

UK-Livingston: legal advisory services

2009/S 95-136831

CONTRACT NOTICE

Services

SECTION I: CONTRACTING AUTHORITY

I.1) NAME, ADDRESSES AND CONTACT POINT(S):

West Lothian Council, West Lothian House, Almondvale Boulevard, Contact: Procurement Services, Attn: Steven Menzies, UK-Livingston EH54 6QG . Tel. +44 1506774028. E-mail: steven.menzies@westlothian.gov.uk. Fax +44 1506777301.

Internet address(es):

General address of the contracting authority: <http://www.westlothian.com/councilcontracts>.

Address of the buyer profile: http://publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA00140.

Further information can be obtained at: West Lothian Council, West Lothian House, Almondvale Boulevard, Contact: Legal Services, Attn: Liz Scobie, UK-Livingston EH54 6QG . Tel. +44 1506777221. E-mail: liz.scobie@westlothian.gov.uk. Fax +44 1506777301. URL: <http://www.westlothian.com/councilcontracts>.

Specifications and additional documents (including documents for competitive dialogue and a dynamic purchasing system) can be obtained at: West Lothian Council, West Lothian House, Almondvale Boulevard, Contact: Procurement Services, Attn: Steven Menzies, UK-Livingston EH54 6QG . Tel. +44 1506774028. E-mail: steven.menzies@westlothian.gov.uk. Fax +44 1506777301. URL: <http://www.westlothian.com/councilcontracts>.

Tenders or requests to participate must be sent to: West Lothian Council, West Lothian House, Almondvale Boulevard, Contact: Procurement Services, Attn: Steven Menzies, UK-Livingston EH54 6QG . Tel. +44 1506774028. E-mail: steven.menzies@westlothian.gov.uk. Fax +44 1506777301. URL: <http://www.westlothian.com/councilcontracts>.

I.2) TYPE OF THE CONTRACTING AUTHORITY AND MAIN ACTIVITY OR ACTIVITIES:

Regional or local authority.

General public services.

SECTION II: OBJECT OF THE CONTRACT

II.1) DESCRIPTION

II.1.1) Title attributed to the contract by the contracting authority:

Legal Advisors for Waste Management Project Team.

II.1.2) Type of contract and location of works, place of delivery or of performance:

Services.

Service category: No 21.

Main place of performance: UK - West Lothian - Livingston.

NUTS code: UKM28.

II.1.3) The notice involves:

A public contract.

II.1.4) **Information on framework agreement:**

II.1.5) **Short description of the contract or purchase(s):**

The Council wish to appoint external legal advisers to assist the Council in the procurement of a residual waste. Management solution to treat the Council's residual Municipal Solid Waste (MSW) in compliance with the EU Landfill.

And Waste Directives; the Scottish Government's Zero Waste Strategy; the National Waste Plan for Scotland; the.

Lothian and Borders Area Waste Plan and all relevant current and impending environmental legislation including.

UK/Scottish legislation relating to climate change.

It is estimated that the Council will require treatment capacity for approximately 68 000 tonnes/annum of MSW in.

2012/13 and that this figure will rise to approximately 81 000 tonnes/annum by 2025/26.

The Council owns a 6 hectare site in Livingston which has full planning consent for a 200 000 tonnes/annum.

Mechanical or biological waste treatment plant which will be made available for the Project although the Council will.

Consider alternative proposals.

This site lies within a much larger Council owned site extending to approximately 24 hectares in respect of which a.

Comprehensive masterplanning exercise to identify the most suitable way of developing the site needs to be. Completed.

The Council is willing to consider a range of innovative contractual and funding arrangements in respect of the. Project including joint venture structures.

The Council seeks access to the external legal advisers' knowledge and expertise to ensure the efficient, timeous.

And innovative delivery of the residual waste management solution ultimately selected by the Council.

The external legal advisers appointed by the Council to assist in the Project will be expected to provide a.

Comprehensive and wide range of support, advice and expertise to the Council in a range of matters which will.

Include joint venture type of projects (especially risk transfer).

The external legal advisers will be expected to assist the Council in preparing contract documentation for the.

Project contract, assistance in the procurement of the appointment of the main contractor for the Project including.

The provision of advice and assistance leading to contract award and financial close.

A senior member of the external legal advisers' staff will be expected to act as the principal point of contact to.

Ensure co-ordination and efficient progress of the external legal advisers' remit with a named deputy of similar.

Standing. The external legal advisers must also make available such additional personnel as is agreed between.

The parties to undertake the remit and all actions required to ensure the success of the Project.

II.1.6) **Common procurement vocabulary (CPV):**

79111000.

II.1.7) **Contract covered by the Government Procurement Agreement (GPA):**

Yes.

II.1.8) **Division into lots:**

No.

II.1.9) **Variants will be accepted:**

Yes.

II.2) **QUANTITY OR SCOPE OF THE CONTRACT**

II.2.1) **Total quantity or scope:**

Legal Advice to support up to 19 individual work packages that will be carried out by an previously appointed Technical Advisor.

II.2.2) **Options:**

Yes.

Description of these options: Extension of completion timescales for work packages.

Number of possible renewals: Range: between 1 and 2.

II.3) **DURATION OF THE CONTRACT OR TIME-LIMIT FOR COMPLETION:**

Duration in months: 36 (from the award of the contract).

