

## **1. Procurement Approach – Legal Advisor**

### **1.1 Context**

The aim of the project is to develop a Delivery Strategy and Full Business Case for the development of Birmingham Smithfield area including the procurement of Development Partner/Investor. A Legal advisor needs to be engaged to provide supplementary support the project's in-house legal service team.

### **1.2 Outcomes Expected**

- To work with the Delivery Adviser in developing operational model options providing advice on the legal implications to the Council
- Identify appropriate forms of development/investment partner contract/agreement(s) providing advice on the legal implications to the Council
- To assist in drafting development/investment partner contract/agreement(s)
- To assist in executing development/investment partner contract/agreement(s)
- To provide legal advice on Property and Estates matters including Acquisitions and disposals (including relevant tax advice), Compulsory purchases, Leases, licences and conveyancing, Landlord and tenant matters, Site re-developments/property development
- To provide legal advice General Corporate matters including Company law, Joint Ventures, Taxation (including VAT) and Venture capital advice
- To provide legal advice on General Commercial matters including Public Procurement, Contract advice or drafting, PPP/PFIs including project finance, Partnering/ alliance arrangements, Outsourcing/contracting out of services, Competition law, Regulatory law, Public infrastructure regulation including UK/EU regulation applicable to energy, water, transport and telecommunication industries or any other infrastructure industry and Construction and Infrastructure projects

### **1.3 Market Analysis**

There are a large number of suppliers in the market who can provide the services required. To enable a speedy contract award it is recommended that a national framework is used.

### **1.4 Duration and Advertising Route**

The contract will be for a period of 3 years commencing 3 January 2017.

### **1.5 Procurement Route**

The requirement will be mini competed using the Crown Commercial Legal Services Framework.

### **1.6 Mini Competition Stage**

Competition documentation will be issued to all companies on the CCS framework, as detailed below;

- Addleshaw Goddard LLP
- Arthur Cox
- Ashurst
- BEVAN BRITTAN LLP
- Bircham Dyson Bell
- Bond Dickinson
- Browne Jacobson LLP
- BURGESS SALMON LLP
- CAPSTICKS SOLICITORS LLP
- CMS Cameron McKenna
- DENTONS UKMEA LLP
- DLA Piper UK LLP
- Eversheds LLP
- FIELD FISHER WATERHOUSE LLP
- FRESHFIELDS BRUCKHAUS DERINGER LLP
- Gowling WLG (UK) LLP
- Hempsons
- Mills & Reeve LLP
- NABARRO LLP
- PINSENT MASONS
- SIMMONS & SIMMONS LLP
- Slaughter and May
- TLT LLP
- TROWERS & HAMLINS LLP

Responses will be required by 11 November 2016.

#### 1.6.1 Evaluation and Selection Criteria

Tenders will be evaluated using a split of 40% quality, 10% social value and 50% price. The split is in line with the framework criteria and having due regard to the corporate document 'Advice and Guidance on Evaluating Tenders on Quality and Price' which considers the complexity of services to be provided.

#### 1.6.2 Tenders will be evaluated against the specification in accordance with a pre-determined evaluation model as detailed below;

Mandatory Criteria	Weighting	Sub-criteria	Sub-Weighting %
Quality	40%	Management of Programme Experience, Competence & Capacity Customer Care	40% 50% 10%
Social Value	10%	Local Employment Buy Birmingham First Partners in Communities Good Employer Green & Sustainable Ethical Procurement	100%
Value for Money/Price	50%	Price	100%
	100%		100%

### 1.6.3 Overall Evaluation

The evaluation process will result in comparative quality, social value and price scores for each tenderer. The maximum score will be awarded to the tender that demonstrates the highest for quality and the highest score will go to the tenderer whose response is considered to provide the most social value. Similarly the maximum price score will be awarded to the lowest acceptable price. Other tenderers will be scored in proportion to the maximum scores in order to ensure value for money. The top ranked tenderer will be recommended for award.

### 1.6.4 Evaluation Team

The evaluation of the tenders will be undertaken by officers from:

- Economy Directorate and Legal and Democratic Services supported by Corporate Procurement Services

### 1.6.5 Risk

The CPS approach is to follow the Council Risk Management Methodology and the Category Team is responsible for local risk management. CPS maintains a risk management register and documentation relevant for each contract.

A risk register has been jointly produced and owned by CPS and Planning and Regeneration Team with arrangements being put in place to ensure operational risks are mitigated.

## 2. Indicative Implementation Plan

Cabinet Approval (Strategy)	18 October 2016
Mini Competition Submission Deadline	11 November 2016
Part A Evaluation Period	08 November 2016
Bidder Interviews	24 & 25 November 2016
Part B Evaluation Period	28 November 2016
Contract Award	03 January 2017
Contract Start	03 January 2017
Mobilisation Period	17 January 2017

## 3. Service Delivery Management

### Contract Management

The contract will be managed operationally by the Principal Project Delivery Officer, Planning and Regeneration.