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Tender

CT2945 Legal Services Framework

The City of Edinburgh Council

Stirling Council

West Lothian Council

East Lothian Council

Midlothian Council

Falkirk Council

The Highland Council

East Dunbartonshire Council

Aberdeen City Council

Aberdeenshire Council

South Ayrshire Council

Orkney Islands Council

Shetland Islands Council

Inverclyde Council

Dumfries and Galloway Council

F02: Contract notice

Notice identifier: 2023/S 000-014863

Procurement identifier (OCID): ocds-h6vhtk-03a78e

Published 25 May 2023, 8:55am

Section I: Contracting authority

I.1) Name and addresses

The City of Edinburgh Council

Waverley Court, 4 East Market Street

Edinburgh

EH8 8BG
Contact
Darren Moir
Email
darren.moir@edinburgh.gov.uk
Telephone
+44 1314693922
Country
United Kingdom
NUTS code
UKM75 - Edinburgh, City of
Internet address(es)
Main address
Main address
Main address http://www.edinburgh.gov.uk
Main address http://www.edinburgh.gov.uk Buyer's address https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA0029
Main address http://www.edinburgh.gov.uk Buyer's address https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA00290 O
Main address http://www.edinburgh.gov.uk Buyer's address https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA0029 0 I.1) Name and addresses
Main address http://www.edinburgh.gov.uk Buyer's address https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA0029 0 I.1) Name and addresses Stirling Council
Main address http://www.edinburgh.gov.uk Buyer's address https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA0029 I.1) Name and addresses Stirling Council Strategic Commissioning, Old Viewforth

procurement@stirling.gov.uk

Telephone

+44 1786233384

Country

United Kingdom

NUTS code

UKM77 - Perth & Kinross and Stirling

Internet address(es)

Main address

http://www.stirling.gov.uk

Buyer's address

https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA0014

I.1) Name and addresses

West Lothian Council

West Lothian Civic Centre, Howden South Road

Livingston

EH54 6FF

Email

cpu@westlothian.gov.uk

Telephone

+44 1506281814

Fax

+44 1506281325 Country **United Kingdom NUTS** code UKM78 - West Lothian Internet address(es) Main address https://www.westlothian.gov.uk/ Buyer's address https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA0014 0 I.1) Name and addresses East Lothian Council John Muir House Haddington, East Lothian EH41 3HA **Email**

procurement@eastlothian.gov.uk

Telephone

+44 1620827827

Fax

+44 1506281325

Country

l	Inited	Kingdom
•	,,,,,,	1 1111900111

NUTS code

UKM73 - East Lothian and Midlothian

Internet address(es)

Main address

http://www.eastlothian.gov.uk

Buyer's address

https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA0018 1

I.1) Name and addresses

Midlothian Council

Midlothian House, Buccleuch Street

Dalkeith

EH22 1DN

Email

procurement@midlothian.gov.uk

Telephone

+44 1312707500

Fax

+44 1506281325

Country

United Kingdom

NUTS code

UKM73 - East Lothian and Midlothian

Internet address(es)

Main address

http://www.midlothian.gov.uk

Buyer's address

 $\underline{https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA0033} \\ \underline{6}$

I.1) Name and addresses

Falkirk Council

4 Central Park, Central Boulevard

Larbert

FK5 4RU

Email

cpu@falkirk.gov.uk

Telephone

+44 1324506566

Fax

+44 1506281325

Country

United Kingdom

NUTS code

UKM76 - Falkirk

Internet address(es)

Main address

http://www.falkirk.gov.uk

Buyer's address

https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA0018

I.1) Name and addresses

The Highland Council

Council Headquarters, Glenurquhart Road

Inverness

IV3 5NX

Email

procurement@highland.gov.uk

Telephone

+44 1463702563

Fax

+44 1506281325

Country

United Kingdom

NUTS code

UKM6 - Highlands and Islands

Internet address(es)

