



Glasgow City Council

Contracts and Property Committee

Report by Director of Legal and Administration

Contact: Maureen Fitzpatrick Ext: 76446

Item 9

16th January 2025

**The Provision of Legal and Procurement Services relating to
the council's Model for Climate Investment**

Tender Reference :- GCC006298CPU

Purpose of Report:

To submit details of the tenders received for the provision of legal and procurement services relating to the council's model for climate investment and recommend acceptance of the most economically advantageous tender as detailed in this report.

Recommendations:

The Contracts and Property Committee is requested to approve the award of a contract for the provision of legal and procurement services relating to the council's model for climate investment to the consultancy listed below.

**Brodies LLP
Companies House Number – SO300334**

Ward No(s): XXXXXXXX

Citywide: ✓

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

1 Background and Tender

- 1.1 Glasgow City Council's ("the council's") budget for the provision of legal and procurement services relating to the council's model for climate investment is £1,000,000.
- 1.2 The council is exploring ways of taking forward its ambitions around heat decarbonisation (as identified in the council's Local Heat and Energy Efficiency Strategy (LHEES) and net-carbon zero projects in both its own area and the wider Glasgow city region. The approximate value for the City Centre and South Zone (as detailed in the LHEES) is anticipated to be in the region of £1bn (based on costs of works already completed for heat networks around the city). The council is also planning complementary work on related climate and sustainability projects to help fulfil the council's key net-zero policy objectives.
- 1.3 As shown in the council's LHEES, which provides a clear direction for decarbonising heat and improving building efficiency in the city, the council is interested in establishing a long-term partnership (or partnerships) with at least one private sector partner to deliver a portfolio of projects over a long-term programme. As a minimum, a joint venture and/or concession arrangements will be explored and procured, if considered appropriate.
- 1.4 The council is also exploring the creation of a Climate Investment Vehicle; this is expected to be a city level investment fund not managed by the council but driven by the Net Zero Targets as set out in the city level Climate Plan. The full details of the model will be established based on available models.
- 1.5 The exact nature of any partnership and investment vehicle, and the extent of the projects they might deliver, are the subject of ongoing refinement and will require input from legal, financial and technical advisors once appointed. There is no one-size-fits-all approach, and it is important that the council clearly articulates what the city and City Region want to achieve; what assets are identified as suitable for development; and what are the red-line areas for the council in terms of scope. A critical part of the project will be consideration of additional social value, community involvement and ensuring a Just Transition.
- 1.6 In order to meet the city's targets and address the climate emergency, the council is seeking to appoint a consultant to provide specialist external legal and procurement support services to identify the most expedient and efficient route for Glasgow to deliver the LHEES, with the key outputs being the development of a Green Book-compliant Strategic Business Case, Outline Business Case, and Full Business Case. In addition this advice is the first step to mobilising external private sector funding to ensure that the city is progressing towards the council's Net Zero ambitions.
- 1.7 A commodity team consisting of stakeholders from the Chief Executive's, Legal Services, and Corporate Procurement Unit (CPU) was formed to develop the sourcing strategy and deliver a new contract

- 1.8 In line with the effective and efficient objective within the Council's Sustainable Procurement Strategy 2023-2027, which can be located [here](#), and to support the national agenda in utilising national collaborative frameworks, it was agreed that a mini-competition process from Lot 1b: Full Service Provision – Scotland of Crown Commercial Service's (CCS) framework for Public Sector Legal Services, reference RM6240, would be the most appropriate method to deliver this contract.
- 1.9 As part of the pre market engagement a capability and capacity enquiry was issued to the 11 appointed suppliers and 5 confirmed an expression of interest with 1 confirming they were unable to bid.
- 1.10 The duration of the contract is for 2 years with the option to extend for 2 periods of up to 12 months.
- 1.11 The contract will be utilised by Chief Executive department.

