

Ireland-Dublin: Legal services

OJ S 190/2013 01/10/2013

Contract notice

Services

Directive 2004/18/EC

Section I: Contracting authority

I.1. Name and addresses

Official name: Tourism Ireland

Postal address: 5th Floor - Bishop's Square, Redmond's Hill

Town: Dublin

Postal code: 2

Country: Ireland

For the attention of: Hannah Hughes

E-mail: hhughes@tourismireland.com

Telephone: +353 14763474

Fax: +353 14763642

Internet address(es):

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

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: tourism marketing

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 Services - Establishment of 5 Single-Party Framework Agreements.

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: Ireland.

NUTS code IE Éire / Ireland

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 a single operator

Duration of the framework agreement

Duration in years: 5

In the case of framework agreements, provide justification for any duration exceeding 4 years:
Non-Priority Services (Annex IIB)

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

Tourism Ireland requires legal services in respect of the full range of its core and non-core services. Tourism Ireland wishes to establish five single party framework agreements for legal services, its requirements in this regard have been divided into a number of lots as follows:

Lot 1 - General Operations [Freedom of Information , ICT – Licensing /Intellectual property /trade marks / copyright, Data Protection, Media / advertising / promotion, Web presence, General legal drafting];

Lot 2 - Properties & Securities [Property – provenance, leases, deeds, licences, CPO's, Disability Acts, Security and recoupment of monies in cases of non- payment of invoices (debt recovery)]

Lot 3 - Employment [Contracts of employment/ contracts for services; Employer Liability Employment Practices Disciplinary and grievance procedures, dignity in the workplace; Acquired Rights/transfer of undertakings; Pensions; Human Resource due diligence including terms and conditions of employment]

Lot 4 - Procurement [Procurement Law; Suitability/Award criteria and potential legal challenges to the award of contracts]

Lot 5 - Specialist Information [High Level/Strategic or reputational issues which may require responses within a very short timescale e.g. due diligence, governance, policy or structural issues; Public, administrative and corporate law; Governance; Dispute resolution]

This tender is only in respect of legal services in the Republic of Ireland and matters dealt with under Irish law.

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: 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: no

II.2. Scope of the procurement

II.2.1. Total quantity or scope

Establishment of 5 Single-Party Framework Agreements, each lasting up to a maximum of 5 years; subject to satisfactory performance, budget and other factors.

Candidates must be eligible to provide legal services in Ireland under the terms of the Solicitors Act 1954 (as amended) and relevant EU law.

This tender is only in respect of legal services in the Republic of Ireland and matters dealt with under Irish law. Legal services in respect of other jurisdictions will be tendered for if and when such services are required.

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: General Operations

1) Short description

This lot comprises the provision of legal advice on contracts, protection of rights, disclaimers and other legal matters relating to:

- Freedom of Information – as set out in the Code of Practice for North South Implementation Bodies and Tourism Ireland;
- Commercial Contracts;
- ICT – Licensing /Intellectual property /trade marks / copyright;
- Data Protection;
- Media / advertising / promotion;
- Web presence;
- General legal drafting.

It also includes litigation and representation within this lot.

2) CPV code(s)

79100000 Legal services

3) Quantity or scope

4) Indication about different time frame or duration

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

5) Additional information about lots

Lot No: 2

Lot title: Property & Securities

1) Short description

This lot comprises the provision of legal advice and services relating to:

- Property – provenance, leases, deeds, licences, CPO's, Disability Acts;
- Security and recoument of monies in cases of non-payment of invoices (debt recovery).

It also includes litigation and representation within this lot.

2) CPV code(s)

79100000 Legal services

3) Quantity or scope

4) Indication about different time frame or duration

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

5) Additional information about lots

Lot No: 3

Lot title: Employment

1)

Short description

his lot comprises the provision of legal advice and services relating to:

- Contracts of employment/ contracts for services;
 - Employer Liability Employment Practices;
 - Disciplinary and grievance procedures, dignity in the workplace;
 - Acquired Rights/transfer of undertakings;
 - Pensions;
 - Human Resource due diligence including terms and conditions of employment.
- It also includes litigation and representation within this lot.

2) CPV code(s)

79100000 Legal services

3) Quantity or scope**4) Indication about different time frame or duration**

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

5) Additional information about lots

Lot No: 4

Lot title: Procurement

1) Short description

This lot comprises the provision of legal advice and services relating to:

- Procurement Law;
 - Suitability/Award criteria and potential legal challenges to the award of contracts.
- It also includes litigation and representation within this lot.

2) CPV code(s)

79100000 Legal services

3) Quantity or scope**4) Indication about different time frame or duration**

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

5) Additional information about lots

Lot No: 5

Lot title: Specialist Information

1) Short description

High Level/Strategic or reputational issues which may require responses within a very short timescale e.g. due diligence, governance, policy or structural issues;

- Public, administrative and corporate law;
- Governance;
- Dispute resolution.

It also includes litigation and representation within this lot.

2) CPV code(s)

79100000 Legal services

3) Quantity or scope**4) Indication about different time frame or duration**

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

5) Additional information about lots

Section III: Legal, economic, financial and technical information

III.1. Conditions related to the contract

III.1.1. Deposits and guarantees required

Please refer to the documentation available for downloading.

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

Please refer to the documentation available for downloading.

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

Candidates for qualification may include individuals, partnerships, limited companies, groupings or any combination of the foregoing with or without legal personality. However, a grouping if successful will be required to establish legal personality in order to enter the framework agreement or deliver any contract. Candidates are reminded that they may rely on the resources of other entities in order to establish the suitability requirements, on condition that they can prove to the satisfaction of the contracting authority that they will have these resources at their disposal when necessary. If the application is from a consortium / joint venture Candidates are required to provide the information requested below separately for each party. The consortium must appoint a single supplier who will assume overall responsibility for delivery, and who is authorised to sign a contract on behalf of all consortia members. The contracting authority will not act as an arbitrator between members of project consortia.

