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Tender

Wheatley Group Legal & Associated Services Framework LEG001

The Wheatley Housing Group Limited

F02: Contract notice

Notice identifier: 2022/S 000-017425

Procurement identifier (OCID): ocds-h6vhtk-034ab6

Published 27 June 2022, 8:46am

Section I: Contracting authority

I.1) Name and addresses

The Wheatley Housing Group Limited

25 Cochrane Street

Glasgow

G1 1HL

Contact

Julieth Ani

Email

julieth.ani@wheatley-group.com

Telephone

+44 7385968883

Country

United Kingdom

NUTS code

UKM - Scotland

Internet address(es)

Main address

<http://www.wheatley-group.com>

Buyer's address

http://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA10306

I.2) Information about joint procurement

The contract is awarded by a central purchasing body

I.3) Communication

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

<https://www.publiccontractsscotland.gov.uk>

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

<https://www.publiccontractsscotland.gov.uk>

I.4) Type of the contracting authority

Body governed by public law

I.5) Main activity

Housing and community amenities

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

Wheatley Group Legal & Associated Services Framework LEG001

Reference number

LEG001

II.1.2) Main CPV code

- 79100000 - Legal services

II.1.3) Type of contract

Services

II.1.4) Short description

The Wheatley Group intends to establish a multi-lot Framework Agreement for the provision of Legal & Associated Services. The Framework will be divided into 6 lots covering Lot 1 Commercial Contracts Lot 2 Legal Governance & Charities Lot 3 Legal Employment & General Civil Litigation Lot 4 Financing Lot 5 – Sheriff Officer Services Lot 6 Property Searching & Reporting Services. The Framework will be for a period of 36 months with the option to extend for a further 12 months at the sole discretion of the Wheatley Group.

Lot 1 – Commercial Contracts – including as a minimum procurement, construction, construction litigation, development, real estate, intellectual property, information technology and associated legal advice.

Lot 2 – Legal Governance & Legal Charities – including as a minimum governance and business structures, data protection, charities advice including business structures and corporate matters and associated legal advice.

Lot 3 - Legal Employment & General Civil Litigation – including as a minimum employment law, pensions advice and general civil litigation services.

Lot 4 – Financing– including as a minimum capital markets and bank funding in relation to new and existing funding and relating to both Scottish and English law

Lot 5 – Sheriff Officer Services.

Lot 6 – Property Searching & Reporting Services.

II.1.5) Estimated total value

Value excluding VAT: £3,400,000

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 Contracts

Lot No

1

II.2.2) Additional CPV code(s)

- 79100000 - Legal services
- 79110000 - Legal advisory and representation services
- 79111000 - Legal advisory services
- 79112000 - Legal representation services
- 79130000 - Legal documentation and certification services
- 79140000 - Legal advisory and information services
- 75231100 - Law-courts-related administrative services

II.2.3) Place of performance

NUTS codes

- UKM - Scotland

II.2.4) Description of the procurement

Lot 1 Commercial Contracts covers the following areas as a minimum: procurement,

construction, development, real estate, intellectual property, information technology, environmental and planning law, litigation support and associated legal advice.

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

36

This contract is subject to renewal

Yes

Description of renewals

Option to extend by a further period of 12 months at the sole discretion of the Wheatley Group

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

Legal Governance & Charities

Lot No

2

II.2.2) Additional CPV code(s)

- 79100000 - Legal services
- 79110000 - Legal advisory and representation services
- 79111000 - Legal advisory services
- 79112000 - Legal representation services
- 79130000 - Legal documentation and certification services
- 79140000 - Legal advisory and information services
- 75231100 - Law-courts-related administrative services

II.2.3) Place of performance

NUTS codes

- UKM - Scotland

II.2.4) Description of the procurement

Lot 2 Legal Governance & Legal Charities including as a minimum governance and business structures, data protection, charities advice including legal structural business and corporate matters and associated legal advice.

