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Tender

HALA Legal Services Framework

Optivo

F02: Contract notice

Notice identifier: 2022/S 000-008363

Procurement identifier (OCID): ocds-h6vhtk-032745

Published 29 March 2022, 10:15am

Section I: Contracting authority

I.1) Name and addresses

Optivo

Grosvenor House, 125 High Street

Croydon

CR0 9XP

Contact

Tim Morel and Richard Short

Email

HALA@KennedyCater.com

Telephone

+44 2071134020

Country

United Kingdom

NUTS code

UKI - London

Internet address(es)

Main address

<https://www.optivo.org.uk/>

Buyer's address

<https://www.optivo.org.uk/>

I.3) Communication

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

<https://www.delta-esourcing.com/>

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

<https://www.delta-esourcing.com/>

Tenders or requests to participate must be submitted to the above-mentioned address

I.4) Type of the contracting authority

Other type

Registered Provider of Social Housing

I.5) Main activity

Housing and community amenities

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

HALA Legal Services Framework

II.1.2) Main CPV code

- 79100000 - Legal services

II.1.3) Type of contract

Services

II.1.4) Short description

The Housing Associations' Legal Alliance includes Advance, BME London, Bromford Housing, CDS Co-operatives, Christian Action Housing, Cross Keys Homes, Eastend Homes, Greatwell Homes, Habinteg, Hastoe Group, Hexagon Housing, HFL Homes, Hightown Housing, Housing for Women, Housing Solutions, ISHA, Lewisham Homes, Local Space, MHS Homes, Newlon Housing Trust, Octavia Housing, One Housing, Optivo, Origin Housing, Phoenix Community Homes, Raven Housing Trust, Saxon Weald, Settle Group, Shepherds Bush Housing Group, Soho Housing, Swan Housing Association, Wandle Housing Association, Women's Pioneer Housing, YMCA St Paul's Group, YMCA Thames Gateway. Between them, there is a spend of approximately £6.2M per annum on external Solicitors' Services. The Members have come together in a shared procurement exercise and wish to appoint a panel of Solicitors upon whose advisory services the individual members can call.

II.1.5) Estimated total value

Value excluding VAT: £30,000,000

II.1.6) Information about lots

This contract is divided into lots: Yes

Tenders may be submitted for all lots

Maximum number of lots that may be awarded to one tenderer: 4

The contracting authority reserves the right to award contracts combining the following lots or groups of lots:

Lot 1: Corporate, Governance & Finance, Lot 2: Housing & Asset Management, Lot 3: Development and Lot 4: Property

II.2) Description

II.2.1) Title

Lot 1: Corporate, Governance & Finance

Lot No

1

II.2.2) Additional CPV code(s)

- 79100000 - Legal services

II.2.3) Place of performance

NUTS codes

- UKH - East of England
- UKI - London
- UKF - East Midlands (England)
- UKG - West Midlands (England)
- UKL - Wales
- UKJ - South East (England)
- UKK - South West (England)
- UKE - Yorkshire and the Humber
- UKD - North West (England)
- UKC - North East (England)

Main site or place of performance

EAST OF ENGLAND, LONDON, EAST MIDLANDS (ENGLAND), WEST MIDLANDS (ENGLAND), WALES, SOUTH EAST (ENGLAND), SOUTH WEST (ENGLAND), YORKSHIRE AND THE HUMBER, NORTH WEST (ENGLAND), NORTH EAST (ENGLAND)

II.2.4) Description of the procurement

The organisations appointed shall provide legal advisory services including but not limited to:

- Banking and finance including the raising of bank funding, capital markets issuance, and hedging arrangements
- Charging and security work
- Development draw down funding (including contracts with the HCA / GLA)
- Corporate governance
- New business opportunities
- Acquisitions and disposals
- Joint ventures and subsidiaries
- Amalgamations and restructuring
- Stock transfers
- Employment advice (including TUPE)
- Employment litigation, including Employment Tribunals
- Taxation advice
- Pensions
- Charity law
- Industrial and provident society law
- Constitutional reviews
- Board member powers and responsibilities
- Corporate Policies and Procedures
- Commercial contracts (including Supporting People contracts)

- Debt recovery
- Procurement law
- Commercial disputes
- Grant applications e.g. Big Lottery funding
- IT and information law including system maintenance & support agreements, defamation and the internet, and intellectual property
- Data protection and freedom of information
- Code of Governance
- Regulations
- Company Law
- Miscellaneous advice such as occasional advice on such matters as Financial inclusion/general advice to tenants, consumer credit licence issues, health & safety, defamation, fraud, insolvency judicial reviews and public law issues including Human Rights Act.

