

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

ITT Part 2 – Summary instructions and details of Contract

Item	Contract details
OJEU Reference Number	2019/S 101-244606
Contract description	<p>Newcastle City Council are acting as the “Lead” Authority on behalf of NEPO, its member Authorities and Associate Members to establish a Framework Agreement for the supply of Legal Services (the Contract).</p> <p>The Framework Agreement is divided into 12 Lots as follows: –</p> <p>Lot 1 – General Requirements This Lot will be restricted to a maximum of six of the highest scoring Providers. In the event of a tied sixth ranked score, we will revert to score achieved for both Case Studies. The Provider that achieved the highest score for the case studies will be awarded the sixth rank position. The following Specialist Lots are ranked and will be unrestricted -</p> <ul style="list-style-type: none"> • 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
Insurance requirements	<p>Lot 1 – General Requirements – All Employers Liability - £10 million any one claim Public Liability - £10 million any one claim Professional Indemnity - £25 million</p> <p>Lot 2 – Specialist requirements – Conveyancing Employers Liability – £10 million any one claim Public Liability - £10 million any one claim Professional Indemnity - £15 million</p>

	<p>Lot 3 – Specialist Requirement – Housing Employers Liability – £10 million any one claim Public Liability - £10 million any one claim Professional Indemnity - £15 million</p> <p>Lot 4 – Specialist Requirement – Family Employers Liability – £10 million any one claim Public Liability - £10 million any one claim Professional Indemnity - £10 million</p> <p>Lot 5 – Specialist Requirement – Education Employers Liability – £10 million any one claim Public Liability - £10 million any one claim Professional Indemnity - £10 million</p> <p>Lot 6 – Specialist Requirement – Prosecutions Employers Liability – £10 million any one claim Public Liability - £10 million any one claim Professional Indemnity - £10 million</p> <p>Lot 7 – Specialist Requirement – Licensing Employers Liability – £10 million any one claim Public Liability - £10 million any one claim Professional Indemnity - £10 million</p> <p>Lot 8 – Specialist Requirement – Litigation Employers Liability – £10 million any one claim Public Liability - £10 million any one claim Professional Indemnity - £25 million</p> <p>Lot 9 – Specialist Requirement – Insolvency Employers Liability - £10m any one claim Public Liability - £5 million Professional Indemnity - £5 million</p> <p>Lot 10 - Specialist Requirement - Debt Recovery Employers Liability - £10m any one claim Public Liability - £5 million Professional Indemnity - £5 million</p> <p>Lot 11 – Specialist Requirement – Highways Employers Liability - £10 million any one claim Public Liability - £10 million any one claim Professional Indemnity - £10 million any one claim</p> <p>Lot 11 – Specialist Requirement – Employment Employers Liability - £10 million any one claim Public Liability - £10 million any one claim Professional Indemnity - £10 million any one claim</p>
Period of Contract	The contract will commence on the 1 August 2019 and

	will run for a period of 48 months until the 31 July 2023.
Procuring officer	Any queries must be addressed to the Procurement Officer - Heather Rothwell and submitted electronically through the Electronic Tendering Portal www.nepo.org at least 4 days before the tender return date to allow the Lead Authority to respond.
Submission instructions	Tenderers should submit one electronic copy of their tender (compatible with Microsoft Office or Adobe PDF) via e-Tender system.
Tenders to be sent to:	E-tendering only - Tenderers must not send tenders by both electronic and postal methods or return a tender by e-mail to the Lead Authority.
Date and time for Tender return	As stated on the e-Tender system.

Timetable

This timetable is indicative only; the Council reserve the right to change it at its discretion.

Stage	Date(s)and time(s)
Issue of Invitation to Tender	May 2019
ITT clarification meetings	July 2019
Submission of Tenders	As stated on the e-Tender system.
Evaluation of Tenders	July 2019
Tenderer clarification meetings	July 2019 (If required)
Notification of result of evaluation	July 2019
Expected date of award of Contract(s)	July 2019
Contract commencement	1 August 2019

Checklist for Tenderers

Please note: if Tenderers do not provide all the items in the checklist this may cause the Tender to be deemed non-compliant and not considered.

