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Tender

Legal Services Framework 2024-2028

Scottish Enterprise

Highlands and Islands Enterprise

South of Scotland Enterprise Agency

F02: Contract notice

Notice identifier: 2024/S 000-031560

Procurement identifier (OCID): ocids-h6vhtk-04a511

Published 2 October 2024, 2:59pm

Section I: Contracting authority

I.1) Name and addresses

Scottish Enterprise

Atrium Court, 50 Waterloo Street

Glasgow

G2 6HQ

Email

joanne.napier@scotent.co.uk

Telephone

+44 1414686024

Country

United Kingdom

NUTS code

UKM82 - Glasgow City

Internet address(es)

Main address

<http://www.scottish-enterprise.com/>

Buyer's address

https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA00398

I.1) Name and addresses

Highlands and Islands Enterprise

An Lòchran, 10 Inverness Campus

Inverness

IV2 5NA

Email

hieprocurement@hient.co.uk

Telephone

+44 1463383084

Country

United Kingdom

NUTS code

UKM6 - Highlands and Islands

Internet address(es)

Main address

<http://www.hie.co.uk>

Buyer's address

https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA00313

I.1) Name and addresses

South of Scotland Enterprise Agency

Carmont House, The Crichton, Bankend Road

Dumfries

DG1 4TA

Email

Finance@sose.scot

Telephone

+44 1750535901

Country

United Kingdom

NUTS code

UK - United Kingdom

Internet address(es)

Main address

<http://www.southofscotlandenterprise.com>

Buyer's address

https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA30448

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

www.publiccontractsscotland.gov.uk

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

www.publiccontractsscotland.gov.uk

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

www.publiccontractsscotland.gov.uk

I.4) Type of the contracting authority

Regional or local Agency/Office

I.5) Main activity

Economic and financial affairs

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

Legal Services Framework 2024-2028

Reference number

P25-0001

II.1.2) Main CPV code

- 79100000 - Legal services

II.1.3) Type of contract

Services

II.1.4) Short description

The purpose of this ITT is to appoint up to 4 suppliers to a Legal Services framework agreement for Scottish Enterprise (SE), Highlands & Islands Enterprise (HIE), South of Scotland Enterprise Agency (SOSE), and their respective subsidiary and associated companies and undertakings, and public bodies sharing complementary economic development and/or training objectives.

This framework is anticipated to commence in December 2024 and will have a duration of 4 years (48 months).

II.1.5) Estimated total value

Value excluding VAT: £11,100,000

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

- UKM - Scotland

II.2.4) Description of the procurement

The purpose of this ITT is to appoint up to 4 suppliers to a Legal Services framework agreement for Scottish Enterprise (SE), Highlands & Islands Enterprise (HIE), South of Scotland Enterprise Agency (SOSE), and their respective subsidiary and associated companies and undertakings, and public bodies sharing complementary economic development and/or training objectives.

This framework is anticipated to commence in December 2024 and will have a duration of 4 years (48 months).

The Framework will cover a wide range of legal and associated services both at a domestic and international level, including but not limited to: commercial property, commercial contracts, construction, corporate/corporate finance/corporate governance, data protection, dispute resolution, employment, intellectual property, regulatory compliance (including subsidy law, financial services, data protection, information security and freedom of information), procurement and all aspects of public law. There may be new areas of law arising (for example artificial intelligence law) that we would also expect the Framework to cover in terms of providing advice on developments in these new areas.

II.2.5) Award criteria

Quality criterion - Name: Prompt Payment / Weighting: Pass/Fail

Quality criterion - Name: Application of experience, skills and knowledge required to deliver the framework / Weighting: 41

Quality criterion - Name: Understanding the Purchasers' operations, values, objectives and risks / Weighting: 31

Quality criterion - Name: Service delivery including contract management and continuous improvement / Weighting: 10

Quality criterion - Name: Added value and partnership working / Weighting: 8

Quality criterion - Name: Information Security Requirements / Weighting: 5

Quality criterion - Name: Business Continuity and Disaster Recovery / Weighting: 3

Quality criterion - Name: Fair Work First / Weighting: 2

Price - Weighting: 30

II.2.6) Estimated value

Value excluding VAT: £11,100,000

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.2.14) 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.

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

The relevant selection criteria will be included in the SPD module.

Statement for 4A2: Bidders are required to be regulated and/or authorised (as appropriate) to practice law by the relevant professional regulatory body or bodies in the jurisdiction(s) in which they practice.

III.1.2) Economic and financial standing

List and brief description of selection criteria

The relevant selection criteria will be included in the SPD module.

III.1.3) Technical and professional ability

List and brief description of selection criteria

The relevant selection criteria will be included in the SPD module.

