Oifig um Sholáthar Rialtais
Office of Government Procurement

USER GUIDE

Multi Supplier Framework Agreement for the Provision of Legal Services to the University Sector (PLI130F)

Framework ID: 2596198

This is a Tier 4 Framework

Complexity Level		Timeframe to Contract Finalisation
Tier 1:	Utilities Sign Up	Available immediately
Tier 2:	Direct Drawdown	Available immediately
Tier 3:	Low Complexity Mini-Competition	Up to 10 weeks
Tier 4:	Medium Complexity Mini-Competition	Between 10 and 20 weeks
Tier 5:	High Complexity Mini-Competition	6 months with well-developed specification

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What is a Framework Agreement?

The instrument of Framework Agreements has been widely used and is considered as an efficient procurement technique throughout Europe.

Directive 2014/24/EU

A Framework Agreement ("Framework Agreement") is an agreement between one or more Contracting Authorities and one or more service providers, establishing the terms governing contracts to be awarded during a given period, which enables Contracting Authorities to place orders with service providers without running a full tender process.

Frameworks are widely used across the Public Sector and increasingly in the Office of Government Procurement (OGP). They are a useful procurement tool for services that you can define and have demonstrated that considerable time and cost savings can be made.

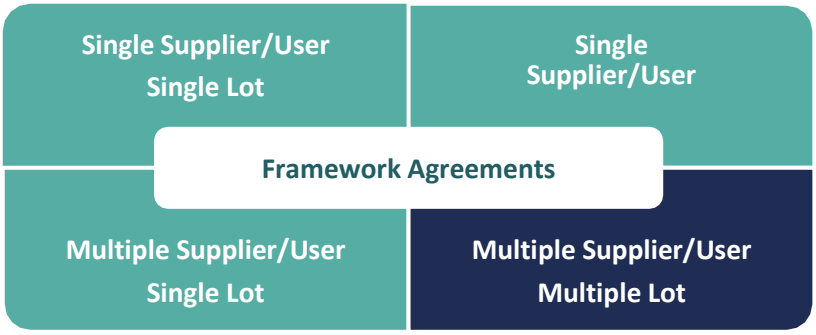
Framework Agreements are typically based on large volume purchasing requirements and as such are widely used across the Public Sector where aggregation of goods and services greatly enables better value for money.

Many public sector organisations need to access legal services, either regularly or as once-off pieces of work. Such services can often be required at short notice. This means that costly and time-consuming procurement exercises are regularly undertaken across some organisations, while others struggle to quickly and easily access suitable service providers. The Framework for Legal Services to the University Sector reduces the time and cost associated with procurement by offering a facility that has already been competitively tendered.

Framework Clients should note that in the case of this particular Framework, because of the very particular requirements of individual universities, they will need to either run a mini-competition in accordance with the Framework rules (which are provided herein) or issue a direct award by cascade before they can award a contract to a Framework Member.

Different Types of Frameworks

There are several different types of Framework Arrangements. The Framework for the Provision of Procurement Consultancy Services is a Multiple Supplier/User, Multiple Lot Framework i.e. all Public Sector bodies can use the Framework to procure consultancy services.



Why should I use this Framework?

Accessing Legal Services can be difficult for Universities, particularly those that do not regularly need these services and who may be unfamiliar with the marketplace. Procurement can also be costly and time consuming, for both the public service bodies and for the service providers.

The Framework for the provision of **Legal Services to the University Sector** is fully compliant with procurement regulations. It reduces the time and costs associated with the procurement process by offering a facility that has already been competitively tendered.



The main benefits to you include:

✓ **Easy Access to Pre-Selected Specialist Suppliers**

This Framework provides an easy access route to pre-selected specialist service providers who are best placed to deliver Legal Services to the University Sector.

✓ **Flexibility**

This Framework reduces the time and cost associated with a full procurement process, which in turn allows you to be more flexible with the planning and running of any of any tender process via Mini-Competition or Cascade, depending on your requirements.

✓ **Best Practice Procurement**

Each successful Framework Member has been subject to a rigorous procurement process, ensuring they offer the scope and quality of services you require. The pre-agreed terms and conditions offer you contractual safeguards.

✓ **Agreed Terms and Conditions**

Terms and conditions have been established and agreed. This removes the need to re-draft terms for each procurement you undertake. You have the right to refine, but not fundamentally alter these.

