

Invitation to Tender for

NEPO513 - Regional Legal Services Framework (P-006231/C-011462)

ITT Part 1 – Introduction, background and organisation’s guide to the Restricted Procedure

Introduction

Newcastle City Council (“the Lead Authority”) is acting as the Lead Authority on behalf of the North-East Procurement Organisation (NEPO), its Member Authorities and Associate Members to establish a Framework Agreement for Legal Services under the Public Contract Regulations 2015, for the delivery of Services.

The Contract will be awarded to multiple Providers to deliver the requirements across multiple Lots as follows: -

- Lot 1 – General Requirements – All
- Lot 2 – Specialist requirements – Conveyancing
- Lot 3 – Specialist Requirement – Housing
- Lot 4 – Specialist Requirement – Family
- Lot 5 – Specialist Requirement – Education
- Lot 6 – Specialist Requirement – Prosecutions
- Lot 7 – Specialist Requirement – Licensing
- Lot 8 – Specialist Requirement – Litigation
- Lot 9 – Specialist Requirement – Insolvency
- Lot 10 – Specialist Requirement – Debt Recovery
- Lot 11 – Specialist Requirement – Highways
- Lot 12 – Specialist Requirement – Employment

The twelve Local Authorities participating in this tender are:

- Sunderland City Council, Civic Centre, Sunderland, Burdon Road, Sunderland, SR2 7DN (Including Sunderland Together for Children);
- Darlington Borough Council, Town Hall, Feethems, Darlington, County Durham, DL1 5QT;
- The County Council of Durham, County Hall, Durham, DH1 5UL;
- The Borough Council of Gateshead, Civic Centre, Regent Street, Gateshead, NE8 1HH;

- Hartlepool Borough Council, Victoria Road, Hartlepool, TS24 8AY;
- Middlesbrough Borough Council, Town Hall, Corporation Road, Middlesbrough, TS1 9FX;
- The Council of the City of Newcastle upon Tyne, Civic Centre, Barras Bridge, Newcastle upon Tyne, NE1 8QH;
- The Council of the Borough of North Tyneside, Quadrant, Cobalt Business Park, North Tyneside, NE27 0BY;
- Redcar and Cleveland Borough Council, Redcar and Cleveland House, Kirkleatham Street, Redcar, Yorkshire, TS10 1RT;
- The Council of the Borough of South Tyneside, Town Hall and Civic Offices, Westoe Road, South Shields, Tyne and Wear, NE33 2RL;
- Stockton-on-Tees Borough Council, Municipal Buildings, Church Road, Stockton-on-Tees, TS18 1LD;
- Northumberland County Council, County Hall, Morpeth, NE61 2EF (Including Northumberland Healthcare)

The 12 Participating Authorities named above may, where the context so admits, include any person which takes over or assumes the statutory functions or administrative responsibilities of the Participating Authorities (whether in part or totally) or which is controlled by or is under common control with the Participating Authorities (and the expression 'control' shall mean the power to direct or cause the direction of the general management and policies of the person in question but only for so long as such control exists).

The Lead Authority are carrying out the procurement of this Legal Services Framework Agreement (the Contract) under the Public Contract Regulations 2015, for the delivery of Services. This means that the Lead Authority will invite all interested parties to tender as a single stage.

This guide is intended to help you:

- understand the procurement process; and
- prepare your tender.

Further details of the various stages are shown below to help you through the process.

1 Tender

Those organisations that express an interest in tendering (the Tenderers) will be sent the Invitation to Tender (ITT) which will contain:

- instructions for completion;
- details of the information you should include in the tender response;
- further information on the Contract needs (such as the Specification);
- the Contractual terms which you will have to agree to if you are the successful Tenderer;
- Selection Questionnaire (SQ);
- the evaluation criteria; and
- details and timetable of the tender process.

You should read the ITT carefully. It is important that you understand the Lead Authorities needs and requirements as:

- you need to be able to demonstrate that you can meet those requirements in the information which you provide; and
- to make sure that you have considered all aspects of the Contract when calculating your pricing.

If you want your tender to be considered, you must complete the SQ.

You must comply with all the instructions and include the signed undertaking in your submission.

The Lead Authority will consider the information which you submit in your SQ to decide if you are capable to carry out the Contract.

The SQ asks about different aspects of your business as follows.

Part 1 - Supplier Information

Part 2 - (Section 2) Grounds for Mandatory Exclusion

Part 2 - (Section 3) Grounds for Discretionary Exclusion

Part 3 – Selection Questions

Section 4 Economic and Financial Standings

Section 5 Group/Consortia information

Section 6 Technical and Professional Ability

Section 7 Modern Slavery Act

Section 8 Project Specific Questions

Section 8.1 Insurance

Section 8.2 Environmental Management

Section 8.3 Health and Safety

Section 8.4 Skills and Apprentices

Section 8.5 Equality legislation

The SQ explains how the Lead Authority will evaluate the information you provide so please consider these statements throughout the SQ very carefully when answering.

