



**Glasgow City Council**

**Contracts and Property Committee**

**Report by Director of Legal and Administration**

**Contact: Maureen Fitzpatrick Ext: 76406**

**Item 3**

**20th March 2025**

### **The Provision of External Legal Services**

**Tender Reference :- GCC006266CPU**

#### **Purpose of Report:**

To submit details of the tenders received to be appointed to the framework agreement (framework) for the provision of external legal services and recommend acceptance of the most economically advantageous tenders as detailed in this report.

#### **Recommendations:**

The Contracts and Property Committee is requested to approve the award of a framework for the provision of external legal services to the suppliers detailed in paragraph 2.4 of the report.

Ward No(s):

Citywide: ✓

Local member(s) advised: Yes ☐ No ☐ consulted: Yes ☐ No ☐

## **1 Background and Tender**

- 1.1 Glasgow City Council's ("the council's") anticipated spend for the provision of external legal services, over the four years duration of the framework, is £2,000,000.
- 1.2 This is the fifth iteration of the framework and has been renewed to enable the provision of specialist external legal advice, as and when required, by council services. This will cover a range of legal services, including employment law, corporate law, general litigation, children and family law, property law, and construction law.
- 1.3 As the council expects to have an ongoing requirement for external legal advice and representation, its use of the framework is dependent on changing needs and circumstances over the next four years. The council's Legal Services has its own in-house expertise across a wide range of specialist legal areas offering best value in those areas. Normally, therefore, external legal advice will only be required to complement the Council's in-house services where such advice is needed, for example, due to urgency, existing workload capacity issues, or where specialist/expert legal advice that is not available in-house is required (for example, where dispute resolution proceedings are raised in construction adjudications or in respect of actions raised in the Court of Session).
- 1.4 The framework can also be utilised by City Building (Glasgow) LLP, Glasgow Life (Culture & Sport Glasgow), City Property (Glasgow) LLP, City Property Glasgow (Investments) LLP, Jobs & Business Glasgow, Argyll and Bute Council, East Ayrshire Council, East Renfrewshire Council, Falkirk Council, Fife Council, Inverclyde Council, North Ayrshire Council, Perth & Kinross Council, Scottish Borders Council, Shetland Islands Council, South Lanarkshire Council, and West Dunbartonshire Council. If the framework is utilised by all of these organisations, it is anticipated that (depending on the extent to which they decide to use it) the value of the framework spend has the potential to increase by up to a further £20,000,000 over the four-year duration of the Framework.
- 1.5 A commodity team consisting of stakeholders from Legal Services and Corporate Procurement Unit (CPU) was formed to develop the sourcing strategy and deliver a new framework.
- 1.6 As part of the sourcing strategy developed, the framework agreement was split into 6 distinct lots. The lots are as follows:

<b>Lot</b>	<b>Description</b>
1	Employment
2	Corporate
3	General Litigation
4	Children and Families

5	Property
6	Construction

1.7 It was agreed that an open tender process would be the most appropriate method to deliver the framework agreement. The opportunity was advertised via UK Find a Tender Service and Public Contracts Scotland.

1.8 The duration of the framework is for a period of 4 years, with a commencement date of 9<sup>th</sup> April 2025 until 8<sup>th</sup> April 2029.

1.9 The framework will primarily be utilised, and managed, by Legal Services.

## 2 Evaluation

2.1 25 suppliers expressed an interest. Of the 25, 10 submitted a bid. Of the 15 suppliers that failed to respond, 1 cited that it was not right for their firm at that time, and another cited that based on feedback from the previous tender process, they believed that their commercial response would not be competitive relative to other suppliers, and therefore likelihood of success was low. 13 suppliers did not provide a reason as to why they did not bid.