✓ **Efficiency**

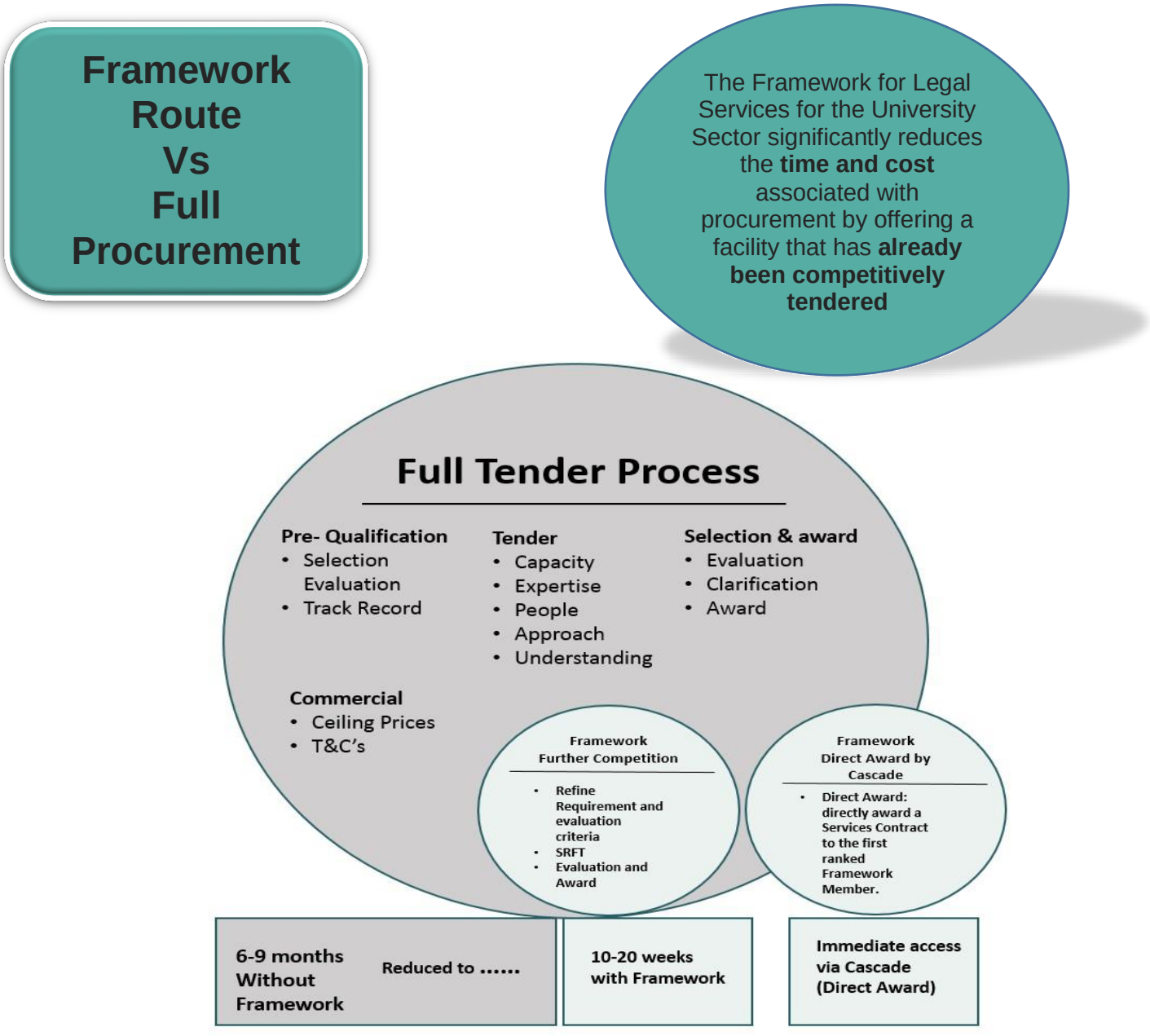
The Framework removes the need for you to conduct full procurement exercises and/or lengthy evaluation processes, saving you considerable time and costs.

✓ **Value for money**

Aggregating potential needs may mean that goods and services can be bought at prices below those normally charged, or with special added benefits and/or more advantageous conditions. This Framework ensures value for money through the Maximum Ceiling Hourly Rates achieved during the competitive process to establish the Framework.

✓ **Quality of service provision**

The service providers' experience and expertise was assessed at the time of the initial competition, and satisfactory performance will continue to be monitored on an ongoing basis.



What is the duration of the Framework?

The Framework commenced on 01st May 2024 and will run for two (2) years with an option for two (2) extensions of up to twelve (12) months each.

- **Valid from: 01st May 2024**
- **Expiry Date: 30th April 2026 (or 30th April 2028 if extension is applied)**

Contracts awarded under the Framework may be for a period of up to four (4) years and will be subject to the same terms and conditions.

Who can use this Framework?

The Framework may be used by the following the entities:

- Dublin City University (DCU)
- Maynooth University (MU)
- University of Galway
- Trinity College Dublin (Trinity)
- University College Cork (UCC)
- University College Dublin (UCD)
- University of Limerick (UL)
- Technological University Dublin
- Munster Technological University
- Technological University of the Shannon: Midlands Midwest
- Atlantic Technological University
- South East Technological University

For the avoidance of doubt, the Office of Government Procurement and the Education Procurement Service are not Framework Clients.

What services are covered by this Framework?

The Framework for Legal Services for the University Sector has six (6) separate Lots covering different services:



Further information on the range of legal services for each Framework Lot can be found at **Appendix 1** of this User Guide**.**

What is not covered under this Framework?

The following are not in scope under this Framework:

- Legal Services for entities outside of the University Sector
- Legal Services for the Education Procurement Service
- A **Priority Matter** is a matter that meets either of the following criteria:

- it is of an extremely urgent nature that requires immediate action to protect the interests of the Framework Client.
- relates to legal advice in preparation of any judicial proceedings before the courts or tribunal or
- there is a tangible indication and high probability that the matter to which the advice relates will become the subject of proceedings.

It is open to Framework Clients to determine the most suitable method of procurement for these matters. Notwithstanding, Framework Clients may use those firms appointed to the Framework Agreement for the purposes of providing advices.

Who can provide services under this Framework?

There are nine (9) providers on the Framework, across the six (6) Lots.

In order to be appointed to the Framework, service providers have demonstrated they have the right expertise and capacity to provide these services.

While each service provider successfully passed a minimum quality threshold, they are not all the same. For example they vary quite widely in size, capacity and area of expertise.

