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Tender

## **Legal Services**

Link Group

F02: Contract notice

Notice identifier: 2021/S 000-006870

Procurement identifier (OCID): ocds-h6vhtk-02a247

Published 1 April 2021, 4:16pm

The closing date and time has been changed to:

**5 May 2021, 12:00pm**

See the [change notice](#).

## **Section I: Contracting authority**

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

Link Group

2c New Mart Road

Edinburgh

EH14 1RL

#### **Email**

[linkprocurement@linkgroup.org.uk](mailto:linkprocurement@linkgroup.org.uk)

#### **Telephone**

+44 3303030124

## **Country**

United Kingdom

## **NUTS code**

UK - United Kingdom

## **Internet address(es)**

Main address

[www.linkhousing.org.uk](http://www.linkhousing.org.uk)

Buyer's address

[https://www.publiccontractsscotland.gov.uk/search/Search\\_AuthProfile.aspx?ID=AA12842](https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA12842)

## **I.3) Communication**

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

<https://www.publiccontractsscotland.gov.uk/authority/noticecreate/Question602.aspx?ID=631005>

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

<https://www.publiccontractsscotland.gov.uk/authority/noticecreate/Question602.aspx?ID=631005>

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

Other type

Registered Social Landlord

## **I.5) Main activity**

Housing and community amenities

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## **Section II: Object**

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

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

Legal Services

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

- 79100000 - Legal services

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

Services

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

The Link Group intends to establish a multi-lot Framework Agreement for the provision of Legal Services. The Framework will be divided into 5 lots covering Lot 1 - Corporate Lot 2 - Acquisitions and Disposals Lot 3 - Housing Management and Debt Recovery (East) Lot 4 - Housing Management and Debt Recovery (West) Lot 5 – Development. The Framework will be for a period of 36 months with the option to extend for a further 24 months on a 1 + 1 basis at the sole discretion of the Link Group.

#### **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**

Acquisitions and Disposals

Lot No

2

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

- 79100000 - Legal services

- 79110000 - Legal advisory and representation services
- 79111000 - Legal advisory services
- 79112000 - Legal representation services
- 79130000 - Legal documentation and certification services
- 79140000 - Legal advisory and information services
- 75231100 - Law-courts-related administrative services

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

NUTS codes

- UKM - Scotland

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

Conveyancing including; disposals of properties on a shared ownership and shared equity basis; conventional dispositions of property sold under Right to Buy legislation and as part of any stock rationalisation; acquisitions of single or multiple properties. Preparation of Title and Deed of conditions.

Agreements including: Development Agreements; Purchase Agreements; preparation of new shared ownership agreements and on expiry; preparation of assignation or new shared ownership/ shared equity agreements

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

Quality criterion - Name: Proposed Team / Weighting: 25

Quality criterion - Name: Proposed Strategy / Weighting: 30

Quality criterion - Name: Range of Experience / Weighting: 10

Quality criterion - Name: Added Value / Weighting: 10

Quality criterion - Name: Sustainability / Weighting: 10

Quality criterion - Name: Community Benefit / Weighting: 10

Quality criterion - Name: Fair Work Practices / Weighting: 5

Price - Weighting: 40

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

Duration in months

36

This contract is subject to renewal

Yes

Description of renewals

Option to extend for a further 24 months on a 1 + 1 basis at the sole discretion of the Link Group.

## **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**

Housing Management and Debt Recovery (East, Edinburgh, Fife, Scottish Borders and Falkirk)

Lot No

3

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

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

- 79130000 - Legal documentation and certification services
- 79140000 - Legal advisory and information services
- 75231100 - Law-courts-related administrative services
- 79111000 - Legal advisory services

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

NUTS codes

- UKM - Scotland

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

Anti Social Behaviour Proceedings including: advising on anti social behaviour legislation and its application: attending court as required and supporting officers in presenting evidence, giving statements to Police Scotland; serving of anti social behaviour orders; management and advice relating to tenancy disputes. Provide guidance, assistance as required and prepare any necessary documentation.

Repossessions & Evictions including: advising on recovery of possession and eviction proceedings; attending court representing Link

Debt Collection including: advising on various courses of action related to pursuing for debts due; representing Link in court for recovery proceedings; serving and advising on closure orders, Notice of Inhibitions, notice of potential liability, Notice to Quits, dispersal orders and homelessness challenges. Provision of legal advice on housing benefit legislation.