II.2.5) Award criteria

Quality criterion - Name: Quality / Weighting: 70

Price - Weighting: 30

II.2.6) Estimated value

Value excluding VAT: £95,000

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

Duration in months

36

This contract is subject to renewal

Yes

Description of renewals

Option to extend by a further period of 12 months at the sole discretion of the Wheatley Group.

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

Legal Employment & General Civil Litigation

Lot No

3

II.2.2) Additional CPV code(s)

- 79100000 - Legal services
- 79110000 - Legal advisory and representation services
- 79111000 - Legal advisory services
- 79112000 - Legal representation services
- 79130000 - Legal documentation and certification services
- 79140000 - Legal advisory and information services
- 75231100 - Law-courts-related administrative services

II.2.3) Place of performance

NUTS codes

- UKM - Scotland

II.2.4) Description of the procurement

Lot 3 Legal Employment & General Civil Litigation to cover as a minimum: employment law, pensions and court litigation services. Employment law advice to the Group's Human Resource (HR) department both on a rolling ad hoc basis and in relation to any specific projects affecting the employment status of the employees within the Group companies, keeping our HR department up to date on relevant changes in employment law, advice on compromise agreements, employment tribunal representation where required, TUPE and advice to the in-house legal team in relation to TUPE or other employment issues that may arise in relation to individual projects or third party contracts. Pension's advice is also included.

Litigation primarily in relation to Court of Session cases, including Judicial Review. Advice and support may be required with housing related litigation including Anti-Social Behaviour Orders and actions for eviction, defence of reparation actions, and actions for Reduction, Suspension and Interdict, although this type of work is generally handled in-house.

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

36

This contract is subject to renewal

Yes

Description of renewals

Option to extend for a further 12 months at the sole discretion of the Wheatley Group.

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

Financing

Lot No

4

II.2.2) Additional CPV code(s)

- 79100000 - Legal services
- 79110000 - Legal advisory and representation services
- 79111000 - Legal advisory services
- 79112000 - Legal representation services
- 79130000 - Legal documentation and certification services
- 79140000 - Legal advisory and information services
- 75231100 - Law-courts-related administrative services

II.2.3) Place of performance

NUTS codes

- UKM - Scotland

II.2.4) Description of the procurement

Lot 4 providing legal services associated with the area of Financing as follows?

Treasury (debt finance, listed securities, bonds);

Banking and finance including the raising of new, and management of existing bank and capital markets funding;

Issuance and hedging arrangements;

Charging and security work;

FCA and financial regulatory support;

Mergers & acquisitions;

Acquisitions and disposals;

Joint ventures;

Corporate finance;

Financial services regulation;

Corporate insolvency law;

Constitutional issues;

Corporate governance;

New business opportunities;

Amalgamations and restructuring;

Stock transfers;

Taxation advice;

Co-operative & Community Benefit societies law;

Grant applications e.g. Big Lottery funding.

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

36

This contract is subject to renewal

Yes

Description of renewals

Option to extend by a further period of 12 months at the sole discretion of the Wheatley Group.

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

Sheriff Officer Services

Lot No

5

II.2.2) Additional CPV code(s)

- 79940000 - Collection agency services
- 79100000 - Legal services
- 79110000 - Legal advisory and representation services

- 79111000 - Legal advisory services
- 79112000 - Legal representation services
- 79130000 - Legal documentation and certification services

II.2.3) Place of performance

NUTS codes

- UKM - Scotland

II.2.4) Description of the procurement

Sheriff Officer services which will be required in relation to this lot arise from litigation in relation to rent arrears recovery, general debt recovery for former tenant arrears, litigation to recover factoring debt, anti-social evictions and anti-social behaviour orders. The Sheriff Officers must have experience in providing a wide range of Sheriff Officer services and dealing with a high volume of work. The Sheriff Officers must employ appropriate numbers of suitably qualified staff with a sufficiently broad range of expertise to meet our requirements.

