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UK-Edinburgh: legal services

2010/S 122-186845

CONTRACT NOTICE

Services

SECTION I: CONTRACTING AUTHORITY

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

University Of Edinburgh
Charles Stewart House, 9-16 Chambers Street
Contact: Procurement Manager, Estates
Attn: Margaret Lochhead
EH1 1HT Edinburgh
UNITED KINGDOM
Tel. +44 1316508202
E-mail: margaret.lochhead@ed.ac.uk

Internet address(es)

General address of the contracting authority <http://www.ed.ac.uk/schools-departments/procurement>
Address of the buyer profile http://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA00107

Further information can be obtained at:

University Of Edinburgh
Charles Stewart House, 9-16 Chambers Street
Contact: Procurement Manager, Estates
Attn: Margaret Lochhead
EH1 1HT Edinburgh
UNITED KINGDOM
Tel. +44 1316508202
E-mail: margaret.lochhead@ed.ac.uk

Internet: <http://www.ed.ac.uk/schools-departments/procurement>

Specifications and additional documents (including documents for competitive dialogue and a dynamic purchasing system) can be obtained at:

University Of Edinburgh
Charles Stewart House , 9-16 Chambers Street
Contact: Procurement Manager, Estates
Attn: Margaret Lochhead
EH1 1HT Edinburgh
UNITED KINGDOM
Tel. +44 1316508202
E-mail: margaret.lochhead@ed.ac.uk

Internet: <http://www.ed.ac.uk/schools-departments/procurement>

Tenders or requests to participate must be sent to:

University Of Edinburgh
13 Infirmary Street, Estates, Ground Floor Reception Desk
Contact: Procurement Manager, Estates
Attn: Margaret Lochhead
EH1 1LT Edinburgh
UNITED KINGDOM
Tel. +44 1316508202
E-mail: margaret.lochhead@ed.ac.uk
Internet: <http://www.ed.ac.uk/schools-departments/procurement>

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

Body governed by public law
Education

SECTION II: OBJECT OF THE CONTRACT

II.1) **DESCRIPTION**

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

EC/0468/Provision of legal services for property transactions.

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 Edinburgh.

NUTS code UK

II.1.3) **The notice involves**

The establishment of a framework agreement

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

Framework agreement with several operators

maximum number of participants to the framework agreement envisaged 3

Duration of the framework agreement: Duration in year(s): 3

Justification for a framework agreement, the duration of which exceeds four years: Three years with a further one year extension option.

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

EC/0468/Provision of Legal services for property transactions.

Pqq documentation available until the 27.7.2010.

Pqq submissions to be received no later than 16:00 hours on the 28.7.2010.

Summary of project.

Contracting authority The University of Edinburgh.

Project Name – Framework for the provision of legal services for property transactions.

Estate Development Manager – Jane Johnston.

Anticipated framework start on site date – October/November 2010.

Anticipated framework duration – 3 years plus a further one year extension option.

Award criteria – 80 %quality/20 % cost.

The project brief.

The University of Edinburgh requires the provision of legal advice and support in relation to the various property transactions that are generated by our new build construction projects; off balance sheet funded projects; acquisitions and disposals as well lease arrangements and developer led projects.

The first of the call off projects is likely to be our development at Holyrood which contains 1 250 student bed spaces as well as an Outreach Centre. It is intended to progress with this project on the basis of off balance sheet funding.

It is essential that legal advice is provided by suitably qualified solicitors and can, if necessary be provided at short notice. It is therefore considered necessary that organisations noting interest in this contract have a minimum of 30 qualified solicitors, excluding trainees. The University is seeking specialised legal advice on distinct issues of high importance from senior practitioners who are experts in their field and who can bring to each project extensive specialist knowledge and experience.

The provision of legal services in connection with special projects may be exposed to competitive tender, either through a mini competition amongst those appointed to the framework agreement or by going to the market, depending on the nature of the project involved.

It is essential that our legal advisers adopt a holistic approach to any project on which advice is sought, to ensure that all ramifications of situations are considered and advice on all relevant matters given. To deliver the required service, advisers must be able to assemble a team of expert practitioners who can give high level advice on the entire project and which will not confine its advice to the obvious aspects of the project.

Those applicants who eventually will be appointed under the framework agreement will require to work closely with the University's Estates and Buildings and Finance teams and develop a mutually beneficial working relationship. It is anticipated that a dedicated team of advisers will be assembled to work with the University, to ensure that advice on any project is delivered consistently by one senior practitioner, to facilitate the development of the desired working relationships.

Applicants must be able to demonstrate that they practice Scots Law in the Jurisdiction of Scotland and hold current practising certificates and comply with all professional rules.

Overview of procurement exercise.

As a first step to awarding the framework contract this prequalification has been drafted in order to assess the ability of the companies who are seeking the appointment. The prequalification is marked out of 75 and the highest 6 companies will be invited to tender with the intention of appointing no more than three companies to the framework.

Note that once framework suppliers have been appointed by the University of Edinburgh further mini tendering exercises will be undertaken amongst those appointed, on a project by project basis, to determine the allocation of work.

