

**United Kingdom-Swindon: Legal services**  
**OJ S 147/2013 31/07/2013**  
**Contract notice**  
**Services**

**Directive 2004/18/EC**

**Section I: Contracting authority**

---

**I.1. Name and addresses**

Official name: Uk SBS Ltd  
Postal address: North Star House  
Town: Swindon  
Postal code: SN2 1FF  
Country: United Kingdom  
For the attention of: Hayley Davies  
E-mail: [professionalservices@ssc.rcuk.ac.uk](mailto:professionalservices@ssc.rcuk.ac.uk)  
Telephone: +44 1793867775

**Internet address(es):**

General address of the contracting authority: [www.ssc.rcuk.ac.uk](http://www.ssc.rcuk.ac.uk)  
Address of the buyer profile: [www.ssc.rcuk.ac.uk](http://www.ssc.rcuk.ac.uk)

**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**

Body governed by public law

**I.3. Main activity**

Other: legal advice

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

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

Official name: UK SBS Ltd  
Postal address: North Star Avenue  
Town: Swindon  
Postal code: Sn2 1FF  
Country: United Kingdom

**Section II: Object of the contract**

---

**II.1. Description**

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

Legal Advice to BIS on a potential monetisation of the pre Browne income contingent repayment student loans portfolio.

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

Services  
Service category No 21: Legal services  
NUTS code UKI London

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

The notice involves a public contract

**II.1.4. Information about framework agreement**

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

The Authority, on behalf of the Client, The Department of Business Innovation and Skills ("BIS") is inviting proposals for the provision of Legal advice to BIS on a proposed monetisation (the "Proposed Monetisation") of the Student Loan Company's ("SLC") "Income Contingent Repayment" Student loans portfolio. At the end of the 2012/13 financial year, the face value of the Pre-Browne ICR Loan Portfolio was approximately GBP 45 billion. Following write-offs and other deductions, the approximate carrying value of the Pre-Browne ICR Loan Portfolio in the BIS accounts is approximately GBP 30 billion. The precise structure of the Proposed Monetisation is still being considered. However, it is envisaged that the Proposed Monetisation will be effected by way of the loan sale to the private sector or a securitisation process.

The successful bidder will be expected to demonstrate proven capacity to handle a complex, cross-Government assignment of this kind and show strength in-depth in the following areas: experience and knowledge of working on a transaction of comparable novelty, complexity and importance

(experience of bringing a new class of asset to market would be particularly useful), ability to lead all of the legal aspects of the transaction from preparation to completion, a strong cross-practice team with top level capabilities in general corporate/M&A, DCM and securitisation, with proven capabilities in the UK, EU and US (Reg S and S. 144A), experience of working with HMG and in managing projects involving multiple delivery partners; and ability to lead the legal aspects of a dual-track process to progress both the sale and securitisation options.

**II.1.6. CPV code(s)**

79100000 Legal 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**

The Authority, on behalf of the Client, The Department of Business Innovation and Skills ("BIS") is inviting proposals for the provision of Legal advice to BIS on a proposed monetisation (the "Proposed Monetisation") of the Student Loan Company's ("SLC") "Income Contingent Repayment" Student loans portfolio. At the end of the 2012/13 financial year, the face value of the Pre-Browne ICR Loan Portfolio was approximately GBP 45 billion. Following write-offs and other deductions, the approximate carrying value of the Pre-Browne ICR Loan Portfolio in the BIS accounts is approximately GBP 30 billion. The precise structure of the

Proposed Monetisation is still being considered. However, it is envisaged that the Proposed Monetisation will be effected by way of the loan sale to the private sector or a securitisation process. The successful bidder will be expected to demonstrate proven capacity to handle a complex, cross-Government assignment of this kind and show strength in-depth in the following areas: experience and knowledge of working on a transaction of comparable novelty, complexity and importance (experience of bringing a new class of asset to market would be particularly useful), ability to lead all of the legal aspects of the transaction from preparation to completion, a strong cross-practice team with top level capabilities in general corporate/M&A, DCM and securitisation, with proven capabilities in the UK, EU and US (Reg S and S. 144A), experience of working with HMG and in managing projects involving multiple delivery partners; and ability to lead the legal aspects of a dual-track process to progress both the sale and securitisation options.

