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Tender

Provision of Legal Advisory Services

Xlinks

F22: Social and other specific services – utilities

Contract notice

Notice identifier: 2022/S 000-011287

Procurement identifier (OCID): ocids-h6vhtk-0332b4

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Section I: Contracting entity

I.1) Name and addresses

Xlinks

Kingfisher House 1 Radford Way Billericay CM12 0EQ, 1 Radford Way

Billericay

CM120EQ

Contact

Stephen Kennedy

Email

stephen@xlinks.co

Telephone

+44 7568101073

Country

United Kingdom

NUTS code

UK - United Kingdom

Internet address(es)

Main address

<https://xlinks.co>

Buyer's address

www.xlinks.co

I.3) Communication

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

<https://www.delta-esourcing.com/tenders/UK-UK-Billericay:-Legal-services./K2959429HE>

Additional information can be obtained from the above-mentioned address

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

I.6) Main activity

Electricity

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

Provision of Legal Advisory Services

Reference number

500/002

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 covering various aspects of the Xlinks Morocco-UK Power Project (Project), including advice on project structure and project and financing documents, legal requirements along the cable route, property, permitting and environmental matters and regulatory and corporate governance matters. The contracts will cover the period until achievement of financial close and completion of post close administration and conditions subsequent. For further details on the Project see:

<https://xlinks.co>

II.1.5) Estimated total value

Value excluding VAT: £6,700,000

II.1.6) Information about lots

This contract is divided into lots: Yes

Tenders may be submitted for all lots

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

Any combination of Lots.

II.2) Description

II.2.1) Title

Legal advisory services.

Lot No

1

II.2.2) Additional CPV code(s)

- 79111000 - Legal advisory services

II.2.3) Place of performance

NUTS codes

- UK - United Kingdom

Main site or place of performance

UNITED KINGDOM

II.2.4) Description of the procurement

Providing advice to Xlinks on all English law, Moroccan law and EU law aspects of the Project as requested by Xlinks for the period to financial close and post-close completion and administration, excluding anything forming part of any other Lot. Lot 1 will include advising on legal and commercial structuring and project and financing documents, government agreements (e.g. CfD, Investment Agreement in Morocco) and legislative changes, if required.

II.2.6) Estimated value

Value excluding VAT: £4,000,000

II.2.7) Duration of the contract or the framework agreement

Duration in months

24

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

Bidders for Lot 1 may comprise two law firms (preferably with prior experience working together) in order to cover required qualifications and experience. See Supplier Questionnaire for the information to be provided. The contract duration will depend on achievement of financial close and completion of post close activities. Xlinks will be entitled to extend the contract by up to 12 months.

II.2) Description

II.2.1) Title

Portuguese Law Adviser

Lot No

2

II.2.2) Additional CPV code(s)

- 79111000 - Legal advisory services

II.2.3) Place of performance

NUTS codes

- PT - Portugal

Main site or place of performance

PORTUGAL

II.2.4) Description of the procurement

Provision of Portuguese law advice in relation to the cable route through Portuguese waters and all matters arising therefrom for the period to financial close and post-close completion and administration, including all permitting, planning, environmental and other legal and regulatory requirements, any impact on the project structure and requirements under the project and finance documents.

II.2.6) Estimated value

Value excluding VAT: £350,000

II.2.7) Duration of the contract or the framework agreement

Duration in months

24

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

The contract duration will depend on the achievement of financial close and completion of post close activities. Xlinks will be entitled to extend the contract by up to 12 months.

II.2) Description

II.2.1) Title

Spanish Law Adviser

Lot No

3

II.2.2) Additional CPV code(s)

- 79111000 - Legal advisory services

II.2.3) Place of performance

NUTS codes

- ES - Spain

Main site or place of performance

ESPAÑA

II.2.4) Description of the procurement

Provision of Spanish law advice in relation to the cable route through Spanish waters and all matters arising therefrom for the period to financial close and post-close completion and administration, including all permitting, planning, environmental and other legal and regulatory requirements, any impact on the project structure and requirements under the

project and finance documents.

II.2.6) Estimated value

Value excluding VAT: £350,000

II.2.7) Duration of the contract or the framework agreement

Duration in months

24

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

The contract duration will depend on the achievement of financial close and completion of post close activities. Xlinks will be entitled to extend the contract by up to 12 months.

II.2) Description

II.2.1) Title

French Law Adviser

Lot No

4

II.2.2) Additional CPV code(s)

- 79111000 - Legal advisory services

II.2.3) Place of performance

NUTS codes

- FR - France

Main site or place of performance

FRANCE

II.2.4) Description of the procurement

Provision of French law advice in relation to the cable route through French waters and all matters arising therefrom for the period to financial close and post-close completion and administration, including all permitting, planning, environmental and other legal and regulatory requirements, any impact on the project structure and requirements under the project and finance documents.

II.2.6) Estimated value

Value excluding VAT: £350,000

II.2.7) Duration of the contract or the framework agreement

Duration in months

24

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

The contract duration will depend on the achievement of financial close and completion of post close activities. Xlinks will be entitled to extend the contract by up to 12 months.

