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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): ocds-h6vhtk-0332b4

Published 2 May 2022, 12:05pm

### **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](mailto: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](http://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

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**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.

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## **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.

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## **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

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## **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

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

Billericay

CM120EQ

Email

[stephen@xlinks.co](mailto:stephen@xlinks.co)

Telephone

+44 7568101073

Country

United Kingdom