No	Item	Included in Tender?
1	All information asked for in section 5	
2	Form of Tender (including Pricing Schedule)	

	(ITT Schedule 3)	
3	Certificate of Non-canvassing and Non-collusion (ITT Schedule 4)	
4	Contract Rebate Form (ITT Schedule 5)	
5	Selection Questionnaire (ITT Schedule 6)	
6	Tender Response Forms: - (ITT Schedule 7a) if bidding for Lot 1 – General Requirements; (ITT Schedule 7b) if bidding for any of the Specialist Requirements – Lots 2 to 12; and (ITT Schedule 7c) a completed Service Requirements Matrix.	

Contents

- 1 Background
- 2 Conditions of tender
- 3 Contract documents
- 4 Tender evaluation
- 5 Award criteria and information needed
- 6 Clarification meetings
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Schedules

- 1 Specification (ITT Schedule 1)
- 2 Contract Terms and Conditions (ITT Schedule 2)
- 3 Form of Tender, including Pricing Schedule (ITT Schedule 3)
- 4 Certificate of non-collusion and non-canvassing (ITT Schedule 4)
- 5 Contract Rebate Form (ITT Schedule 5)
- 6 Selection Questionnaire (ITT Schedule 6)
- 7 Tender Response Forms (ITT Schedule 7a and ITT Schedule 7b)
- 8 Service Requirements Matrix (ITT Schedule 7c)
- 9 Call off Procedures (ITT Schedule 8)
- 10 Catalogue of Providers Services Template (ITT Schedule 9)
- 11 Call Off Alert Template (ITT Schedule 10)
- 12 Management Information Template for the collection of Contract Rebate (ITT Schedule 11)

Important notice

The Lead Authority have issued this Invitation to Tender (ITT) to those expressing an interest in tendering, to allow them and their professional advisers to prepare a tender for this Contract and for no other purpose.

The Lead Authority give this ITT and any other documentation that the Lead Authority send to Tenderers for this tender process, on the basis that they remain the Lead Authority's property and Tenderers must treat the contents as confidential. If Tenderers are unable or unwilling to keep to this rule they:

- must destroy this ITT and all associated documents at once; and
- must not keep any electronic or paper copies.

Tenderers must not take part in any publicity activities with any part of the media about the Contract or this ITT process without getting the Lead Authority's written agreement first. This includes the Lead Authority's agreement on the format and content of any publicity.

This ITT is made available in good faith. The Lead Authority give no warranty as to the accuracy or completeness of the information contained in it. The Lead Authority also disclaim any liability for any inaccuracy or incompleteness. The Lead Authority reserve the right to cancel the tender process at any point. The Lead Authority are not liable for any costs resulting from any cancellation of this tender process or for any other costs that Tenderers may incur by tendering for this Contract.

Tenderers will be deemed to fully understand the processes that the Lead Authority must follow under relevant European and UK legislation, particularly The Public Contracts Regulations 2015.

Background

- 1.1 Further details of our needs under the Contract and other relevant information are given in the Specification at **ITT Schedule 1**.