SECTION III: LEGAL, ECONOMIC, FINANCIAL AND TECHNICAL INFORMATION

III.1) **CONDITIONS RELATING TO THE CONTRACT**

III.1.1) **Deposits and guarantees required:**

III.1.2) **Main financing conditions and payment arrangements and/or reference to the relevant provisions regulating them:**

III.1.3) **Legal form to be taken by the group of economic operators to whom the contract is to be awarded:**

III.1.4) **Other particular conditions to which the performance of the contract is subject:**

No.

III.2) **CONDITIONS FOR PARTICIPATION**

III.2.1) **Personal situation of economic operators, including requirements relating to enrolment on professional or trade registers:**

Information and formalities necessary for evaluating if requirements are met: (1) All candidates will be required to produce a certificate or declaration demonstrating that they are not bankrupt or the subject of an administration order, are not being wound-up, have not granted a trust deed, are not the subject of a petition presented for sequestration of their estate, have not had a receiver, manager or administrator appointed and are not otherwise apparently insolvent.

(2) All candidates will be required to produce a certificate or declaration demonstrating that the candidate, their directors, or any other person who has powers of representation, decision or control of the candidate has not been convicted of conspiracy, corruption, bribery, or money laundering. Failure to provide such a declaration will result in the candidate being declared ineligible and they will not be selected to participate in this procurement process.

(3) All candidates will be required to produce a certificate or declaration demonstrating that they have not been convicted of a criminal offence relating to the conduct of their business or profession.

(4) All candidates will be required to produce a certificate or declaration demonstrating that they have not committed an act of grave misconduct in the course of their business or profession.

(5) All candidates must comply with the requirements of the State in which they are established, regarding registration on the professional or trade register.

(6) Any candidate found to be guilty of serious misrepresentation in providing any information required, may be declared ineligible and not selected to continue with this procurement process.

(7) All candidates will have to demonstrate that they are licensed, or a member of the relevant organisation, in the State where they are established, when the law of that State prohibits the provision of the services, described in this notice, by a person who is not so licensed or who is not a member of the relevant organisation.

(8) All candidates will be required to produce a certificate or declaration demonstrating that they have fulfilled obligations relating to the payment of social security contributions under the law of any part of the United Kingdom or of the relevant State in which the candidate is established

(9) All candidates will be required to produce a certificate or declaration demonstrating that they have fulfilled obligations relating to the payment of taxes under the law of any part of the United Kingdom or of the relevant State in which the economic operator is established.

III.2.2) Economic and financial capacity:

Information and formalities necessary for evaluating if requirements are met: (1) All candidates will be required to provide evidence of relevant professional risk indemnity insurance.

(2) All candidates will be required to provide statements of accounts or extracts from those accounts relating to their business.

III.2.3) Technical capacity:

III.2.4) Reserved contracts:

III.3) CONDITIONS SPECIFIC TO SERVICES CONTRACTS

III.3.1) Execution of the service is reserved to a particular profession:

Yes.

Must be members of a relevant legal, professional organisation within the Country of origin. Full details will be contained within the PQQ/Tender documentation.

III.3.2) Legal entities should indicate the names and professional qualifications of the staff responsible for the execution of the service:

Yes.

SECTION IV: PROCEDURE

IV.1) TYPE OF PROCEDURE

IV.1.1) Type of procedure:

Restricted.

IV.1.2) Limitations on the number of operators who will be invited to tender or to participate:

Envisaged minimum number: 5. Maximum number: 5.

IV.1.3) Reduction of the number of operators during the negotiation or dialogue:

IV.2) AWARD CRITERIA

IV.2.1) Award criteria:

The most economically advantageous tender in terms of the criteria stated in the specifications, in the invitation to tender or to negotiate or in the descriptive document.

IV.2.2) An electronic auction will be used:

No.

IV.3) ADMINISTRATIVE INFORMATION

IV.3.1) File reference number attributed by the contracting authority:

IV.3.2) Previous publication(s) concerning the same contract:

IV.3.3) Conditions for obtaining specifications and additional documents or descriptive document:

Time limit for receipt of requests for documents or for accessing documents: 15.6.2009.

- IV.3.4) **Time-limit for receipt of tenders or requests to participate:**
15.6.2009 - 16:00.
- IV.3.5) **Date of dispatch of invitations to tender or to participate to selected candidates:**
31.7.2009.
- IV.3.6) **Language(s) in which tenders or requests to participate may be drawn up:**
English.
- IV.3.7) **Minimum time frame during which the tenderer must maintain the tender:**
- IV.3.8) **Conditions for opening tenders:**

SECTION VI: COMPLEMENTARY INFORMATION

- VI.1) **THIS IS A RECURRENT PROCUREMENT:**
- VI.2) **CONTRACT RELATED TO A PROJECT AND/OR PROGRAMME FINANCED BY EU FUNDS:**
- VI.3) **ADDITIONAL INFORMATION:**
Please contact the person named in this document directly to register your interest in participating in the PQQ/
Tender process.
(SC Ref:73649).
- VI.4) **PROCEDURES FOR APPEAL**
- VI.4.1) **Body responsible for appeal procedures:**
- VI.4.2) **Lodging of appeals:**
- VI.4.3) **Service from which information about the lodging of appeals may be obtained:**
- VI.5) **DATE OF DISPATCH OF THIS NOTICE:**
15.5.2009.