2.2 Several suppliers bid for more than one lot. Details of the number of bids received per lot is shown in the table below: -

Lot	Description	Number of Bids
1	Employment	5
2	Corporate	5
3	General Litigation	3
4	Children and Families	3
5	Property	5
6	Construction	6

2.3 The award evaluation was based on the following criteria and weightings:-

Lot	Price	Quality	Quality Sub Criteria
1	30%	70%	Key Personnel 20%
			Service Delivery 12%
			Added Value 3%
			Lot Specific Quality Question - Employment Rights Bill 2024 15%
			Lot Specific Quality Question - Harassment 15%
			Fair Work First (including the Real Living Wage) 5%

Lot	Price	Quality	Quality Sub Criteria
2	30%	70%	Key Personnel 20%
			Service Delivery 12%
			Added Value 3%
			Lot Specific Quality Question - Shared Services 15%
			Lot Specific Quality Question - Renewable Energy Generation 15%
			Fair Work First (including the Real Living Wage) 5%
3	30%	70%	Key Personnel 20%
			Service Delivery 12%
			Added Value 3%
			Lot Specific Quality Question - Litigation Challenges 15%
			Lot Specific Quality Question - Resource Allocation 15%
			Fair Work First (including the Real Living Wage) 5%
4	30%	70%	Key Personnel 20%
			Service Delivery 12%
			Added Value 3%
			Lot Specific Quality Question - Legislative Changes 15%
			Lot Specific Quality Question - Cost Efficiency 15%
			Fair Work First (including the Real Living Wage) 5%
5	30%	70%	Key Personnel 20%
			Service Delivery 12%
			Added Value 3%
			Lot Specific Quality Question - Land Sale Considerations 30%
			Fair Work First (including the Real Living Wage) 5%
6	30%	70%	Key Personnel 20%
			Service Delivery 12%
			Added Value 3%
			Lot Specific Quality Question - SMEs and Ongoing Financial Security 15%
			Lot Specific Quality Question - Mitigating Contract Delays 15%

			Fair Work First (including the Real Living Wage) 5%
--	--	--	--

2.4 The evaluation of award scoring of the suppliers which have been recommended for appointment, within each respective lot, is shown in the table below:

Lot	Description	Supplier	Total Evaluation Score	Rank
1	Employment	Harper Macleod LLP (SO300331)	95.43	1
		Thorntons Law LLP (SO300381)	88.83	2
		Brodies LLP (SO300334)	73.49	3
2	Corporate	Morton Fraser MacRoberts (SO300472)	94.63	1
		Harper Macleod LLP (SO300331)	93.47	2
		Brodies LLP (SO300334)	89.10	3
		Shephard and Wedderburn LLP (SO300895)	88.70	4
		Anderson Strathern LLP (SO301485)	79.98	5
3	General Litigation	Harper Macleod LLP (SO300331)	99.69	1
		Morton Fraser MacRoberts (SO300472)	91.32	2
		Brodies LLP (SO300334)	82.80	3

<b>Lot</b>	<b>Description</b>	<b>Supplier</b>	<b>Total Evaluation Score</b>	<b>Rank</b>
4	Children and Families	JK Cameron	95.60	1
		Harper Macleod LLP (SO300331)	77.75	2
		Brodies LLP (SO300334)	71.29	3
5	Property	Harper Macleod LLP (SO300331)	98.73	1
		Brodies LLP (SO300334)	91.10	2
		Shephard and Wedderburn LLP (SO300895)	87.75	3
		Thorntons Law LLP (SO300381)	82.38	4
		Anderson Strathern LLP (SO301485)	82.20	5
6	Construction	Brodies LLP (SO300334)	90.14	1
		Anderson Strathern LLP (SO301485)	89.81	2
		Shepherd and Wedderburn LLP (SO300895)	89.40	3
		Harper Macleod LLP (SO300331)	88.00	4
		DWF LLP (OC328794)	75.86	5
		CMS Cameron McKenna Nabarro Olswang LLP (OC310335)	75.49	6

A summary of the unsuccessful tender evaluation results can be found at Appendix A.

- 2.5 The framework allows for a Direct Award of contract up to £10,000, for each lot, to any supplier. Contracts with an anticipated value of £10,000 - £74,999, will be a Direct Award of contract by ranking or desktop evaluation according to the rules set out in the framework. Contracts above this value will be procured via a mini competition process and awarded by the council in line with the relevant governance procedures.