If Tenderers have any questions or need any clarification, please contact the Procuring Officer.
- 1.2 The Procurement Officer responsible for this procurement exercise is **Heather Rothwell**. **Any queries must be raised no less than four days before the tender return date**, through the Question and Answer section on: www.nepoportal.org
- 1.3 Other than the person or people identified above, no employee or member of the Lead Authority has the authority to give any information or make any representation (express or implied) about this ITT or any other matter about the Contract.
- 1.4 Please note that our responses to any queries or clarification requests may, at the Lead Authority's discretion, be circulated to all Tenderers.
- 1.5 The Lead Authority reserve the right to issue extra documentation at any time during the tendering process to clarify any issue or amend any aspect of the ITT. Any extra documentation that the Lead Authority may issue will form part of the ITT. Also, it will add to and/or supersede any part of the ITT to the extent indicated.
- 1.6 Tenderers must obtain at their own expense all the information that they need for the preparation of their tender.
- 1.7 Under the Contract, Tenderers must keep to the Lead Authority's policies. Tenderers are advised to satisfy themselves that they understand all of the rules of the Contract before submitting their tender.
- 1.8 The tender must be received in line with the relevant instructions no later than the time and date shown.
- 1.9 Please note that the Contract is a Framework Agreement and the Participating Authorities will make orders under it as and when needed. The Participating Authorities make no guarantee that any orders will be placed under the Contract.
- 1.10 Lot 1 – General Requirements will be restricted to a maximum of six of the highest scoring tenders. Lots 2 to Lot 12 – Specialist Lots will be ranked and are unrestricted.

1 Tender submission requirements

- 1.11 Tenders must be written in the English language.
- 1.12 Tenders must give responses referring to the numbering format as set out in

section 5 of this ITT.

- 1.13 Only one tender is allowed from each Tenderer. If a Tenderer submits more than one tender; the Lead Authority will evaluate the one with the latest time of submission and disregard the other(s).
- 1.14 The tender (including price) should remain valid for a minimum period of 90 days.
- 1.15 The tender must not be qualified in any way.
- 1.16 Any signatures must be made by a person who is authorised to commit the Tenderer to the Contract.
- 1.17 Your full registered business name and main office address must be given on all documents.
- 1.18 If Tenderers believe that they are unable to submit a tender through the electronic system or, if Tenderers need help or further information to be able to use the e-Tendering process, they must contact the Procurement Officer **no later than four calendar days before the submission date for the tender**. This is to allow for any technical queries to be investigated and resolved.

3 Contract documents

3.1 Any resulting Contract will consist of:

- the Contract Terms and Conditions; and
- the successful tender.

The Contract will be subject to English law and the exclusive jurisdiction of the English courts.

- 3.2 The Lead Authority are bound by procurement rules and cannot enter into any negotiations on the tender or Contract.
- 3.3 Any contract award will be conditional on the Contract being approved under the Lead Authority's internal procedures and the Lead Authority being generally able to proceed.

4 Tender evaluation

- 4.1 The Lead Authority are not bound to accept the lowest or any tender. The Lead Authority also reserve the right to accept the whole or any part of any tender submitted.
- 4.2 The Lead Authority will check each tender initially to make sure it has kept to the rules of the ITT.
- 4.3 The Lead Authority will evaluate tenders against the award criteria set out

below and the Lead Authority reserves the right to seek clarification from any of the Tenderers during the evaluation period. This may be in writing or by means of a clarification meeting. This is to help the Lead Authority to consider the tenders.

- 4.4 The Lead Authority may decide to use clarification meetings to help in their tendering process. The Lead Authority will notify Tenderers of this in due course if required.
- 4.5 The Lead Authority will evaluate the tenders as a two-stage process. The first stage will be the evaluation of the Invitations to Tender (award stage) which considers the merits of the eligible tenders in order to assess which tenders are the most economically advantageous. At the award stage, we only use criteria that are linked to the subject matter of the Contract. These criteria are called the award criteria and is set out below. All successful tenders will have their Selection Questionnaire (SQ) evaluated. The Lead Authority reserve the right to evaluate the Selection Stage or Award Stage first.

Selection Stage evaluation is made against the Selection [Questionnaire](#) (SQ) and is a **Pass/Fail** assessment.

At **Award Stage** the Lead Authority will evaluate tenders to decide the most economically advantageous tender taking into consideration the following award criteria:

Lot 1 – General Requirements

NB: Lot 1 will be restricted to a maximum of six of the highest scoring Providers. In the event of a tied sixth ranked score, we will revert to score achieved for both Case Studies. The Provider that achieved the highest score for the case studies will be awarded the sixth rank position.