- Part 1 is required for information purposes only.
- Part 2 (Section 2 and 3) asks you to confirm certain circumstances about your business. If you do not confirm some of these (mandatory grounds) this means that the Lead Authority must treat you as ineligible for the tender opportunity. If you do not confirm the other (discretionary grounds) this means that the Lead Authority may treat you as ineligible and will consider the public interest in applying this discretion. Please contact the Procuring Officer for guidance if you have any queries about this. If you are eligible the Lead Authority will consider the other sections and evaluate them as explained in the SQ.
- Part 3 Sections 4, 5, 6, 7 and 8 ask you for information to cover areas in which the Lead Authority has certain policy needs. The Lead Authority must be sure that you can meet the requirements in these policies, so it can consider you as a potential Provider. Some may relate to future obligations under the Contract should you be successful in the procurement and details of these will be provided as relevant through the procurement.

You should also take time to understand how your tender is going to be evaluated by reference to the evaluation criteria. This is so that you can make sure that your information gives you the best opportunity of success.

This includes understanding all of the obligations you will have under the Contract - the Contract will include:

- the Framework Agreement (the Contract) including the Pricing Schedules and any specific provisions for the Contract, for example, method statements or lists of services;

- the Special Terms and Conditions of Contract;
- the Standard Terms and Conditions of Contract; and
- your tender (except for any parts of the tender included as part of the Contract particulars which means they are considered to be essential and any parts which the Lead Authority have specifically stated that we do not accept).

If there is any inconsistency between any of the items listed, they will take priority as listed for example, anything in the Special Terms and Conditions would override an inconsistent term in the Standard Terms and Conditions.

If there is anything that you do not understand about the ITT, you should ask the Procuring Officer at the Lead Authority for clarification.

Tender submission and delivery

Your tender must be submitted electronically in accordance with the details set out in the ITT.

You must note any requirements to deliver by e-tendering system and that you must not submit tenders by email.

All submissions relating to the Lead Authorities tenders, must be responded to and returned as instructed. The Lead Authority reserves the right to disqualify a Provider if their submission does not comply with the instructions.

It is important to allow sufficient time for your completed submission to be uploaded into the NEPO Electronic Tendering Portal before the closing date and time. Failure to do so will result in your response being registered as a late submission and may not be accepted by the Lead Authority.

- a) Submissions which have commenced being uploaded before the closing time but have not finished being uploaded by the closing time will be registered by the system as a late submission.
- b) Uploading files can take a lot longer than you may expect. Your Internet provider may quote figures like 8Mbps when they are selling their product. This does not mean that you can upload at that speed. Most broadband users will find download speeds are much faster than the upload speed. In our experience, most broadband connections only have an upload speed of depending on the time of day and traffic; between 128Kbps and 512Kbps.
- c) You are advised to ensure that you allow sufficient time to upload your tender submission and any supporting documents.
- d) Any images and/or graphics included as part of your submission may further increase the amount of time taken to upload your submission onto the Portal.

- e) Submissions delivered to the Lead Authority by post, fax or other electronic means will not be accepted.
- f) Failure to comply with the above may invalidate your submission.

Tender evaluation and contract award

The ITT will state whether the tenders are going to be evaluated on the most economically advantageous tender or the tender which offers the lowest price.

In either case the Lead Authority will evaluate your tender using the following process:

- The Lead Authority's evaluation panel for this procurement exercise, will check the tenders to make sure Tenderers have kept to the requirements.
- If compliant we will evaluate the information provided against the evaluation criteria as set out in the ITT.
- The Lead Authority will clarify your tender as required.

You should make sure that there is somebody available to answer questions or queries that we may have as soon as possible in order to assist the evaluation process. Your responses will be to clarify elements of the tender submission.

The Lead Authority may decide to use clarification meetings as part of the evaluation process and they are simply to be used for clarification purposes.

Once we have chosen the successful Tenderer(s) we will let them, and all unsuccessful Tenderers know the outcome.

If you are unsuccessful the Lead Authority will tell you who the successful Tenderer(s) are and what their score was in comparison to your score.

After this notification, the Lead Authority must leave at least 10 calendar days before it awards the Contract. This is to give you an opportunity to raise any issues you have before the Contract is actually awarded.

Contract Start

If you are a successful Tenderer, we will send you the Contract documentation to sign before you start fulfilling your obligations under the Contract. This is subject to you meeting any pre-conditions or checks before entering into the Contract.

You will also need to complete any performance bonds or other documentation that may be required for this Contract.

You should be ready to start on the day shown in the procurement documents and should make sure that all relevant people are available for that start date.