Scottish and Short Scottish Secure Tenancy Agreements (SST and SSST) including: advising on practices within housing legislation in relation to for example, allocations; allocation appeals; SST and SSST advising and preparing through court and if necessary the conversion of an SST to SSST. Provide guidance, assistance and prepare necessary documentation.

Liability for Charges including: advice on liability for common charges and responsibilities for common ground and property; interpretation of Deeds of Conditions.

Leases and Management Agreements including: preparation and interpretation of management agreements related to property management, preparation of property leases, maintenance and related property and/or tenant/landlord services provided to or received by Link

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

Quality criterion - Name: Proposed Team / Weighting: 25

Quality criterion - Name: Proposed Strategy / Weighting: 30

Quality criterion - Name: Range of Experience / Weighting: 10

Quality criterion - Name: Sustainability / Weighting: 10

Quality criterion - Name: Added Value / Weighting: 10

Quality criterion - Name: Community Benefit / Weighting: 10

Quality criterion - Name: Fair Work Practices / Weighting: 5

Price - Weighting: 40

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

Duration in months

36

This contract is subject to renewal

Yes

Description of renewals

Option to extend for a further 24 months on a 1 + 1 basis at the sole discretion of the Link Group.

### **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**

Housing Management and Debt Recovery (West, Glasgow Including The Highlands, Argyll and Lanarkshire)

Lot No

4

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

- 79100000 - Legal services
- 79110000 - Legal advisory and representation services
- 79111000 - Legal advisory services
- 79112000 - Legal representation services
- 79130000 - Legal documentation and certification services
- 79140000 - Legal advisory and information services
- 75231100 - Law-courts-related administrative services

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

NUTS codes

- UKM - Scotland

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

Anti Social Behaviour Proceedings including: advising on anti social behaviour legislation and its application: attending court as required and supporting officers in presenting evidence, giving statements to Police Scotland; serving of anti social behaviour orders; management and advice relating to tenancy disputes. Provide guidance, assistance as required and prepare any necessary documentation.

Repossessions & Evictions including: advising on recovery of possession and eviction proceedings; attending court representing Link

Debt Collection including: advising on various courses of action related to pursuing for debts due; representing Link in court for recovery proceedings; serving and advising on closure orders, Notice of Inhibitions, notice of potential liability, Notice to Quits, dispersal

orders and homelessness challenges. Provision of legal advice on housing benefit legislation.

Scottish and Short Scottish Secure Tenancy Agreements (SST and SSST) including: advising on practices within housing legislation in relation to for example, allocations; allocation appeals; SST and SSST advising and preparing through court and if necessary the conversion of an SST to SSST. Provide guidance, assistance and prepare necessary documentation.

Liability for Charges including: advice on liability for common charges and responsibilities for common ground and property; interpretation of Deeds of Conditions.

Leases and Management Agreements including: preparation and interpretation of management agreements related to property management, preparation of property leases, maintenance and related property and/or tenant/landlord services provided to or received by Link

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

Quality criterion - Name: Proposed Team / Weighting: 25

Quality criterion - Name: Proposed Strategy / Weighting: 30

Quality criterion - Name: Range of Experience / Weighting: 10

Quality criterion - Name: Sustainability / Weighting: 10

Quality criterion - Name: Added Value / Weighting: 10

Quality criterion - Name: Community Benefit / Weighting: 10

Quality criterion - Name: Fair Work Practices / Weighting: 5

Price - Weighting: 40

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

Duration in months

36

This contract is subject to renewal

Yes

Description of renewals

Option to extend for a further 24 months on a 1 + 1 basis at the sole discretion of the Link Group.

### **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**

Development

Lot No

5

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

- 79100000 - Legal services
- 79110000 - Legal advisory and representation services
- 79111000 - Legal advisory services
- 79112000 - Legal representation services
- 79130000 - Legal documentation and certification services
- 79140000 - Legal advisory and information services

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

NUTS codes

- UKM - Scotland

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

Construction Law including: construction and engineering contracts, including Design & Build contracts; PPC2000 contracts; NEC4 contracts; collateral warranties and professional appointments; Letter of Intents and Letters of Undertaking; building maintenance and facilities management sub-contracts; advice on existing project matters; ad hoc advice on construction law; mediation, adjudication, arbitration and other alternative dispute resolution proceedings;

Environmental Law including: regulatory compliance advice; statutory enforcement powers and duties;

Planning law including: All aspects of Planning legal work including representation at high profile planning inquiries; legal agreements; advice on planning legislation; enforcement proceedings; key strategic projects; section 69 & 75 agreements and road construction consents.