Strength of proposals to comply with the Lead Authority's Specification (ITT Schedule 1) - Evaluation made on the proposals set out the in Tender Response From (ITT Schedule 7a) submitted in response to the Invitation to Tender, specifically the Specification – (ITT Schedule 1) - **70%** weighting

This evaluation is made up with the following sub-weightings:

1. Mandatory Requirements - Pass / Fail

Providers that apply for Lot 1 must confirm they are able to deliver services to the NEPO Members and Associate Members at a Local and National Level

2. Mandatory Requirements - Pass / Fail

Providers must confirm they are able to fulfil the mandatory requirements under Lot 1 – Tenderers must complete ITT Schedule 7c – Service Requirements confirming which mandatory and additional requirements they are able to fulfill.

3. Mandatory Requirements - Pass/Fail

Providers must confirm they hold the relevant accreditation

- 4. Service Delivery Expertise - 20% weighting
- 5. Continuity of Service and Allocation of Resources - 20% weighting
- 6. Service Quality - 10% weighting
- 7. Case Studies - **40% weighting**
(20% weighing applied to each case study)
- 8. Social Value - **10% weighting**

Lot 2 to Lot 12 – Specialist Requirements

Strength of proposals to comply with the Lead Authority’s Specification (ITT Schedule 1) - Evaluation made on the proposals set out the in Tender Response Form (ITT Schedule 7b) submitted in response to the Invitation to Tender, specifically the Specification – (ITT Schedule 1) - **70% weighting**

This evaluation is made up with the following sub-weightings:

- 1. **Mandatory Requirements - Pass / Fail**
Providers must demonstrate they are able to fulfil the minimum requirements under each Lot – Tenderers must complete ITT Schedule 7c – Service Requirements by confirming which requirements they are able to fulfill within each Lot they wish to tender for.
- 2. Service Delivery - **60% weighting**
- 3. Service Experience Quality - **40% weighting**

The scoring rationale behind the evaluation criteria is in accordance with the graduated approach set out in the following table.

Score	Classification
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100	Exceptional response in all areas
90	Exceptional response with some minor shortcomings, or very good response with some exceptional elements
80	Very good response in all areas
70	Very good response with some minor shortcomings, or good response with very good elements
60	Good response in all areas
50	Good response with some minor shortcomings, or acceptable response with good elements
40	Acceptable response in all areas
30	Poor response with some acceptable elements
20	Poor response in all areas
10	Very poor response that is significantly below expectations in all areas
0	No response, or inappropriate response in all areas

Lot 1 – General Requirements – Pricing Proposals

Pricing proposals - Evaluation made by comparison of pricing submissions - **30% weighting**

Providers are to complete either Template A or Template B.

Template A – Law Firms

10 years PQE Hourly Rate	10% Weighting
5 years PQE Hourly Rate	30% Weighting
0-4 years PQE Hourly Rate	30% Weighting
Trainee Hourly Rate	20% Weighting
Paralegal/Other Hourly Rate	10% Weighting

If the above pricing template (Template A) is not applicable because you are applying to deliver the services as a Barrister, you must complete the relevant Barrister Pricing Schedule (Template B) as detailed below -

Template B – Barristers

QC	10% Weighting
Barrister – 10 years post pupillage	30% Weighting
Barrister – 5 years post pupillage	30% Weighting
Barrister – Post pupillage	20% Weighting
Pupil	10% Weighting

Price scores will be calculated by comparing each grade within the pricing submissions (Template A or Template B). A sub-weighting has been assigned to each grade. The Provider that submits the lowest price in each grade will score 100% all other bids in that grade will be scored on a pro-rotta basis. The score achieved in each grade will be a sub score of the total score available.

A single hourly rate must be submitted for each grade with template A or Template B.

