

|  |
| --- |
| **EM Lawshare Framework Contract**  **for Legal Services** Project Reference: DN247128 **Invitation to Tender (ITT) –**  **PART ONE**  **Process Overview**  **EU Restricted Procedure** |

# BACKGROUND AND CONTEXT TO THE PROCUREMENT

## Purpose of the Process Overview

## The purpose of this document and appendices is to give bidders sufficient information on the requirements of the Consortium to enable them to complete the tender response. Nottinghamshire County Council (the Council) is acting as lead Consortium Member and is running this procurement on behalf of the Consortium.

## Background and Objectives of the Procurement Process

E.M. LawShare is a consortium of public bodies (the Consortium). As at 3 May 2017 it had 121   
members made up of;

* 8 County Councils;
* 16 Unitary Councils;
* 7 Metropolitan Councils;
* 60 District Councils;
* 6 Fire & Rescue Authorities;
* 1 Police Authority;
* 7 Town/Parish Councils;
* 3 NHS Trusts;
* 2 Arm’s Length Housing Organisations (ALMO’S);
* 3 specialist subsidiary companies;
* 1 Coal Authority;
* 1 National Park authority;
* 1 Children’s Trust;
* 1 University;
* 1 Drainage Authority; and
* 1 wholly owned local authority law firm.

A full list of current members is included at Appendix A to this document.   
Other contracting authorities (as defined in the Public Contract Regulations 2015) in England & Wales will be free to join the Consortium either before or during the course of the new contract.

When the first EM Lawshare framework contract was let in April 2006 the Consortium had 13 members & four partner firms were appointed. By 2010, when the contract was let again, the membership had grown to forty five and five private law firms were appointed. In 2014, when there were sixty nine members, six private law firms were appointed. This contract ends on 31 March 2018.

The new contract will be a framework agreement for four years and run from 1 April 2018. The aim is to appoint up to 8 private law firms to the new contract.

The contract will not bind any of the Consortium Members to use the appointed firms nor will any guarantee be given as to the minimum levels of work which will be awarded under the contract.

## Scope of Services

The ten areas of work covered by the contract are:-

|  |
| --- |
| Administrative & Corporate Governance |
| Adult Services |
| Civil Litigation (including personal injury) |
| Contract/Commercial/Procurement |
| Conveyancing/Property |
| Criminal Litigation |
| Education |
| Employment |
| Housing |
| Planning/Highways/Environmental |

These include every major category of work dealt with by local authorities other than child care work. The scope of the services are further detailed in the Specification.

## Sub-contracting

The appointed firms must be able to deliver a service over the full ten areas either by themselves or with a sub-contractor(s). Bidders who propose to use subcontractors can only score a maximum of 3 marks in question 8.1.1 of the SSQ and will fail if it is proposed to use more than 3 sub-contractors.

We will not consider expressions of interest where more than three areas of work are proposed to be sub-contracted due to the impact the additional administration would have on Consortium resources.

For any sub-contractors proposed bidders must ensure that they provide responses to SSQ parts 1 and 2 for each sub-contractor.

## Added Value Services

The appointed firms will be required to jointly & /or solely to provide certain “added value” services as part of the contract. These are detailed in Appendix 1 of the Specification & include:

* an annual training programme;
* hosting of a conference every other year;
* running of the EM LawShare web site;
* publicity for the Consortium;
* free telephone help lines;
* publication of a quarterly newsletter;
* growing the EMLS precedent bank;
* developing the Development Network Scheme;
* sponsoring places on the Local Government Diploma course & arranging a leadership & management course;
* use of the firms meeting rooms by members;
* administrative assistance to the EMLS Co-ordinator; and
* biennial lecture.

## Partnership arrangement

## We will expect the appointed firms not only to deliver a service to individual consortium members but to work in partnership with the other appointed firms and the Consortium management panel in delivering “added value” and continuously reviewing how the service can be improved.

## The partnership approach is one of the main reasons why we propose to select a small number of firms providing a service over the whole range of work categories rather than panels of disparate firms for different types of work.