The Framework Members (in alphabetical order) are set out in the following tables. **(Note: See Appendix 4 for Framework member ranking by Lot):**

Lot 1 – Corporate, Commercial & Information	
No.	**Framework Member**
1	Arthur Cox LLP
2	Beauchamps LLP
3	Mason Hayes & Curran LLP
4	Philip Lee LLP
5	RDJ LLP

Lot 2 – Estates Management and Capital Development	
No.	**Framework Member**
1	Beauchamps LLP
2	Byrne Wallace LLP
3	Mason Hayes & Curran LLP
4	Philip Lee LLP
5	RDJ LLP

Lot 3 – Employment	
No.	**Framework Member**
1	Arthur Cox LLP
2	Beauchamps LLP
3	Byrne Wallace LLP
4	O'Flynn Exhams LLP
5	RDJ LLP

Lot 4 – Procurement & Competition	
No.	**Framework Member**
1	A & L Goodbody LLP
2	Arthur Cox LLP
3	Beauchamps LLP
4	Eversheds Sutherland LLP
5	Philip Lee LLP

Lot 5 – University Affairs	
No.	**Framework Member**
1	Arthur Cox LLP
2	Beauchamps LLP
3	Byrne Wallace LLP
4	Mason Hayes & Curran LLP
5	RDJ LLP

Lot 6 – Multi-Disciplinary Services	
No.	**Framework Member**
1	Arthur Cox LLP
2	Beauchamps LLP
3	Byrne Wallace LLP
4	Philip Lee LLP
5	RDJ LLP

How were Framework Members chosen?

As part of the procurement and tendering process, the successful service providers satisfactorily demonstrated:

- Quality of expertise in providing the services required.
- Competitive pricing.

How do I access services?

Accessing services

Accessibility of services to Framework Clients is a core design principle of the Framework. In order for this mechanism to work efficiently, a clear understanding of requirements and specifications will be required. (The OGP can provide assistance if required.)

<table>
<tr><th colspan="3">Mechanisms to Access Services</th></tr>
<tr><th>Lots 1 - 6</th><th colspan="2">Drawdown Mechanism</th></tr>
<tr><td rowspan="2">In order to draw down services you may opt to:
1. Run a Mini-Competition; or
2. Direct Award by Cascade

These two options are applicable to all 6 Lots on the Framework.</td><td>1. Mini-Competition

Note: You must complete a Supplementary Request for Tender (SRFT) to utilise this service</td><td>2. Cascade

Note: You must complete a Notification to Activate Services Form (NASF) to utilise this service.
For the avoidance of doubt, Framework Clients are required to notify the Contracting Authority of the use of Cascade.</td></tr>
</table>

Mini-Competitions	Direct Award by Cascade
• A contract award is made based on further competition. • All Framework Members who have been appointed to the relevant Lot are invited to participate in the mini-competition. • This process allows you to further refine your requirements and select the most economically advantageous tender. **When should I use the 'Mini-Competition' process?** Use this process if you wish to further refine your requirements and select the most economically advantageous tender utilising a competitive procedure amongst all of the Framework Members on the selected Lot.	• A contract award is made directly without re-opening competition amongst the Framework Members. • Once the required services and appropriate Lot are identified, the first ranked tenderer for that Lot is issued with a 'Notification to Activate Services Form'. **When should I use the 'Direct Award by Cascade' process?** Use this process if you have no need to further refine your requirements by undertaking a competitive procedure, and you simply require to directly award a contract for the services covered by the selected Lot.

Examples of occasions where mini-competitions are used can include: • The need to enter into long term arrangements for broad service needs over a period of time, e.g. a University runs a mini-competition for the provision of employment law services for a period of three years. **or** • A specific capital project arises that will require legal advice over an extended period.	

1. **Mini-Competition**:

   On each occasion that you propose to award a contract through a Mini-Competition you must complete the **Supplementary Request for Tender** (SRFT) documentation which is available for download from the Buyer Zone on www.ogp.gov.ie. The SRFT Documentation comprises of the Supplementary Request for Tender ("SRFT") and the Tender Response Document ("TRD"). You must complete both documents.

   The documentation is in a standard format, and is designed to make it easy for you to define what you want so that the Framework Members can respond to your requirements. The completed documents are then sent by e-mail to the OGP at the following e-mail address: support@ogp.gov.ie for review. When the SRFT documentation is finalised and approved by you, the OGP can, on your behalf, issue the Supplementary Request for Tender (SRFT) via eTenders to the Framework Members.

   The SRFT documentation is revised on a regular basis. Therefore, please ensure that you use the most recent version available on the website each time you have a requirement.

   Important Note: Do not re-use a previous downloaded copy as any updates/changes will not be captured and the process may be compromised.

2. **Direct Award by Cascade:**

   On each occasion that you propose to award a contract through a Direct Award by Cascade you must complete the Notification to Activate Services Form (NASF), which is available for download from the Buyer Zone on www.ogp.gov.ie.

   Summary of Process Steps:

   1. Determine the specific services required and select appropriate Framework Lot
   2. Complete the Notification to Activate Services Form (NASF) and issue to the Framework Member
   3. Note: Please also provide a copy of the NASF at the time of issue to LSReports@ogp.gov.ie.
   4. Conclude contract with successful Framework Member
   5. Provide Contract Award Notice information to the OGP for publication

   You must determine, at your discretion, the Lot into which the specific requirement falls (see Appendix 1 for the range of services covered by each Lot). Each Lot has a ranking system (see

Appendix 4 for the ranking order for each Lot). If awarding Services Contracts using this mechanism you shall award a Services Contract to the first ranked Framework Member unless any of the following circumstances (in no particular order) apply, whereby that Framework Member:

- confirms that they do not have capacity to undertake the work; or
- cannot respond within the required timescales as detailed in the specification of requirements; or
- where in the view of the Framework Client or Framework Member an actual or perceived conflict of interest exists duly explained to the other party. For the avoidance of doubt there is no obligation on you to accept any explanation from a Framework Member, i.e. it is at your sole discretion to determine if a conflict exists.
- If any of the criteria set out above are applicable, then the second ranked Framework Member should be appointed. If the second ranked Framework Member cannot meet the need (by reason of issues detailed above), the third ranked Framework Member should be approached and so on until the Services Contract is awarded.

