

Executive

Award of Contract for the Supply of External Legal Advice Framework Contract to Oxfordshire Local Authorities

11 October 2010

Report of Head of Legal and Democratic Services

PURPOSE OF REPORT

To grant project approval and to recommend the award of the external legal advice framework contract

This report is public

Recommendations

The Executive is recommended:

- (1) To grant project approval for and to authorise the Council's entry into a framework contract arrangement under which legal services would be available from a panel of selected external solicitors, such arrangement to be put in place in conjunction with the other Oxfordshire authorities and other public sector bodies.
- (2) To authorise the award of the framework contract to the eight firms of solicitors specified in 2.5.

Executive Summary

Introduction

- 1.1 Cherwell District Council had available to it a range of external legal services, from a number of firms of solicitors, through the use of a "call-off" contract put in place by all the Councils in Oxfordshire.
- 1.2 This "call-off" contract expired at the end of July 2010 and has now been re-tendered.

Proposals

- 1.3 Executive approval is therefore sought to the award of the new "call-off" contract which forms the subject of this Report. The Firms that would comprise the Framework panel are set out in paragraph 2.13.

Conclusion

- 1.4 The Executive is invited to make the Recommendations sought in order to achieve the benefits summarised in paragraphs 2.20 – 2.27 of this Report.

Background Information

- 2.1 Cherwell District Council currently has available to it a range of external legal services, from a number of firms of solicitors, through the use of a “call-off” contract put in place by all the Councils in Oxfordshire. The Council always seeks to use its own internal legal service as the first resort, and only uses this contract in the event of peaks of demand or a requirement for legal specialism in which it holds no internal expertise. Under this contract there is no minimum commitment of spend required.
- 2.2 The existing “call-off” contract expired at the end of July 2010 and has now been re-tendered.
- 2.3 The duration of the new proposed framework contract is 4 years.
- 2.4 Oxford City Council led on the tendering process of this contract. Cherwell District Council and the other Oxfordshire authorities supported the City Council during the evaluation stages.
- 2.5 The framework contract was advertised so that other Councils based in Buckinghamshire and Berkshire will be eligible to use it. The Royal Berkshire Fire Authority also expressed an interest to be included as a definite user of the framework.
- 2.6 In a typical year Cherwell District Council will spend a relatively modest sum on external legal advice sourced through the Framework contract. In 2009/10 this figure did not exceed £11k.
- 2.7 Executive approval is now sought to award of this new framework contract.
- 2.8 **Tender Process**
- 2.9 The potential overall value of the contract meant that an advertisement was placed in the Official Journal of the European Union, The Lawyer magazine, local press and on the Council’s website.
- 2.10 The evaluation panel was made up of Officers from Oxford City Council, Cherwell District Council, South and the Vale of the White Horse District Council and Oxfordshire County Council.
- 2.11 The evaluation panel determined the relevant financial and technical evaluation criteria that will provide the most economically advantageous contract, with 40% of marks being awarded for the pricing offer, 40% of marks awarded for evidence of quality and a further 20% being allocated to evidence of capacity. Firms had to demonstrate that they were technically and operationally competent and able to meet the specification.
- 2.12 48 pre-qualification Questionnaires were submitted and the evaluation panel

invited 12 of these Firms to tender.

2.13 After further evaluation of the submitted tender documentation, the evaluation panel recommend placing the following firms on the Framework Contract:

- Darbys Solicitors LLP
- Blake Lapthorn
- Eversheds LLP
- Trowers and Hamblins LLP
- Freeth Cartwright LLP
- Browne Jacobson LLP
- Veale Wasbrough Vizards
- Wragge and Co LLP

2.14 **Other Options**

2.15 There is no suitable existing contract that meets the needs of the Oxfordshire Councils. There is, however, a clear need for this type of arrangement therefore this framework Contract has also been made available to Councils in Buckinghamshire and Berkshire.

2.16 **Benefits of this contract**

2.17 Provision of competitive pricing, whether that be by hourly rate, blended rate or quotation for specific projects. On average firms have offered the Councils a discount of around 20% on their usual rates.

2.18 The ability to provide a breadth of knowledge based on similar work carried out in the public sector.

2.19 With eight Firms servicing the contract, there will be more ability to call on extra capacity when needed.

2.20 Access to free continuous professional development training, reducing the spend on internal training budgets

2.21 Two of the successful Firms are based in Oxford, enabling the Council to continue its commitment to boosting the local economy where possible.

2.22 The majority of Firms have offered volume discounts in relation to the amount of work collectively placed with them. However, the realisation of these discounts is reliant on the management information provided by firms and the ability of the Councils to ensure collection.

2.23 It enables the promotion of shared services and collaborative working arrangements between the Oxfordshire Councils.

Options

Option One To agree the Recommendations in this Report

Option Two To reject the Recommendations in this Report

Consultations

None has occurred

Implications

- Financial:** There are no financial implications to this contract.
Comments checked by Denise Westlake, Service Accountant CS&R, 01295 221982
- Legal:** This contract has been tendered in accordance with the EU procurement regime. It therefore complies with both the Council's own procurement requirements and external regulation.
Comments checked by Richard Hawtin, Team Leader, Property & Contracts, 01295 221695
- Risk Management:** Appointed Firms do not achieve contract requirements – a risk that strong contract management procedures and collective monitoring by the Oxfordshire Councils should mitigate
Comments checked by Rosemary Watts, Risk Management and Insurance Officer, 01295 221566

Wards Affected

All

Corporate Plan Themes

A Value for Money Council

Executive Portfolio

Councillor James Macnamara
Portfolio Holder for Finance and Resources

Document Information

Appendix No	Title
N/A	None
Background Papers	
None	
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