

# North Lanarkshire Council

## Report

### Policy and Strategy Committee

approval  noting

Ref AA/FE

Date 01/10/20

### Contract Award for External Legal Advisors for Enterprise and Strategic Partnership

**From** Archie Aitken, Head of Legal and Democratic Solutions

**Email** ekinlif@northlan.gov.uk

**Telephone** 07940461657

#### Executive Summary

Committee is asked to note the actions of the Executive Director of Enterprise and Communities to approve the award of a call-off contract for external specialist legal advice and support in relation to the Enterprise and Strategic Partnership ("ESCP"), to Pinsent Masons LLP (the 'Contract').

The Contract supports the ongoing work associated with the ESCP, and includes provision for specialist legal advice at various stages of the ESCP.

The contract award follows the completion of a contract award procedure, where the tender recommended for award has been evaluated as providing the most economically advantageous tender in terms of cost and quality for the Council.

#### Recommendations

Committee is asked to note the actions of the Executive Director of Enterprise and Communities to approve the award of a call-off contract for external specialist legal advice and support in relation to the ESCP, to Pinsent Masons LLP.

#### The Plan for North Lanarkshire

Priority Improve North Lanarkshire's resource base

Ambition statement (21) Continue to identify and access opportunities to leverage additional resources to support our ambitions

#### 1. Background

- 1.1 At the Policy and Strategy Committee on 19 March 2020 approval was granted to enter into the next phase of the ESCP project: Procurement of the Preferred Model. Part of this phase includes the on boarding of specialist legal advice and support to the project.

- 1.2 In order to expedite this process the Executive Director of Enterprise and Communities, under their delegated authority provision, has approved the award of the contract out-with the committee cycle.
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## **2. Report**

- 2.1 A user intelligence group (the 'UIG') of technical and procurement representatives was formed to review technical specifications, discuss trading processes, market conditions and trends, ways to maximise community benefits and sustainability and to agree the procurement strategy that would deliver maximum benefit for the Council.
- 2.2 The value of the Contract dictated that the contract award procedure be undertaken in accordance with the Public Contracts (Scotland) Regulations 2015. The contract opportunity was administered utilising the Public Contracts Scotland quick quote functionality as a means for inviting competition via the Crown Commercial Service Wider Public Sector Legal Services – RM3788 Lot 2b.
- 2.3 Based on the criteria and scoring methodology set out in the procurement documents, an evaluation of the tender responses was completed by members of the UIG.
- 2.4 The contract award recommendation is made on the basis of the most economically advantageous tender.
- 2.5 The Tender submitted by Pinsent Masons LLP has been evaluated as representing the most economically advantageous tender.
- 2.6 Appendix 1 confirms the scoring achieved by each Tenderer, further details of the contract award procedure is provided in Appendix 2.
- 2.7 Officers from the Chief Executive's Office will be responsible for managing the Contract which will be undertaken in accordance with the Councils agreed approach to Contract and Supplier Management.
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## **3. Equality and Diversity**

### **3.1 Fairer Scotland Duty**

The report is not about a key strategic decision and not subject to the Fairer Scotland Duty.

### **3.2 Equality Impact Assessment**

An Equality Impact Assessment is not required.

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## **4. Implications**

#### 4.1 **Financial Impact**

The Contract has been set with appropriate control mechanisms in place to ensure the council has flexibility to manage the scope, cost and duration of the Contract.

The maximum value of the contract could be up to £1.5million, however each activity and its cost will be approved and monitored by the Project Lead.

The costs associated with contract delivery will be contained within existing budgets across services

#### 4.2 **HR/Policy/Legislative Impact**

The tender recommended for contract award gives a commitment to delivering community benefits including work experiences placements, business advice/support including group and 1-2-1 sessions and attendance for students at industry conferences. The tender makes a commitment to payment of the Scottish Living Wage.

The contract award procedure excludes any Tenderer where a complaint has been upheld after investigation by the Equality and Human Rights commission or its predecessors and a failure by the tenderer to take remedial action.

#### 4.3 **Environmental Impact**

There is no environmental impact arising from this report.

#### 4.4 **Risk Impact**

The Contract will be closely monitored as part of the risk management framework for the development of the ESCP. Given the scale and complexity of this exercise, the overall risk rating for the project has been identified as high, and will be managed accordingly.

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### 5. **Measures of success**

The Contract will deliver the following outcomes;

- 5.1 the provision of external specialist legal advice and support to deliver an innovative and high quality service;
- 5.2 the contract award procedure is compliant with the procurement legislation and internal procedures;
- 5.3 that best value is both demonstrable and achieved;
- 5.4 that the Contract secures a range of community benefits;
- 5.5 that the Contract supports payment of the Scottish Living Wage to staff employed in the delivery of the Contract; and

5.6 that the Contract performance is proactively managed against a number of Key Performance Indicators.

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## 6. Supporting documents

**The plan for North Lanarkshire** Improve economic opportunities and outcomes, and to improve North Lanarkshire's resource base

**Appendix 1** Summary of Evaluation Process

**Appendix 2** Summary of Procurement Process

**Appendix 3** SME status and location of all Tenderers

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**Archie Aitken**  
**Head of Legal and Democratic Solutions**

**Appendix 1 – Summary of Evaluation Process**

<b>Tenderer Name</b>	<b>Final Tender Score</b>	<b>Final Rank</b>	<b>Recommended for Contract Award (Yes/No)</b>
Pinsent Masons LLP	78.24%	1	Yes
CMS Cameron McKenna Nabarro Olswang LLP	77.41%	2	No
Shepherd & Wedderburn LLP	70.25%	3	No

## Appendix 2 – Summary of Procurement Process

Contract Title	Legal Services for Enterprise Strategic Commercial Partnership Project
Contract takes effect from	20 July 2020
Total contract period that can be adopted by the Council (months)	24 months
Maximum total contract value including extension option	Up to £1.5m, dependant on whether the council choses to continue with service provision or terminate the contract at key decision points in the project.
Governing UK Regulation	Public Contracts (Scotland) Regulations 2015
Procurement procedure adopted	Mini-competition from Crown Commercial Service Wider Public Sector Legal Services – RM3788 Lot 2b
Interest List – number of organisations that downloaded the procurement documents from the procurement portal	3
Number of Tenders received	3
Number of non-compliant Tenders	0
Number of compliant Tenders	3
Number of recommended Tenderers	1
Basis of contract award	Most Economically Advantageous Tender 70.00% Quality 30.00% Price
Evaluation Team	Staff from Enterprise and Communities, Chief Executive's Office and external advisors.

**Appendix 3 – SME status and location of all Tenderers**

<b>Name of Tenderer</b>	<b>Size of Tendering Organisation (Micro, Small, Medium or Large)</b>	<b>Location (Local Authority / Council Area)</b>
Pinsent Masons LLP	Large	Glasgow
CMS Cameron McKenna Nabarro Olswang LLP	Large	Glasgow
Shepherd & Wedderburn LLP	Large	Edinburgh