III.1.4. Contract performance conditions

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

Description of particular conditions: Candidates must be eligible to provide legal services in Ireland under the terms of the Solicitors Act 1954 (as amended) and relevant EU law.

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: Please refer to the documentation available for downloading.

III.2.2. Economic and financial ability

List and brief description of conditions: Candidates must provide objective evidence from an appropriate source confirming that their turnover during each of the previous 3 financial years for Lot 1, 2, 3, 4 and 5 was at least EUR 250 000.

NOTE #1: in the case of the candidate being a grouping, this condition may be satisfied by the group members as a whole.

NOTE #2: In the case of partnerships, please complete the self- declaration from and have it signed by a senior partner/director of the applicant confirming the turnover.

Minimum level(s) of standards possibly required: Please refer to the documentation available for downloading.

III.2.3. Technical and professional ability

List and brief description of conditions:

Please refer to the documentation available for downloading.

Minimum level(s) of standards possibly required:

Please refer to the documentation available for downloading.

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: Candidates must be eligible to provide legal services in Ireland under the terms of the Solicitors Act 1954 (as amended) and relevant EU law.

This tender is only in respect of legal services in the Republic of Ireland and matters dealt with under Irish law.

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

Negotiated

Some candidates have already been selected (if appropriate under certain types of negotiated procedures) no

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

Envisaged number of candidates: 5

Objective criteria for choosing the limited number of candidates: The information requested in the Questionnaire is aimed solely at determining the degree to which Candidates meet the financial, economic and technical competency requirements and whether they achieve the scores needed for entry to the tender stage of the competition.

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 yes

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

CS/LS/2013

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

29.10.2013 - 15:00

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

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: 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

To receive more information about this tender, including any amendments and/or clarifications and to request any clarifications and/or to respond to this tender, you must register your interest to this tender on the following site: https://irl.eu-supply.com/app/rfq/rwlenrance_s.asp?PID=69314&B=ETENDERS_SIMPLE

This notice is being published on a voluntary basis in the OJEU as the framework agreement is for a service which is a non-priority service (Annex IIB) and therefore not subject to the full rigours of the public procurement directive (2004/18/EC).

Interested parties must register their interest on the eTenders website (www.etenders.gov.ie) in order to be included on the mailing list for clarifications. All information relating to attachments, including clarifications and changes, will be published on the Irish Government Procurement Opportunities Portal (www.etenders.gov.ie) only. Tourism Ireland will not accept responsibility for information relayed (or not relayed) via third parties. Candidates must be eligible to provide legal services in Ireland under the terms of the Solicitors Act 1954 (as amended) and relevant EU law.

This tender is only in respect of legal services in the Republic of Ireland and matters dealt with under Irish law. Legal services in respect of other jurisdictions will be tendered for if and when such services are required.

Northern Ireland and Great Britain will be tendered separately.

Tourism Ireland will not be responsible for any costs, charges or expenses incurred by candidates or tenderers.

Establishment of any of the 5 Frameworks will be subject to the approval of competent authorities.

It will be a condition of establishment that tenderers and all sub-contractors produce a valid Tax Clearance Certificate from the Irish Revenue Commissioners as part of their application for admission to the framework.

If for any reason it is not possible to admit to the framework agreement the tenderers invited following the conclusion of this competitive process, Tourism Ireland reserves the right to invite the next highest scoring tenderer to join the framework agreement as appropriate. If, following the conclusion of the competitive process, it is not possible to award the initial contract to the designated successful tenderer; or if having awarded the initial contract Tourism Ireland considers that the successful tenderer has not met its obligations; Tourism Ireland reserves the right to award the initial contract to the framework member with the next highest score on the basis of the original competition and as tendered by that party. This shall be without prejudice to the right of Tourism Ireland to cancel this competitive process and/or initiate a new contract award procedure at its sole discretion.

At its absolute discretion, Tourism Ireland may elect to terminate this procurement process, the framework agreement and any contract awarded under the framework at any time.

Without prejudice to the principle of equal treatment, the contracting authority is not obliged to engage in a clarification process in respect of questionnaires with missing or incomplete information. Therefore candidates are advised to ensure that they return fully completed questionnaires in order to avoid the risk of elimination from the competition.

Please note that Tourism Ireland does not guarantee that the services will be carried out during the lifetime of the Framework Agreement.

One signed original plus two additional hard copies and one soft copy on USB Stick must be delivered by in a sealed envelope/package to the delivery address by the deadline stated in this Contract Notice.

Tourism Ireland cannot accept responsibility for applications that are lost or damaged in the post.

Late applications will not be accepted. Applications by fax or by email will not be accepted.

Tourism Ireland will not be responsible for costs, charges or expenses incurred by participants, whether or not a final contract is awarded.

Tourism Ireland is subject to the provisions of the Code of Practice on Freedom of Information for North South Implementation Bodies and Tourism Ireland.

Award of this contract will be subject to the winning Tenderer's compliance with the Fair Employment and Treatment (Northern Ireland) Order 1998 [if based in NI]

The contract will be subject to Irish law.

Tourism Ireland reserves the right without advance notice (and without giving reasons unless so required by law and without liability to the applicants) to amend or otherwise change the process or to terminate the process. This notice does not represent a commitment to enter into any contract(s).

VI.4. Procedures for review

VI.4.1. Review body

VI.4.2. Review procedure

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

VI.5. Date of dispatch of this notice

27.9.2013