Property Law including: purchase of sites for development; advice on liability for common charges and responsibilities for common ground and property

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

Quality criterion - Name: Proposed Team / Weighting: 25

Quality criterion - Name: Proposed Strategy / Weighting: 30

Quality criterion - Name: Range of Experience / Weighting: 10

Quality criterion - Name: Sustainability / Weighting: 10

Quality criterion - Name: Added Value / Weighting: 10

Quality criterion - Name: Community Benefit / Weighting: 10

Quality criterion - Name: Fair Work Practices / Weighting: 5

Price - Weighting: 40

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

Duration in months

36

This contract is subject to renewal

Yes

Description of renewals

Option to extend for a further 24 months on a 1 + 1 basis at the sole discretion of the Link Group.

### **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**

Corporate

Lot No

1

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

- 79100000 - Legal services
- 79110000 - Legal advisory and representation services
- 79111000 - Legal advisory services
- 79112000 - Legal representation services
- 79130000 - Legal documentation and certification services
- 79140000 - Legal advisory and information services
- 75231100 - Law-courts-related administrative services

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

NUTS codes

- UKM - Scotland

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

Employment law both contentious and non-contentious including: disciplinary & grievance; terminations; industrial relations; collective consultation; contracts of employment, breach of contract and variation of contract; redundancy; equal pay; discrimination; family friendly policies; the Equality Act; fixed term, part time and working time; PIDA: restructuring and outsourcing; transfers and mergers; TUPE; tribunal procedure and advocacy; frontline HR support and providing opinions, briefing notes, information and training;

Corporate law including: setting up companies (including charitable companies) and limited liability partnerships; joint ventures; acquisitions and disposals of assets and shares; restructurings; shareholder agreements; operating agreements; company secretarial services; advice related to charitable/non-charitable activities/trading; general corporate advice including advice on directors duties and other statutory matters;

Governance including: advice on good practice; statutory / regulatory authority requirements/expectations; benefits as defined in regulatory guidance; Codes of Conduct for governing body members;

Commercial contracts including: contracts for supply of goods and services; events, sponsorship, advertising and funding agreements; housing association legislative compliance and trading powers; joint working and partnership agreements; consumer credit legislation and compliance; Data Protection; FCA registration and compliance; ad hoc contract law queries;

Banking including: advising on loan facility agreements with lenders; re-structuring facilities; security arrangements; bond issues and institutional investment;

Intellectual Property including: trademark, patent, copyright and design right protection and enforcement; IP commercialisation and licensing;

Procurement and Competition Law including: EU procurement and competition regulation compliance; best value requirements; alternative business models and outsourcing; general advice on all aspects of procurement law and best practice;

Litigation including: litigation related to all areas of Link business (including contractual actions); debt recovery; prohibitions; interdict; statutory enforcement proceedings; statutory appeals; Judicial Review; Guardianship Orders and Intervention Orders under the Adults with Incapacity (Scotland) Act 2000; advice related to the Protection of Vulnerable Groups

(Scotland) Act 2007; pursuing/ defending reparation actions (including personal injury)

Consumer Credit including: advising on whether activities carried out or proposing to be carried out by Link requires a consumer credit licence including liaising with the Office of Fair Trading.

Regulated Activities including: advice on regulation with the Scottish Housing Regulator, Office of the Scottish Charity Regulator, Care Inspectorate and the Financial Conduct Authority and what constitutes regulated activities including compliance with the regulatory body requirements.

Mergers & Acquisitions including: advising on appropriate group structures and how to manage group expansion.

Pensions including: admission agreements; calculation of pension loss; general pension law advice; Scottish Housing Association Pension Scheme queries; Court actions; pension fund governance; liability limitation.

Data Protection including: compliance with legislation and good practice, managing data protection queries and requests for information

Health and Safety including advice relating to the application of health and safety legislation relating to Link's service delivery activities; legislation relating to Link's role as an employer and; support and guidance in relation to engagement with the Health and Safety Executive.