## Previous Spend

## The spend by Consortium Members over the four year period prior to and including 2016/17 was:

|  |  |  |
| --- | --- | --- |
|  | **Number of members** | **Spend** |
| **2013/14** | 69 | £ 2,684,820 |
| **2014/15** | 84 | £3,697,792 |
| **2015/16** | 105 | £4,054,859 |
| **2016/17** | 119 | £5,821,046 |

For 2016/17, the latest year for which we currently have figures, the breakdown of spend over the ten work areas was:

|  |  |
| --- | --- |
| **Work Area** | **Spend** |
| Administrative & Corporate Governance | £291,764 |
| Adult Services | £359,791 |
| Civil Litigation | £336,930 |
| Contract/Commercial/Procurement | £1,410,045 |
| Conveyancing/Property | £1,771,275 |
| Criminal Litigation | £168,706 |
| Education | £62,321 |
| Employment | £634,124 |
| Housing | £124,939 |
| Planning/Highways/Environmental | £660,951 |

All of these figures are exclusive of VAT and disbursements.

## 1.7 Management fee

The Consortium reserves the right during the course of the contract to charge appointed firms up to 0.5% of their invoiced income to Consortium Members each year (net of VAT and disbursements) as a management fee. In the current contract the Consortium only levied a management fee in one of the four years & will only levy such a fee in, at most, two years of the new contract.

## 1.8 Sharing information

All consortium members reserve the right to share advice received under the contract with other members.

## 1.9 Confidentiality

## This document is confidential and it is a condition of your continued involvement in this tender process that you (including any sub-contractor or professional adviser consulted by you) undertake to keep confidential this document and all other information, whether written or oral, concerning the business and affairs of the Consortium or any Consortium member which you have received or obtained as a result of the information supplied to you in connection with this tender, other than any information which is in the public domain other than by breach of this obligation.

## 1.10 Freedom of Information

## Bidders should note that Consortium members are subject to the provisions of the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR) (including any subsequent amendments), together with associated Codes of Practice (Codes). This means that information may be subject to disclosure to the public unless an exemption applies.

## In the event that a bidder considers that any information supplied by it is either commercially sensitive or confidential in nature this should be specifically highlighted with the reasons for its sensitivity given and an explanation of the grounds for exempting the information from disclosure. The bidder should note that even where they have indicated that they consider the information to be commercially sensitive or confidential in nature, the Consortium may be required to disclose it under the FOIA or EIR or any Codes if a request is received. Please note that any information marked as commercially sensitive or confidential by the bidder should not be taken to mean that the Consortium accepts any duty of confidence by virtue of that marking.

## 1.11 Procurement process stages:

This document forms part of a multi-stage procurement process that is intended to short list qualified bidders, who will in turn be invited to tender for the contract opportunity. The stages are as follows:

**PART 1: -SHORT LISTING:**

* Expression of Interest in the opportunity and completion of the pre-qualification questionnaire (SSQ).
* Submitting the SSQ
* Compliance checking & qualification assessment
* Notification of SSQ outcome.

The Consortium shall evaluate the SSQ responses using the selection criteria set out below and shall draw up a shortlist of approximately 15 to 20 bidders who will then be invited to tender.

**PART 2: -TENDERING**

* Invitation to Tender (ITT). Bidders short listed in previous stage will be invited to submit tenders.
* Responses to Method Statement Questions
* Responses to Quick Questions
* Clarification presentations
* Evaluation of bids
* Award

These stages are explained in further detail below.