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

36

This contract is subject to renewal

Yes

Description of renewals

Option to extend by a further period of 12 months at the sole discretion of the Wheatley Group.

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 Searching & Reporting

Lot No

6

II.2.2) Additional CPV code(s)

- 70331000 - Residential property services
- 70332200 - Commercial property management services
- 79100000 - Legal services
- 79111000 - Legal advisory services
- 79130000 - Legal documentation and certification services
- 79140000 - Legal advisory and information services

II.2.3) Place of performance

NUTS codes

- UKM - Scotland

II.2.4) Description of the procurement

The Wheatley Group expects successful Service Providers for this Lot to provide services related to property transactions where Wheatley Housing Group entities are the sellers of, or granters of subordinate rights in, the land, including, but not limited to:

Legal Reports

Plans Reports

Companies/Mutual Societies searches

Register of Community Interests in Land searches

Property Enquiry Certificates

Coal Mining Reports

Extracts/copies of title deeds

Ownership searches, particularly Register of Sasines

Ownership plans (site assembly)

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

36

This contract is subject to renewal

Yes

Description of renewals

Option to extend for a further 12 months at the sole discretion of the Wheatley Group.

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

SPD Question 4A.2 (Pass or fail)

Bidders must be a member of the following in respect of Lots 1,2,3,4:-

Member of the Law Society of Scotland

Bidders must be a member of the following in respect of Lot 5:-

Member of the Society of Messengers-at-Arms & Sheriff Officers

It is a mandatory requirement for bidders to hold the above memberships.

This requirement does not apply to Lot 6 - Property Searching and Reporting

More information - Appendix 1 - Instructions to Tenderers document (Section 14.2)

III.1.2) Economic and financial standing

List and brief description of selection criteria

SPD Question 4.B.1.1 Turnover (For information only)

Bidders will be required to provide the "general" annual turnover for the previous three (3) years or for how long the organisation has been in operation if this is less than 3 years.

SPD Question 4.B.5/4.B.5.1 - Insurance (Pass/Fail)

Bidders are required to hold the following levels of Insurance:

Lot 1, Lot 4 & Lot 6-

Employer's Liability insurance to the value of at least FIVE MILLION (GBP 5,000,000)

POUNDS STERLING

Public Liability insurance to the value of at least FIVE MILLION (GBP 5,000,000)

POUNDS STERLING

Professional Indemnity insurance to the value of at least TEN MILLION (GBP 10,000,000)

POUNDS STERLING

Lot 2 & 3 -

Employer's Liability insurance to the value of at least FIVE MILLION (GBP 5,000,000)

POUNDS STERLING

Public Liability insurance to the value of at least FIVE MILLION (GBP 5,000,000)

POUNDS STERLING

Professional Indemnity insurance to the value of at least FIVE MILLION (GBP 5,000,000)

POUNDS STERLING

Lot 5 -

Employer's Liability insurance to the value of at least FIVE MILLION (GBP 5,000,000)

POUNDS STERLING

Public Liability insurance to the value of at least FIVE MILLION (GBP 5,000,000)

POUNDS STERLING

Professional Indemnity insurance to the value of at least TWO MILLION (GBP 2,000,000)

POUNDS STERLING

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.

SPD Question 4.B.6/4.B.6.1 - Credit Rating (Pass/Fail)

The Wheatley Group will also utilise Equifax to assist in its determination of the organisations financial status and risk. It is recommended that Bidders review their own Equifax Score in advance of submitting their Tender Submission. If, following this review, Bidders consider that the Equifax Score does not reflect their current financial status, the Bidder should attach a document to this section 4B giving a detailed explanation, together

with any relevant supporting independent evidence. The Wheatley Group will review any such information as part of the evaluation of Bidders financial status. Where the Bidder is under no obligation to publish accounts and therefore does not have a Equifax or equivalent rating, they must provide their audited financial accounts for the previous 2 years as part of their Tender Submission in order that the Wheatley Group may assess these to determine the suitability of the Bidder to undertake a contract or contracts of this size.