Main address

http://www.highland.gov.uk/

Buyer's address

https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA0004 5

I.1) Name and addresses

East Dunbartonshire Council

Civic & Corporate Headquarters, Southbank Marina, 12 Strathkelvin Place

Kirkintilloch

G66 1TJ

Email

procurement@eastdunbarton.gov.uk

Telephone

+44 1415745750

Fax

+44 1415745529

Country

United Kingdom

NUTS code

UKM81 - East Dunbartonshire, West Dunbartonshire and Helensburgh & Lomond

Internet address(es)

Main address

http://www.eastdunbarton.gov.uk

Buyer's address

https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA0022 5

I.1) Name and addresses

Aberdeen City Council

Marischal College

Aberdeen

AB10 1AB

Email

CPSSprocurement@aberdeencity.gov.uk

Telephone

+44 1467539600

Fax

+44 1415745529

Country

United Kingdom

NUTS code

UKM50 - Aberdeen City and Aberdeenshire

Internet address(es)

Main address

http://www.aberdeencity.gov.uk

Buyer's address

 $\underline{https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA0023} \\ \underline{1}$

I.1) Name and addresses

Aberdeenshire Council

Woodhill House, Westburn Road
Aberdeen
AB16 5GB
Email
cpssprocurement@aberdeencity.gov.uk
Telephone
+44 1467539600
Fax
+44 1415745529
Country
United Kingdom
NUTS code
NUTS code UKM50 - Aberdeen City and Aberdeenshire
UKM50 - Aberdeen City and Aberdeenshire
UKM50 - Aberdeen City and Aberdeenshire Internet address(es)
UKM50 - Aberdeen City and Aberdeenshire Internet address(es) Main address
UKM50 - Aberdeen City and Aberdeenshire Internet address(es) Main address http://www.aberdeenshire.gov.uk
UKM50 - Aberdeen City and Aberdeenshire Internet address(es) Main address http://www.aberdeenshire.gov.uk Buyer's address https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA0023
UKM50 - Aberdeen City and Aberdeenshire Internet address(es) Main address http://www.aberdeenshire.gov.uk Buyer's address https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA0023 2
UKM50 - Aberdeen City and Aberdeenshire Internet address(es) Main address http://www.aberdeenshire.gov.uk Buyer's address https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA0023 I.1) Name and addresses

KA7 1DR

Email

procurement@south-ayrshire.gov.uk

Telephone

+44 3001230900

Fax

+44 1415745529

Country

United Kingdom

NUTS code

UKM94 - South Ayrshire

Internet address(es)

Main address

http://www.south-ayrshire.gov.uk/procurement/

Buyer's address

 $\frac{https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA0040}{5}$

I.1) Name and addresses

Orkney Islands Council

Council Offices, School Place

Kirkwall

KW15 1NY

Email

procurement@orkney.gov.uk

Telephone

+44 01856873535

Fax

+44 01856876158

Country

United Kingdom

NUTS code

UKM65 - Orkney Islands

Internet address(es)

Main address

http://www.orkney.gov.uk

Buyer's address

 $\frac{https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA0036}{9}$

I.1) Name and addresses

Shetland Islands Council

Town Hall, Lerwick

Shetland

ZE1 0HB

Email

contract.admin@shetland.gov.uk

Telephone

+44 1595744595 Fax +44 01856876158 Country **United Kingdom NUTS** code UKM66 - Shetland Islands Internet address(es) Main address http://www.shetland.gov.uk Buyer's address https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA0040 I.1) Name and addresses Inverclyde Council Procurement, Municipal Buildings, Clyde Square Greenock **PA15 1LY Email** corporate.procurement@inverclyde.gov.uk **Telephone** +44 1475712634

Fax

+44 01856876158

Country

United Kingdom

NUTS code

UKM83 - Inverclyde, East Renfrewshire and Renfrewshire

Internet address(es)