# PART 1:

# STAGE ONE - EXPRESSING INTEREST IN THE OPPORTUNITY & COMPLETING THE DOCUMENTS

## SSQ overview

The SSQ is comprised of a suite of documents and on-line questions summarised in the table below:

| Attached Document | Contents |
| --- | --- |
| Process Overview (this Document) | Detailed overview of the procurement process. |
| Form of Contract | Form of Contract which the successful bidder will enter into with the Council (on behalf of the Consortium), which is to be signed (or sealed as applicable) prior to the Contract commencing. |
| Specification | Detailed Specification of the Services to be provided, and which will be a part of the Contract |
| SSQ | Series of on-line questions that bidders must complete. |
| Terms & Conditions of Tender | These are the rules of using the on-line tendering system (Portal) and the Council’s general rules on tendering. Bidders must read and accept these by clicking ‘Accept’ before they are able to submit their response. |

## Indicative timetable

The following table sets out a summary of the process and an **indicative** timetable. Please note that the Consortium, reserves the right to change any of the dates or stages set out in the table below at its absolute discretion:

Procurement Process Summary and Indicative Timetable

| Stage | Description | Date(s) |
| --- | --- | --- |
| SSQ completion | After the contract opportunity has been advertised bidder are required to complete the SSQ before the closing date (stated within the portal) This period will conclude on: | 21/08/2017 |
| SSQ evaluation stage | The Consortium will then assess the submitted SSQ’s, as detailed below. Bidders are expected to be notified of the outcome of the SSQ by: | 18/09/2017 |
| Tender Period | Shortlisted bidders will be invited to submit tenders commencing on:  NB. During the period between the invitations to tender being issued & the presentations/clarifications 5 quick questions will be sent to the bidders. They will be expected to reply within 5 working hours of receipt of the question. More information about the quick questions process is provided at Para 7.3 | 19/09/2017 |
| Tender clarification stage | Period during which bidders may raise clarifications on the ITT ends on: | 06/11/2017 |
| ITT Response Date | Date by which bidders must compile their bids in the required format and submit them. | 13/11/2017 |
| Evaluation stage 1 | The period during which the Consortium will evaluate the financial submission and shortlist bidders to go through to Evaluation Stage 2, Evaluation Stage 1 shall commence on: | 14/11/2017 |
| Evaluation stage 2 | The period during with the Consortium will evaluate the answers to quick questions and written ITT Response. (This period only applies to bidders who pass Evaluation Stage 1). Evaluation Stage 2 shall commence on: | 20/11/2017 |
| Presentations | Bidders shortlisted in Evaluation Stage 1 will be required to provide presentations to a panel of Consortium Representatives. These presentations shall take place on: | 25th, 26th, 29th & 30th January 2018 |
| Evaluation conclusion | Final evaluation of bidders’ submission following presentations. This period shall end on: | 31/01/2018 |
| Notification of Tender evaluation outcome | After selection of any successful bidder(s), the Consortium will notify all bidders of the outcome of the evaluation. A 10 days standstill period will commence from this date. | 05/02/2018 |

## Bidder Clarification

Bidders have the opportunity to submit questions to the Consortium where they require clarification on the information provided. Bidders should submit questions via the Portal on-line messaging facility only. Questions received by any other method will not receive a response.

The Consortium will seek to answer questions within 5 working days following the day of receipt. Bidders are urged to submit any questions as soon as possible and in any event no later than 7 days prior to the closing date. Any questions received after this time will not be answered.

If the Consortium considers any question or request for clarification contains information that should, in the interests of a fair procurement process, be disseminated in a suitably anonymous form, to all bidders, the Consortium shall be free to disseminate such information to all bidders.

Where bidders consider that a question submitted to the Consortium during the ITT and/or the response to any such question is commercially confidential, that request must be indicated “***Commercial in Confidence***” and bidders should specify, where possible, such redactions as would render the request and any response non confidential. The Consortium will consider the request for confidentiality. However, the Consortium reserves the right to act in what it considers to be the best interests of a fair procurement process and in accordance with its obligations under the Freedom of Information Act (FOIA). Before doing so, the Consortium will inform the bidder of its intention to do so and offer the bidder the opportunity to withdraw the request for clarification before such dissemination.

## Transparency Code

The Consortium may disclose with other public sector contracting authorities any of the bidder's information/documentation (including any that the bidder considers to be confidential and/or commercially sensitive such as specific tender information) submitted by the bidder to the Consortium during this procurement. The information will not be disclosed outside of the public sector. Bidders taking part in this tender consent to these terms as part of the tender process.

