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Tender

Corporate Legal Services (Outsourced Legal Support)

Scottish National Investment Bank

F02: Contract notice

Notice identifier: 2021/S 000-008010

Procurement identifier (OCID): ocds-h6vhtk-02a6bb

Published 16 April 2021, 9:44am

Section I: Contracting authority

I.1) Name and addresses

Scottish National Investment Bank

1-North, Waverley Gate, 2-4 Waterloo Place

Edinburgh

EH1 3EG

Contact

Martin Bowden

Email

procurement@thebank.scot

Country

United Kingdom

NUTS code

UKM75 - Edinburgh, City of

Internet address(es)

Main address

<http://www.thebank.scot>

Buyer's address

https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA30487

I.3) Communication

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

<http://www.publiccontractsscotland.gov.uk/authority/noticecreate/Question602.aspx?ID=650767>

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/authority/noticecreate/Question602.aspx?ID=650767>

I.4) Type of the contracting authority

Body governed by public law

I.5) Main activity

Other activity

Development Investment Bank

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

Corporate Legal Services (Outsourced Legal Support)

Reference number

SNIB0022

II.1.2) Main CPV code

- 79100000 - Legal services

II.1.3) Type of contract

Services

II.1.4) Short description

The Scottish National Investment Bank intends to select and appoint a law firm to provide Corporate Legal Services to the Bank for the next 2 – 3 years.

The Bank wishes to appoint a firm to operate as 'an extension of our in-house Legal team', providing additional capacity, access to specialist expertise and added value support to the Bank.

The scope includes legal advice and services to support the Bank and our General Counsel with/on; Employment Law, Corporate Governance, Commercial & Contract law, FCA regulations, GDPR, State Aid & Subsidy Control, Freedom on Information as well as General Legal matters and projects.

II.1.5) Estimated total value

Value excluding VAT: £300,000

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

II.2.3) Place of performance

NUTS codes

- UKM - Scotland

II.2.4) Description of the procurement

Scope of Services Required by the Bank

The Bank intends to select and appoint a law firm to provide Corporate Legal Services to the Bank for the next 2 – 3 years.

The Bank wishes to appoint a firm that will operate as ‘an extension of our in-house Legal team’, providing additional capacity, access to specialist expertise and added value support to the Bank.

We anticipate that we will require around 100 days of outsourced legal support per annum (estimated).

The scope includes legal advice and services to support the Bank and our General Counsel with/on:

- General legal matters.
- Employment law.
- Corporate Governance.
- Commercial matters and Contracts.
- Interpretation and application of FCA regulations (but not the project for the Bank to seek/obtain FCA Authorisation)
- State Aid and Subsidy Control.
- GDPR
- Freedom of Information.
- Most other ‘one-off, project-type’ requirements (e.g. property related to Bank offices).

Exclusions to the scope noted above. The Bank will retain the right to appoint other firms

for specific matters where:

- It wishes to use an alternative firm to provide particular specialist expertise.
- Client conflicts may prevent the appointed firm from acting for the Bank.
- By exception, it wishes to use an alternative firm(s) to provide services for a 'one-off project-type' requirement.

Exclusions - more broadly, the scope of services does not include the provision of the legal services required by the Bank to support its specific investments or potential investments (except to the extent included in the scope above).

II.2.5) Award criteria

Quality criterion - Name: Quality / Weighting: 40 - 80%

Price - Weighting: 20 - 60%

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

Duration in months

24

This contract is subject to renewal

Yes

Description of renewals

24 month initial term with option to extend by 12 months.

II.2.9) Information about the limits on the number of candidates to be invited

Envisaged minimum number: 5

Maximum number: 6

Objective criteria for choosing the limited number of candidates:

The Bank will use the following Selection Criteria to shortlist firms to participate in the tender:

- 1) Demonstrable track record of advising private sector and public sector organisations on the matters and services in scope (weighting: 30%)
- 2) Evidence of ability to provide and demonstrate expertise on each/all of the matters and services included in scope. (weighting: 40%)
- 3) Evidence of providing outsourced legal services and of working collaboratively with clients to provide additional 'value add' support (weighting: 30%)

The Bank will apply the weightings shown above and a scoring methodology (described in more detail in the procurement document published with the Contract Notice) to assess responses and reduce the number of qualified candidates.