Estimated value excluding VAT:

Range: between 500 000 and 100 000 GBP

## **II.2.2. Information about options**

Options: no

## **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: 12 (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**

See Invitation to Tender documents.

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

The bid is to be priced in sterling. The payment schedule will be notified in the contract documents.

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

joint and severable liability required

#### **III.1.4. Contract performance conditions**

The performance of the contract is subject to particular conditions: yes

Description of particular conditions: The government has set out the need for greater transparency across its operations to enable the public to hold public bodies and politicians to account. This includes commitments relating to public expenditure, intended to help achieve better value for money.

As part of the transparency agenda, government has made the following commitments with regard to procurement and contracting:

All new central government ICT contracts over the value of GBP 10 000 to be published on a single website from September 2010, with this information to be made available to the public free of charge.

New items of central government spending over GBP 25 000 to be published online from

November 2010. All new central government contracts to be published in full from January 2011.

Suppliers and those organisations looking to bid for public sector contracts should be aware that if they are awarded a new government contract, the resulting contract between the supplier and the government will be published. In some circumstances, limited redactions will be made to some contracts before they are published in order to comply with existing law and for the protection of national security. Service Providers must clearly demonstrate recent successful experience in similar projects and environments. Potential suppliers will be excluded if one of the following applies: the supplier is in a state of bankruptcy, insolvency, compulsory winding up, administration, receivership, composition with creditors or any analogous state, or subject to relevant proceedings, has been convicted of a criminal offence related to the business of professional misconduct, has fulfilled obligations relating to the payment of taxes, is guilty of serious misrepresentation in supplying information.

### **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: To be detailed in the request for Invitation to Tender. Participating suppliers are also expected to have in place necessary insurances. Expressions of interest must include the return of a satisfactory RFI which will be supplied. This is a voluntary notice and in carrying out this competitive process the UK SBS Ltd is not obliged to follow the detailed rules and procedures set out in directive 2004/18/EC. This notice is to alert interested suppliers of the start of a competitive process and does not mark the start of a regulated procedure.

#### **III.2.2. Economic and financial ability**

List and brief description of conditions: Please see tender documentation.

#### **III.2.3. Technical and professional ability**

List and brief description of conditions:  
See tender documents.

#### **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: Legal services.

#### **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: no

## **Section IV: Procedure**

---

### **IV.1. Type of procedure**

#### **IV.1.1. Type of procedure**

Open

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

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

Recourse to staged procedure to gradually reduce the number of solutions to be discussed or tenders to be negotiated no

**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**

PS130142

**IV.3.2. Previous publication concerning this procedure**

no

**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: 23.8.2013 - 12:00  
Payable documents: no

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

26.8.2013 - 12:00

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

26.7.2013

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

Any EU official language  
Other: English

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

**IV.3.8. Conditions for opening of tenders**

Persons authorised to be present at the opening of tenders: no

**Section VI: Complementary information**

---

**VI.1. Information about recurrence**

This is a recurrent procurement: no

**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**

**VI.4. Procedures for review**

**VI.4.1. Review body****VI.4.2. Review procedure**

Precise information on deadline(s) for review procedures: The Contracting Authority will notify suppliers unsuccessful at invitation to tender stage why they were unsuccessful. Such additional information should be requested from the address in section I.1. The Public Contracts (Amendment) Regulations 2009 also clarify that a letter received from an unsuccessful bidder is not in itself enough to extend the legal standstill period and prevent the authority signing the contract. To do so a bidder must actually go to court, issue proceedings, and serve them. If an appeal regarding the award of the contract has not been successfully resolved, the Public Contracts Regulations 2006 (SI 2006 No 5) as amended by the Public Contracts (Amendment) Regulations 2009, provide for aggrieved parties who have been harmed or are at risk of harm by breach of the rules to take action in the high court (England, Wales and Northern Ireland). The new Limitation period will apply specifically where a bidder brings an "ineffectiveness" claim. There is a six month long stop period that will be shortened to 30 days where the authority has published an award notice, or where they have notified the losing bidders of their exclusion and given proper reasons.

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

Country: United Kingdom

**VI.5. Date of dispatch of this notice**

26.7.2013