

UK-Sheffield: legal services
OJ S 201/2012 18/10/2012
Contract notice
Services

Directive 2004/18/EC

Section I: Contracting authority

I.1. Name and addresses

Official name: NHS Commercial Procurement Collaborative (NHS CPC) (hosted by and acting through Leeds and York Partnership NHS Foundation Trust)

Postal address: Don Valley House, Savile Street East

Town: Sheffield

Postal code: S4 7UQ

Country: United Kingdom

E-mail: help@bravosolution.co.uk

Telephone: +44 8003684850

Internet address(es):

General address of the contracting authority: <https://yhpcp.bravosolution.co.uk/web/login.shtml>

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

Regional or local agency/office

I.3. Main activity

Health

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

Legal Services.

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

Services

Service category No 21: Legal services

NUTS code UK United Kingdom

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
: 8

Duration of the framework agreement

Duration in months: 24

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

Estimated value excluding VAT:

Range: between 5 000 000 and 50 000 000 GBP

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

This framework agreement is for the provision of Legal Services.

These Legal Services shall include (but not be limited to) the following: NHS Governance & Public Law, Primary Care Services Law, Healthcare Law, Mental Health Law, Employment Law, Contract & Commercial Law.

Property Law, Corporate Finance & PFI / PPP Projects, plus any other areas of law.

This framework agreement is to be available to NHS CPC member organisations as listed at: <http://www.yhcpc.nhs.uk/node/208> and as identified in this notice.

The resulting framework agreement is also to be available to any additional new NHS CPC members for the duration of the contract, plus any other NHS organisations, or other public sector organisations, located across UK, subject to the approval of NHS CPC. Such organisations shall include but not be limited to: Acute Trusts, Foundation Trusts, Ambulance Trusts, Primary Care Trusts, Care Trusts, NHS Hospital Trusts, Foundation Trusts, Strategic Health Authorities, Health Boards and other health organisations (Wales and Scotland), Health and Social Care Trusts (Northern Ireland), Mental Health Trusts, Special Health Authorities, Community Health Councils, Local Health Boards, Social Enterprises, NHS Collaborative Procurement Hubs/Organisations, GP Practices, Primary Care Commissioners, Department of Health, Public Health England and Local Authorities (where Local Authorities are engaged in the provision or commissioning of health related services, for example (but not limited to) the fields of healthcare, social care, early years care and public health).

The above organisations have a requirement for a range of legal services.

II.1.6. CPV code(s)

79100000 Legal services, 79111000 Legal advisory services, 79132000 Certification services, 79100000 Legal services, 79110000 Legal advisory and representation services, 79112000 Legal representation services, 79112100 Stakeholders representation services, 79131000 Documentation services, 79121000 Copyright consultancy services, 79120000 Patent and copyright consultancy services, 79140000 Legal advisory and information services

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

II.1.8. Lots

This contract is divided into lots: no

II.1.9. Information about variants

II.2. Scope of the procurement

II.2.1. Total quantity or scope

This framework agreement is to provide Legal Services, including, but not limited to the following:

NHS Governance and Public Law, Primary Care Services, Healthcare Law, Mental Health

Law, Employment Law, Contract and Commercial Law, Property Law, Corporate Finance and PFI/PPP plus any other areas of law.

Estimated value excluding VAT:

Range: between 5 000 000 and 50 000 000 GBP

II.2.2. Information about options

Options: yes

Description of options: This framework agreement is for an initial 2 year period (24 months), with options to extend by two further periods of 12 months (2 x 12 months). Therefore, the maximum duration of the agreement (including 2 x 12 month extension options) is 4 years (48 months).

II.2.3. Information about renewals

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

Duration in months: 24 (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

Participants will be advised if this is necessary during the procurement. Parent company and /or other guarantees of performance and financial liability may be required by the Contracting Authority if considered appropriate.

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

III.1.4. Contract performance conditions

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

Description of particular conditions: Any other condition as specified in the invitation to tender documentation.