# STAGE TWO - SUBMITTING THE SSQ

Bidders must be clear and comprehensive in their responses to the SSQ, as this will be the single source of information on which responses will be assessed.

Bidders are advised not to assume that their past or current supplier relationships with the any Consortium Member will be taken into account in the evaluation procedure. In assessing SSQ’s the Consortium will only consider information provided within the SSQ.

Where a question is not relevant to the bidders organisation this should be indicated, with an explanation.

Bidders will not be able to complete submissions unless the “Accept” button has be clicked for the Terms and Conditions of Tender.

## SSQ Response Date

Bidders must submit their SSQ through the e-procurement Portal before the **deadline shown in the Portal**.

Failure to return bids by the due date or in the required format will disqualify bidders from consideration. Bidders must ensure they give themselves sufficient time to upload all relevant documentation before the final cut off time. The portal will not allow bids to be uploaded after the deadline.

# STAGE THREE - COMPLIANCE CHECKING & QUALIFICATION ASSESSMENT

## SSQ Compliance

Bidders who do not submit a compliant questionnaire, or fail to comply with any of the instructions set out in this overview document will be disqualified. A SSQ shall only be a compliant if;

* The SSQ is completed in full and submitted on-line and any required documents are uploaded;
* The bidder accepts the draft Contract and Specification;
* It passes the Pass / Fail sections and meets the required standard for scored sections of the SSQ

Non-Compliant bids will be excluded from the procurement process and shall not be considered any further from the point in the process, that the non-compliance is identified.

## Qualification Assessment

The SSQ is used to assess if bidders are suitably qualified / meet the Consortium’s minimum requirements and that none of the grounds for exclusion apply. If a bidder’s response fails any Pass / Fail question the bid will be non-compliant and rejected from the SSQ process

Section 1: – General Information

General information questions are asked for information purposes only and the responses will not be evaluated. The answers do however give the evaluation panel an overview of the organisation and its structure so it is important these are completed in full.

Section 2, 3, 4, 5 & 7: - Qualifying Criteria

Qualifying criteria questions are of a ‘pass/fail’ nature. A ‘fail’ for one or more of these will provide grounds for excluding the questionnaire from further consideration.

Section 5: -Economic and Financial Standing

Third party credit checks may also be undertaken as part of a financial assessment. A poor credit rating which scores 3 or more in a Dun & Bradstreet check may lead to further clarification.

If financial accounts or other relevant information are not available and/or concerns over financial liability that cannot be reasonably satisfied then it is likely that the bid will fail.

Section 6 & 7A: -Technical and Professional Ability

The bidder must demonstrate recent experience of providing services similar to those required in this contract, ideally in the public sector. This Section will be scored.

Section 7B: -Insurance

For insurance cover, the requirement is:

Professional indemnity insurance at £10m

Public liability insurance at £1m

Section 8 - Project specific questions

Section 8 of the SSQ sets out several project specific questions these are a combination of scored and pass/fail questions. These questions include questions regarding staffing, coverage of work areas, turnover and relevant examples to illustrate coverage of work areas and a question covering the external hosting security requirements of the EM Lawshare website.

In relation to the hosting question, if the bidder does not meet the relevant requirements we shall contact them to give the bidder the opportunity to put appropriate measures in place in order to pass this question.

Further guidance on these questions is also included within the help section within the on-line questionnaire.

Bidders are advised that wherever in this document reference is made to any external assessment body or external accreditation standard, such reference shall be deemed to include reference to any equivalent body or standard established in other member states of the European Union.

# STAGE FOUR – NOTIFICATION OF SSQ OUTCOME

Bidders that pass, the Pass / Fail sections and meet the required standard for scored section/s of the SSQ, and are ranked in the 15-20 highest scoring bidders, will be notified that they have been successfully short listed.

Bidders who failed the assessment, or passed but were lower ranked will be informed of the outcome and reasons for failure.