How to issue a Notification to Activate Services Form ("NASF") to a Framework Member:

- Once the Lot for your specific requirements has been determined, you shall issue a completed Notification to Activate Services Form ("NASF") (by electronic means) directly to the first ranked Framework Member in accordance with the ranking system (see Appendix 4 for the ranking order for each Lot). ***Please also provide a copy of the NASF at the time of issue to*** ***LSReports@ogp.gov.ie***. This shall be deemed to be an offer by you to the first ranked Framework Member to purchase the Services.
- When received by the first ranked Framework Member, the Framework Member shall consider the NASF, in terms of the requirement, their current available capacity and any conflict of interest that may arise. They shall then, within the time period specified in the NASF, send notification directly to you as to whether they would be willing to enter into a Services Contract to perform the Services, which are the subject of the NASF.
- Any clarifications requested by the Framework Member in relation to a NASF must be submitted in writing by email to you, the Framework Client.
- If the Framework Member confirms by reply that there are no conflicts of interest and that it would be willing to enter into a Services Contract, you shall proceed to award the Services Contract to the Framework Member.

- If the Framework Member does not confirm by the stated deadline that it would be willing to enter into a Services Contract to perform the Services which are the subject of the NASF, or if the Framework Member does not wish to enter into a Services Contract, have available capacity, or if a conflict of interest arises, you, as the Framework Client, may issue a NASF to the next highest ranked Framework Member and the process is repeated until the Services Contract is awarded.

You must set out the following in the NASF:

- The scope and term of the Contract to be awarded;
- The deadline (date and time) for the receipt of the completed response to the NASF ("Response") taking into account the complexity of the Services and the time needed to prepare an appropriate submission. Responses received after the deadline will not be considered;
- The types and levels of insurance required for the Contract;
- The special conditions (if any) that apply to the Contract in addition to those (if any) marked as applying in the Services Contract published with the RFT.

Note:

- The Notification to Activate Services Form (NASF) is available for download from the Buyer Zone on www.ogp.gov.ie.
- The Framework Member Ranking Tables are listed at Appendix 4 of this User Guide.

The Department of Public Expenditure and Reform Circular 15/2011 places certain obligations on Framework Clients with regard to external service delivery. It is the responsibility of any Framework Client, intending to award a Services Contract under this Framework Agreement, to ensure that all relevant obligations in this regard are fully complied with.

How do I run a Mini-Competition?

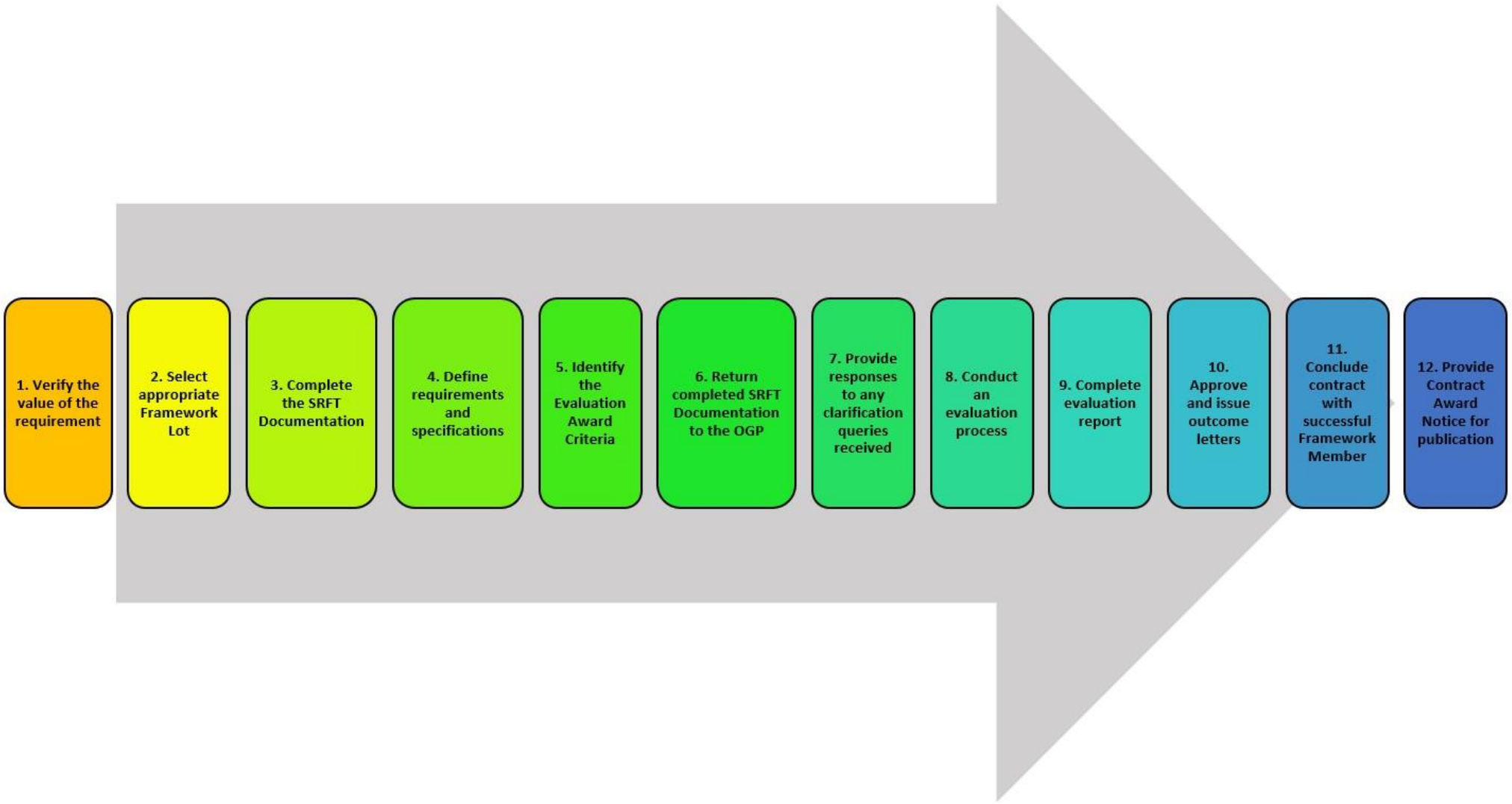
There are a number of stages you must go through when running a Mini-Competition under this Framework.