Main address

http://www.inverclyde.gov.uk

Buyer's address

https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA0016 8

I.1) Name and addresses

Dumfries and Galloway Council

Procurement Team, English Street

Dumfries

DG1 2DD

Email

Procurement.Tenders@dumgal.gov.uk

Telephone

+44 3033333000

Fax

+44 01856876158

Country

United Kingdom

NUTS code

UKM92 - Dumfries & Galloway

Internet address(es)

Main address

http://www.dumgal.gov.uk

Buyer's address

https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA0021

I.2) Information about joint procurement

The contract involves joint procurement

I.3) Communication

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

https://www.publictendersscotland.publiccontractsscotland.gov.uk/esop/pts-host/public/pts/web/login.html

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

https://www.publictendersscotland.publiccontractsscotland.gov.uk/esop/pts-host/public/pts/web/login.html

Electronic communication requires the use of tools and devices that are not generally available. Unrestricted and full direct access to these tools and devices is possible, free of charge, at

https://www.publictendersscotland.publiccontractsscotland.gov.uk/esop/pts-host/public/pts/web/login.html

I.4) Type of the contracting authority

Regional or local authority

I.5) Main activity

General public services

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

CT2945 Legal Services Framework

Reference number

CT2945

II.1.2) Main CPV code

• 79100000 - Legal services

II.1.3) Type of contract

Services

II.1.4) Short description

The City of Edinburgh Council's in-house legal team provides advice and support on all legal matters relating to the Council. The team instructs external firms where it has insufficient capacity or where particular specialist advice is required. The Council wishes to appoint a number of suitably qualified and experienced law firms ("Service Providers") to a six lot Framework Agreement to carry out legal services for the City of Edinburgh Council and other named Scottish local authorities. The type and volume of advice required may fluctuate during the period of the Contract.

II.1.5) Estimated total value

Value excluding VAT: £22,000,000

II.1.6) Information about lots

This contract is divided into lots: Yes

Tenders may be submitted for all lots

II.2) Description

II.2.1) Title

Commercial

Lot No

1

II.2.2) Additional CPV code(s)

• 79100000 - Legal services

II.2.3) Place of performance

NUTS codes

• UKM75 - Edinburgh, City of

Main site or place of performance

Edinburgh

II.2.4) Description of the procurement

Lot 1: Commercial

The Council expects the following services from Service Providers to include but is not limited to: Public law, Corporate law, Commercial contracts, Finance law and financial services law, Intellectual property, IT, Procurement, FOISA, Data protection, RIPSA and RIPA, Commercial and Pensions.

II.2.5) Award criteria

Quality criterion - Name: Quality / Weighting: 60

Price - Weighting: 40

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

Property and Planning

Lot No

2

II.2.2) Additional CPV code(s)

• 79100000 - Legal services

II.2.3) Place of performance

NUTS codes

• UKM75 - Edinburgh, City of

Main site or place of performance

Edinburgh

II.2.4) Description of the procurement

Lot 2: Property and Planning

The Council expects the following services from Service Providers to include but is not

limited to: Property law, Construction law, Environmental law, Planning law, Transportation law and Litigation support for all of the above.

II.2.5) Award criteria

Quality criterion - Name: Quality / Weighting: 60

Price - Weighting: 40

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

Litigation

Lot No

3

II.2.2) Additional CPV code(s)

• 79100000 - Legal services

II.2.3) Place of performance

NUTS codes

• UKM75 - Edinburgh, City of

Main site or place of performance

Edinburgh

II.2.4) Description of the procurement

Lot 3: Litigation

The Council expects the following services from Service Providers to include but is not limited to: Childcare law, Education law, Litigation, Licensing law.

II.2.5) Award criteria

Quality criterion - Name: Quality / Weighting: 60

Price - Weighting: 40

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

Employment

Lot No

4

II.2.2) Additional CPV code(s)

• 79100000 - Legal services

II.2.3) Place of performance

NUTS codes

• UKM75 - Edinburgh, City of

Main site or place of performance

Edinburgh

II.2.4) Description of the procurement

Lot 4: Employment Law

The Council expects the following services from Service Providers to include but is not limited to: Providing legal advice in relation to local government employment law matters, Providing support in the furtherance of positive employee relations, Providing legal advice in relation to litigated employment matters, Providing front-line expert support to complex high risk HR case management, Providing advice and support on the development of employment policies and practices, Providing advice on major projects in relation to employment matters and Advocacy (including solicitor-advocacy if possible).

