

UK-Portsmouth: legal services

2012/S 152-254549

Contract notice

Services

Directive 2004/18/EC

Section I: Contracting authority

I.1) Name, addresses and contact point(s)

First Wessex Housing Association

Peninsular House, Wharf Road

Contact point(s): Mr Bruce Doe

For the attention of: Mr Bruce Doe (Service Matters, part of Orbit)

PO2 8HB Portsmouth

UNITED KINGDOM

Telephone: +44 2476437032

E-mail: bruce.doe@orbit.org.uk

Internet address(es):

General address of the contracting authority: <http://www.firstwessex.org>

Address of the buyer profile: www.housingprocurement.com

Further information can be obtained from: www.housingprocurement.com

Specifications and additional documents (including documents for competitive dialogue and a dynamic purchasing system) can be obtained from: www.housingprocurement.com

Tenders or requests to participate must be sent

to: www.housingprocurement.com

I.2) Type of the contracting authority

Body governed by public law

I.3) Main activity

Housing and community amenities

I.4) Contract award on behalf of other contracting authorities

The contracting authority is purchasing on behalf of other contracting authorities:
yes

Section II: Object of the contract

II.1)Description

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

Provision of Legal Services.

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

Services

Service category No 21: Legal services

Main site or location of works, place of delivery or of performance: Hampshire (Portsmouth & Eastleigh) and Surrey (Aldershot).

NUTS code UKJ31

II.1.3)Information about a public contract, a framework agreement or a dynamic purchasing system (DPS)

The notice involves a public contract

II.1.4)Information on framework agreement

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

Provision of Legal Services to First Wessex Housing Association. These services may include, but are not necessarily restricted to, the areas set out below:

LOT 1: Corporate.

LOT 2: Finance.

LOT 3: Housing.

LOT 4: Property.

Potential Service Providers will need to demonstrate relevant experience of delivering services to a Registered Provider (Housing Association); similar in size and complexity to First Wessex.

II.1.6)Common procurement vocabulary (CPV)

79100000, 79111000

II.1.7)Information about Government Procurement Agreement (GPA)

The contract is covered by the Government Procurement Agreement (GPA): no

II.1.8)Lots

This contract is divided into lots: yes
Tenders may be submitted for one or more lots

II.1.9)Information about variants

Variants will be accepted: yes

II.2)Quantity or scope of the contract

II.2.1)Total quantity or scope:

Please see Specification for further information. Please register at www.housingprocurement.com to access the PQQ and associated documentation. The Specification gives an indication of Possible Annual values for each LOT.

II.2.2)Information about options

Options: no

II.2.3)Information about renewals

II.3)Duration of the contract or time limit for completion

Duration in months: 60 (from the award of the contract)

Information about lots

Lot No: 1 Lot title: Corporate

1)Short description

1. Corporate

A. Corporate Governance and Constitution including:

1) New subsidiaries

2) Future funding structures

3) Joint venture arrangements

B. Corporate Advice including:

1) Commercial purchasing issues

2) Commercial litigation

3) Contract law

4) Data Protection

5) Human Rights legislation

6) Housing Benefit regulations

7) New legislation guidance/requirements from regulators and

8) Support with fraud and other investigations

9) Financial (legal) advice as required.

10) Insolvency

C. Other Advice including:

- 1) Compromise agreements
- 2) Claims for unfair dismissal
- 3) Pension and TUPE matters
- 4) Employment & contractual advice
- 5) Any other employment legal advice and support as required.

2)Common procurement vocabulary (CPV)

79100000, 79111000

3)Quantity or scope

4)Indication about different date for duration of contract or starting/completion

5)Additional information about lots

Lot No: 2 Lot title: Finance

1)Short description

A. Loans and Finances

- 1) Loan Documentation and Financing

B. Corporate Governance and Constitution including:

- 1) New subsidiaries
- 2) Future funding structures
- 3) Joint venture arrangements

2)Common procurement vocabulary (CPV)

79100000, 79111000

3)Quantity or scope

4)Indication about different date for duration of contract or starting/completion

