External Legal Services for De Montfort University, ref.1923

Planned Procurement Notice, 23rd June 2025

***Details of the current anticipated requirement are below - however please note that these remain under review and may be subject to amendment in the final published specification for the procurement.***

Introduction and Background

De Montfort University (the “University”) has a small in-house legal services team who deal with a wide-range of legal and commercial matters on behalf of the University and support decision-makers across the University. The team forms part of the University’s Executive, Governance and Legal Services division, and it is made by of a small team of 3 solicitors led by an Associate Director of Legal Services & General Counsel.

The team works closely with staff across the institution to offer contextualised, risk- based legal advice and support to the University in the areas of corporate, regulatory and governance matters, public law, education law, charity law, commercial contracts, intellectual property, data protection and privacy, students matters and other higher education specific legal issues both domestically and internationally. Separately, legal advice relating to real estate and property law, and employment law (including tribunal work) is sent exclusively to panel firms. More information on the specialisms of legal advice can be found in the below table of legal specialisms.

Context

DMU has approximately 32,000 students, studying on its main Leicester campus, its overseas campuses in Cambodia, Dubai and Kazakhstan, and with a number of UK and international partners. The University has ambitions to grow, both domestically and internationally, and is currently developing a new campus in London due to launch for the 2025/26 academic year.

The University is structured into four academic faculties:

* Arts, Design and Humanities
* Business and Law
* Computing, Engineering and Media
* Health and Life Sciences

The four faculties are supported by Professional Services Directorates.

The University wishes to establish a new panel of external legal expertise and flexible resources to support the in-house legal services team to address gaps in existing legal expertise, periods of absence, lack of internal capacity, and peak demand at short notice. A flexible responsive approach from the Supplier is therefore essential.

The table below, “Legal Specialisms”, describes the likely legal specialisms in which Suppliers would be required to have expertise - together with legal advice on any other legal specialism not referred to below but which is required to support the delivery of advice in these specialisms, to be able to deliver a full legal service to the University. These include all contentious and non-contentious elements of the work.

The University owns an overseas branch campus in Dubai and has branded campuses in Cambodia and Kazakhstan with third party partners. The University also strongly connects with overseas higher education institutions in different academic and/or collaborative activities. It is therefore vital for the Suppliers to be able to provide or access potential sources of advice under foreign law and jurisdiction to provide appropriate and timely advice and support to the University as required, and this can be done either directly by their staff members overseas or by their network of overseas law firms subject to the University’s approval.

It is intended that this panel will comprise of two or three suppliers, with a contract duration of four years. Please note that alongside this contract, the University reserves the right to contract with other suppliers for specific legal support requirements.

Procurement Process – a note

The University plans to conduct an Open procurement under PA23; at this stage it is anticipated that the procurement may be subject to a reduced tendering period, following a Qualifying Planned Procurement Notice. If this option is taken, the Invitation to Tender will be issued on or after 4th August 2025.

Supplier Contact

We are interested in information as to your capability and capacity to provide the services detailed in this document, and would be glad of your thoughts on this opportunity. Particularly, we would like to know if your organisation intends or does not intend to take part in the forthcoming Invitation to Tender process - and if the latter, why not; this will be valuable feedback.

Please contact JAMES WEST, Category Manager Professional Services: email procurement@dmu.ac.uk marked “FAO James West - External Legal Services ref. 1923”

Legal Specialisms

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| **Service** | **Scope** | **Further details of the Scope –****the matters on which legal advice and support may be sought by the University** |
| **Charities** | All aspects of charity law, including but not limited to the establishment and governance of charitable trusts.  | The Suppliers will be required to provide practical legal advice, guidance, legal drafting, and other appropriate legal support in this area of law, including not limited to:1. charity law (also including donations, fundraising and sponsorship); and
2. charitable/trustee governance.