II.2.5) Award criteria

Quality criterion - Name: Quality / Weighting: 60

Price - Weighting: 40

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

Debt Recovery

Lot No

6

II.2.2) Additional CPV code(s)

• 79100000 - Legal services

II.2.3) Place of performance

NUTS codes

• UKM75 - Edinburgh, City of

Main site or place of performance

Edinburgh

II.2.4) Description of the procurement

Lot 6: Debt Recovery

The Council expects the following services from Service Providers to include but is not limited to the three categories of debt to be recovered: (1) council tax & non-domestic rates (NDR), (2) sundry debt, including not limited to parking penalty charges and statutory repairs debt and (3) heritage court - rent arrears.

II.2.5) Award criteria

Quality criterion - Name: Quality / Weighting: 60

Price - Weighting: 40

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

Major Projects and Investigations

Lot No

5

II.2.2) Additional CPV code(s)

• 79100000 - Legal services

II.2.3) Place of performance

NUTS codes

• UKM75 - Edinburgh, City of

Main site or place of performance

Edinburgh

II.2.4) Description of the procurement

Lot 5: Major Projects and Investigations

The Council expects the following services from Service Providers to include but is not limited to:

The provision of strategic and multi-disciplinary advice in respect of major, high value and/or complex matters requiring expertise in excess of that which would ordinarily fall within Lots 1 to 4 of the Contract; and

The provision of complex multi-disciplinary investigatory advice in respect of major, high value and/ or complex matters requiring investigatory expertise in excess of that which would ordinarily fall within Lots 1 to 4 of the Contract.

II.2.5) Award criteria

Quality criterion - Name: Quality / Weighting: 70

Price - Weighting: 30

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.1.1) Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers

List and brief description of conditions

This Section refers to Section A of Part IV of SPD (Scotland) and covers question 4A2b: Bidders must be registered with, and regulated by, the Law Society of Scotland.

III.1.2) Economic and financial standing

List and brief description of selection criteria

Part III: Section A, B, C & D 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 [for above threshold)/8 and 9 of the Procurement (Scotland) Regulations 2016 (below threshold).

Part IV: Selection criteria B: Economic and financial standing – Question 4B.1 - Tenderers are required to have a minimum "general" annual turnover for the last two financial years. For lot 1 - GBP 368,300; for lot 2 - GBP 656,625; for lot 3 - GBP 474,800; for lot 4 - GBP 238,500; for lot 5 - GBP 681,500; and for lot 6 - GBP 425,000. Where a Tenderer does not have an annual turnover of this value, the Council may exclude the Tenderer from the competition or may apply discretion seeking supporting evidence to determine the Tenderer's suitability to proceed in the competition.

Part IV: Selection criteria B: Economic and financial standing – Question 4B.4 Tenderers will be required provide the following information in response to 4B.4:

For lots 1, 2, 3 5 and 6:

Current ratio for Current Year: >1.15

Current ratio for Prior Year: >1.15

For lot 4:

Current ratio for Current Year: >1.10

Current ratio for Prior Year: >1.10

The formula for calculating a Tenderer's current ratio is current assets divided by current liabilities. The acceptable range for each financial ratio is greater than the respective ratios above. Where a Tenderer's current ratio is less than the acceptable value, the Council may exclude the Tenderer from the competition or may apply discretion seeking supporting evidence to determine the Tenderer's suitability to proceed in the competition.

Minimum level(s) of standards possibly required

This Section refers to Section B of Part IV of the SPD (Scotland) and covers question 4B5.