Lot 2 – 12 – Specialist Requirements – Pricing Proposals

Pricing proposals - Evaluation made by comparison of pricing submissions - **30% weighting.**

Providers are to complete either Template A or Template B.

Template A – Law Firms

10 years PQE Hourly Rate	10% Weighting
5 years PQE Hourly Rate	30% Weighting
0-4 years PQE Hourly Rate	30% Weighting
Trainee Hourly Rate	20% Weighting
Paralegal/Other Hourly Rate	10% Weighting

If the above pricing template (Template A) is not applicable because you are applying to deliver the services as a Barrister, you must complete the relevant Barrister Pricing Schedule (Template B) as detailed below -

Template B – Barristers

QC	10% Weighting
Barrister – 10 years post pupillage	30% Weighting
Barrister – 5 years post pupillage	30% Weighting
Barrister – Post pupillage	20% Weighting
Pupil	10% Weighting

Price scores will be calculated by comparing each grade within the pricing submissions (Template A or Template B). A sub-weighting has been assigned to each grade. The provider that submits the lowest price in each grade will score 100% all other bids in that grade will be scored on a pro-rotta basis. The score achieved in each grade will be a sub score of the total score available.

5 Award criteria and Information needed

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

This includes understanding all of the obligations you will have under the Contract.

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

5.1 Selection Questionnaire (ITT Schedule 6)

If you want your tender to be considered, you must complete the Selection Questionnaire (SQ).

You must comply with all of 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.

5.2 Tender information

Please provide your proposals by responding to the questions within the Tender Response Form (ITT Schedule 7a – Lot 1 – General Requirements and/or ITT Schedule 7b – Specialist Requirements), considering the associated evaluation weightings and our expectations and objectives expressed throughout the specification document.

5.3 Pricing

Tenderers must complete the relevant Pricing Schedule appended to the Form of Tender (ITT Schedule 3), to provide all of the obligations under the Contract.

All prices shall be stated in pounds sterling and exclusive of VAT.

Prices are to be set-fixed for the first 24-months of the Contract period, Providers may submit a request for a price uplift in year 3. Any request must be submitted to the Lead Authority and capped Consumer Price Index (CPI) which will be considered by the Participating Authorities.

5.4 Corporate requirements

Legally the Lead Authority have to make sure that it keeps to a number of corporate considerations when providing its services. The Lead Authority is delivering its services when a Provider is delivering services their behalf therefore, the Lead Authority needs to make sure that any Provider that is working for any Participating Authority carries out these legal requirements. The Lead Authority is looking for a commitment within tenders to help it in the following duties. The Lead Authority does not consider that these requirements will be onerous and so pricing should not be affected in keeping to any of these obligations. However, if Tenderers believe there is a pricing impact, they should clearly identify this in the Pricing Schedule.

Equality and diversity

The Participating Authorities are committed to: Providing its services in a way that promotes equality of opportunity at every possibility. The Participating Authorities expect the successful Tenderer to be equally committed to equality and diversity in its employment practices and service provision. The Participating Authorities also expect that they will keep to all anti-discrimination legislation.

Expectation of the Tenderer

Tenderers should note that the Lead Authority will ask successful Tenderers to contract with the Lead Authority to make sure that they keep to these obligations. The Lead Authority will, if suitable, monitor this throughout the Contract Period.

Keeping to equality legislation

The Lead Authority need service providers to demonstrate that they keep to equality rules in employment legislation. The levels of compliance become more demanding depending on the number of employees employed by the organisation. Organisations employing less than five employees face minimum requirements, whilst organisations employing 50 or more employees need to meet more comprehensive criteria. The Lead Authority may work with Providers during the Contract Period, to make sure they keep to the rules of employment legislation.

Level 1 (less than five employees)

Organisations with less than five directly employed people will be expected to meet the suitable level of compliance for the delivery of the Contract. If recruitment increases the size of the organisation to five or more employees, the organisation will be expected to meet the appropriate level of compliance.

