

United Kingdom-Birmingham: Legal services

OJ S 132/2013 10/07/2013

Contract notice

Services

Directive 2004/18/EC

Section I: Contracting authority

I.1. Name and addresses

Official name: The Insolvency Service

Postal address: Cannon House, 18 Priory Queensway

Town: Birmingham

Postal code: B4 6FD

Country: United Kingdom

For the attention of: Tim Batkin

E-mail: tenders.insolvency@insolvency.gsi.gov.uk

Telephone: +44 1216984495

Internet address(es):

General address of the contracting authority: <http://www.bis.gov.uk/insolvency>

Additional information can be obtained from:

the abovementioned address

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

the abovementioned address

Tenders or requests to participate must be submitted: the abovementioned address

I.2. Type of the contracting authority

Ministry or any other national or federal authority, including their regional or local subdivisions

I.3. Main activity

Economic and financial affairs

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

The contracting authority is purchasing on behalf of other contracting authorities: no

Section II: Object of the contract

II.1. Description

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

Legal Service Providers Framework

II.1.2. Type of contract and place of performance or delivery

Services

Service category No 21: Legal services

Main site or place of performance: The Insolvency Service through its offices in various locations. The work is required in England, Wales and Scotland, but not Northern Ireland.

NUTS code

II.1.3. Information about a framework agreement or a dynamic purchasing system

The procurement involves the establishment of a framework agreement

II.1.4. Information about framework agreement

Framework agreement with several operators

Maximum number Envisaged maximum number of participants to the framework agreement
: 6

Duration of the framework agreement

Duration in months: 48

Estimated total value of purchases for the entire duration of the framework agreement

Estimated value excluding VAT:

Range: between 32 000 000 and 50 000 000 GBP

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

This notice for Annex IIB Category No 21 Legal Services is published voluntarily in the OJEU to bring it to the attention of the wider public and possible cross border interest, and is not subject to the timelines applicable to procedures covered by the Directive.

Investigations and Enforcement Directorate (IES) investigates complaints against live companies and the conduct of directors of failed companies, and takes proceedings to wind up companies in the public interest, disqualify directors, (and take part in obtaining restrictions orders against bankrupts) where it is appropriate to do so.

In order to do this, IES utilises a legal services framework for the vast bulk of its legal advice and litigation in relation to case related matters. In addition, solicitors on the framework are employed to undertake disqualification investigations ("outsourced investigations").

The framework encompasses the following:

- Disqualification proceedings,
- Public interest petitions,
- Disqualification investigations,
- Disqualification report drafting,
- Other applications,
- Cost recovery,
- Advice on case related matters,
- Other general matters.

II.1.6. CPV code(s)

79100000 Legal services, 79111000 Legal advisory services, 79112000 Legal representation services, 79112100 Stakeholders representation services, 79130000 Legal documentation and certification services, 79140000 Legal advisory and information services

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

The procurement is covered by the Government Procurement Agreement: yes

II.1.8. Lots

This contract is divided into lots: no

II.1.9. Information about variants

Variants will be accepted: no

II.2. Scope of the procurement

II.2.1. Total quantity or scope

Full details will be contained within the PQQ and ITT documents. Estimated value excluding VAT range between

GBP 32 000 000 and GBP 50 000 000. The contract will have an initial duration of 3 years (36

months) once

awarded, i.e. to June 2017, with the option to extend by a further 1 year i.e. 2018.

Estimated value excluding VAT:

Range: between 32 000 000 and 50 000 000 GBP

II.2.2. Information about options

Options: yes

Description of options: The initial contract will have a duration of three years with the option to extend by a further year.

Provisional timetable for recourse to these options:
in months: 48 (from the award of the contract)

II.2.3. Information about renewals

This contract is subject to renewal: no

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

Duration in months: 48 (from the award of the contract)

Section III: Legal, economic, financial and technical information

III.1. Conditions related to the contract

III.1.1. Deposits and guarantees required

Parent company guarantee or contract guarantee bond maybe necessary.

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

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

Where bids are submitted as part of consortium or association, the "Group" would be required to nominate a lead partner with whom the contracting authority can contract with or; form themselves into a single legal entity; or to accept joint and several liability.

III.1.4. Contract performance conditions

The performance of the contract is subject to particular conditions: no

III.2. Conditions for participation

III.2.1. Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers

List and brief description of conditions: Regulations 23 and 24 of the Public Contracts Regulations 2006 will apply. As per Pre-Qualification documentation (PQQ) See section VI.3.

III.2.2. Economic and financial ability

List and brief description of conditions: As per Pre-Qualification documentation (PQQ) See section VI.3.