Minimum level(s) of standards required:

Tenderers are required to hold, or commit to obtaining prior to the commencement of any subsequently awarded contract, the types and levels of insurance indicated below:

- (a) Employers (Compulsory) Liability Insurance: GBP 5m or such higher amount as may be in accordance with any legal requirement for the time being in force;
- (b) Public Liability Insurance GBP 5m; and
- (c) Professional Indemnity GBP 5m.

Where a Tenderer does not hold or commit to obtaining the types and levels of insurance indicated, the Council will exclude the Tenderer from the competition.

III.1.3) Technical and professional ability

Selection criteria as stated in the procurement documents

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

Reference to the relevant law, regulation or administrative provision:

Bidders must be registered with, and regulated by, 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

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

Envisaged maximum number of participants to the framework agreement: 23

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.2.1) Previous publication concerning this procedure

Notice number: <u>2023/S 000-005330</u>

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

Date

26 June 2023

Local time

12:00pm

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

26 June 2023

Local time

12:00pm

Section VI. Complementary information

VI.1) Information about recurrence

This is a recurrent procurement: Yes

Estimated timing for further notices to be published: Within 4 years

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

CONTRACT SPECIFIC MANDATORY CRITERIA

Part IV: Selection criteria - C: Technical and Professional Ability – Prompt Payment – Question 4C.4 - It is a mandatory requirement of this Contract that a prompt payment clause is present in all Contracts used in the delivery of the requirements. This ensures

payment of sub-contractors at all stages of the supply chain within 30 days and includes an obligation to provide a point of contact for sub-contractors to refer to in the case of payment difficulties. This will require active monitoring of payment performance as well as the provision of evidence and reports to the Council on request or as contractually scheduled. Bidders should confirm that this condition will be met within the response to this question.

Part IV: Selection criteria - C: Technical and Professional Ability – Climate Change – Question 4C.7 - It is a mandatory requirement that Tendering Organisations will be required to provide evidence that their organisation has taken steps to build their awareness of the climate change emergency and how they will respond. Tendering organisations will be required to complete the Climate Change Plan Template, including planned projects and actions to reduce the bidder's carbon emissions. This does not need to contain calculated carbon emissions.

Part IV: Selection criteria - D: Quality Assurance Schemes & Environmental Management – Question 4D.1 - It is a mandatory requirement that Tendering Organisations with more than 5 employees have in place a Health & Safety Policy which is approved at a senior level within the Organisation and is reviewed regularly. Bidders should confirm that this condition has been met within the response to this question. Where a Bidder does not have a Health & Safety Policy and is required to do so, the Council may exclude the Bidder from the competition.

The buyer is using PCS-Tender to conduct this ITT exercise. The Project code is 24186. For more information see:

http://www.publiccontractsscotland.gov.uk/info/InfoCentre.aspx?ID=2343

The Contracting Authority does not intend to include a sub-contract clause as part of community benefits (as per Section 25 of the Procurement Reform (Scotland) Act 2014) in this contract for the following reason:

The Contracting Authority does not intend to include a sub-contract clause as the contract is divided into 6 lots.

Community benefits are included in this requirement. For more information see: https://www.gov.scot/policies/public-sector-procurement/community-benefits-in-procurement/

A summary of the expected community benefits has been provided as follows:

Further information can be found in the Specifications and Tenderers' Submissions.

(SC Ref:733139)

VI.4) Procedures for review

VI.4.1) Review body

Sheriff Court

Sheriff Court House, 27 Chambers Street

Edinburgh

EH1 1LB

Country

United Kingdom

VI.4.3) Review procedure

Precise information on deadline(s) for review procedures

An economic operator that suffers or risks suffering loss or damage attributable to a breach of duty under Public Contracts (Scotland) Regulations 2015 may bring proceedings in the Sheriff Court or Court of Session. . A claim for an ineffectiveness order must be made within 30 days of the Contract Award Notice being published in the Find a Tender Service /OJEU or within 30 days of the date those who expressed an interest in or otherwise bid for the contract were informed of the conclusion of the contract or in any other case within 6 months from the date on which the contract was entered into.