### **3 Contract implementation and Supplier Management**

- 3.1 Legal services will monitor the supplier's day to day operational performance. The CPU will undertake the overall contract management.
- 3.2 The outcome of our Contract Management Assessment Tool (CMAT) has deemed this framework to be categorised as a medium. The supplier will be monitored in line with contract and supplier management process which includes tracking the suppliers performance against the key performance indicators and working collaboratively to identify opportunities of improvement and innovation.
- 3.3 The agreed community benefits outcomes commitments will be monitored via Cenefits which is a web based monitoring tool. We will also capture sustainable commitments within the CPU Sustainable Register.

### **4 Policy and Resource Implications**

#### **Resource Implications:**

##### *Financial:*

The overall estimated framework value, if utilised to the full extent described in section 1.4 of the report by all the organisations listed there, in addition to the council, over the 48 months duration, is approximately £22,000,000.

The estimated annual contract value for the council is £500,000, totalling £2,000,000 over the 48 months duration of the framework. This will be met by the service areas' revenue budget.

The contract will be awarded based on the schedule of rates which are fixed for the duration of the framework.

Use of the framework depends upon changing needs and circumstances over time and the purpose of the framework is to support currently unforeseen legal requirements. It is, therefore, not feasible at this time to calculate the direct impact to budgets. This will be monitored, however, during the duration of the framework.

<i>Legal:</i>	<p>The report raises no new legal issues.</p> <p>The Director of Legal and Administration will be responsible for concluding the framework.</p>
<i>Personnel:</i>	No direct personnel implications.
<i>Procurement:</i>	An Open tender process as detailed in Section 1.6.
<b>Council Strategic Plan:</b>	Access to specialist legal advice will support service delivery and help meet policy objectives which relate to the four grand challenges of the strategic plan.
<b>Equality and Socio-Economic Impacts:</b>	
<i>Does the proposal support the Council's Equality Outcomes 2021-25</i>	Yes - the Sustainable Procurement Duty requires that before a contracting authority buys anything, it must think about how it can improve the social, environmental and economic wellbeing of the area in which it operates, with a particular focus on reducing inequality.
<i>What are the potential equality impacts as a result of this report?</i>	An EQIA was not required for this contract as there is no impact.
<i>Please highlight if the policy/proposal will help address socio economic disadvantage.</i>	<p>Fair Work First was included as part of the award criteria with a weighting of 5%.</p> <p>The suppliers recommended for appointment to the framework Fair Work First tender submissions are set out in Appendix B.</p> <p>Community Benefits was included as a Voluntary requirement of the tender. These are set out in Appendix D.</p> <p>All bidders appointed to the framework were asked to commit to 'framework value add' set out in Appendix C.</p> <p>The proposal supports outcome 1 of the council's Equality Outcomes 2021 to 2025.</p>



**Climate Impacts:**

*Does the proposal support any Climate Plan actions? Please specify:*

Does not specifically support any climate plan actions but will contribute to the overarching climate plan if legal support is required.

*What are the potential climate impacts as a result of this proposal?*

Not applicable.

*Will the proposal contribute to Glasgow's net zero carbon target?*

Not applicable.

**Privacy and Data Protection impacts:**

A Data Protection Impact Assessment (DPIA) has been progressed and Data Sharing Agreements will be entered into with all suppliers once arrangements have been confirmed, which will govern arrangements for the duration of the framework.

## **5 Recommendations**

The Contracts and Property Committee is requested to approve the award of a framework for the provision of external legal services and to appoint the suppliers detailed in paragraph 2.4 of the report.