Process Steps:

1. **Verify the value of the requirement.**
2. **Select appropriate Framework Lot.**
3. **Complete the SRFT Documentation.**
4. **Define requirements and specifications.**
5. **Identify the Evaluation Award Criteria.**
6. **Return completed SRFT Documentation to the OGP.**
7. **Provide responses to any clarification queries received.**
8. **Conduct an evaluation process.**
9. **Complete evaluation report.**
10. **Approve and issue outcome letters.**
11. **Conclude contract with successful Tenderer.**
12. **Provide Contract Award Notice for publication.**

Please see below a step-by-step process diagrams and detailed narrative on each of the process steps.

STEP-BY-STEP PROCESS DIAGRAM



1. Verify the Value of the Requirement

The value relates to the entire contract value over the full term of the Services Contract. The Supplementary Request for Tender (SRFT) documentation is available for download from the Buyer Zone on www.ogp.gov.ie. If you have any difficulty accessing the documentation, please contact us at LSReports@ogp.gov.ie.

2. Select appropriate Framework Lot

Please select the Framework Lot that best suits your requirements. Prefer refer to **Appendix 1** of this User Guide for the Range of Services for each Framework Lot. This can be used to help you to select the correct Lot for your requirements.

3. Complete the SRFT Documentation (SRFT and Tender Response Document)

SRFT Documentation must be completed for each Mini-Competition under this Framework. The SRFT Documentation comprises of the SRFT and the Tender Response Document. Please complete both documents.

Note: A Draft Services Contract forms part of the SRFT. The Draft Services Contract is to be completed by the Framework Client on Award of Contract (Post Mini-Competition) along with the Confidentiality Agreement.

4. Define Requirements and Specifications

It is important to provide as much detailed information as possible to Framework Members when setting out your requirements and specifications. This will optimise your chances of achieving tender responses that best meet your requirements. The following is typical of the type of information that is required in order to define requirements and specifications:

1. Introduction and background information about your organisation including your organisation structure.
2. The nature of the services provided by your organisation and the challenges faced by your organisation as they relate to the requirements.
3. The objectives underpinning your SRFT requirements and specifications.
4. If applicable, any historical or forecast data or relevant information relating to volumes and historical actual spend on these or similar services.

5. Priority requirements and deadline.
6. The types of services required.
7. Key deliverables necessary to provide the services to the required level.
8. Approach & Methodology to Service Delivery.
9. Quality, Relevant Experience and Availability of Resources of Proposed Team.
10. Estimated Timeframe/Deadlines.
11. The location(s) where the work is to be carried out/delivered.
12. The contract duration (start/end dates, if applicable).
13. Minimum/Mandatory Requirement(s) that must be met.
14. *Any special contractual conditions* that may apply in addition to those set out in the Services Contract.

5. Identify the Evaluation Award Criteria

In order to evaluate and score the Tender Responses, the Framework Client must assign a weighting to each of the Award Criteria against which the Tender responses will be evaluated. Every Mini-Competition may include the following **four (4) Award Criteria**:

1. **Approach & Methodology to Service Delivery;**
2. **Quality & Relevance of Proposed Team;**
3. **Resourcing Commitment at Partner Level;**
4. **Cost.**

We have tried to build flexibility into the Mini-Competition criteria. You can adjust the range of weightings for each of the award criteria to suit your requirements. You need to consider how important each of the four (4) award criteria are and assign a weighting to each criterion used, bearing in mind that the sum of these weightings must equal 100% of the total marks available.

Award Criteria	Range of Weightings
Approach & Methodology to Service Delivery	0% to 50%
Quality & Relevance of Proposed Team	0% to 50%
Resourcing Commitment at Partner Level	0% to 20%
Cost	0% to 100%

Framework Clients may use sub-criteria as part of their assessment. Any sub-criteria must be consistent with the range of weightings identified above.

6. Issuing SRFT Documentation to Framework Members

Both the completed SRFT and Tender Response Document can be submitted to the OGP at the following email: support@ogp.gov.ie. The OGP will, on your behalf, issue the SRFT and Tender Response Document electronically via the etenders website to the relevant Framework Members. (Exceptions can apply in restricted circumstances, for example, in respect of certain confidentiality matters.)

7. Provide responses to any clarification queries received

The OGP will forward all received queries to the Framework Client for a reply. Responses to these queries/clarifications will be posted on behalf of the Framework Client via the messaging facility on the etenders website and must be available to all Framework members on the relevant Lot. All communication in respect of mini-competitions is directed via the messaging facility on www.etenders.gov.ie.

8. Conducting an evaluation process: Important points to note

- It is essential to confirm that there are no conflicts of interest at all stages of the process. Evaluators will be required to complete and sign the conflict of interest declaration/confidentiality agreement before the commencement of the evaluation process.
- The evaluation will be conducted in line with procurement best practice principles ensuring transparency, equal treatment, proportionality and mutual recognition. Each tender is to be evaluated for evidence of how the submission meets the requirements of the award criteria as set out in the SRFT.
- You must ensure that the assessment of responses is undertaken fairly according to the predetermined weighting schedule.

