



DATE THIS NOTICE: 05/05/10
Reference: CE/100505

CONTRACT NOTICE

The Council of the Isles of Scilly request expressions of interest to tender for Goods, Works or Services, detailed as follows:

1 TITLE OF THE CONTRACT: Legal Services

The Council of the Isles of Scilly is a local authority purchasing solely for the Council of the Isles of Scilly and not for other contracting authorities.

Type of contract and location:

Works

Supplies

Services

Main site or location of works: n/a **Main place of delivery:** as required **Main place of performance:** as required

The notice involves:

A public contract

The establishment of a framework agreement with several operators

The establishment of a framework agreement with one operator

The establishment of a framework agreement with a maximum of two participants to the framework agreement envisaged

Duration of the framework agreement (if applicable): **four** years or months

Estimated total value of purchases for the duration of the framework agreement (if applicable):

Estimated value excluding VAT: 35,000 per annum Currency: GBP

OR Range: between & Currency:

Frequency and value of the contracts to be awarded (if known) :

Description of the contract or purchase(s) The service is required to support the Authority by providing advice and assisting with day to day legal issues of the Authority, property matters, contract work, litigation including court inquiry and tribunal work, employment issues, commercial law, policy issues with legal implications, project work, commercial law, complaints against the Authority. The service also requires reports and Council Committee attendance.

2 QUANTITY OR SCOPE OF THE CONTRACT

2.1 Total quantity or scope (including all lots and options, if applicable) n/a

If applicable, estimated value excluding VAT: Currency:

OR Range: between & Currency:

Options (if applicable): yes no

If yes, description of these options:

The provisional timetable for recourse to these options is months or days from the award of the contract.

Number of possible renewals (if any): or Range between &

In the case of renewable supplies or service contracts the estimated timeframe for subsequent contracts is months *or* days from the award of the contract.

3 DURATION OF THE CONTRACT OR TIME-LIMIT FOR COMPLETION

Duration: approx 48 months *or* days from the award of the contract
OR Starting (dd/mm/yyyy) and Completion on 30/09/2014 (dd/mm/yyyy)

4 LEGAL, ECONOMIC, FINANCIAL AND TECHNICAL INFORMATION

4.1 CONDITIONS RELATING TO THE CONTRACT

4.1.1 **The Deposits and guarantees required** (*if applicable*) are: n/a deposits will be required but where applicable the successful tenderer (or in the case of a consortium bid, each member of the consortium) may be required to provide a parent company guarantee or alternative performance bond.

4.1.2 **Main financing conditions and payment arrangements** and/or reference to the relevant provisions regulating them will be provided in the Invitation to Tender documents.

4.1.3 **Legal form** to be taken by the group of economic operators to whom the contract is to be Awarded will be Joint and several liabilities.

4.1.4 **Other particular conditions** to which the performance of the contract is subject (*if applicable*) are the Terms and Conditions of Contract and Standing Orders and Financial Regulations of Council of the Isles of Scilly. Further conditions are

5 CONDITIONS FOR PARTICIPATION

5.1 Personal situation of economic operators

5.1.1 Information and formalities necessary for evaluating if requirements are met:

Parties will be provided with detailed instructions concerning the information they must provide. This will be contained in the Pre-Qualification Questionnaire. Consideration will only be given to those suppliers who complete and return the Pre-Qualification Questionnaire by the required date. Economic operators subject to any of the following [may/will] not be considered where the said operator:

- a) is bankrupt or is being wound up, where his affairs are being administered by the court, where he has entered into an arrangement with creditors, where he has suspended business activities or is in any analogous situation arising from a similar procedure under national laws and regulations;
- b) is the subject of proceedings for a declaration of bankruptcy, for an order for compulsory winding up or administration by the court or of an arrangement with creditors or of any other similar proceedings under national laws and regulations;
- c) has been convicted by a final judgment in accordance with the legal provisions of the country of any offence concerning his professional conduct;
- d) has been guilty of grave professional misconduct proven by any means which the contracting authorities can demonstrate;
- e) has not fulfilled obligations relating to the payment of social security contributions in accordance with the legal provisions of the country in which he is established or with those of the country of the contracting authority;
- f) has not fulfilled obligations relating to the payment of taxes in accordance with the legal provisions of the country in which he is established or with those of the country of the contracting authority;
- g) is guilty of serious misrepresentation in supplying the information required under this section or has not supplied such information;

- h) has been the subject of a conviction for participation in a criminal organisation, as defined in Article 2(1) of Council Joint Action 98/733/JHA;
- i) has been the subject of a conviction for corruption, as defined in Article 3 of the Council Act of 26 June 1972 and Article 3(1) of Council Joint Action 98/742/JHA3 respectively;
- j) has been the subject of a conviction for fraud within the meaning of Article 1 of the Convention relating to the protection of the financial interests of the European Communities;
- k) has been the subject of a conviction for money laundering, as defined in Article 1 of Council Directive 91/308/EEC of 10 June 1991 on prevention of the use of the financial system for the purpose of money laundering.

