

# Finance and Budget Committee

10am, Thursday, 29 November 2012

## External Legal Framework Report

Item number	7.7
Report number	
Wards	All

### Links

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Single Outcome Agreement

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# Executive summary

## External Legal Framework Report

### Summary

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This report seeks the approval of Committee to appoint a new framework panel of external legal firms under four separate lots to replace the existing framework which is now at the end of its present term. The term of the framework will be two years with an option to extend for a further year.

### Recommendations

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It is recommended that the Committee approve the appointment of the firms noted above to the panel for each respective lot.

### Measures of success

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The measure of success of the external legal framework will be to lower the legal risk profile of the Council in a cost-effective manner.

### Financial impact

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No anticipated financial impact.

### Equalities impact

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No anticipated impact on equalities.

### Sustainability impact

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No anticipated impact on equalities.

### Consultation and engagement

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The solicitors and support staff in the Service have been advised of the procurement process to appoint the new framework panel and have been kept up to date with progress as appropriate. Clients of the Service have also been kept apprised of the process as appropriate.

## Background reading / external references

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None.

## External Legal Framework Report

### 1. Main report

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- 1.1 The Council's in-house legal service (the "Service") provides advice and support on all legal matters relating to the Council and associated bodies, encompassing commercial, employment, property, planning, litigation (including childcare) and licensing legal advice.
- 1.2 The Service has had, for the past two years, a structured framework panel of external legal firms from whom it has been able to call off advice as required to enhance capacity and capability. The framework panel firms were appointed under three separate lots (Childcare, Commercial and Planning/Transport) following a public procurement exercise in 2010 which evaluated both the quality and price of applicant firms. As a result, the Council presently enjoys significantly reduced fee rates and other benefits (such as free training seminars, know how and access to standard document banks) from the framework panel firms. The framework arrangement has been very successful in enhancing the range and quality of advice delivered through the Service at competitive rates to the client departments. The present framework is at the end of its existing term.
- 1.3 The circumstances in which the Service would seek external advice are:
- Where the Service does not have the internal resources to support a particular matter or project;
  - Where the matter requires specialist advice which the Service cannot provide;
  - Where it is more cost-effective to seek external advice;
  - Where the Council would benefit from an independent view from an external legal firm; or
  - A combination of the above.
- 1.4 The Council's Commercial & Procurement Division, in conjunction with the Service, has completed a procurement process to appoint a new framework panel of external firms under four separate lots. The term of the framework agreement will be two years, with an option to extend for a further one year. The lots comprise the following:

**Lot 1**

Public law

Corporate law

Commercial contracts

Finance Law and Financial Services

Property law

Intellectual Property

IT

Procurement, Competition law and State Aid

Freedom of Information and Data Protection

Litigation

Pensions

**Lot 2**

Construction Law

Environmental law

Planning law

Transportation law

**Lot 3**

Childcare law

**Lot 4**

Employment law

1.5 The procurement was evaluated on the basis of quality (70%) and price (30%). Noted below are the successful firms for each lot and the applicable range of scores:

### **Lot 1**

The firms recommended for acceptance are as follows:

- Brodies LLP
- Burness LLP
- Dundas & Wilson CS LLP
- Morton Fraser LLP
- Shepherd and Wedderburn LLP

The total scores achieved by the preferred bidders were based on the published award criteria and ranged from 222.7 to 250.

### **Lot 2**

The firms recommended for acceptance are as follows:

- Anderson Strathern LLP
- Brodies LLP
- Dundas & Wilson CS LLP
- Maclay Murray & Spens LLP
- Morton Fraser LLP

The total scores achieved by the preferred bidders were based on the published award criteria and ranged from 232.8 to 259.

### **Lot 3**

The firms recommended for acceptance are as follows:

- Anderson Strathern LLP
- Brodies LLP
- Morton Fraser LLP.

Only three submissions were received for this lot, all of which were deemed to be acceptable based on the published award criteria.

## Lot 4

The recommended firms are

- Anderson Strathern LLP
- Brodies LLP
- Dundas & Wilson
- MacRoberts LLP

The total scores achieved by the preferred bidders were based on the published award criteria and ranged from 250 to 273.4

### 3. Recommendations

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- 3.1 It is recommended that the Committee approve the appointment of the firms noted above to the panel for each respective lot.

## Alastair D Maclean

Director of Corporate Governance

### Links

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#### Coalition pledges

**Council outcomes** CO25 – The Council has efficient and effective services that deliver on objectives.

#### Single Outcome Agreement

#### Appendices