Level 2 (5 to 49 employees)

All organisations with between 5 and 49 employees must achieve criteria 1 – 4 listed below.

- 1 All organisations must have an equality policy for race, gender, disability, age, sexual orientation and religion or belief that covers at least:
 - (a) recruitment, selection, training, promotion, discipline, grievance and dismissal;
 - (b) discrimination, harassment, and victimisation, making it clear that these are disciplinary offences within the firm;
 - (c) identification of the senior position with responsibility for the policy and its effective implementation; and
 - (d) how Tenderers communicate the policy to your employees.
- 2 Effective implementation of the policy in the organisation's recruitment practices, to include open recruitment methods such as the use of job centres, careers service or press advertisements.
- 3 The policy should either be reviewed to reflect changes in legislation or within a three-year period whichever occurs first.
- 4 To monitor the gender, disability and ethnicity of job applicants. The Lead Authority would also encourage organisations to monitor of the age, sexual orientation and religion or belief of staff.

Level 3 (50 or more employees)

All organisations with 50 or more employees must achieve criteria 1-4 in level 2 and the extra criteria 5-10 listed below.

- 5 Give written instructions to managers and supervisors on equality in recruitment, selection, training, promotion, discipline, grievance and dismissal of employees.
- 6 Give equality training to managers and any employees responsible for recruitment and selection.
- 7 As well as criterion 4 (Level 2), carry out monitoring on the number of employees from different gender, disability and ethnic groups by grade when:
 - (a) in post;
 - (d) applying for posts;
 - (e) taking up training and development opportunities;
 - (f) promoted;
 - (g) transferred;
 - (h) disciplined and dismissed;
 - (i) a grievance is raised; and
 - (j) leaving employment.

The Lead Authority would also encourage organisations to monitor for age, sexual orientation and religion or belief.
- 8 If the above monitoring reveals inequalities, organisations will be expected to take steps to address imbalances.
- 9 For 7 and 8 above, annual monitoring and reporting is needed about equality issues within the workforce.
- 10 Organisation's recruitment advertisements and publicity literature should state that equal opportunities practices are in place.

6 Clarification meetings

The Lead Authority reserves the right to hold clarification meetings as they consider appropriate, both before and after tender submission.

7 Freedom of Information Act and Environmental Information Statement

7.1 The Participating Authorities are subject to The Freedom of Information Act

2000 (Act) and The Environmental Information Regulations 2004 (EIR).

- 7.2 As part of our duties under the Act or EIR, the Lead Authorities may need to disclose information about the procurement process or the Contract to anyone who makes a reasonable request.
- 7.3 If Tenderers think that any of the information given in their tender is commercially sensitive (meaning it could reasonably cause prejudice to the organisation if disclosed to a third party); then Tenderers should clearly mark this as **'Not for disclosure to third parties'**. Tenderers should also give valid reasons in support of the information being exempt from disclosure under the Act and the EIR.
- 7.4 The Lead Authority will aim to consult with Tenderers and consider comments and any objections before the Lead Authority release any information to a third party under the Act and/or the EIR. However, the Lead Authority will be entitled to decide in our absolute discretion whether any information is:
- exempt from the Act or the EIR; or
 - to be disclosed in response to a request of information.

The Lead Authority must make our decision on disclosure in line with the provisions of the Act or the EIR and can only withhold information if it is covered by an exemption from disclosure under either.

- 7.5 The Lead Authority will not be held liable for any loss or prejudice caused by the disclosure of information that:
- has not been clearly marked as 'Not for disclosure to third parties' with supporting reasons (referring to the relevant category of exemption under the Act or EIR where possible);
 - does not fall into a category of information that is exempt from disclosure under the Act or EIR (for example, a trade secret or would be likely to prejudice the commercial interests of any person); or
 - where it is in the public interest to disclose this and there is no legal duty to withhold it.