II.2.5) Award criteria

Price is not the only award criterion and all criteria are stated only in the procurement documents

II.2.6) Estimated value

Value excluding VAT: £7,000,000

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

Duration in months

48

This contract is subject to renewal

No

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

Lot 2: Housing & Asset Management

Lot No

2

II.2.2) Additional CPV code(s)

- 79100000 - Legal services

II.2.3) Place of performance

NUTS codes

- UKH - East of England
- UKI - London
- UKF - East Midlands (England)
- UKG - West Midlands (England)
- UKL - Wales
- UKJ - South East (England)
- UKK - South West (England)
- UKE - Yorkshire and the Humber
- UKD - North West (England)
- UKC - North East (England)

Main site or place of performance

EAST OF ENGLAND, LONDON, EAST MIDLANDS (ENGLAND), WEST MIDLANDS (ENGLAND), WALES, SOUTH EAST (ENGLAND), SOUTH WEST (ENGLAND), YORKSHIRE AND THE HUMBER, NORTH WEST (ENGLAND), NORTH EAST (ENGLAND)

II.2.4) Description of the procurement

The organisations appointed shall provide legal advisory services including but not limited to:

Legal Advisory Services

- Housing litigation such as:
- Disrepair claims
- Anti-social behaviour proceedings (including injunctions, committal)
- Rent arrears possession proceedings
- Non-rent arrears possession proceedings
- Possession proceedings (all types)
- Assured shorthold accelerated possession claims
- Trespassers
- Possession succession
- Evictions
- Gas servicing and other access injunctions
- Supported housing disputes
- Terminating licence agreements and obtaining possession
- Service charge disputes
- Tenancy Fraud

- Mediation
- First Tier Tribunal advice and advocacy
- Leaseholder disputes
- Deceased leaseholders where executors not meeting their obligations or where no monies in estate
- Unlawful assignments
- Enforcement / forfeiture
- Leasehold and shared ownership sub-letting
- Managing Agent issues including those arising from Tri-Partite agreements i.e. RP, Leaseholder and Managing Agent

General housing advice such as:

- Tenancy agreement advice
- Anti-social behaviour advice
- Housing benefit advice
- Service charge advice
- Estate management board advice
- Managing agents contracts and service level agreements
- Supported and sheltered housing advice
- Advice on complaints
- Dilapidations
- Dealing with lack of mental capacity
- Judicial Review
- Welfare reform updates

- Data protection
- Energy supply agreements with residents

Housing management policy advice such as:

- Drafting and advising on new forms of tenancy & licence agreement
- Rent setting advice
- Policy drafting, approval and annual health checks
- Advice on procedures - this may include drafting all or part of a procedure

II.2.5) Award criteria

Price is not the only award criterion and all criteria are stated only in the procurement documents

II.2.6) Estimated value

Value excluding VAT: £6,000,000

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

Duration in months

48

This contract is subject to renewal

No

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

Lot 3: Development

Lot No

3

II.2.2) Additional CPV code(s)

- 79100000 - Legal services

II.2.3) Place of performance

NUTS codes

- UKH - East of England
- UKI - London
- UKF - East Midlands (England)
- UKG - West Midlands (England)
- UKL - Wales
- UKJ - South East (England)
- UKK - South West (England)
- UKE - Yorkshire and the Humber
- UKD - North West (England)
- UKC - North East (England)