***Please note that:****The Buyer may require the Suppliers to provide contentious and non-contentious advice and support, and, where applicable, under foreign governing law and jurisdiction.*  |
| **Competition law** | All aspects of competition law including but not limited to:1. contentious and non-contentious advice and support in relation to domestic and international competition law, including retained EU law, cartels, abuse of a dominant market position, and merger control; and2. all aspects of subsidy control and legacy State aid. | ***Please note that:****The Buyer may require the Suppliers to provide contentious and non-contentious advice and support, and, where applicable, under foreign governing law and jurisdiction.* |
| **Construction law** | All aspects of construction law including but not limited to advice and support in relation to construction and infrastructure projects. | ***Please note that:****The Buyer may require the Suppliers to provide contentious and non-contentious advice and support, and, where applicable, under UAE law.* |
| **Contracts** | All aspects of contracts and contract law including commercial contracts and other commercial arrangements including but not limited to: 1. advising on, drafting and negotiating agreements relating to commercial activities including supply of goods and services, outsourcing/contracting out of services, agency and distribution, concession contracts, shared services arrangements and joint ventures;2. supporting relationships including advising on rights and obligations, changes, termination/exit and transition between suppliers and advising on complex commercial/contractual reorganisations and restructuring including novations, assignments and changes in ownership;3. advising on public infrastructure regulation relating to energy, water, transport and telecommunication industries necessary to support commercial transactions and/or arrangements; and4. advising on, drafting and negotiating grant documents. | The Suppliers will be required to provide practical legal advice, guidance, legal drafting, and other appropriate legal support in this area of law, including not limited to: *Commercial*1. advising on general commercial law issues, including international commercial contracts;
2. catering Contracts;
3. sale of goods and supply of services;
4. confidentiality; and
5. commercial collaborative activities (such as partnership agreements with collaborating institution or/and a commercial business partner).

***Please note that:****The Buyer may require the Suppliers to provide contentious and non-contentious advice and support, and, where applicable, under foreign governing law and jurisdiction (particularly the UAE).* |
| **Corporate law** | All aspects of corporate law including but not limited to:1. company law; 2. public and private company transactions (including mergers & acquisitions and corporate finance); 3. share acquisition, disposals, capitalisations;4. entity selection and formation of companies and joint ventures and venture capital advice; 5. directors’ duties; 6. company secretarial services;7. operating and partnership agreements;8. securities and governance matters; and 9. restructuring of ownership and complex and innovative legal structures and initiatives. | The Suppliers will be required to provide practical legal advice, guidance, legal drafting, and other appropriate legal support in this area of law, including not limited to: *Corporate, Governance and Company Law*1. corporate governance and constitutional matters;

 1. company law and company secretarial matters;
2. formation of corporate entities (including formation, spin-outs, SPVs, etc.);
3. company / business acquisitions and disposals;
4. joint ventures with commercial and educational institutions; and
5. corporate bond.

***Please note that:****The Buyer may require the Suppliers to provide contentious and non-contentious advice and support, and, where applicable, under foreign governing law and jurisdiction.* |
| **Dispute Resolution and Litigation** | All aspects of dispute resolution and litigation including but not limited to:1. alternative dispute resolution, arbitration, mediation, contractual resolution procedures, advocacy and early advice on disputes; and2. civil litigation against and on behalf of Buyer(s) | The Suppliers will be required to provide practical legal advice, guidance, legal drafting, and other appropriate legal support in this area of law, including not limited to:1. judicial review;
2. fitness to practice, professional conduct and disciplinary matters;
3. dispute resolutions;
4. litigation against and on behalf of the University including alternative dispute resolution, arbitration, mediation, contractual resolution procedures, advocacy and early advice on disputes; and
5. contractual disputes (including those involving students).

***Please note that:****The Buyer may require the Suppliers to provide contentious and non-contentious advice and support, and, where applicable, under foreign governing law and jurisdiction.* |
| **Employment law** | All aspects of employment law including but not limited to:1. non-contentious employment matters relating to TUPE, COSOP, redundancies, restructuring, outsourcing, changes in terms and conditions, and reorganisations; and2. contentious employment matters including dispute resolution and tribunal work. | The Suppliers will be required to provide practical legal advice, guidance, legal drafting, and other appropriate legal support in this area of law, including not limited to:1. employment law (such as working in the UK, working overseas for longer periods of time, working overseas permanently);
2. equality and diversity;
3. health and safety;
4. organisational change;
5. TUPE; and
6. outsourcing / contracting out.

***Please note that:***1. *The University may require the Suppliers to support in the provision of a number of policies/procedure guidance per year, employment law briefings, and also a number of training sessions for the University’s People Services colleagues each year during the Framework period.*
2. *The Buyer may require the Suppliers to provide contentious and non-contentious advice and support, and, where applicable, under foreign governing law and jurisdiction.*
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| **Environmental law** | All aspects of environmental law including but not limited to litigation, advisory and transactional support on environmental matters including due diligence, planning, inquiries and regulatory compliance. |  |
| **Health and safety** | All aspects of health and safety law including but not limited to: contentious and non-contentious health and safety matters, including regulatory and criminal investigations, public inquests, health and safety at work, food safety, fire safety and associated issues. | ***Please note that:****The Buyer may require the Suppliers to provide contentious and non-contentious advice and support, and, where applicable, under foreign governing law and jurisdiction.* |
| **Immigration**  | All aspects of immigration law.  | The Suppliers will be required to provide practical legal advice, guidance, legal drafting, and other appropriate legal support in this area of law, including not limited to:1. visas/UKVI advice, and also overseas and international working;
2. Border Agency regulations; and
3. Student visa sponsor’s duties.

