

This is a published notice on the Find a Tender service: <https://www.find-tender.service.gov.uk/Notice/006580-2022>

Contract

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 award notice

Notice identifier: 2022/S 000-006580

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

Published 10 March 2022, 1:03pm

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

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

I.2) Information about joint procurement

The contract is awarded by a central purchasing body

I.4) Type of the contracting authority

Body governed by public law

I.5) Main activity

Health

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.1.7) Total value of the procurement (excluding VAT)

Value excluding VAT: £217,925

II.2) Description

II.2.3) Place of performance

NUTS codes

- UKM - Scotland

Main site or place of performance

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.

Section IV. Procedure

IV.1) Description

IV.1.1) Form of procedure

Open procedure

IV.2) Administrative information

IV.2.1) Previous publication concerning this procedure

Notice number: [2021/S 000-000363](#)

Section V. Award of contract

A contract/lot is awarded: Yes

V.2) Award of contract

V.2.1) Date of conclusion of the contract

12 March 2021

V.2.2) Information about tenders

Number of tenders received: 3

Number of tenders received from SMEs: 1

Number of tenders received from tenderers from other EU Member States: 3

Number of tenders received from tenderers from non-EU Member States: 0

Number of tenders received by electronic means: 3

V.2.3) Name and address of the contractor

CMS Cameron McKenna Nabarro Olswang LLP

Cannon Place, 78 Cannon Street

London

EC4N6AF

Telephone

+44 1413046095

Country

United Kingdom

NUTS code

- UK - United Kingdom

V.2.4) Information on value of contract/lot (excluding VAT)

Total value of the contract/lot: £217,925

Section VI. Complementary information

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.

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.

(SC Ref:686474)

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

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.