2 Evaluation

- 2.1 11 suppliers on Lot 1b of the CCS framework were invited to bid. Of the 11, 2 submitted a bid. Of the 9 suppliers that failed to respond, 1 cited timescales, 1 cited resource issues, and 1 cited a combination of factors.
- 2.2 The award evaluation was based on the following criteria and weightings:-

Criteria	Weight	Sub Criteria
Quality	70%	Project Specific 65%
		Fair Work First (including the Real Living Wage) 5%
Commercial	30%	Fixed Fee for the Completion of a robust Treasury Green Book compliant Outline Business Case – 5%
		Partner – 7%
		Senior Solicitor, Senior Associate – 6%
		Solicitor, Associate -5%
		Trainee – 2%
		Paralegal, Legal Assistant – 1%
		Legal Project Manager - 4%

- 2.3 The evaluation of award scoring of the consultancy which has been recommended for award is shown in the table below:-

Supplier	Total Evaluation Score	Rank
Brodies LLP	98.75	1

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

3 Contract implementation and Supplier Management

- 3.1 The contract will commence immediately upon award.
- 3.2 The outcome of our Contract Management Assessment Tool (CMAT) has deemed this contract to be categorised as a medium. The consultancy will be monitored in line with our 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 council has a budget of up to £1m, over the four-year duration of the contract, if the two extension periods are required.

Services will be called off, as and when required, in line with the consultant's implementation plan.

The contract will be awarded based on the consultant's tendered rate card, and fixed fee for the provision Completion of a robust Treasury Green Book compliant Outline Business Case.

This contract spend will be met by the service area's capital budget. The full £1m budget spend is not guaranteed.

<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 contract.</p>
<i>Personnel:</i>	No direct personnel implications.
<i>Procurement:</i>	Please refer to section 1.5.
Council Strategic Plan:	This supports Grand Challenge 3, 'Fight the climate emergency in a just transition to a net zero Glasgow' and Mission 2, Become a net zero carbon city by 2030.
Equality and Socio-Economic Impacts:	
<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 is in process for this project but is not yet complete.
<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 consultancy recommended for award, Brodies LLP, has confirmed the following 6 policies within its tender submission.</p> <ul style="list-style-type: none"> • Payment of at least the Real living Wage • Investment in workforce development • No inappropriate use of zero-hour contracts • Action to tackle the gender pay gap and create a more diverse and inclusive workforce • Oppose the use of fire and rehire practice <p>The consultancy recommended for award's Fair Work First tender submission are set out in appendix B</p>

Community Benefits were included as part of the tender process. The consultancy recommended for award, Brodies LLP, has confirmed the following outcomes:

1x Apprentice New Start - Full Time (from Priority Group)
1x New Entrant Graduate - Full Time (from Priority Group)
1x MCR Pathways 1-2-1 Mentoring Programme (or equivalent Programme)
2x School Mentoring or Enterprise Programme
4x Career Events
1x Workplace Visit

The proposal supports outcome 1 of the councils Equality Outcomes 2021 to 2025.

Climate Impacts:

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

The over-arching project is designed to support the entire Climate Plan, but specifically actions 6 and 8 are supported via this contract/framework

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

The LHEES, of which this contract is a part, is designed to take forward the council's ambitions around heat carbonisation and net-carbon zero projects in both its own area and the wider Glasgow City Region.

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

Yes as above

Privacy and Data Protection impacts:

No data protection impacts identified.

5. Recommendations

The Contracts and Property Committee is requested to approve the award of a contract for the provision of legal and procurement advice services relating to the council's Model for Climate Investment to the consultancy listed below.

Brodies LLP
Companies House Number – SO300334

Appendix A – Unsuccessful Consultancy

Supplier	Total Evaluation Score	Rank
DWF LLP	62.53	2

Appendix B – Recommended Consultancy’s Fair Work First Response

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
Brodies LLP (SO300334)	Partial Response	Yes	Yes	Yes	Yes	Yes	Yes

Note 1 – The above information is based on the recommended bidder’s response and may not be a correct reflection of its Fair Work practice.