject to renewal at the end of the 4 year period.

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

Debt Recovery

Lot No

2

II.2.2) Additional CPV code(s)

- 79100000 - Legal services

II.2.3) Place of performance

NUTS codes

- UKM - Scotland

II.2.4) Description of the procurement

Lot 2 requires advice and assistance on all aspects of debt recovery, including, but not limited to, small claims, summary cause, Sheriff Court and Court of Session recovery actions, post-decree enforcement, earnings arrestments, inhibitions and rent arrears.

II.2.5) Award criteria

Quality criterion - Name: Quality / Weighting: 60

Price - Weighting: 40

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 will be placed for a 4 year period and may be subject to renewal at the end of the 4 year period.

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

Litigation, Reparation, Employment and Inquiries

Lot No

3

II.2.2) Additional CPV code(s)

- 79100000 - Legal services

II.2.3) Place of performance

NUTS codes

- UKM - Scotland

II.2.4) Description of the procurement

Lot 3 requires handling of reparation actions; general commercial litigation; arbitrations; Fatal Accident Inquiries; public local inquiries; guardianship, construction disputes and adjudications; property disputes; property damage claims; health and safety investigations; civil recovery; civil penalties; assistance on inquiries established under the Inquiries Act 2005; Employment Law services; mediation and all forms of alternative dispute resolution.

II.2.5) Award criteria

Quality criterion - Name: Quality / Weighting: 60

Price - Weighting: 40

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 will be placed for a 4 year period and may be subject to renewal at the end of the 4 year period.

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

Major Infrastructure and Commercial Projects (and related Litigation)

Lot No

4

II.2.2) Additional CPV code(s)

- 79100000 - Legal services

II.2.3) Place of performance

NUTS codes

- UKM - Scotland

II.2.4) Description of the procurement

Lot 4 may be required to provide legal advice and services in connections with Framework Public Bodies' interests in projects which are generally large in size and significant (in terms of both complexity and value) to the business of the relevant Framework Public

Body. This potentially will include advice across a variety of sectors which may include, but not be limited to: Energy; Finance; Construction; Oil & Gas; Forestry; Aviation and Environmental, Social & Governance (ESG). Advice could be broad ranging, complex, cross divisional and be of significant scale and sensitivity.

II.2.5) Award criteria

Quality criterion - Name: Quality / Weighting: 70

Price - Weighting: 30

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 will be placed for a 4 year period and may be subject to renewal at the end of the 4 year period.

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

Property and Related Matters

Lot No

5

II.2.2) Additional CPV code(s)

- 79100000 - Legal services

II.2.3) Place of performance

NUTS codes

- UKM - Scotland

II.2.4) Description of the procurement

Lot 5 will cover advice across a wide range of property related matters including, but not limited to, conveyancing, acquisition and sale of property, commercial leasing, crofting matters including sales and recovery of rents, provision of services when entering into new leases of property and advice relating to termination of existing leases, rental schemes, shared equity, planning law, real estate, ability to source property advice for jurisdiction outwith Scotland.

II.2.5) Award criteria

Quality criterion - Name: Quality / Weighting: 60

Price - Weighting: 40

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 will be placed for a 4 year period and may be subject to renewal at the end of the 4 year period.

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

One Stop Shop

Lot No

6

II.2.2) Additional CPV code(s)

- 79100000 - Legal services

II.2.3) Place of performance

NUTS codes

- UKM - Scotland

II.2.4) Description of the procurement

Lot 6 is a Fully Managed Service encompassing all the service types under the other Lots 1-5 in the Legal Services Framework. Suppliers will provide Framework Public Bodies with advice for matters falling within those Lots, where Framework Public Bodies want the ability to channel advice from many different strands of the law (as covered in the various Framework Lots).

II.2.5) Award criteria

Quality criterion - Name: Quality / Weighting: 60

Price - Weighting: 40

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 will be placed for a 4 year period and may be subject to renewal at the end of the 4 year period.

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

List and brief description of conditions

This section refers to Part 4A of SPD and covers questions 4A.1a, 4A.1.b and 4A.2

Bidders must be registered with, and regulated by, the Law Society of Scotland.