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: Information and formalities necessary for evaluating if the requirements are met: Participants will be assessed in accordance with Part 4 of the Public Contracts Regulations 2006, as amended (implementing Title II, Chapter V11, Section 2 of Directive 2004/18/EC), on the basis of information provided in response to a pre-qualification questionnaire ("PQQ").

Please see PQQ document accessed as per instruction in VI.3.

Candidates may be rejected who do not respond in accordance with the format and instructions of this requirement. Prior to entering your general information & expressing an Interest in this requirement candidates are requested to provide their profile in Sid4health. NHS CPC utilizes the NHS Supplier.

Information Database (sid4health) to manage & assess general pre-qualification info in the form of a profile. To register your profile on Sid4health you must:

i) obtain a Dun & Bradstreet (D&B) DUNS(R) Number to enable registration on sid4health. Normally its provided within 48 hours but may take up to 5 days. The DUNS(R) No. is the standard supplier coding for the NHS & must be obtained for trading with the NHS. Check if your company has a DUNS(R) No on the Sid4health registration page.

ii) go to www.sid4health.nhs.uk and select Register Supplier Organisation & enter the first part or the whole of your organisation name or DUNS number. Click on Search, follow instructions to complete the registration or select an existing registration to create a new user account. (Candidates must publish at least one validated profile to make their profile available for buyers to view generally - see Help page on Sid4health within Profile Management for details).

iii) ensure all mandatory fields of their Sid4health profile are completed. D&B data will be supplied automatically by D&B.

iv) Where access to Sid4health is unavailable, contact the sid4health Helpdesk: helpsid4health@eurodyn.com

Once your sid4health profile has been completed & validated progress to express interest in this tender as per section VI.3) Please ensure YOU keep your profile updated within Sid4health regularly.

III.2.2. Economic and financial ability

List and brief description of conditions: Information and formalities necessary for evaluating if the requirements are met: Participants will be assessed in accordance with Part 4 of the Public Contracts Regulations 2006, as amended (implementing Title II, Chapter V11, Section 2 of Directive 2004/18/EC), on the basis of information provided in response to a pre-qualification questionnaire ("PQQ").

Please see PQQ document accessed as per instruction in VI.3.

III.2.3. Technical and professional ability

List and brief description of conditions:

Information and formalities necessary for evaluating if the requirements are met: Participants will be assessed in accordance with Part 4 of the Public Contracts Regulations 2006, as amended (implementing Title II, Chapter V11, Section 2 of Directive 2004/18/EC), on the basis of information provided in response to a PQQ.

Please see PQQ document accessed as per instruction in 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: Legal profession.

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

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 8: and Maximum number 12

Objective criteria for choosing the limited number of candidates: A separate PQQ document will be required to be completed as part of the process to receive expressions of interest and to select suppliers to be invited to tender. This document can be found on the Bravo eTendering system. Please see PQQ document accessed as per instruction in VI.3. The information necessary for evaluating and selecting those suppliers to be invited to tender are detailed in the PQQ document. This information will be used to limit the number of economic operators selected and invited to tender.

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

Project 973 (CRE 00107) and PQQ number 873

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: 16.11.2012 - 12:00

Payable documents: no

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

16.11.2012 - 12:00

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

NHS CPC intends to use an eTendering system in this procurement exercise.

Instructions How to Express Interest in this Tender:

1. Register your company on the eSourcing portal (this is only required once) - Browse to the eSourcing Portal: <https://yhpcp.bravosolution.co.uk> and click the link to register - Accept the terms and conditions and click 'continue' - Enter your correct business and user details - Note the username you chose and click 'Save' when complete - You will shortly receive an email with your unique password (please keep this secure). Once registered, please follow the steps to import your sid4health profile, the instructions to do so are in the 'Supplier Import guide' once logged in. You will then be able to express interest in the tender exercise that is of interest to you.

2. Express an Interest in the tender - Login to the portal with the username/password - Click the 'PQQs / ITTs Open To All Suppliers' link. (These are Pre-Qualification Questionnaires or Invitations to Tender open to any registered supplier) - Click on the relevant PQQ/ ITT to access the content. - Click the 'Express Interest' button at the top of the page. - This will move the PQQ /ITT into your 'My PQQs/ My ITTs' page. (This is a secure area reserved for your projects only) -You can now access any attachments by clicking. 'Buyer Attachments' in the 'PQQ/ ITT Details' box.

