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Tender

Wheatley Group Legal & Associated Services Framework LEG001

The Wheatley Housing Group Limited

F02: Contract notice

Notice identifier: 2022/S 000-017835

Procurement identifier (OCID): ocds-h6vhtk-034c51

Published 30 June 2022, 9:21am

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 7 lots covering Lot 1 Commercial Contracts Lot 2 Legal Governance & Charities Lot 3 Legal Employment & General Civil Litigation Lot 4 Financing Lot 5a – Sheriff Officer Services (Central Scotland Region) Lot 5b - Sheriff Officer Services (Dumfries and Galloway Region) 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 5a – Sheriff Officer Services (Central Scotland Region).

Lot 5b – Sheriff Officer Services (Dumfries and Galloway Region).

Lot 6 – Property Searching & Reporting Services.

II.1.5) Estimated total value

Value excluding VAT: £3,700,000

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

Lot 1 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

Lot 2 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

Lot 3 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

Lot 4 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

Lot 6 Property Searching & Reporting

Lot No

7

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

II.2) Description

II.2.1) Title

Lot 5a Sheriff Officer Services - Central Scotland Region

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 to cover the Central Scotland Region 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: 100

Price - Weighting: 0

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

Lot 5b Sheriff Officer Services - Dumfries and Galloway Region

Lot No

6

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 to cover the Dumfries and Galloway Region 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: 100

Price - Weighting: 0

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

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 Part IV. Question 4A.1: Trade Register

It is a requirement of this tender that if the tenderer is UK-based, they must hold a valid registration with Companies House. Where the tenderer is UK based but not registered at Companies House, they must be able to verify to WHG's satisfaction that they are trading from the address provided in the tender and under the company name given.

Tenderers within the UK must confirm if they are registered under Companies House within this question. If the tenderer is based out-with the UK they must be enrolled in the relevant professional or trade register appropriate to their country as described in Schedule 5 of the Public Contracts (Scotland) Regulations 2015.

SPD Question 4A.2 Authorisation or membership (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 5a and Lot 5b:-

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 5a and 5b -

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)

Tenderers should hold a current Equifax (or equivalent) credit rating score of D or better. It is recommended that tenderers review their own Equifax Score (or equivalent) in advance of their Tender submission. While Equifax is preferred, details of any rating system used by the bidder should be used to respond to SPD questions 4B.6 & 4B.6.1. If, following this review, tenderers consider that their credit rating does not reflect their current financial status, the tenderer should attach a documentation to their tender submission, clearly referenced, giving a detailed explanation, together with any relevant supporting independent evidence. WHG will review any such information as part of the evaluation of tenderers financial status. Where the tenderer is exempt from publishing a full set of accounts on Companies House, they must provide their audited accounts for the previous 2 years as part of their Tender Submission in order that WHG may assess these to determine the suitability of the tenderer. WHG will utilise Equifax to assist in its determination of all bidders' financial status and risk.

Where a consortium bid is received, the Equifax Score of each consortium member shall be assessed. Where the tenderer 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 be considered for 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 2 weeks of request. The parent company must meet the minimum financial requirements as assessed by WHG.

Suppliers must note that if an organisation is successful in the award of this Framework and its Equifax rating falls below D, then WHG reserves the right to remove the organisation from the Framework. It is the supplier's responsibility to ensure that the information submitted to Companies House is accurate and up to date, as this is used by Equifax to generate the credit score. For the avoidance of doubt, WHG will request a report from Equifax following the closing date for the receipt of the Tenders to ensure that the most up to date information is used.

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 5a & Lot 5b:-

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

1 August 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

1 August 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 SPD 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=698796.

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:698796)

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>