

Report of West Yorkshire Legal Framework (WYLAW)

Report to City Solicitor

Date: 30.6.2017

Subject: West Yorkshire Legal Framework – Award Report

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: 10.4 (3) Appendix number: 2	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Summary of main issues

1. This report seeks approval to award framework agreements to the firms listed in the appendix 3 for the West Yorkshire Legal Framework (the “WYLAW Framework”). The WYLAW Framework comprises of the following ten lots:
 1. Childcare Law
 2. Adult Social Service and Community Law
 3. General Litigation
 4. General Conveyancing/Routine Property
 5. General Contracts, Commercial and IT
 6. Planning, Compulsory Purchase, Highways and Environmental
 7. Major or Complex Procurements
 8. Local Government Law and Corporate Governance
 9. Employment Law and Pensions
 10. Public Health

2. This award follows a competitive tendering exercise. Permission to procure was approved on 26th January 2017.
3. Leeds City Council has led the tender process on behalf of West Yorkshire Combined Authority, the Council of the Borough of Kirklees, the City of Bradford Metropolitan District Council, the Borough Council of Calderdale, York City of York Council and the Council of the City of Wakefield (together with Leeds City Council, "WYLAW Group").
4. For Lots 1, 2, 3, 4, 5, 6, 9, & 10, provided that the minimum threshold of 60% was met, the evaluation score was based solely on price. For Lots 7 & 8, provided that the minimum threshold of 60% was met, the maximum amount of points available for quality was 400 points (out of 1000) with the remaining 600 point available for price.
5. The anticipated maximum contract value of the WYLAW Framework will be £10million (including any extension) over the life of the WYLAW Framework for all lots, for all of the WYLAW Group. The anticipated spend for Leeds in relation to the WYLAW Framework will be £100k pa.

Recommendations

The City Solicitor is recommended to approve the award of a framework agreement to the firms listed in appendix 3. Each framework agreement will be for 3 years, expiring 3 years after commencement (1st July 2017) with an option to extend for 1 further year. The new framework agreements will be utilised on a call off basis whereby each of the WYLAW Group contracting authorities calls off legal services as required and subject to their budgetary position at the time of call off.

1 Purpose of this report

- 1.1 The purpose of the report is to request the award of framework agreements to the firms listed in appendix 3 for 3 years commencing on 1st July 2017, expiring on 30th June 2020 with the provision to extend for a further year. The anticipated maximum contract value for all of the WYLAW Group will be £10million (including any extension) over the life of the WYLAW Framework. The anticipated spend for Leeds in relation to the WYLAW Framework will be £100k pa.

2 Background information

- 2.1 The WYLAW Group wish to establish a new framework for the provision of the legal services on a non-exclusive basis, to meet their organisational and business needs in circumstances either:
- where existing resources are not sufficient to meet peak demands, or
 - where specialist support is required.
- 2.2 The WYLAW Group have arrangements in place to share resources where possible to reduce the need for external legal support, and this has worked successfully in a number of areas. The new framework will enable development of productive relationships with a panel of service providers to secure a value for money and quality service, and to enable all parties to consider lessons learned, key issues etc. to deliver continuous improvement.
- 2.3 The WYLAW Group are looking to continue to secure value for money on annual spend on legal services. Emphasis is placed on price in the evaluation criteria referred to below. This should not be regarded as an indication that quality is not important to WYLAW Group contracting authorities. It is, however, a reflection of the WYLAW Group's understanding that lawyers are highly trained professionals.
- 2.4 Capacity in house to deliver legal services is finite and recourse to external firms is necessary to deal with peaks in workload, and in some instances to obtain specialist advice.
- 2.5 For the avoidance of doubt the WYLAW Group are not setting up the new framework to outsource specific categories of work. The new framework is being established to make provision for under capacity and specialist advice as per the existing framework.
- 2.6 Leeds City Council has been nominated as lead authority and will procure and enter into the new framework on behalf of itself and the other WYLAW Group.
- 2.7 The request to award a framework agreement to the firms listed in appendix 3 is made following a competitive procurement process and is based on a fair and transparent evaluation of price and quality.
- 2.8 A competitive procurement exercise commenced in January 2017.
- 2.9 The tender evaluation comprised of:

- Written tender questions.

2.10 The evaluation panel comprise of:

- Representatives from the different WYLAW member authorities.

2.11 All bidders were required to submit three quality tender questions for Lots 1, 2, 3, 4, 5, 6, 9, & 10 and four quality tender questions for Lots 7 & 8. A total of 36 bids were received.