3. Responding to the tender - Click 'My Response' under 'PQQ/ ITT Details', you can choose to 'Create Response' or to 'Decline to Respond' (please give a reason if declining) - You can now use the 'Messages' function to communicate with the buyer and seek any clarification - Note the deadline for completion, then follow the onscreen instructions to complete the PQQ/ ITT - There may be a mixture of online and offline actions for you to perform (there is detailed online help available) You must then submit your reply using the 'Submit Response' button at the top of the page. If you require any further assistance please consult the online help or contact the eTendering help desk.

This framework agreement is to be available to NHS CPC member organisations as listed at: <http://www.yhpcp.nhs.uk/node/208> and as identified in this notice. For the avoidance of doubt NHS CPC member organisations include the following: Barnsley Hospital NHS Foundation Trust, Bradford Teaching Hospitals NHS Foundation Trust, Calderdale And Huddersfield NHS Foundation Trust, Chesterfield Royal Hospital NHS Foundation Trust, City Health Care Partnership, Countess Of Chester Hospital NHS Foundation Trust, Derbyshire Community Health Services NHS Trust, Doncaster And Bassetlaw Hospitals NHS Foundation Trust, East Lancashire Hospitals NHS Trust, Harrogate And District NHS Foundation Trust, Heart Of England NHS Foundation Trust, Humber NHS Foundation Trust, Ipswich Hospital NHS Trust, James Paget University Hospitals NHS Foundation Trust, Leeds and York Partnership NHS Foundation Trust, Leeds Community Healthcare NHS Trust, Leeds Teaching Hospitals NHS Trust, Locala Community Partnerships CIC, Mid Yorkshire Hospitals NHS Trust, NHS Bradford And Airedale Teaching PCT, NHS Calderdale PCT, NHS Leeds PCT, NHS North Yorkshire And York PCT, NHS Sheffield PCT, NHS Yorkshire & The Humber Strategic Health Authority, Norfolk And Norwich University Hospitals NHS Foundation Trust, Northern Lincolnshire And Goole Hospitals NHS Foundation Trust, Northumbria Healthcare NHS Foundation Trust, Scarborough And North East Yorkshire Healthcare NHS Trust, Sheffield Children's NHS Foundation Trust, Sheffield Health & Social Care NHS Foundation Trust, Sheffield Teaching Hospitals NHS Foundation Trust, Sherwood Forest Hospitals NHS Foundation Trust, South West Yorkshire Partnership NHS Foundation Trust Southend University Hospital NHS Foundation Trust, The Newcastle upon Tyne Hospitals NHS Foundation Trust, The Queen Elizabeth Hospital King's Lynn NHS Foundation Trust, The Rotherham NHS Foundation Trust, United Lincolnshire Hospitals NHS Trust, York Teaching Hospital NHS Foundation

Trust, Yorkshire Ambulance Service NHS Trust The resulting framework agreement is also to be available to any additional new NHS CPC members for the duration of the contract, plus any other NHS organisations, or other public sector organisations, located across UK, subject to the approval of NHS CPC. Such organisations shall include but not be limited to: Acute Trusts, Foundation Trusts, Ambulance Trusts, Primary Care Trusts, Care Trusts, NHS Hospital Trusts, Foundation Trusts, Strategic Health Authorities, Health Boards and other health organisations (Wales and Scotland), Health and Social Care Trusts (Northern Ireland), Mental Health Trusts, Special Health Authorities, Community Health Councils, Local Health Boards, Social Enterprises, NHS Collaborative Procurement Hubs /Organisations, GP Practices, Primary Care Commissioners, Department of Health, Public Health England and Local Authorities (where Local Authorities are engaged in the provision or commissioning of health related services, for example (but not limited to) the fields of healthcare, social care, early years care and public health).

Full Listings of potential future NHS CPC members are available as follows:

Acute Trusts: <http://www.nhs.uk/ServiceDirectories/Pages/AcuteTrustListing.aspx>.