Where a consortium bid is received, the Equifax Score of each consortium member shall be assessed. Where the Bidder is a subsidiary of a group but is applying as a separate legal entity and fails to meet the minimum financial turnover requirements or minimum Equifax (or equivalent) as a company, in order to progress to stage two of the evaluation they must provide as part of their tender submission, written confirmation from an authorised signatory of the parent company, that a parent company guarantee will be provided within two weeks of request. The parent company must meet the minimum financial requirements as assessed by the Wheatley Group.

Bidders(s), if requested, will also be required to provide 2 years audited accounts, or equivalent prior to the award of Framework.

Where a Bidder does not pass the minimum requirements indicated, the Wheatley Group will exclude the Bidder from the competition.

Minimum level(s) of standards possibly required

All bidders must pass the minimum requirements as detailed in this contract notice and bidder's documentation.

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

More information - Appendix 1 Instructions to Tenderers document (Section 14)

III.1.3) Technical and professional ability

List and brief description of selection criteria

- 1) Applicable Scored SPD Quality questions 4C.
- 2) Interview/Presentation
- 3) Added Values
- 4) Community Benefits

The above questions are scored and instructions can be found in section 15 of Appendix 1 - Instruction to Tenderers document.

Responses to these questions should be presented in Appendix 4 - Response to SPD Quality Questions document

Minimum level(s) of standards possibly required

All bidders must pass the minimum requirements as detailed in this contract notice and Appendix 1 - Instruction to Tenderer's document.

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 following in respect of Lots 1,2,3,4

Member of the Law Society of Scotland

Bidders must be a member of the following in respect of Lot 5:-

Member of the Society of Messengers-at-Arms & Sheriff Officers

This requirement does not apply to Lot 6 - Property Searching and Reporting

III.2.2) Contract performance conditions

Following successful appointment to the Framework, Service Providers must monitor the volume of spend which has been awarded to their organisation and commit to undertaking at least one of the Community Benefits or Knowledge Transfer benefits listed in Appendix 9 of the Invitation to Tender for each accumulative total of GBP 50,000 spend with their organisations (i.e. GBP 150,000 total commission will see a requirement of 3 community benefits to be undertaken).

The successful service provider will also monitor Key Performance Indicators (KPIs) using the provided template (Appendix 8 - KPI)

Additional Services – the service providers appointed to the Framework will provide access to a number of additional added value services including Know-How, Training, initial consultation.

See Section 15 of Appendix 1 - Instruction to Tenderers document for further details

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

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

29 July 2022

Local time

12:00pm

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

English

IV.2.7) Conditions for opening of tenders

Date

29 July 2022

Local time

12:00pm

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

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.

Bidders responses to the ESPDS will be assessed on the basis of:

Questions 2A.1 – 2D.1.1 Information Only;

Questions 3A – 4A. Pass or Fail;

Question 4B.1.1 –Information Only

Applicable Questions in 4B - Pass/Fail

Applicable Questions in 4C - Scored

Question 4C.10 –Information Only

More information in Appendix 1 Instructions to Tenderers document (from page 16)

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=696850.

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.

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.

A sub-contract clause has been included in this contract. For more information see:
<http://www.publiccontractsscotland.gov.uk/info/InfoCentre.aspx?ID=2363>

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:

Following successful appointment to the Framework, Service Providers must monitor the volume of spend which has been awarded to their organisation and commit to undertaking at least one of the Community Benefits or Knowledge Transfer benefits listed in Appendix 9 of the Invitation to Tender for each accumulative total of GBP 50,000 spend with their organisations (i.e. GBP 150,000 total commission will see a requirement of 3 community benefits to be undertaken).

(SC Ref:696850)

VI.4) Procedures for review

VI.4.1) Review body

Glasgow Sheriff Court and Justice of the Peace Court

1 Calton Place

Glasgow

G5 9DA

Country

United Kingdom

Internet address

<http://www.wheatley-group.com>