II.2) Description

II.2.1) Title

Planning, Permitting and Environmental Legal Adviser (PPE)

Lot No

5

II.2.2) Additional CPV code(s)

- 79111000 - Legal advisory services

II.2.3) Place of performance

NUTS codes

- UK - United Kingdom

Main site or place of performance

UNITED KINGDOM

II.2.4) Description of the procurement

Provision of English law advice in relation to land acquisition (including CPO powers if applicable), planning, permitting and environmental compliance in the UK (onshore and offshore), including crossing, compromise and similar agreements with affected parties, for the period to financial close and post-close completion and administration.

II.2.6) Estimated value

Value excluding VAT: £900,000

II.2.7) Duration of the contract or the framework agreement

Duration in months

24

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

The contract duration will depend on the achievement of financial close and completion of post close activities. Xlinks will be entitled to extend the contract by up to 12 months.

II.2) Description

II.2.1) Title

Procurement, Governance and Regulatory (PGR) Adviser

Lot No

6

II.2.2) Additional CPV code(s)

- 79111000 - Legal advisory services

II.2.3) Place of performance

NUTS codes

- UK - United Kingdom

Main site or place of performance

UNITED KINGDOM

II.2.4) Description of the procurement

Provision of English law advice in relation to procurement, corporate governance and regulatory matters for Xlinks and its UK subsidiaries for the period to financial close and post-close completion and administration, including advice on compliance with specific requirements imposed on entities regulated under the Electricity Act 1989.

II.2.6) Estimated value

Value excluding VAT: £750,000

II.2.7) Duration of the contract or the framework agreement

Duration in months

24

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

The contract duration will depend on the achievement of financial close and completion of post close activities. Xlinks will be entitled to extend the contract by up to 12 months.

Section III. Legal, economic, financial and technical information

III.1) Conditions for participation

III.1.4) Objective rules and criteria for participation

List and brief description of rules and criteria

Qualification and registration to provide legal services in the relevant jurisdiction for the Lot;

Experience of the Bidder in providing legal services of the type required for the relevant Lot; Ability of the Bidder to provide legal services to Xlinks in fluent business English.

See the Supplier Questionnaire for further details.

Xlinks reserves the right to restrict participation in the tender to no more than 10 Bidders per Lot, selected on the basis of the qualification criteria set out in the Supplier Questionnaire.

Bidders are encouraged to submit a proposal in conjunction with other law firms in order to provide a proposal covering all Lots, but Xlinks reserves the right to award individual Lots. Bidders are not permitted to condition their proposal for any Lot on award of any other Lot.

Section IV. Procedure

IV.1) Description

IV.1.1) Form of procedure

Restricted procedure

IV.1.11) Main features of the award procedure

The Tender document will set out further detail on the Project and the work scope for each Lot. Bidders will be evaluated on the experience of their proposed team members in advising on similar projects and issues, their pricing proposals, and their commercial approach and methodology for performing the services. Further detail on the evaluation criteria and weighting will be set out in the Tender document. Following evaluation of the tenders, Xlinks reserves the right to nominate a short list of bidders for further negotiations. The eliminated bidders will not be considered for further negotiations and they will be notified accordingly. Further detail of the anticipated process will be set out in the Tender document.

Xlinks considers that the Utilities Contracts Regulations 2016 (UCR2016) may potentially apply to the award of contracts under Lot 5. As a result, it is Xlinks' current intention, on a voluntary basis, to follow the procedures set out in UCR2016 as regards the award of the contract for Lot 5. A voluntary standstill period will be applied.

However, Lots 1 to 4 are anticipated to cover activities the main subject matter of which is outside the UK and/or is not a utility activity. Lot 6 is below the threshold set out in Regulation 16 of the UCR2016. On this basis, Xlinks considers that it is clear that the contracts for Lots 1 to 4 and 6 are exempted from UCR2016 at least under Regulation 19(1)(b) and/or Regulation 6(2)(b) or (for Lot 6) Regulation 16 UCR2016. Xlinks does not consider that UCR2016 are engaged as regards the award of contracts for those Lots. Xlinks is publishing this notice voluntarily as regards Lots 1 to 4 and 6. Xlinks reserves the right to establish its own process for the award of contracts under Lots 1 to 4 and 6 and does not consider itself bound by UCR2016 in relation to these Lots. A voluntary standstill period will not be applied to Lots 1 to 4 and 6.

IV.2) Administrative information

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

Date

12 May 2022

Local time

6:00pm

IV.2.4) Languages in which tenders or requests to participate may be submitted

English

Section VI. Complementary information

VI.3) Additional information

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

<https://www.delta-esourcing.com/tenders/UK-UK-Billericay:-Legal-services./K2959429HE>

To respond to this opportunity, please click here:

<https://www.delta-esourcing.com/respond/K2959429HE>

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VI.4) Procedures for review

VI.4.1) Review body

Xlinks

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