Important information:

— This PQQ is being conducted through the Intend e-tendering system all documentation is only available via <https://in-tendhost.co.uk/edinburghuni/>.

Please click onto the url detailed above and then click on the current tenders box, locate project reference EC/0468/Provision of Legal services for property transactions and follow the information detailed within this project box.

Please note the last available date and time for obtaining the PQQ documentation via Intend is no later than the 27.7.2010.

PQQ submissions to be returned no later than 16:00 hours on the 28.7.2010.

All applicable documents are normally published to the secure area within 24 hours. If after this time you have not received your email advising the tender documents have been published to the secure area, then contact the Procurement Office by sending a message through the correspondence function. An email will be sent to the Publish Email address supplied at registration when the documents have been published. You will then be able to login to the secure area and download the tender documents.

Submissions should be made via the web site, all documents should be uploaded to the website then press the Red button "submit return" (You may need to scroll the screen down to see this button) You will then receive a receipt, print & retain a copy of this receipt. This is your confirmation of your submission.) The tender status will then confirm your documents have been submitted. System Guidance Available on the University Procurement web site http://www.pps.ed.ac.uk/for/suppliers/tender_administration/Supplier%20e-Tendering%20Registration%20Guidelines.pdf Online system help available at: <https://www.in-tendhost.com/edinburghuni/asp/onlinehelp.asp?help=helpoverview>.

Please Note: The University of Edinburgh does not charge a tender administration fee and documents will be published automatically to the secure area on the e-tendering website following expression of interest.

The University advises all suppliers that only the following file formats are acceptable for PQQ and tender submissions.

All Microsoft Office file formats (or equivalent, though must be capable of being read by MS Office programs).
PDF files.

ZIP files containing the above jpeg images.

Maximum File size = 20 Mb.

No other file types will be accepted unless specified in the PQQ and ITT documentation.

The University of Edinburgh is a charitable body, registered in Scotland, with registration number SC005336.

II.1.6) **Common procurement vocabulary (CPV)**
79100000

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**

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

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

EC/0468/Provision of Legal services for property transactions.

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Procurement web site http://www.pps.ed.ac.uk/for/suppliers/tender_administration/Supplier%20e-Tendering%20Registration%20Guidelines.pdf Online system help available at: <https://www.in-tendhost.com/edinburghuni/asp/onlinehelp.asp?help=helpoverview>.

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Maximum File size = 20 Mb.

No other file types will be accepted unless specified in the PQQ and ITT documentation.

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II.2.2) Options

No

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

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.

As detailed within the PQQ and or ITT documentation.

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**

Information and formalities necessary for evaluating if requirements are met:

(1) A statement of the candidate's average annual number of staff and managerial staff over the previous 3 years

(2) Details of the educational and professional qualifications of their managerial staff; and those of the person(s) who would be responsible for providing the services or carrying out the work or works under the contract;

(3) All candidates will be required to provide certification drawn up by an independent body attesting the compliance of the economic operator with quality assurance standards based on the relevant European standards.

(4) Certificates drawn up by official quality control institutes or agencies of recognised competence attesting the conformity of products clearly identified by references to specifications or standards.

(5) Samples, descriptions and/or photographs, the authenticity of which must be certified if the contracting authority so requests.

(6) A statement of the principal goods sold or services provided by the supplier or the services provider in the past 3 years, detailing the dates on which the goods were sold or the services provided; the consideration received; the identity of the person to whom the goods were sold or the services were provided

(7) A check may be carried out by the contracting authority or by a competent official body of the State in which the candidate is established, to verify the technical capacity of the candidate; and if relevant, on the candidates study and research facilities and quality control measures;

(8) A statement of the candidate's technical facilities; measures for ensuring quality; and their study and research facilities;

(9) An indication of the proportion of the contract which the services provider intends possibly to subcontract.

(10) A statement of the technicians or technical services available to the candidate to carry out the work under the contract; or be involved in the production of goods or the provision of services under the contract; particularly those responsible for quality control, whether or not they are independent of the candidate.

(11) A statement of the tools, plant or technical equipment available to the service provider or contractor for carrying out the contract.

(12) A list of works carried out over the past 5 years, detailing the value of the consideration received; when and where the work or works were carried out; and whether they were carried out according to the rules of the trade or profession and properly completed.

As detailed above and or detailed within the PQQ and or ITT documentation.

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

Applicants must be able to demonstrate that they practice Scots Law in the Jurisdiction of Scotland and hold current practising certificates and comply with all professional rules.

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 number of operators 6

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 below

1. Quality. Weighting 80 %
2. Cost. Weighting 20 %

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**

Time limit for receipt of requests for documents or for accessing documents 27.7.2010

IV.3.4) **Time-limit for receipt of tenders or requests to participate**

28.7.2010 - 16:00

IV.3.5) **Date of dispatch of invitations to tender or to participate to selected candidates**

17.8.2010

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**
As detailed within the PQQ and or ITT documentation.
(SC Ref:184351).
- 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:**
25.6.2010