## Appendix A – Unsuccessful Supplier

Lot	Description	Supplier	Total Evaluation Score	Rank
1	Employment	DWF LLP (OC328794)	65.64	4

## Appendix B Fair Work First Outcomes

Tenderer	Employee Voice	Investment in Workforce Development	No Zero Hours	Gender Pay Gap / Inclusive Workplace	Pay Real Living Wage	Flexible & Family Friendly	Oppose Fire & Re-Hire
Anderson Strathern LLP	✓	✓	✓	✓	✓	✓	✓
Brodies LLP	✓	✓	✓	✓	✓	✓	✓
CMS Cameron McKenna Nabarro Olswang LLP	✓	✓	✓	✓	✓	✓	✓
DWF LLP	✓	✓	✓	✓	✓	✓	✓
Harper Macleod LLP	✓	✓	✓	✓	✓	✓	✓
JK Cameron		✓	✓		✓	✓	✓
Morton Fraser MacRoberts LLP		✓	✓	✓	✓	✓	✓
Shepherd and Wedderburn LLP	✓	✓	✓	✓	✓	✓	✓
Thorntons Law LLP	✓	✓	✓	✓	✓	✓	✓

**Note:** The above information is based on the supplier's tender submission and may not be fully reflective of its Fair Work First policies.

## Appendix C - Framework Value Add

A minimum of two in-house training sessions (minimum one hour each), per framework year for each Lot awarded.
Possible secondments both into inhouse legal services and into successful firm.
Free telephone advice where that advice amounts to 5 minutes or less.
On completion of any Order costing £5,000 or over, where requested, the panel member shall provide a summary of main action points and timescales met.
For instructions relating to contentious construction matters costing £5,000 or over, where requested, a lessons-learned debrief meeting.

## Appendix D - Voluntary Community Benefits

Supplier	Community Benefit Outcome	Quantity Offered
Brodies LLP	Career Event	1
Brodies LLP	Workplace Visit	1
Brodies LLP	Volunteering Opportunity (City Deal Priority Group)	1
Brodies LLP	Community Engagement - Non-Financial Support (min. 5 hrs.)	1
CMS	MCR Pathways 1-2-1 Mentoring Programme (or equivalent Programme)	3
CMS	Taster Sessions (Council or Delivery Partner Programmes)	1
CMS	Work Experience Placement - School	6
CMS	Career Event	1
CMS	Workplace Visit	1
CMS	Business Mentoring	5
CMS	Community Engagement - Non-Financial Support (min. 5 hrs.)	5
DWF	Career Event	1
Harper Macleod	Apprentice New Start - Full Time (from Priority Group)	1
Harper Macleod	Work Experience Placement - School	8
Harper Macleod	Career Event	2
Harper Macleod	Supply Chain Briefings	2
JK Cameron	Work Experience Placement - School	3
JK Cameron	Career Event	2
JK Cameron	Workplace Visit	2
Morton Fraser MacRoberts	Apprentice New Start - Full Time (from Priority Group)	1
Morton Fraser MacRoberts	New Entrant Graduate - Full Time (from Priority Group)	4
Morton Fraser MacRoberts	MCR Pathways 1-2-1 Mentoring Programme (or equivalent Programme)	1
Morton Fraser MacRoberts	School Mentoring or Enterprise Programme	4
Morton Fraser MacRoberts	Taster Sessions (Council or Delivery Partner Programmes)	1
Morton Fraser MacRoberts	Work Experience Placement - School	5
Morton Fraser MacRoberts	Career Event	4
Morton Fraser MacRoberts	Supply Chain Briefings	1

Morton Fraser MacRoberts	Community Engagement - Financial Support (minimum £1k) Community Engagement - Non-Financial Support (min. 5 hrs.)	1
Shepherd and Wedderburn LLP	New Employee - Full Time Job (from Priority Group)	1
Shepherd and Wedderburn LLP	Apprentice New Start - Full Time (from Priority Group)	1
Shepherd and Wedderburn LLP	Work Experience Placement - School	1
Shepherd and Wedderburn LLP	Career Event	1
Shepherd and Wedderburn LLP	Community Engagement - Non-Financial Support (min. 5 hrs.)	5
Thorntons Law LLP	School Mentoring or Enterprise Programme	1
Thorntons Law LLP	Taster Sessions (Council or Delivery Partner Programmes)	1
Thorntons Law LLP	Work Experience Placement - School	1
Thorntons Law LLP	Career Event	2
Thorntons Law LLP	Workplace Visit	1