5)Additional information about lots

Lot No: 3 Lot title: Housing

1)Short description

A. Housing Management including:

- 1) Actions for possession
- 2) Anti-Social behaviour injunctions
- 3) Miscellaneous injunctions
- 4) Disrepair
- 5) Tenancy enforcement
- 6) Possessions and demotions

- 7) Mediation services
 - 8) Care and Support packages
 - 9) Debt relief orders
 - 10) Bankruptcies
 - 11) Regulations relating to the provision of a debt advisory service regulation
 - 12) Registration requirements
 - 13) Supporting People
 - 14) Domiciliary Care
 - 15) Protection of Vulnerable Adults
 - 16) Any other housing legal advice and support as required.
- B. Corporate Governance and Constitution including:
- 1) New subsidiaries
 - 2) Future funding structures
 - 3) Joint venture arrangements

2)Common procurement vocabulary (CPV)

79100000, 79111000

3)Quantity or scope

4)Indication about different date for duration of contract or starting/completion

5)Additional information about lots

Lot No: 4 Lot title: Property

1)Short description

A. Property including:

- 1) The acquisition of freehold or leasehold land or buildings
- 2) The letting of building contracts
- 3) Security charging
- 4) Construction law
- 5) Shared ownership
- 6) Right to buy
- 7) Mutual exchanges
- 8) Property disposals
- 9) Rent reviews
- 10) Private sector leasing
- 11) Preparing and executing Deeds of Variations
- 12) Management of a limited number of commercial leases (managed by a commercial agent)
- 13) Right to repair issues
- 14) Contracts and documentation

- 15) Enforcement notices and appeals
- 16) Other property legal advice and support as required.

B. Corporate Governance and Constitution including:

- 1) New subsidiaries
- 2) Future funding structures
- 3) Joint venture arrangements

2)Common procurement vocabulary (CPV)

79100000, 79111000

3)Quantity or scope

4)Indication about different date for duration of contract or starting/completion

5)Additional information about lots

Section III: Legal, economic, financial and technical information

III.1)Conditions relating to the contract

III.1.1)Deposits and guarantees required:

First Wessex reserves the right to require Performance Guarantee Bonds and/or Parent Company Guarantees. Detailed requirements to be provided in the Prequalification and/or Invitation to Tender.

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

Details to be included, if applicable, in the draa contract documentation supplied with the Prequalification Questionnaire and/or Invitation to Tender.

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

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 the requirements are met:

Any supplier may be disqualified who:

(a) is bankrupt or is being wound up, where his affairs are being administered by the court, where he has entered into an arrangement with creditors, where he has suspended business activities or is in any analogous situation arising from a similar procedure under national laws and regulations;

(b) is the subject of proceedings for a declaration of bankruptcy, for an order compulsory winding up the administration by the court or of an arrangement with

creditors or of any other similar proceedings under national laws and regulations;

- (c) has been convicted by a judgment which has the force of res judicata in accordance with the legal provisions of the country of any offence concerning his professional conduct;
- (d) has been guilty of grave professional misconduct proven by any means which the contract authorities can demonstrate;
- (e) has not fulfilled obligations relating to the payment of social security contributions in accordance with the legal provisions of the country in which he is established or with those of the country of the contracting authority;
- (f) has not fulfilled obligations relating to the payment of taxes in accordance with the legal provisions of the country in which he is established or with those of the country of the contracting authority;
- (g) is guilty of serious misrepresentation in supplying the information required under this Section or has not supplied such information;
- (h) has been the subject of a conviction for participation in a criminal organization, as defined in Article 2(1) of Council Joint Action 98/733/JHA;
- (i) has been the subject of a conviction for corruption, as defined in Article 3 of the Council Act of 26.5.1972 and Article 3(1) of Council Joint Action 98/742/JHA3 respectively;
- (j) has been the subject of a conviction for fraud within the meaning of Article 1 of the Convention relating to the protection of the financial interests of the European Communities;
- (k) has been the subject of a conviction for money laundering, as defined in Article 1 of Council Directive 91/308/EEC of 10.6.1991 on prevention of the use of the financial system for the purpose of money laundering.

Information and formalities necessary for evaluating if requirements are met:
See Evaluation Guidance.