# PART 2:

# STAGE FIVE - INVITATION TO TENDER (ITT)

## Tender Documents

Short listed bidders will be invited to submit bids via the portal and will comprise of the following documents and on-line questions summarised in the table below:

|  |  |
| --- | --- |
| Form of Contract | Form of Contract which the successful bidder will enter into with the Council, which is to be signed (or sealed as applicable) prior to the Contract commencing. |
| Specification | Detailed Specification of the Services to be provided, and which will be a part of the Contract |
| Quality Response | Quality Response, includes:   1. responses to Method Statements questions; 2. answers to the Quick Questions; and 3. Presentations on innovation Method Statement question provided in the Presentation Meeting. Presentation meetings shall be twofold, the first part shall be a presentation on proposed innovation which will be scored and the second part of the Presentations will be used to finalise the scores/clarify any issues with the bidder’s bid.   Bidders must complete the method statement responses and answers to Quick Questions using the Portal. |
| Pricing Response | Pricing response Template which bidders must complete and upload onto Portal |
| Terms & Conditions of Tender | These are repeated from the SSQ stage. |

# STAGE SIX - EVALUATION OF TENDERS

Bidders must submit their bids through the e-procurement Portal before the **deadline shown in the Portal**.

Bidders who do not submit a compliant bid, or fail to comply with any of the instructions set out in the ITT will be disqualified. A bidder shall only be compliant if it;

* Completes and uploads, onto the Portal, all tender response documents / on-line questionnaires listed above.
* accepts the Contract and Specification,
* meets the required minimum scores in relation to Quality as set out in the Award Criteria;
* is **not** abnormally low. The Consortium reserves the right not to evaluate in detail any bid that the Consortium considers abnormally low in terms of price, pending receipt of further additional information.

Following receipt of such information (if any) the Consortium will treat a bid as abnormally low where it appears that, on the basis of the price submitted:

(i) the bidder would be unlikely to be able to deliver its obligations under the Contract;

(ii) and/or the Consortium has serious doubts about the deliverability of the bidder’s proposal; and.

* Acceptance is not conditional, or “Qualified”, with a counter offer in any way.

Non-Compliant bids will be excluded from the procurement process and shall not be considered any further from the point in the process, that the non-compliance is identified.

**There will be two stages to the evaluation process.** The first will be based solely on the hourly rate figure submitted in the pricing response. A number of firms with the highest hourly rates will be discounted at this stage and we propose that approximately 10-15 bidders shall go through to the second stage of the evaluation.

Those firms that are not discounted will go onto the second stage where the quality responses evaluation will be on the award criteria set out in paragraph 7.1 below. We intend to award the Contract to up to 8 bidders.

The quality element of the tender exercise consists of the bidders’ responses to the Method Statements, Quick Questions and performance in Presentations. More information regarding the Quick Questions is provided in paragraph 7.3 below and more information regarding the Presentations is provided in paragraph 7.4 below.

## Award Criteria

The award criteria, which will be used to evaluate bids and select a successful bidder to which the Consortium intends to award the Contract, are designed to allow the selection of the bid that represents the most economically advantageous tender, rather than lowest price alone. This evaluation will be based on a combination of quality and financial criteria set out below.

|  |  |  |  |
| --- | --- | --- | --- |
|  | **MARKS FOR SUB CRITERIA (%)** | **MINIMUM THRESHOLD** | **OVERALL WEIGHTING** |
| **Stage 1 - Financial** |  |  |  |
| Pricing response | **100** | n/a | **50** |
|  |  |  |  |
| **Stage 2 - Quality** |  |  |  |
| Quality Response 1 – Method Statements & Presentations |  | 60 |  |
| 1. Subcontractors | 4 |  |  |
| 1. Performance | 8 |  |  |
| 1. Performance- working relationships | 12 |  |  |
| 1. Performance- Coordinated advice | 12 |  |  |
| 1. Social Value & Ethical practises | 4 |  |  |
| 1. Innovation & Added Value | 60 |  |  |
| **Subtotal : Quality Response 1** | **100** |  | **25** |
|  |  |  |  |
| Quality Response 2 – answers to quick questions | 100 | 60 |  |
| **Subtotal : Quality Response 2** | **100** |  | **25** |
|  |  |  |  |
| Total |  | N/A | **100%** |

## 

## Evaluation Stage 1 - Scoring the Pricing Response

The Pricing Response will be evaluated in Stage 1 of the evaluation process and will be based on a maximum of 50 marks for the lowest priced compliant bid (subject always to the provisions noted above in relation to abnormally low tenders). Other bids will be awarded a number of points in direct proportion to the relation between their bid and the lowest bid.

