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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](mailto: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](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

[www.publiccontractsscotland.gov.uk/authority/noticecreate/Question602.aspx?ID=650767](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

[www.publiccontractsscotland.gov.uk/authority/noticecreate/Question602.aspx?ID=650767](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

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## **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.

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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

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

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## **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)

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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**

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](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

[https://www.publiccontractsscotland.gov.uk/Search/Search\\_Switch.aspx?ID=650767](https://www.publiccontractsscotland.gov.uk/Search/Search_Switch.aspx?ID=650767).

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