III.2.2)Economic and financial ability

Information and formalities necessary for evaluating if the requirements are met:

- (a) appropriate statements from banks or, where appropriate, evidence of relevant professional risk indemnity insurance;
- (b) the presentation of balance-sheets or extracts from the balance-sheets, where publication of the balance-sheet is required under the law of the country in which the economic operator is established;
- (c) a statement of the undertaking's overall turnover and, where appropriate, of turnover in the area covered by the contract for a maximum of the last three financial years available, depending on the date on which the undertaking was set up or the economic operator started trading, as far as the information of these turnovers is available.

Information and formalities necessary for evaluating if requirements are met:
See Evaluation Guidance.

III.2.3) **Technical capacity**

Information and formalities necessary for evaluating if the requirements are met:

- (a) a list of the works carried out over the past five years, accompanied by certificates of satisfactory execution for the most important works. These certificates shall indicate the value, date and site of the works and shall specify whether they were carried out according to the rules of the trade and properly completed. Where appropriate, the competent authority shall submit these certificates to the contracting authority direct;
- (b) a list of the principal deliveries effected or the main services provided in the past three years, with the sums, dates and recipients, whether public or private, involved. Evidence of delivery and services provided shall be given: - where the recipient was a contracting authority, in the form of certificates issues or countersigned by the competent authority, - where the recipient was a private purchaser, by the purchaser's certification or, failing this, simply by a declaration by the economic operator;
- (c) an indication of the technicians or technical bodies involved, whether or not belonging directly to the economic operator's undertaking, especially those responsible for quality control and, in the case of public works contracts, those upon whom the contractor can call in order to carry out the work;
- (d) a description of the technical facilities and measures used by the supplier or service provider for ensuring quality and the undertaking's study and research facilities;
- (e) where the products or services to be supplied are complex or, exceptionally, are required for a special purpose, a check carried out by the contracting authorities or on their behalf by a competent official body of the country in which the supplier or service provider is established, subject to that body's agreement, on the production capabilities of the supplier or the technical capacity of the service provider and, if necessary, on the means of study and research which are available to it and the quality control measures it will operate;
- (f) the educational and professional qualifications of the service provider or contractor and/or those of the undertaking's managerial staff and, in particular, those of the person or persons responsible for providing the services or managing the work;
- (h) a statement of the average annual manpower of the service provider or contractor and the number of managerial staff for the last three years;
- (i) a statement of the tools, plant or technical equipment available to the service provider or contractor for carrying out the contracts;

Information and formalities necessary for evaluating if requirements are met:
See Pre Qualification Questionnaire.

III.2.4)Information about reserved contracts

III.3)Conditions specific to services contracts

III.3.1)Information about a particular profession

Execution of the service is reserved to a particular profession: no

III.3.2)Staff responsible for the execution of the service

Legal persons 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: and maximum number 15

Objective criteria for choosing the limited number of candidates: See Specification and Related documents. The PreQualification Questionnaire available from<https://www.housingprocurement.com> gives details of the selection criteria and relative importance.

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)Information about electronic auction

An electronic auction will be used: no

IV.3)Administrative information

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

PP328

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

no

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

Payable documents: no

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

4.9.2012 - 12:00

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

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)Information about recurrence

This is a recurrent procurement: yes

Estimated timing for further notices to be published: 48 Months

VI.2)Information about European Union funds

The contract is related to a project and/or programme financed by European Union funds: no

VI.3)Additional information

PQQs will be issued and should be returned via Orbit Group's electronic tendering system (Procontract). Suppliers will need to register (at no charge) on<https://www.housingprocurement.com> to access information. Guidance on the operation of the website is available without being registered.

VI.4)Procedures for appeal

VI.4.1)Body responsible for appeal procedures

Orbit Group Limited
Garden Court Harry Weston Road, Binley Business Park
CV3 2SU Coventry
UNITED KINGDOM

E-mail: gary.stephens@orbit.org.uk

VI.4.2)Lodging of appeals

Precise information on deadline(s) for lodging appeals: In accordance with the Public Contracts Regulations 2006 (as amended 2009) available at<http://www.legislation.gov.uk/>.

VI.4.3)Service from which information about the lodging of appeals may be obtained

VI.5)Date of dispatch of this notice:

6.8.2012