***Please note that:****The Buyer may require the Suppliers to provide contentious and non-contentious advice and support, and, where applicable, under foreign governing law and jurisdiction.*  |
| **Information law including data protection law** | All aspects of information law including but not limited to:1. the law surrounding the use and control of information by public and private sector bodies, including UK, EU and other relevant international data protection legislation;2. international data transfers;3. data protection legislation and associated laws, data requests and complying with the principles of transparency; and4. Freedom of Information. | The Suppliers will be required to provide practical legal advice, guidance, legal drafting, and other appropriate legal support in this area of law, including not limited to:1. data protection legislation in countries outside of the UK/EU, especially in regard to the UAE and countries not deemed adequate by the UK;
2. data protection laws, Data Protection Act 2018 and UK GDPR, data subject access requests and complying with the principles of transparency and any other data protection matters;
3. Freedom of Information Act 2000;
4. Environmental Information Regulations 2004;
5. records management; and
6. Higher Education (Freedom of Speech) Act 2023.

***Please note that:****The Buyer may require the Suppliers to provide contentious and non-contentious advice and support, and, where applicable, under foreign governing law and jurisdiction.* |
| **Information technology law** | All aspects of information technology law including but not limited to:1. information technology and telecoms procurement and contracting; 2. design, development, maintenance and support contracts; 3. re-structuring of contracts and/or services;4. exit and migration/transition;5. hardware purchasing, software licensing, managed services, E-commerce, cloud based services, convergent technologies and the internet; and6. all aspects of Cyber Security law and practice. | ***Please note that:****The Buyer may require the Suppliers to provide contentious and non-contentious advice and support, and, where applicable, under foreign governing law and jurisdiction.* |
| **Insurance and Reinsurance** | All aspects of insurance and reinsurance  | **Please note that:***The Buyer may require the Suppliers to provide contentious and non-contentious advice and support in both domestic and international insurance matters.*  |
| **Intellectual property law** | All aspects of intellectual property law including but not limited to:1. contentious and non-contentious support and advice relating to patents, copyright, trademarks, trade secrets and rights in confidential information, database rights, design rights, and other forms of Intellectual Property Rights; and2. assignment and licensing of rights and commercialisation and exploitation of intellectual property.  | The Suppliers will be required to provide practical legal advice, guidance, legal drafting, and other appropriate legal support in this area of law, including not limited to:1. in addition to the aspects of intellection property law as described under the Scope, infringement of intellectual property rights and dispute resolution.

***Please note that:***1. *For the avoidance of doubt, this Call-off does not include any work of intellectual property registrations and renewals, drafting of patent (including: to complete and submit all patent-application paperwork, to search for prior art, to write the inventor's legally enforceable claims of ownership to the invention, to revise rejected patent applications if applicable), and also patent administration. There will be dealt with separately by the Buyer’s in-house team or its authorised representatives, sch as patent agent and trademark agent.); and*
2. *The Buyer may require the Suppliers to provide contentious and non-contentious advice and support, and, where applicable, under foreign governing law and jurisdiction.*
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| **Media law** | All aspects of media law, including but not limited to:1. Defamation, libel and slander; and2. ASA compliance and related issues.  |  |
| **Non complex finance and investment.** | All aspects of non complex finance matters including but not limited to:1. advising on general banking matters (domestic and overseas, including loan agreements, guarantees and security arrangements), trade finance and financial litigation; and2. Advising on non-complex investment law and disputes | The Suppliers will be required to provide practical legal advice, guidance, legal drafting, and other appropriate legal support in this area of law, including not limited to:1. Banking, finance, investments;

 1. Criminal Finances Act 2017;
2. Fraud, Money Laundering and Bribery; and
3. E-commerce solutions (online payment platforms etc).

