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Tender

Rail Legal Services Framework

The Minister for the Cabinet Office acting through Crown Commercial Service

F02: Contract notice

Notice identifier: 2021/S 000-019660

Procurement identifier (OCID): ocds-h6vhtk-02d43b

Published 12 August 2021, 10:45pm

Section I: Contracting authority

I.1) Name and addresses

The Minister for the Cabinet Office acting through Crown Commercial Service

9th Floor, The Capital, Old Hall Street

Liverpool

L3 9PP

Contact

+44 3150103503

Email

supplier@crowncommercial.gov.uk

Telephone

+44 3150103503

Country

United Kingdom

NUTS code

UK - United Kingdom

Internet address(es)

Main address

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

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://crowncommercialservice.bravosolution.co.uk>

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

<https://crowncommercialservice.bravosolution.co.uk>

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

I.4) Type of the contracting authority

Ministry or any other national or federal authority

I.5) Main activity

General public services

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

Rail Legal Services Framework

Reference number

RM6204

II.1.2) Main CPV code

- 79100000 - Legal services

II.1.3) Type of contract

Services

II.1.4) Short description

Crown Commercial Service (CCS) as the Authority intends to put in place an agreement for the provision of rail legal services to be utilised by UK Central Government Departments, and other public sector bodies. The principal Buyer will be the Department for Transport (DfT), who intends to use this Framework Contract wherever possible. Other Contracting Authorities, as detailed in VI.3 may also use it from time to time.

The policy drivers supporting the development and procurement of this Framework Contract are to:

provide Buyers with a route to market compliant with UK Law

offer an improved agreement for both Buyers and Suppliers

provide Buyers with access to high quality legal services

achieve value for money

Rail Legal Services (RM6204) has been designed as a suitable replacement for Rail Legal Services (RM3756) due to expire in 2022.

This procurement is being conducted under the Light Touch Regime ('LTR') and is therefore

subject to limited regulation. It will be conducted in accordance with regulations 74 to 76 of PCR 2015, and relates to the legal services which are listed in Schedule 3 of the Public Contracts Regulations 2015 (PCR) 2015 as a specific service.

The Framework Agreement will be established for 36 months, with the option to extend for a further 12 months at the discretion of CCS.

II.1.5) Estimated total value

Value excluding VAT: £80,000,000

II.1.6) Information about lots

This contract is divided into lots: No

II.2) Description

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

II.2.3) Place of performance

NUTS codes

- UK - United Kingdom

II.2.4) Description of the procurement

The Suppliers appointed to this framework shall provide all of the following Core Specialisms:

1. Regulatory law

2. Rail commercial law
3. Public procurement law
4. Subsidy law

Suppliers will also be able to provide one or more of the following Non-Core Specialisms. The Non-Core Specialisms may only be provided to a Buyer in connection with a Rail Related Matter.

1. EU law
2. International law
3. Competition law
4. Dispute resolution and litigation law
5. Employment law
6. Environmental law
7. Health and Safety law
8. Information law including data protection law
9. Information technology law
10. Intellectual property law
11. Pensions law
12. Planning law
13. Real estates law
14. Restructuring/insolvency law
15. Tax law
16. Insurance law

The Deliverables a Supplier is required to deliver are set out in Framework Schedule 1 (Specification).

II.2.5) Award criteria

Quality criterion - Name: Quality / Weighting: 80

Price - Weighting: 20

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

Duration in months

48

This contract is subject to renewal

Yes

Description of renewals

The procurement will be conducted in two stages which will be run consecutively. Full details are available in the ITT.

II.2.7 - is the maximum duration of the Framework Agreement. The Framework Agreement will be established for 36 months, with the option to extend for a further 12 months at the discretion of CCS.

II.2.10) Information about variants

Variants will be accepted: No

II.2.11) Information about options

Options: No

II.2.12) Information about electronic catalogues

Tenders must be presented in the form of electronic catalogues or include an electronic catalogue

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

Candidates will be assessed in accordance with the information provided in response to the invitation to tender (ITT)

III.1.2) Economic and financial standing

Selection criteria as stated in the procurement documents

III.1.3) Technical and professional ability

Selection criteria as stated in the procurement documents

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

14 September 2021

Local time

1:00pm

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: 12 (from the date stated for receipt of tender)

IV.2.7) Conditions for opening of tenders

Date

14 September 2021

Local time

1:01pm

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

As part of this contract notice the following documents can be accessed at:

<https://www.contractsfinder.service.gov.uk/Notice/Start/f80ffa5c-f21f-454c-a137-3f5a8d604ba0>

- 1) Contract notice transparency information for the agreement; and
- 2) Contract notice Authorised Buyer list; and
- 3) Contract notice reserved rights.

Following market and customer engagement, the Framework will comprise of a single lot, due to market size and capacity to provide the required specialisms in scope.

The value provided in Section II.1.5 is only an estimate. We cannot guarantee to suppliers any business through this agreement.

Please be advised that CCS does not consider the Transfer of Undertakings (Protection of Employment) Regulations 2006 ('TUPE') to be an issue in respect of this procurement as services are not provided at the framework level. At Call-Off contract stage, CCS takes the view that TUPE is unlikely to apply. It is the responsibility of bidders to take their own advice and consider whether TUPE is likely to apply at Call-Off Contract stage, and to act accordingly.

Cyber Essentials is a mandatory requirement for Central Government contracts which involve handling personal information or provide certain ICT products/services. Government is taking steps to reduce the levels of cyber security risk in its supply chain through the Cyber Essentials scheme. The scheme defines a set of controls which, when implemented, will provide organisations with basic protection from the most prevalent forms of threat coming from the internet. To participate in this procurement, bidders must be able to demonstrate they comply with the technical requirements Cyber Essentials Plus, for services under and in connection with this procurement.

Refer to <https://www.ncsc.gov.uk/information/cyber-essentials-fags> for more information.

CCS reserve the right to award a framework to any bidder whose final score is within 1% of the last position.

Registering for access:

This procurement will be managed electronically via the eSourcing suite. This will be the route for sharing all information and communicating with bidders. If you have recently registered on the eSourcing suite for another CCS procurement you can use the same account for this new procurement. If not, you will first need to register your organisation on the portal.

Use the following link for information on how register and use the eSourcing tool:

<https://www.gov.uk/government/publications/esourcing-tool-guidance-for-suppliers>

For assistance please contact the eSourcing Help desk operated by email at

eEnablement@crowncommercial.gov.uk or call 0345 410 2222.

VI.4) Procedures for review

VI.4.1) Review body

The Minister for the Cabinet Office acting through Crown Commercial Service

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Liverpool

L3 9PP

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