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.2.14) Additional information

Economic operators may be excluded from this tender if they are in any of the situations referred to in Regulation 58 of the Public Contracts (Scotland) Regulations 2015.

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

Question SPD 4A.2

Bidders must be a 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 Questions 4B.5.1 and 4B.5.2:

Bidders are required to hold the following levels of Insurance:

- Professional Indemnity insurance to the value of at least GBP 5,000,000.
- Employer's Liability insurance to the value of at least GBP 2,000,000.
- Public Liability insurance to the value of at least GBP 2,000,000.

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 SPD that the specified insurance will be obtained

Minimum level(s) of standards possibly required

Professional Indemnity insurance, Employer's Liability insurance and Public Liability insurance to the values specified in this Contract Notice.

Where a Bidder does not hold or commit to obtaining the types and levels of insurance indicated, the Scottish National Investment Bank will exclude the Bidder from the competition.

III.1.3) Technical and professional ability

List and brief description of selection criteria

SPD Question 4C.1.2:

Bidders will be required to provide examples that demonstrate that they have the relevant experience and a track record of providing the legal advice and services specified in the Contract Notice.

Bidders are required to provide a short submission to evidence and demonstrate that they have the capability, capacity and experience to carry out the services required by the Bank, including examples of previous work (undertaken in the last 3 years).

This can be submitted as a separate document but should not exceed 3 sides of A4 paper.

Minimum level(s) of standards possibly required

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

Minimum standards required:

- A demonstrable track record of advising private sector and public sector organisations on the matters and services in scope.
- Evidence of ability to provide and demonstrate expertise on each/all of the matters and services included in scope.
- Evidence of providing outsourced legal services and of working collaboratively with clients to provide additional 'value add' support.

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 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

Section IV. Procedure

IV.1) Description

IV.1.1) Type of procedure

Restricted procedure

Accelerated procedure

Justification:

The Bank was formally established in late November 2020 and does not yet have in place the in-house legal capacity that it requires.

Access to consistent Corporate Legal Services and support is important in this early stage of the Bank's development (as well as to support its growth and delivery of its Business Plan going forward). Use of accelerated procedure is to ensure that a suitable arrangement for the provision of this corporate legal support is put in place as early as possible.

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 May 2021

Local time

12:00pm

IV.2.3) Estimated date of dispatch of invitations to tender or to participate to selected candidates

26 May 2021

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: 4 (from the date stated for receipt of tender)

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

1) IMPORTANT INFORMATION: Reduction of the number of qualified candidates (SPD, Part V)

Bidders will be required to provide examples that demonstrate that they have the relevant experience and a track record of providing the legal advice and services specified in the Contract Notice.

Bidders are required to provide a short submission to evidence and demonstrate that they have the capability, capacity and experience to carry out the services required by the Bank, including examples of previous work (undertaken in the last 3 years).

This can be submitted as a separate document but should not exceed 3 sides of A4 paper.

The Bank will use the following criteria to shortlist firms to participate in the tender:

- Demonstrable track record of advising private sector and public sector organisations on the matters and services in scope (weighting: 30%)
- Evidence of ability to provide and demonstrate expertise on each/all of the matters and

services included in scope. (weighting: 40%)

- Evidence of providing outsourced legal services and of working collaboratively with clients to provide additional 'value add' support (weighting: 30%)

The Bank will apply the weightings shown above and a scoring methodology (described in more detail in the procurement document published with the Contract Notice) to assess responses and reduce the number of qualified candidates.

2) Further Information and Submission of Responses:

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/authority/noticecreate/Question21.aspx?ID=650767>

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.

Bidders 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.

3) Other 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.

NOTE: To register your interest in this notice and obtain any additional information please visit the Public Contracts Scotland Web Site at

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(SC Ref:650767)

VI.4) Procedures for review

VI.4.1) Review body

Edinburgh Sheriff 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