The bidder’s hourly rates must be submitted online via the Portal and **must** fit into one of the following categories:

* Partner/Consultant
* Senior Solicitor – over 5 years Post Qualification Experience (PQE)
* Associate – over 3 years PQE
* Solicitor – less than 3 years PQE
* Trainee \*
* Other fee earner\*

*\*provided for information & contract purposes only, not scored.*

Each rate must then be multiplied as indicated in the table below and the cumulative figure completed. This overall figure will be used for the first stage of the evaluation process. **The hourly rates given in your tender must remain fixed for the 4 year period of the contract**.

|  |  |  |
| --- | --- | --- |
|  | **Hourly Rate** | £ |
| Partner/Consultant |  | X 2 = |
| Senior Solicitor – over 5 years PQE |  | X 3 = |
| Associate (over 3 years PQE) |  | X 3 = |
| Solicitor (less than 3 years PQE) |  | X 3 = |
|  |  | **Total £** |
| Trainee *(for information only, not scored)* |  |
| Other fee earner *(for information only, not scored)* |  |

A number of firms with the highest hourly rates will be discounted at this stage and we propose that approximately 10-15 bidders shall go through to the second stage of the evaluation.

Those firms that are not discounted will go onto the Stage 2 of the evaluation process.

## Quality - Quick Questions

As part of the tender exercise and to test each bidder’s expertise and capacity we will be sending out five case study questions. You will, at different stages during the tender period, be sent a case study question that you must give a written response to within 5 working hours (working hours being 9.00am to 5.00pm Monday to Friday).

The questions will be e-mailed via the Portal during working hours to the person who you have identified in your SSQ response as the lead partner. That person will be responsible for distributing it to the appropriate fee earner in your firm and for the answer being submitted onto the Portal within the specified time. The response can be sent back by someone other than the lead partner.

## Quality - Presentations

## Bidders who have been shortlisted following the financial evaluation in Evaluation Stage 1 shall be invited to a Presentation meeting, which will be confirmed via the e-procurement Portal messaging facility at least 4 days in advance of the proposed time of the meeting. The location for the meeting will be notified when the confirmation is made. The bidder must confirm availability for any such meeting and submit a list of attendees within 2 days of the confirmation being received.

## For the avoidance of doubt, any such Presentation Meeting will solely be for a twofold purpose:

## Giving a presentation of up to 15 minutes on Q6 of the Method statements (What innovations can you bring to the contract to provide added value to the Consortium?), together with a written summary of these initiatives;

## Clarification of any part of the bidder’s bid including the other method statements

## The Presentation meeting will be with a panel of approximately seven representatives from Consortium members. The Presentation meeting will take place between on the 25th, 26th, 29th & 30th January 2018 at a venue in Nottinghamshire, the location and details of which will be provided to the bidders during the course of this tender exercise. Please ensure that your firm’s representatives will be able to attend on these days.

## The Presentation meetings may last approximately an hour in total.

## Your firm’s lead partner must attend and may bring with them up to four others from your firm.

## Stage 2 - Scoring the Quality Response

Responses to the questions set out in Quality Response 1(Method Statements), 2 (Quick Questions) and Presentations will be evaluated on a scale of zero to five, as detailed below.

|  |  |  |
| --- | --- | --- |
| Mark | Guidance | Weight |
| 0 | Answer not supplied | 0% |
| 1 | Deficient  - response insufficient / irrelevant information provided.  - Poor explanation/ understanding | 20% |
| 2 | Limited  - relevant information provided but lacking in some details or response only partially addresses question.  - some significant weaknesses | 40% |
| 3 | Satisfactory  - an acceptable response in terms of detail, accuracy and relevance.  - minor weaknesses | 60% |
| 4 | Comprehensive  - a comprehensive response in terms of details and relevance.  - no material weaknesses | 80% |
| 5 | Superior  - as Comprehensive but to a significantly better degree.  - no weaknesses | 100% |

Bidder responses are evaluated by a panel and then moderated for consistency. The final score will be the mean of the panellists’ scores.