Main site or place of performance

EAST OF ENGLAND, LONDON, EAST MIDLANDS (ENGLAND), WEST MIDLANDS (ENGLAND), WALES, SOUTH EAST (ENGLAND), SOUTH WEST (ENGLAND), YORKSHIRE AND THE HUMBER, NORTH WEST (ENGLAND), NORTH EAST (ENGLAND)

II.2.4) Description of the procurement

The organisations appointed shall provide legal advisory services including but not limited

to:

Development

- Public private partnerships
- Site Assembly
- Options to purchase
- Acquisitions/disposals of land/buildings including new build plot sales
- Acquisitions/disposals of tenanted stock
- Stock swaps
- Statutory Agreements e.g. s.38, 278, 104
- Planning Agreements e.g. s.106 and s.111
- Development Agreements
- Development Funding (including HCA Help to Buy agreements)
- Management Agreements
- Establishing development-related management companies including joint ventures
- Construction Agreements (including collateral warranties)
- Bonds
- Parent Company Guarantees
- Contentious Construction
- Novation agreements
- Wayleaves and other utility agreements
- Building licences
- Grant agreements

- Health and safety
- Overage
- Planning advice
- Property taxation advice
- Procurement advice
- Development disputes (including litigation)
- Environmental issues
- ESCo/MUSCo leases and concession agreements.
- Energy supply agreements with residents
- Consultant appointment letters
- Contract amendments
- Frameworks for consultants and contractors
- Fire safety, asbestos water and other H&S law
- Advice in relation to sustainability, regulations and compliance
- Compulsory Purchase Orders
- Advice in relation to fire remediation and boundary disputes

Shared Ownership

- Setting up shared ownership schemes including drafting lease incorporating requirements of planning agreements
- Staircasing (not final and final)
- Resale/Assignment to new owner
- Easements
- Lifting of restrictive covenants

- Surrenders
- Repossessions
- New Build Plot sales
- Managing Agent issues including those arising from Tripartite Agreements i.e. RP, Leaseholder and Managing Agent.
- Lease management e.g. licences to assign, licences for alterations, deeds of variations, lease extensions

II.2.5) Award criteria

Price is not the only award criterion and all criteria are stated only in the procurement documents

II.2.6) Estimated value

Value excluding VAT: £9,000,000

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

Duration in months

48

This contract is subject to renewal

No

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

Lot 4: Property

Lot No

4

II.2.2) Additional CPV code(s)

- 79100000 - Legal services

II.2.3) Place of performance

NUTS codes

- UKH - East of England
- UKI - London
- UKF - East Midlands (England)
- UKG - West Midlands (England)
- UKL - Wales
- UKJ - South East (England)
- UKK - South West (England)
- UKE - Yorkshire and the Humber
- UKD - North West (England)
- UKC - North East (England)

Main site or place of performance

EAST OF ENGLAND, LONDON, EAST MIDLANDS (ENGLAND), WEST MIDLANDS (ENGLAND), WALES, SOUTH EAST (ENGLAND), SOUTH WEST (ENGLAND), YORKSHIRE AND THE HUMBER, NORTH WEST (ENGLAND), NORTH EAST (ENGLAND)

II.2.4) Description of the procurement

The organisations appointed shall provide legal advisory services including but not limited to:

Commercial Property

- Property rationalisation including purchases, disposals, stock swaps, TUPE (employment issues)
- Purchases/disposals of real estate (general)
- Auction acquisitions and disposals
- Easements
- Title investigations
- Agreements for lease/licences
- Granting and taking leases
- Management Agreements
- Lease management e.g. licences to assign, licences for alterations, deeds of variation, lease extensions, rent review memoranda etc.
- Advice relating to existing leases and management agreements
- Commercial Lease renewals and surrenders
- Tenanted sales initiatives
- Tenanted transfers including overage agreements
- Dilapidations
- Adverse possession including traveller issues
- Establishing property joint ventures
- Plot sales (commercial)
- Consent issues relating to restrictions on title, including lifting of restrictive covenants
- Ground rent issues
- Property litigation