III.1.2) Economic and financial standing

List and brief description of selection criteria

This section refers to Part 4B of the SPD and covers questions 4B.5.1a, 4B.5.1b and 4B.5.2

Minimum level(s) of standards possibly required

It is a requirement of this Framework that bidders hold, or can commit to obtain, prior to the commencement of any subsequently awarded Framework, the types and levels of insurance indicated below:

Public Liability Insurance in the sum of not less than 2,000,000 GBP

Professional Indemnity Insurance in the sum of not less than 2,000,000 GBP

Employer's Liability Insurance in accordance with any legal obligation for the time being in force.

III.1.3) Technical and professional ability

Selection criteria as stated in the procurement documents

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: 36

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.2.1) Previous publication concerning this procedure

Notice number: [2022/S 022-191397](#)

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

Date

5 April 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: 6 (from the date stated for receipt of tender)

IV.2.7) Conditions for opening of tenders

Date

5 April 2023

Local time

12:00pm

Section VI. Complementary information

VI.1) Information about recurrence

This is a recurrent procurement: Yes

Estimated timing for further notices to be published: The Framework will be placed for a 4 year period and may be subject to renewal at the end of the 4 year period.

VI.2) Information about electronic workflows

Electronic invoicing will be accepted

Electronic payment will be used

VI.3) Additional information

1. Tenderers may bid for all Lots.
2. In the event of a tie, the Authority reserves the right to appoint the tenderer with the highest technical score.
3. Award criteria questions can be found in the ITT together with the weightings.
4. Economic operators may be excluded from this competition if they are in any of the situations referred to in regulation 58 of the Public Contracts (Sco) Regs 2015.
5. Tenderers must confirm that they will pay all staff that are involved in the delivery of services under the framework agreement, and/or any subsequent call off contract, at least the real Living Wage. Tenderers who fail to answer “Yes” to this question will not have their tender considered further.
6. Question 4.C.4 of the SPD requests that Tenderers state whether they intend, or do not intend, to use a supply chain to deliver the requirements detailed in the ITT.

If Tenderers intend to use a supply chain to deliver the requirements, they should provide evidence in the SPD that they have the relevant supply chain management and tracking systems in place to ensure a resilient and sustainable supply chain. This will include confirmation that the Tenderer has the systems in place to pay subcontractors through the supply chain promptly and effectively, including evidence of:

- a) their standard payment terms

b) 95% of all supply chain invoices being paid on time (in accordance with the terms of contract) in the last financial year.

If the bidder is unable to confirm and evidence (b) they must provide an improvement plan, signed by their Director, which commits to improvements in the payment performance.

Acceptable evidence includes but is not limited to:

- Extract of the Tenderer's terms & conditions detailing standard payment terms;
- A summarised accounts payable report showing payment on time performance;
- Payment Performance Statement Signed by External Auditor;
- Credit Score/ Credit Report; or
- An improvement plan, signed by a Director, which commits to improvements in payment performance. Improvement plan template and further evidence examples are held within the Supplier Journey.

Where a Tenderer does not intend to use a supply chain to deliver the requirements detailed in the ITT, they should clearly state this in response to Question 4.C.4.

Responses to Question 4.C.4 will be evaluated as a "Pass" or "Fail". Tenderers who do not achieve a "Pass" for this question will not be considered further.

The buyer is using PCS-Tender to conduct this ITT exercise. The Project code is 22636. For more information see:

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

A sub-contract clause has been included in this contract. For more information see:

<http://www.publiccontractsscotland.gov.uk/info/InfoCentre.aspx?ID=2363>

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

<https://www.gov.scot/policies/public-sector-procurement/community-benefits-in-procurement/>

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

The Scottish Government is committed to contributing to the social, economic & environmental well-being of the people of Scotland. Accordingly, while community benefit objectives will not be evaluated as part of the tender process, the successful contractor will be expected to consider the following Community Benefit themes in the delivery of

their services.

Details of the Community Benefit themes can be found in the Invitation to Tender.

(SC Ref:717000)

VI.4) Procedures for review

VI.4.1) Review body

Edinburgh Sheriff Court and Justice of the Peace Court

27 Chambers Street

Edinburgh

EH1 1LB

Telephone

+44 1312252525

Country

United Kingdom

Internet address

<https://www.scotcourts.gov.uk/the-courts/court-locations/edinburgh-sheriff-court-and-justice-of-the-peace-court>

VI.4.3) Review procedure

Precise information on deadline(s) for review procedures

An economic operator that suffers or risks suffering loss or damage attributable to a breach of duty under the Public Contracts (Scotland) Regulations 2015 may bring proceedings in the Sheriff Court or Court of Session