Statement for 4A2: Bidders are required to be regulated and/or authorised (as appropriate) to practice law by the relevant professional regulatory body or bodies in the jurisdiction(s) in which they practice

Statement for 4C6: Unless otherwise agreed (e.g.in the case of the proposed use of paralegals or trainee solicitors) individuals delivering the services under the framework must be legally qualified and must hold an unrestricted practicing certificate issued by the relevant professional regulatory body (e.g. the Law Society of Scotland)

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

Statement for 4A2: Bidders are required to be regulated and/or authorised (as appropriate) to practice law by the relevant professional regulatory body or bodies in the jurisdiction(s) in which they practice

III.2.2) Contract performance conditions

Please see attached ITT

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: 4

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.2.1) Previous publication concerning this procedure

Notice number: [2020/S 200-486739](#)

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

Date

7 November 2024

Local time

11:00am

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

IV.2.7) Conditions for opening of tenders

Date

7 November 2024

Local time

11:00am

Section VI. Complementary information

VI.1) Information about recurrence

This is a recurrent procurement: Yes

Estimated timing for further notices to be published: Scottish Enterprise (SE) publishes an annual forward plan of anticipated procurement activity. The recurrence of this framework is envisaged as being included within the plan for 2028.

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

This is a priority climate change contract, bidders are required to complete and return the attached Climate Change Plan template.

SPD Statement for 2A.17 – Form of Participation (Notably as part of a group, consortium, joint venture or similar).

Any contract will be entered into with the nominated lead organisation and all members of the consortium, who will in these circumstances each be required to execute said contract together with all ancillary documentation, evidencing their joint and several liability in respect of the obligations and liabilities of the contract. It will be for members of the consortium to sort out their respective duties and liabilities amongst each other. For administrative purposes, any associated documentation will be sent to the nominated lead organisation.

SPD Statement for 2C.1 - Where the main bidder relies on the capacities of other entities in order to meet the selection criteria, the bidder must provide a separate SPD response setting out the information required under SPD (Scotland): Part II (sections A and B); Part III exclusion grounds; the relevant part of Section IV selection criteria; and Part V (if applicable) for each of the entities concerned.

SPD Statement for 2D.1.2 – If the bidder proposes to subcontract any part(s) of the service and those sub-contractors are not relied upon, they should arrange for a separate SPD

response from each potential subcontractor. The subcontractors must complete the relevant parts of the SPD (Scotland) (Sections A and B of Part II and Part III only) to self-declare whether there are grounds for their exclusion. [This may be requested at the selection stage or prior to the subcontractor commencing work on the contract.]

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=775380.

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.

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:

This Contract Notice is for the establishment of a Framework Agreement for the provision of out-sourced legal services. The individual call-offs from this framework will all be of a lesser value, the majority of which will be under GBP50,000 therefore no sub-contract clause is being included.

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:

Scottish Enterprise is committed to contributing to the social, economic & environmental well-being of the people of Scotland, in order to create a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth. Accordingly, while the following community benefit objectives will not be evaluated as part of the tender process, bidders will be expected to present a community benefit proposal with their tender.

The community benefit activity proposed for this contract should be specific to this tender and should not be activities that are already being undertaken.

Examples of Community Benefits are outlined in the ITT

(SC Ref:775380)

Download the ESPD document here:

https://www.publiccontractsscotland.gov.uk/ESPD/ESPD_Download.aspx?id=775380

VI.4) Procedures for review

VI.4.1) Review body

Glasgow Sheriff Court and Justice of the Peace Court

Sheriff Clerk's Office, PO Box 23, 1 Carlton Place,

Glasgow

G5 9DA

Country

United Kingdom

Internet address

<https://www.scotcourts.gov.uk/the-courts/court-locations/glasgow-sheriff-court-and-justice-of-the-peace-court>

VI.4.2) Body responsible for mediation procedures

Scottish Government

5 Atlantic Quay, 150 Broomielaw

Glasgow

G2 8LU

Email

SPOEprocurement@scotland.gsi.gov.uk

Country

United Kingdom

Internet address

<http://www.gov.scot/Topics/Government/Procurement/Selling/supplier-enquiries>

VI.4.3) Review procedure

Precise information on deadline(s) for review procedures

In the first instance, contact the Head of Facilities Management and Procurement at Scottish Enterprise, with any concerns or enquiries. Email: <https://www.scottish-enterprise.com/help/contact-us>.

An economic operator that suffers, or risks suffering, loss or damage attributable to a breach of duty under the Public Contracts (Scotland) Regulations 2015, may bring proceedings that will be started in the High Court.

VI.4.4) Service from which information about the review procedure may be obtained

Scottish Government

5 Atlantic Quay, 150 Broomielaw

Glasgow

G2 8LU

Email

SPOEprocurement@scotland.gsi.gov.uk

Country

United Kingdom

Internet address

<http://www.gov.scot/Topics/Government/Procurement/Selling/supplier-enquiries>