***Please note that:****The Buyer may require the Suppliers to provide contentious and non-contentious advice and support, and, where applicable, under foreign governing law and jurisdiction.* |
| **Outsourcing** | All aspects of outsourcing arrangements, including but not limited to first and subsequent generation outsourcing and insourcing (including information technology outsourcing and business process outsourcing). |  |
| **Pensions law** | All aspects of pensions law including but not limited to:1. private and public sector pension schemes; 2. the Local Government Pension Scheme; and3. associated policies and guidance such as Fair Deal and New Fair Deal (or any replacements thereof). |  |
| **Planning law** | All aspects of planning law including but not limited to: 1. planning strategy; 2. development projects and schemes; 3. applications for development, construction and change of use;4. compulsory purchase orders and s106 agreements;5. planning/development inquiries and appeals; and6. Development of land. |  |
| **Projects/PFI/PPP** | Projects including but not limited to: 1. co-ordinated end to end legal services 2. sector specialist advice (if provided) to support projects; 3. PFI; 4. PPP; and 5. appropriate project management of legal contribution. |  |
| **Public law**  | All aspects of public law including but not limited to:1. Constitutional and administrative law, including powers and functions of Central Government and other public bodies; and2. the devolved powers of the National Assembly for Wales, Scottish Parliament and Northern Ireland Assembly and sub-national devolution as these relate to other Mandatory Services, but excluding the specific devolved laws of such Jurisdictions.  |  |
| **Public procurement law** | All aspects of public procurement law including but not limited to:1. the application of domestic (including Retained EU Law) and international public procurement law; and 2. end-to-end support on procurement exercises, including drafting specifications, evaluation criteria, tender documentation and associated procurement and contractual documentation. | The Suppliers will be required to provide practical legal advice, guidance, legal drafting, and other appropriate legal support in this area of law, including not limited to:Procurement1. Advising on outsourcing and procurement matters, including but not limited to the Public Procurement Regulation 2015, the Public Procurement (International Trade Agreements) (Amendment) Regulations 2023, the Procurement Act 2023;
2. Advising on appropriate routes to market, processes and tendering methodologies relative to the above legislation;
3. Drafting of appropriate contracts, contract forms and other relevant documentation (such a performance bonds, parent company guarantees);
4. Advising on outsourcing forms of contracts;
5. Advising on IT forms of contracts – software, hardware, outsourcing; and
6. Review of tender documentation, where required to ensure compliance with relevant legislation. Advising and supporting in any contentious matters, including litigation such a challenges raised by suppliers under relevant legislation.

***Please note that:****The Buyer may require the Suppliers to provide contentious and non-contentious advice and support, and, where applicable, under foreign governing law and jurisdiction (particularly in the UAE).* |
| **Real estate and real estate finance** | All aspects of real estate and real estate finance including but not limited to: 1. Crown, commercial and residential real estate including investment, site/property re/development, acquisition and disposal (including signposting tax advice), compulsory purchase, freehold, leasehold and licenses, land/ranges landlord and tenant matters, social housing; and 2. real estate litigation. | The Suppliers will be required to provide practical legal advice, guidance, legal drafting, and other appropriate legal support in this area of law, including not limited to:*Capital Developments and Finance, encompassing:*1. development of land;
2. funding;
3. constitutional issues;
4. building contracts;
5. forms of consultant appointment for various professional disciplines;
6. warranties, bonds, guarantees and insurance;
7. signposting tax advice including advising on VAT mitigation; and
8. public-private partnership (PPP) projects.

*Real Estate/Property*1. building forms of contracts including JCT, NEC and FIDIC;
2. accommodation nomination agreements;
3. design team or professional consultant appointments;
4. health & safety law;
5. bonds, warranties, guarantees and insurance;
6. highways and transportation law;
7. property taxation and tax efficient structuring of property development and investment;
8. resolution of disputes including property litigation;
9. landlord and tenant law;
10. agreements for lease/leases/licences;
11. land law including party wall acts, boundaries, title issues;
12. dilapidations;
13. business rates taxation;
14. conferencing and hiring of space/facilities terms and conditions;
15. acquisitions and disposals; and
16. energy supply contracts and energy efficiency.

*Residential tenancies, some of which may be service-related* 1. multi-occupied residential properties;
2. licensing law;
3. eviction, notices and enforcement law;
4. nomination agreements; and
5. leases/licences/tenancies.

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| **Restructuring/ Insolvency** | Restructuring/Insolvency including but not limited to: 1. Supplier, partner and supply-chain insolvencies and re-structuring;2. Consequences (and mitigation) of insolvency of major suppliers; and3. Special administration regimes. |  |
| **Retained EU law and EU law** | All aspects of retained EU law and EU law including but not limited to contentious and non-contentious advice and any ancillary matters. |  |
| **Tax law** | Tax law including but not limited to: the application of direct and indirect taxation. | ***Please note that:****The Buyer may require the Suppliers to provide contentious and non-contentious advice and support in both domestic and international taxation matters (such as personal allowances, NI and tax on foreign income, permanent establishment).*  |