5.1.2 **Economic and financial capacity**

Information and formalities necessary for evaluating if requirements are met may include, but shall not be limited to

- a) appropriate statements from banks or, where appropriate, evidence of relevant professional risk indemnity insurance;
- b) the presentation of balance sheets or extracts from the balance sheets, where publication of the balance sheet is required under the law of the country in which the economic operator is established;
- c) a statement of the undertaking's overall turnover and, where appropriate, of turnover in the area covered by the contract for a maximum of the last three financial years available, depending on the date on which the undertaking was set up or the economic operator started trading, as far as the information on these turnovers is available.
- d) the criteria listed in III.2.1; and
- e) any other information or documents referred to in any Pre-Qualification Questionnaire.

5.1.3 **Technical capacity**

Information and formalities necessary for evaluating if requirements are met may include, but shall not be limited to

- a) a list of the principal deliveries effected or the main services provided in the past three years, with the sums, dates and recipients, whether public or private, involved. Evidence of delivery and services provided shall be given:
 - where the recipient was a contracting authority, in the form of certificates issued or countersigned by the competent authority,
 - where the recipient was a private purchaser, by the purchaser's certification or, failing this, simply by a declaration by the economic operator;
- b) a description of the technical facilities and measures used by the supplier or service provider for ensuring quality and the undertaking's study and research facilities;
- c) where the products or services to be supplied are complex or, exceptionally, are required for a special purpose, a check carried out by the contracting authorities or on their behalf by a competent official body of the country in which the supplier or service provider is established, subject to that body's agreement, on the production capacities of the supplier or the technical capacity of the service provider and, if necessary, on the means of study and research which are available to it and the quality control measures it will operate;
- d) the educational and professional qualifications of the service provider or contractor and/or those of the undertaking's managerial staff and, in particular, those of the person or persons responsible for providing the services or managing the work;
- e) for public works contracts and public services contracts, and only in appropriate cases, an indication of the environmental management measures that the economic operator will be able to apply when performing the contract;
- f) a statement of the average annual manpower of the service provider or contractor and the number of managerial staff for the last three years;
- g) an indication of the proportion of the contract which the services provider intends possibly to subcontract;
- h) the criteria listed in III.2.1; and
- i) any other information or documents referred to in any Pre-Qualification Questionnaire.

5.1.4 **Reserved contracts** (if applicable)

The contract is not restricted to sheltered workshops

The execution of the contract is not restricted to the framework of sheltered employment programmes

6 CONDITIONS SPECIFIC TO SERVICES CONTRACTS

6.1 **Execution of the service is reserved to a particular profession**

Reference to the relevant law, regulation or administrative provision (*where applicable*):

6.2 **Legal entities should indicate the names and professional qualifications of the staff responsible for the execution of the service**

7 PROCEDURE

7.1 **Type of procedure**

Open

Restricted

Negotiated

Negotiated Candidates have not been selected.

Names and addresses of economic operators already selected under Section 7.1 are

7.2 **Limitations on the number of operators** envisaged being invited to tender or to participate under the restricted or negotiated procedures is a minimum of 4. The objective criteria for choosing the limited number of candidates will be provided with the criteria to be used for choosing the limited number of candidates will be contained in the Pre-Qualification Questionnaire.

8 AWARD CRITERIA

8.1 **Award criteria** will be the *lowest price or the most economically advantageous tender* in terms of:

the criteria stated in the specifications, in the invitation to tender or to negotiate

the criteria stated in the table below

CRITERIA	WEIGHTING
Meeting the specification	35%
Quality and experience of staff proposed for project	25%
Partnership working including managing stakeholders	10%
Cost (VfM), taking account of resources and overall fee structure	30%
Total	100%

9 ADMINISTRATIVE INFORMATION

9.1 File reference number (*if applicable*)

9.1.1 There are no previous publication(s) concerning this same contract. Previous publications are:

9.2 **Specifications and additional documents**

9.2.1 **Time limit for receipt of requests** for documents or for accessing documents

Date: 21/05/2010(dd/mm/yyyy) **Time: 1200**(24 hour clock)

- 9.2.2 **Dispatch of invitations to tender** or to participate to selected candidates
Date: 24/05/2010(dd/mm/yyyy) **Time: 1200**(24 hour clock)

10 ADDITIONAL INFORMATION

This is a recurrent project

Further notices (*if applicable*) are estimated to be published on **30/04/2014**(dd/mm/yy)

- 10.1 **This contract** is not related to a project and/or programme financed by EU funding
The related project(s) and/or programme(s):

In evaluating the suitability of organisations it may be necessary to request additional information and for applicants to attend an interview and/or site visit. Organisations must be able to demonstrate through any Pre-Qualification Questionnaire that they possess the necessary skills, knowledge and experience to undertake this service.

11 CONTACT DETAILS

COUNCIL OF THE ISLES OF SCILLY
Town Hall
St Mary's
Isles of Scilly
TR21 0LW
United Kingdom

Telephone: 01720 424024
For the attention of: Rhona Holland

Email: rholland@scilly.gov.uk
Fax: 01720 424045
ULR address: www.scilly.gov.uk

- 11.1 **Any further information**, Specifications and additional documents can be obtained at the above contact point.

- 11.2 **Tenders or requests to participate must be sent to:**

The Chief Executive
Address: as above

Telephone: 01720 424024
Email: phygate@scilly.gov.uk
Fax: 01720 424045
ULR address: www.scilly.gov.uk