9. Complete evaluation report

The evaluation panel must draft an evaluation report summarising the evaluation scores, comments, justifications for their decision. All evaluation panel members are required to sign the report.

10. Approve and issue outcome letters

The evaluation panel will draft and approve the outcome letter(s) on their headed paper for the Framework Members(s) who have submitted a Tender Response to the SRFT competition. The outcome letter(s) will be issued on behalf of the Framework Client, by the OGP via the messaging facility on the etenders website.

11. Conclude contract with successful Tenderer

The Framework Client will be required to prepare a fully executable version of the Services Contract and Confidentially Agreement and execute both documents with the successful Framework Member.

12. Provide Contract Award Notice for publication.

Once the contracts have been signed with the successful Framework Member, details of contract start date and final estimated value are to be returned to the OGP so that a Contract Award Notice may be published.

Framework Client's Roles and Responsibilities

The OGP's role is to provide procurement services to the public service. In fulfilling that role, it is important that the line of responsibility is clear. While the OGP may conduct the procurement process on behalf of Framework Client, the responsibility for key decisions remains solely with the Framework Client. Further information in relation to respective Roles and Responsibilities can be found at www.ogp.gov.ie .

Framework Client's Roles and Responsibilities

The Framework Client; as the Contracting Authority, is accountable and responsible for procurement competition, all steps therein and the performance of the contract. The Framework Clients primary role and key decisions are:

- ✓ To obtain its own legal advice
- ✓ To create the detailed specification ('the what')
- ✓ To decide upon the award criteria as outlined in the Framework Agreement
- ✓ To consider, decide upon and approve the final tender documentation to be put to the market
- ✓ To respond accurately and consistently to all clarifications from bidders and potential bidders
- ✓ Any decision to exclude a tender(s) or tenderer(s)
- ✓ To select competent evaluators and to conduct the evaluation of each tender
- ✓ To approve the evaluation matrix and approve the Most Economically Advantageous Tender (MEAT) (lead bidder(s)) and subsequent contract award
- ✓ To approve the Tender Evaluation Report
- ✓ To provide the content for the Outcome Letters and approve same prior to publication
- ✓ To prepare a fully executable version of the contract and to execute same

- ✓ To approve Contract Award Notice (CAN) prior to publication
- ✓ To ensure all relevant sourcing documents including the rationale for key decisions are correct and appropriately archived
- ✓ To manage the performance of the contract

How does the pricing work?

The prices set out in the Framework Agreements are Maximum Ceiling Hourly Rates.

Maximum hourly rates have been tendered by service providers to gain entry to the Framework. The Hourly Rate Card charges submitted for each Professional Grade by a Framework Member in their response to the RFT cannot be exceeded in their response to any Mini-Competition or Direct Award by Cascade undertaken under the respective Framework Agreement Lot.

Mini-Competition: The rates may be reduced in response to a Mini-Competition (SRFT), but not increased.

Direct Award by Cascade: The rates are fixed at the Maximum Ceiling Hourly Rates, and may not be increased or reduced.

The Hourly Rates provided by the Framework Members are commercially sensitive. However in order to provide you with an overview of the Maximum Hourly Rates, some further pricing information is available on request from LSReports@ogp.gov.ie. This pricing information is commercially sensitive and is available subject to completion of a non-disclosure agreement (NDA). The purpose of this pricing information is to provide Framework Clients with a summary of the rates which were tendered for entry to the Framework and to allow Framework Clients the opportunity to budget accordingly.

Frequently Asked Questions

Question 1:

How may I drawdown Services from this Framework?

Framework Clients may drawdown Services in the following two ways

(i) Direct Award by Cascade (Type A Award)

(i) Mini Competition (Type B Award)

Question 2:

What is a Mini-Competition?

A mini-competition is a tender process conducted amongst the Framework Members who have been awarded a place on the Framework. A Mini-Competition is initiated through the issue of a Supplementary Request for Tender (SRFT) and Tender Response Document (TRD) to these Framework Members. The OGP will facilitate such competitions by:

- Providing template documentation;
- Assisting with the process of drafting the SRFT including the TRD; and
- Communicating with Framework Members on your behalf (including issuing SRFT documentation, requests for queries/clarifications, issue of notifications).

Question 3:

Do I need to run a Mini-Competition in order to establish a contract under this Framework Agreement?

There are two methods of drawdown under this Framework, Mini-Competition or Direct Award by Cascade. If you wish to place a contract under the Framework you will need to undertake either a Mini-Competition which the service providers appointed to the Framework will tender for, or issue a direct award utilising the Cascade mechanism.

Question 4:

What is Direct Award by Cascade?

Direct Award by Cascade is a direct drawdown mechanism which works on the basis of a ranking system, whereby the Framework Client issues a 'Notification to Activate Services Form' (NASF) electronically to the first ranked Framework Member for the specific Lot to which the services relate. The Framework Member shall consider the NASF, in terms of the requirement, their current available capacity and any conflict of

interest that may arise and they respond to the framework Client by a specified deadline if they would be willing to enter into a Services Contract to perform the Services, or not. If not, the Framework Client may issue a NASF to the next highest ranked Framework Member and the process is repeated until the Services Contract is awarded by the Framework Client.

Question 5:

Do we have to complete the Notification to Activate Services Form (NASF) to undertake a Direct Award by Cascade?