Primary Care Trusts: <http://www.nhs.uk/servicedirectories/Pages/PrimaryCareTrustListing.aspx>.

Mental Health Trusts: <http://www.nhs.uk/ServiceDirectories/Pages/MentalHealthTrustListing.aspx>.

Ambulance Trusts: <http://www.nhs.uk/ServiceDirectories/Pages/AmbulanceTrustListing.aspx>.

Care Trusts: <http://www.nhs.uk/ServiceDirectories/Pages/CareTrustListing.aspx>.

Strategic Health Authorities: <http://www.nhs.uk/ServiceDirectories/Pages/StrategicHealthAuthorityListing.aspx>.

Special Health Authorities: <http://www.nhs.uk/ServiceDirectories/Pages/SpecialHealthAuthorityListing.aspx> other English NHS bodies: <http://www.nhs.uk/servicedirectories/Pages/ServiceSearch.aspx>.

Arms Length Bodies: <http://www.dh.gov.uk/en/Aboutus/OrganisationsthatworkwithDH/Armslengthbodies/Categorisationofarmslengthbodies/index.htm>.

The NHS Commissioning Board and other organisations involved in commissioning or overseeing General Practitioner services and GP consortia which will be responsible for commissioning most aspects of NHS care (or equivalent body/bodies established pursuant to legislation enacted as a result of, or in connection with, the White Paper, Equity and Excellence: Liberating the NHS published July 2010.

GP Practices: <http://www.nhs.uk/servicedirectories/Pages/ServiceSearch.aspx>, and: <http://www.general-practitioners-uk.co.uk/> and any other provider of primary medical services:

a) who are a party to any of the following contracts:

- General Medical Services (GMS),
- Personal Medical Services (PMS),
- Alternative Provider Medical Services (APMS) and/or.

b) Commissioned by the NHS Commissioning Board or other organisations involved in commissioning or overseeing General Practitioner services, as described above.

Social Enterprises: http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/@dh/@en/documents/digitalasset/dh_119228.pdf.

Local Authorities: http://www.direct.gov.uk/en/DI1/Directories/Localcouncils/AToZOfLocalCouncils/DG_AZ_.

NHS Wales (National Health Service for Wales) including but not limited to: Welsh Health Boards, Primary care services - GPs, pharmacies, dentists and optometrists, Hospital services, and community services, including those provided through community health

centres and mental health services: <http://www.nhsdirect.wales.nhs.uk/localservices/localhealthboards/>.

NHS Scotland (National Health Service for Scotland) including but not limited to: NHS Boards, Hospitals, Primary care Services GPs, pharmacies, dentists and optometrists, Hospital services, and community services, including those provided through community health centres and mental health services: <http://www.show.scot.nhs.uk/organisations/index.aspx>.

NHS Northern Ireland (National Health Service for Northern Ireland) including but not limited to: Health and Social Care Trusts, Primary care Services GPs, pharmacies, dentists and optometrists, Hospital services, social care services and community services, including those provided through community health centres and mental health services: <http://www.n-i.nhs.uk/>.

This Notice is an advertisement for a Part B service. Therefore only Regulation 5 of part 1 of the Public Contracts Regulations 2006 applies. Neither publication of this Notice nor the use of terms such as Restricted Procedure nor any other indication shall be taken to mean that the contracting authority intends to hold itself bound by any of the Regulations except those applicable to Part B services in accordance with regulation 5 of part 1 of the Public Contracts Regulations 2006.

NHS CPC reserves the right not to award a framework agreement, furthermore, the NHS CPC is not liable for any costs incurred by bidders participating in this procurement process.

VI.4. Procedures for review

VI.4.1. Review body

VI.4.2. Review procedure

Precise information on deadline(s) for review procedures: NHS CPC will incorporate a minimum 10 calendar day standstill period at the point information on the award of contract is communicated to tenderers, in accordance with Regulation 32 of the Public Contracts Regulations 2006. Any tenderer wishing to appeal the decision to award the contract, or after the award of the contract appeal the award of the contract, shall have the rights set out in Part 9 of the Public Contracts Regulations 2006.

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

VI.5. Date of dispatch of this notice

15.10.2012