## Consortium’s Clarification

Written Clarification

Post submission of tenders, the Consortium may request written clarification from bidders on their bid. Any such request will be made via the Portal messaging facility.

It is likely that any response to a clarification question will be required within a **minimum of 2** working days of request. Failure to respond adequately or in a timely manner to clarification questions raised by the Consortium may result in a bidder not being considered further in the procurement process.

**STAGE SEVEN - AWARD**

## After the formal evaluation process has been undertaken, the Consortium reserves the right to either:

* Award a Contract to a single or multiple bidders or;
* Award no Contract at all.

## Selection of a successful bidder

The scores for all criteria will be totalled to give an overall score. The Consortium intends to select the bidder(s) with the highest overall score(s) as its successful bidder(s), we intend to appoint up to 8 successful bidders to the Contract.

In addition to the successful bidder, the Consortium reserves the right to appoint a reserve bidder at the same time or at any time during the successful bidder stage, the Consortium may re-engage with such reserve bidder, or any other bidder which has submitted a compliant bid. The Consortium reserves the right not to appoint a successful bidder.

## Notification of Evaluation Outcome

Once a bidder is selected to proceed to successful bidder stage, all other bidders shall be informed of the outcome of the evaluation in accordance with the requirements of the regulations.

## Successful bidder Stage

During this stage, the successful bidder will work together with the Consortium to finalise any finer points of detail in preparation for signature of the Contract. The Consortium reserves the right to re-engage with any other bidder which has submitted a compliant bid in the event that it is unable to conclude the Contract with the successful bidder.

The Consortium reserves the right to conduct necessary due diligence on bids before a successful bidder is appointed and before Contract signature. Bidders may be required to provide documentary evidence of compliance with the minimum standards, further to their self-certification during the SSQ. Bidders will also be required to provide due diligence documentation including completed SSQs for sub-contractors (SSQ parts 1& 2 only).

The Contract is not subject to negotiation. Drafting comments or legal mark-ups of the Contract will not be accepted. Certain specific details of the Contract and its implementation may need to be finalised after selection of the successful bidder. The Consortium reserves the right to ask bidders to clarify and, where appropriate, revise the precise details of their bids.

## De-selection of successful bidder

Following the appointment of a successful bidder, in the event that the successful bidder:

* Makes a material alteration to the bid which formed the basis of its selection as successful bidder (whether as to price or any other aspect of its bid); and/or
* Does not comply with one or more of the provisions this document; and/or
* In the reasonable opinion of the Consortium fails to make satisfactory progress towards signature of the Contract; and
* In the case of any of the above, fails to remedy the situation to the reasonable satisfaction of the Consortium within a defined time period having been served notice in writing by the Consortium;

then the Consortium shall de-select the successful bidder and exclude the successful bidder from any further participation in the procurement process.

## Contract Signature

Assuming a successful completion of the successful bidder stage, the Council and the Bidder(s) will enter into the Contract. Any award of the Contract is conditional on the Contract being approved in accordance with the Council’s internal procedures and able to proceed. The Council reserves the right not to award a Contract to the successful bidder or to any bidder. Contracts should be concluded and signed /sealed by both Parties before delivery of the Services commence.

## Contract Preparations

After being appointed the successful bidders will be expected to work expeditiously with the EM Lawshare Coordinator to prepare for the contract start date of 1 April 2018 and in particular to give him every assistance in putting together the training programme for 2018 -2019 and compiling a Members Pack for Consortium Members which will include details of the firms’ key contacts, hourly rates, meeting room availability & details of their free phone help lines.

**APPENDIX 1 – LIST OF CONSORTIUM MEMBERS**

A list of current members can be found here:

**http://www.emlawshare.co.uk/members/**