2.12 Tender documents were prepared using standard procurement documentation. For Lots 1, 2, 3, 4, 5, 6, 9, & 10, provided that the minimum quality threshold of 60% was met, the evaluation score was based solely on price. For Lots 7 & 8, provided that the minimum threshold of 60% was met, the maximum amount of points available for quality was 400 points (out of 1000) with 600 points available for price. This quality/price evaluation split (and the weightings attributed to the quality questions) was agreed by the project team and was approved by the WYLAW Group.

2.13 The tender evaluation results are detailed in appendix 2.

3 Main issues

3.1 There are no specific implications or impact on a specific ward or wards as the provision is citywide.

3.2 The recommendation contained in this report will have positive cost saving implications for the WYLAW Group without impacting on the quality of the service received.

3.3 Due to the nature of how the framework is utilised there are no Transfer of Undertakings (Protection of Employment) (TUPE) implications.

3.4 Due to the value of the WYLAW Framework a ten day standstill period has been completed, allowing unsuccessful tenderers to request additional feedback.

3.5 The new framework is being established to make provision for under capacity and specialist advice as per the existing framework. Therefore internal resources will always be utilised in the first instance.

4 Corporate Considerations

4.6 Consultation and Engagement

4.6.1 A project team has been established which include representatives from:

- Representatives from the different WYLAW Group member authorities.
- Legal Services
- Commercial Team.

- Procurement.

4.6.2 Consultation has taken place with the WYLAW Group authorities on the structure of the lots and tender documentation. Additionally WYLAW Group authorities were also asked to offer lessons learned to inform the future procurement. WYLAW Group provided officers to carry out the evaluation of the quality questions.

4.6.3 Communication was maintained with the firms previously on the framework and they were made aware of when the tender was published on YORtender.

4.7 Equality and Diversity / Cohesion and Integration

4.7.1 An equality impact screening form has been completed and is attached as appendix 1.

4.8 Council policies and City Priorities

4.9 The WYLAW Framework will support the best council plan priorities of keeping people safe from harm and supporting children to have the best start in life.

4.10 The WYLAW Framework will support Legal Services commitment to spend money wisely.

4.11 The WYLAW Framework will support the council's objective to become a more efficient and enterprising council.

4.12 Resources and value for money

4.12.1 The tender was evaluated on price and quality: 60% quality and 40% price. For Lots 1, 2, 3, 4, 5, 6, 9, & 10, provided that the minimum threshold of 60% was met, the evaluation score was based solely on price. For Lots 7 & 8, provided that the minimum threshold of 60% was met, the maximum amount of points available for quality was 400 points (out of 1000) with 600 points available for price.

4.12.2 The anticipated maximum value of the WYLAW Framework will be £10million (including any extension) over the life of the contract. The anticipated spend for Leeds in relation to the WYLAW Framework will be £100k pa.

4.12.3 The contracts entered into will be framework agreements. The framework agreements will be utilised on a call off basis whereby each Local Authority calls off as required.

4.12.4 The price element of the evaluation was scored on rates: each bidder was asked to submit a price for a partner, associate, solicitor and trainee. The bidders with the lowest cost for their levels scored the highest in the price evaluation.

4.12.5 Having a framework for a number of Local Authorities also aims to achieve economies of scale and achieve best value.

4.12.6 Contract monitoring has been written into the service specification and appropriate monitoring arrangements will be put in place by the WYLAW Group.

4.13 Legal Implications, Access to Information and Call In

- 4.13.1 Appendix 2 to this report has been marked as confidential under Access to Information Procedure Rules 10.4 (3) on the basis that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information) which, if disclosed to the public, would, or would be likely to prejudice the commercial interests of that person or of the Council.
- 4.13.2 The value of the WYLAW Framework is approximately £100k pa for Leeds so would be a significant operational decision.

4.14 Risk Management

- 4.14.1 If this recommendation is not approved, an alternative solution would be required which may breach contract procedure rules and also not be cost effective. WYLAW Group member authorities would either go out to tender individually or purchase off contract as required.
- 4.14.2 A risk register is in place and will be maintained throughout the project.

5 Conclusions

- 5.1 The recommendations contained within this report will help ensure that quality and cost effective legal solutions are available to the member authorities. The award of the framework agreements follows a fair and transparent competitive tendering exercise which involved meaningful consultation with stakeholders.

6 Recommendations

- 6.1 The City Solicitor is recommended to approve the award of a framework agreement to the firms listed in appendix 3. The framework agreements will be for 3 years; commencing on 1st July 2017, expiring on 30th June 2020. The anticipated maximum contract value of the WYLAW Framework will be £10million (including any extension) over the life of the framework. The anticipated spend for Leeds in relation to the WYLAW Framework will be £100k pa.

7 Background documents¹

- 7.1 N/A

8 Appendices

- 8.1 Equality screening form
- 8.2 Tender evaluation matrix summary – **Confidential**
- 8.3 Successful tenderers for each lot

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.