- Construction contracts (including professional services contracts)
- Serving section 25 and s26 notices and responding to the same when served
- Re-possession of premises
- Novation agreements
- Wayleaves and other utility agreements
- Overage
- Property taxation advice
- Boundary dispute advice

Residential Property

- Purchases and sales of individual residential units (freehold/ leasehold)
- New build plot sales (freehold/ leasehold)
- Easements
- Lifting of restrictive covenants
- Auctions
- Sales under Right To Buy, Right To Acquire /Social HomeBuy
- Independent Supported Living purchases
- Service charge issues (including sinking fund disputes)
- Leasehold Valuation Tribunal advice and advocacy
- Leasehold enfranchisement
- Absent landlords (overseas etc.)
- Boundary dispute advice

Shared Ownership

- Setting up shared ownership schemes including drafting lease incorporating requirements of planning agreements
- Staircasing (not final and final)
- Resale/Assignment to new owner
- Easements
- Lifting of restrictive covenants
- Surrenders
- Repossessions
- New Build Plot sales
- Managing Agent issues including those arising from Tripartite Agreements i.e. RP, Leaseholder and Managing Agent.
- Lease management e.g. licences to assign, licences for alterations, deeds of variations, lease extensions

II.2.5) Award criteria

Price is not the only award criterion and all criteria are stated only in the procurement documents

II.2.6) Estimated value

Value excluding VAT: £8,000,000

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

Duration in months

48

This contract is subject to renewal

No

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.1.2) Economic and financial standing

List and brief description of selection criteria

As detailed in the procurement documents

Minimum level(s) of standards possibly required

As detailed in the procurement documents

III.1.3) Technical and professional ability

List and brief description of selection criteria

As detailed in the procurement documents

Minimum level(s) of standards possibly required

As detailed in the procurement documents

III.2) Conditions related to the contract

III.2.2) Contract performance conditions

As detailed 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

IV.1.8) Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement: No

IV.2) Administrative information

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

Date

29 April 2022

Local time

4:00pm

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

29 April 2022

Local time

4:00pm

Section VI. Complementary information

VI.1) Information about recurrence

This is a recurrent procurement: No

VI.3) Additional information

The contracting authority considers that this contract may be suitable for economic operators that are small or medium enterprises (SMEs). However, any selection of tenderers will be based solely on the criteria set out for the procurement. The estimated total value in II.1.5) should be treated as a rough guide and not a constraint. This framework will be accessible to existing and new HALA members. HALA cannot accurately predict the growth in its membership or individual members' expenditure. Expenditure could significantly exceed the estimated total value in the event of high demand.

For more information about this opportunity, please visit the Delta eSourcing portal at:

<https://www.delta-esourcing.com/tenders/UK-UK-Croydon:-Legal-services./4Y8S3J3N5H>

To respond to this opportunity, please click here:

<https://www.delta-esourcing.com/respond/4Y8S3J3N5H>

GO Reference: GO-2022328-PRO-19872661

VI.4) Procedures for review

VI.4.1) Review body

Optivo

Grosvenor House, 125 High Street

Croydon

CR0 9XP

Email

HALA@KennedyCater.com

Telephone

+44 2071134020

Country

United Kingdom

VI.4.2) Body responsible for mediation procedures

The High Court,

Royal Courts of Justice The Strand,

London

WC2A 2LL

Telephone

+44 2079476000

Country

United Kingdom

VI.4.3) Review procedure

Precise information on deadline(s) for review procedures

Optivo will observe a 10-day standstill period calculated in accordance with the Public Contracts Regulations 2015. Under those regulations, aggrieved bidders may by way of proceedings in the High Court seek relief in respect of alleged breaches of the Public Contracts Regulations 2015 which may include declaring any award ineffective and/or seeking damages. After the expiry of the 10-day standstill period, Optivo will, unless prevented by order of the court, conclude and enter all framework agreements.

VI.4.4) Service from which information about the review procedure may be obtained

Optivo, c/o Kennedy Cater Ltd,

Grosvenor House,, 125 High Street,

Croydon

CR0 9XP

Telephone

+44 2071134020

Country

United Kingdom