Minimum level(s) of standards possibly required: As per Pre-Qualification documentation (PQQ) See section VI.3.

III.2.3. Technical and professional ability

List and brief description of conditions:

As per Pre-Qualification documentation (PQQ) See section VI.3.

Minimum level(s) of standards possibly required:

As per Pre-Qualification documentation (PQQ) See section VI.3.

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: yes
Reference to the relevant law, regulation or administrative provision: Firms experienced in public interest litigation, company director disqualification act 1986, companies act 1985 and 2006. Qualified legal practitioners and members of the Law Society and the Law Society of Scotland.

III.3.2. Information about staff responsible for the performance of the contract

Obligation to indicate the names and professional qualifications of the staff assigned to performing the contract: yes

Section IV: Procedure

IV.1. Type of procedure

IV.1.1. Type of procedure

Restricted

IV.1.2. Information about the limits on the number of candidates to be invited

Envisaged minimum number 5: and Maximum number 8
Objective criteria for choosing the limited number of candidates: As per Pre-Qualification documentation (PQQ) See section VI.3

IV.1.3. Information about reduction of the number of solutions or tenders during negotiation or dialogue

IV.2. Award criteria

IV.2.1. Award criteria

The most economically advantageous tender in terms of Price is not the only award criterion and all criteria are stated only in the procurement documents

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

Legal Service Providers Framework

IV.3.2. Previous publication concerning this procedure

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

23.8.2013 - 13:00

IV.3.5. Estimated date of dispatch of invitations to tender or to participate to selected candidates

23.9.2013

IV.3.6. Languages in which tenders or requests to participate may be submitted

English.

IV.3.7. Minimum time frame during which the tenderer must maintain the tender

IV.3.8. Conditions for opening of 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

VI.2. Information about European Union funds

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

VI.3. Additional information

All suppliers who wish to respond to this OJEU notice and indicate their interest in the tender, should request a Pre-Qualification Questionnaire (PQQ) document, which provides further detail relating to this procurement. The PQQ AND ALL communication should be via: tenders.insolvency@insolvency.gsi.gov.uk

Managing Supplier Poor Performance cross-Government

Government has not always managed its strategic suppliers on a cross-Government basis as effectively as it might. This has resulted in suppliers continuing to win new work with Government even when there are substantial performance concerns with existing contracts. As a result, Government has developed a new approach to ensuring previous poor performance by suppliers can be taken into account and robustly assessed prior to new contracts being entered into.

Contracting Authorities will now ensure that consideration of poor performance on existing or previous contracts is made at the Selection stage, in the assessment of technical and professional ability (Reg. 25). This will include where there are examples of serious and persistent breach in the delivery of both current and previous contracts.

Where a supplier has been found to have committed "Grave Misconduct" in the course of their business or profession, the Contracting Authority will have the right to exercise "Discretionary Exclusion" of that supplier under the Public Contracts Regulations 2006.

In addition, Contracting Authorities will reassess economic and financial standing, and technical and professional ability, and any discretionary or mandatory grounds for exclusion, before key points in the procurement process (i.e. short listing, preferred bidder status, award of contract etc). This will be done by asking the bidder whether anything has changed since the original assessment; and by checking with other departments/contracting authorities.

VI.4. Procedures for review

VI.4.1. Review body

Official name: See section VI.4.2 and VI.4.3

Body responsible for mediation procedures

Official name: See section VI.4.2 and VI.4.3

VI.4.2. Review procedure

Precise information on deadline(s) for review procedures: The Insolvency Service will incorporate a minimum 10 calendar day standstill period at the point information on the award of the contract is communicated to tenderers. This period allows unsuccessful tenderers to seek further debriefing from the contracting authority before the contract is entered into. Such additional information should be requested from the address in section 1.1 If an appeal regarding the award of a contract has not been successfully resolved the Public Contracts Regulations 2006 provide for aggrieved parties who have been harmed or are at risk of harm by a breach of the rules to take action in the High Court (England, Wales and Northern Ireland). Where a contract has not been entered into the court may order the settling aside of the award decision or order the authority to amend any document and may award damages.

VI.4.3. Service from which information about the review procedure may be obtained

Official name: The Insolvency Service

Postal address: Cannon House, 18 Priory Queensway

Town: Birmingham

Postal code: B4 6FD

Country: United Kingdom

E-mail: tenders.insolvency@insolvency.gsi.gov.uk

Telephone: +44 1216984495

Internet address: <http://http://www.bis.gov/insolvency>

VI.5. Date of dispatch of this notice

5.7.2013