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

Quality criterion - Name: Proposed Team / Weighting: 25

Quality criterion - Name: Proposed Strategy / Weighting: 30

Quality criterion - Name: Range of Experience / Weighting: 10

Quality criterion - Name: Sustainability / Weighting: 10

Quality criterion - Name: Added Value / Weighting: 10

Quality criterion - Name: Community Benefit / Weighting: 10

Quality criterion - Name: Fair Work Practices / Weighting: 5

Price - Weighting: 40

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

Duration in months

36

This contract is subject to renewal

Yes

Description of renewals

Option to extend for a further 24 months on a 1 + 1 basis at the sole discretion of the Link Group.

### **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

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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

List and brief description of conditions:

Question SPD 4A.2

Bidders must be a member of the following in respect of Lots 1,2,3,4 and 5:-

Member of the Law Society of Scotland

It is a mandatory requirement for bidders to hold the above memberships.

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

List and brief description of selection criteria

SPD Question 4.B.5/4.B.5.1

Bidders are required to hold the following levels of Insurance:

Lot 1, & Lot 2

Employer's Liability insurance to the value of at least FIVE MILLION (GBP 5,000,000)  
POUNDS STERLING

Public Liability insurance to the value of at least FIVE MILLION (GBP 5,000,000)  
POUNDS STERLING

Professional Indemnity insurance to the value of at least FIVE MILLION (GBP 5,000,000)  
POUNDS STERLING

Lot 3 & 4 -

Employer's Liability insurance to the value of at least FIVE MILLION (GBP 5,000,000)  
POUNDS STERLING

Public Liability insurance to the value of at least FIVE MILLION (GBP 5,000,000)  
POUNDS STERLING

Professional Indemnity insurance to the value of at least FIVE MILLION (GBP 5,000,000)  
POUNDS STERLING

Lot 5 -

Employer's Liability insurance to the value of at least FIVE MILLION (GBP 5,000,000)  
POUNDS STERLING

Public Liability insurance to the value of at least FIVE MILLION (GBP 5,000,000)  
POUNDS STERLING

Professional Indemnity insurance to the value of at least TEN MILLION (GBP 10,000,000)  
POUNDS STERLING

The above insurances shall be with an insurance company registered with Financial Conduct Authority (FCA) in the UK, or equivalent body for other EU member states.

Should the Bidder not have the specified insurances at the time of tendering then, the Bidder must certify in their response to the ESPDS that the specified insurance will be obtained.

Where a Bidder does not hold or commit to obtaining the types and levels of insurance indicated, the Link Group will exclude the Bidder from the competition.

Minimum level(s) of standards possibly required

All bidders must pass the minimum requirements as detailed in this contract notice and bidder's documentation.

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

List and brief description of selection criteria

#### **SPDS Question 4C.1.2**

Bidders will be required to provide three (3) examples of a similar scope, size and nature, of working directly with Registered Social Landlords, Local Authority or other similar sectors within the last 3 years that demonstrate that they have the relevant experience to deliver the services required.

- The value for each of the three contracts(s) carried out.
- The scope of the requirements for these three contracts

- The organisations that the three contracts were carried out on behalf of
- Reference contacts at the three organisations
- The term of contract (for each of the three Contracts)

Minimum level(s) of standards possibly required

All bidders must pass the minimum requirements as detailed in this contract notice and bidder's documentation.

### **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

Bidders must be a member of the following in respect of Lots 1,2,3,4 and 5:

Member of the Law Society of Scotland

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

The procurement involves the establishment of a framework agreement

Framework agreement with several operators

#### **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**

Originally published as:

Date

3 May 2021

Local time

12:00pm

Changed to:

Date

5 May 2021

Local time

12:00pm

See the [change notice](#).

#### **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

3 May 2021

Local time

12:30pm

Place

Edinburgh

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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**

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 (Scotland) Regulations 2015.

Bidders responses to the SPD will be assessed on the basis of:

Questions 2A.1 – 2D.1.1 Information Only;

Questions 3A – 4C.8.2 – Pass or Fail;

Question 4C.10 –Information Only

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=648467](https://www.publiccontractsscotland.gov.uk/Search/Search_Switch.aspx?ID=648467).

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:648467)

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

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

Edinburgh Sheriff Court and Justice of the Peace Court

Sheriff Court House, 27 Chambers Street

Edinburgh

EH1 1LB

Country

United Kingdom

Internet address

[www.scotcourts.gov.uk/the-courts/court-locations/edinburgh-sheriff-court-and-justice-of-the-peace-court](http://www.scotcourts.gov.uk/the-courts/court-locations/edinburgh-sheriff-court-and-justice-of-the-peace-court)