Yes, you must complete the Notification to Activate Services Form (NASF) and issue the completed NASF directly to the Framework Member. The Notification to Activate Services Form (NASF) is available for download from the Buyer Zone on www.ogp.gov.ie. Please also provide a copy of the NASF at the time of issue to LSReports@ogp.gov.ie.

Question 6:

What are the main differences between running a Mini-Competition and a Direct Award by Cascade?

A mini-competition is a process whereby a contract award is made based on further competition. All Framework Members who have been appointed to the relevant Lot are invited to participate in this mini-competition through the publishing of a 'Supplementary Request for Tender' (SRFT), and Framework Members respond by submitting a Tender through the eTenders system. This process allows you to further refine your requirements and select the most economically advantageous tender.

A Direct Award by Cascade is a process which allows you to directly award a services contract without re-opening competition amongst the Framework Members. Once you identify the services you require, you select the most appropriate Lot and arrange to issue a 'Notification to Activate Services Form' (NASF) electronically to the first ranked tenderer for that Lot. The rankings for each Lot are outlined in Appendix 4. If the first ranked tenderer is unable to undertake the services, you may issue a NASF to the next highest ranked Framework Member and the process is repeated until the Services Contract is awarded by the Framework Client.

Question 7:

Do we have to inform Framework Members of insurance requirements?

Yes, you must inform Framework Members of your insurance requirements. The types of and levels of insurance must be set at SRFT stage by Framework Clients. Framework Clients are advised to assess the risks associated with the services they are seeking to procure.

Question 8:

Under the Framework for Legal Services for the University Sector, are suitable services providers scored or ranked? If so, are we under any obligation to use the highest scoring provider?

Mini- Competition: Service providers are not ranked within the Framework. All service providers appointed to the Framework are deemed capable, and therefore should be treated in the same way. The Framework does not oblige you to use any specific service provider in terms of the Mini-Competition process.

Direct Award by Cascade: Service providers are ranked (See **Appendix 4)**. You must determine the Lot into which the specific requirement falls, and if awarding Services Contracts using this mechanism you shall award a Services Contract to the first ranked Framework Member. If certain criteria apply whereby the first ranked Framework Member is unable to complete the work, then the second ranked Framework Member should be appointed. If the second ranked Framework Member cannot meet the need, the third ranked Framework Member should be approached and so on.

Question 9:

Do we have to complete both the SRFT and the Tender Response Document in order to undertake a Mini-Competition?

Yes, you must complete both the SRFT and the Tender Response Document. The Supplementary Request for Tender (SRFT) documentation is available for download from the Buyer Zone on www.ogp.gov.ie. Both the completed SRFT and Tender Response Document can be submitted to the OGP at the following email: support@ogp.gov.ie.

Question 10:

How long will the Framework Members have to respond to an SRFT once it is published on etenders?

The Framework Client should ensure that sufficient time is allowed for Framework Members to read and familiarise themselves with the requirements and specifications as set out in the SRFT, having regard to the complexities of the services sought and the time required to compile information and complete the SRFT documentation. The OGP strongly recommends that you allow sufficient time for this process.

Question 11:

How do we decide which Lot is suitable for our requirements?

You will need to clearly set out your specific requirements. The information under '**What services are covered?'** at **Appendix 1** which details the range of services can be used as a basis.

Question 12:

In a Mini-Competition how much can we adjust the award criteria to suit our individual needs?

We have tried to build flexibility into the Mini-Competition criteria so that you can adjust these to be the most appropriate fit for your requirements. This provides for the possibility of further defining the criteria, inserting sub-criteria and adjusting weightings. You must declare all your evaluation criteria. You must use the following criteria and range of weightings at Mini-Competition Stage and ensure the total adds up to 100%:

Award Criteria	Range of Weightings
Approach & Methodology to Service Delivery	0% to 50%
Quality & Relevance of Proposed Team	**0% to 50%**
Resourcing Commitment at Partner Level	0% to 20%
Cost	**0% to 100%**

Weightings for any sub-criteria must be consistent with the range of weightings identified above.

Question 13:

Are the drawdown mechanisms provided for under the Framework for Legal Services for the University Sector mandatory for use in relation to 'Priority Matters'?

The drawdown mechanisms provided for by this framework are not mandatory for use in relation to 'Priority Matters'. As outlined in section 4 of the original Request for Tender, a 'Priority Matter' is a matter that meets either of the following criteria:

- it is of an extremely urgent nature that requires immediate action to protect the interests of the Framework Client.

  This is in keeping with Article 32.2(c) of the Directive outlining use of the negotiated procedure without prior publication.

- it relates to legal advice in preparation of any judicial proceedings before the courts.

  or

- there is a tangible indication and high probability that the matter to which the advice relates will become the subject of proceedings.

This is in keeping with Article 10 of the Directive outlining specific exclusions for Service Contracts.

Contact Us

If you have any questions about the **Provision of Legal Services for the University Sector Framework** or would like to know more, please contact us at the following:



support@ogp.gov.ie



01 733 8000



Office of Government Procurement
3A Mayor Street Upper
Dublin 1
D01 PF72

Appendix 1: Range of Services for each Framework Lot

Lot (Practice Area)	Typical Subject Matter which might arise under the Sub Lot (Practice Area)
Lot 1: Corporate, Commercial & Information (incl. Research Affairs and Intellectual Property)	Corporate governance, Charitable trusts, commercial agreements, Product liability; Establishment, management and operation of subsidiary companies and campus companies; Relevant taxation matters; Joint ventures; Insurance matters, Freedom of Information, Protected Disclosures, Data Protection, GDPR, Provision of legal advice in respect of intellectual property strategy and policy development, Provision of legal advice on intellectual property rights (Patents Act, Copyright Act and any related legislation), Legal agreements for the transfer or use of intellectual property rights (licences, assignments, options and other research related agreements), European law applicable to intellectual property rights and commercialisation (State Aid Rules, etc.), Resolution of IPR disputes etc. Clinical trials, research contracts, ethics and related matters
Lot 2: Estates Management & Capital Development	Leases, licences, acquisitions and disposals, wayleaves, Construction and Infrastructure projects (inc. procurement advices relating to same), environmental matters, mediation, arbitration, construction professional appointments, Bonds, warranties, guarantees and insurance, Health and Safety.
Lot 3: Employment	Recruitment, Employment disputes (individual and collective), Contractual matters (including terms and conditions), Contractual terminations and dismissals (including redundancy, retirement and compromise), Employment policies (legal aspects), Transfer of Undertakings (Protection of Employment) Regulations, Pension matters, Equality and diversity, Employment law, case law, interpretation, application and compliance, Representation at Labour Court, EAT, WRC etc.
Lot 4: Procurement & Competition	Procurement contracts, Competition law, Contract issues, including variations, disputes and arbitration, Investigations & enquiries, Supplier Issues, EU procurement law, Public Contract Regulations (or successive laws/regulations)
Lot 5: University Affairs	Public, Administrative and Regulatory Law as it relates to the University sector, Advices as they relate to the discharge of the statutory functions of a University, Student related advices, Debt Recovery, MOU type issues
Lot 6: Multi-Disciplinary Legal Services	This is a multi-disciplinary Lot designed to accommodate Framework Clients who require access to the provision of advice from a single Framework Member across the following Employment, Corporate, Commercial & Information,

	Estate Management & Capital Development, Procurement & Competition, University Affairs.

Examples of Typical Types of Service Requirements under each Tier

Lot # & Description	Examples of Tier 1 Services	Examples of Tier 2 Services	Examples of Tier 3 Services
Lot 1: Corporate, Commercial & Information- (incl Research Affairs and Intellectual Property)	Establishment of subsidiary companies and campus companies, alteration to university constitution for the purposes of delivering services to the State, Establishment of investment funding arrangements, advices on exceptionally complex, innovative and/or strategically important finance issues	University specific legal advices for general finance, capital markets and exceptionally complex, innovative and/or strategically important major project issues, advice of protected disclosure as it relates to a specific University	Drafting of good practice legal guide on FOI, Information Law and/or GDPR issues
Lot 2: Estates Management & Capital Development	A capital development project for a research facility as per CWMF	Mediation/arbitration of a works contract dispute, acquisition of permits under relevant environmental legislation	Routine property conveyance, leases, licences, acquisitions and disposals which can be delivered by way of fixed transactional price
Lot 3: Employment	Development of sectoral specific HR policy, litigation involving academic staff which may impact on sector wide terms and conditions for academic staff,	Review and update of University HR Policy, advice on the adverse reaction people have to excessive pressures or other types of demand placed on them (stress), Advice and	Drafting of Settlement Agreement

		guidance to a University on compliance with individual rights such as atypical workers and attendance management	
Lot 4: Procurement & Competition	Article 84 Proceedings that may impact on the broader public procurement landscape, Advising on state aid in the context of Government intervention in Universities	Article 84 proceedings specific to a University, drafting of response to pre-litigation letter submitted by an unsuccessful tenderer, mediation of contract dispute	Review of Services Contract in advance of execution, routine procurement query answerable by reference to Directive 2014/24/EU
Lot 5: University Affairs	Litigation in respect of a University's responsibility to provide students with what they are promised, Legal options appraisal to embed regulatory policy in law	Review of University Act 1997, Technological Universities Act 2018, HEA Act 2022, Drafting of Memorandum of Understanding, Audit of a University's decision making processes and procedures, including identifying key areas of risk together with possible solutions, Drafting rules, guidelines, bye-laws and codes of conduct	Debt Recovery

Lot 6: Multi-Disciplinary Services	A capital development project for a research facility (which typically will require estates, procurement and IP advices),	An alteration to the scope of a Universities activity will require employment, university affairs and competition advices	***Not Applicable***

Appendix 2: Guidance Notes - Developing SRFT Specifications for Services

What is a Specification?

In a procurement context, a specification can be defined as a statement of needs. It defines what you want to buy and, consequently, what the Framework Member is required to provide. Specifications can be simple or complex depending on the need.

The success of the procurement activity relies on the quality of your specifications. Apart from the specification identifying the services you require. It will form a part of any future Services Contract that may result from a mini-competition.

A good specification should be clear, informative and unbiased.

Who is involved in Developing the Specification?

It is important to ensure the active participation of all internal key stakeholders in particular, the users of the service, technical experts, policy advisors etc. Involving the key stakeholders in the procurement process helps to get a clear definition of requirements. Valuable information and advice relating to the requirement can be obtained by discussing it with end users, other users within the Department/Agency, technical and professional staff, policy staff etc.

Tips for Writing your Specification



- ✓ **It is important that you spend time assessing your requirements and producing a good quality specification of those requirements.**
- ✓ **The more detailed and accurate your specification, the less likelihood there will be scope creep and additional costs.**
- ✓ **The specification should provide a description of the characteristics and/or required outputs of the service.**
- ✓ **Focus on the actual requirement i.e. the service you require, delivery timescales etc.**
- ✓ **Use simple clear language without jargon (to minimise misinterpretation).**
- ✓ **Define terms, symbols and acronyms.**

Appendix 3: Professional Grade Levels

Consulting Profile	Indicative characteristics
Senior Legal Practitioner	A Senior Legal Practitioner is a qualified solicitor or barrister with more than 10 years PQE,
Mid-Level Legal Practitioner	a Mid-Level Legal Practitioner is a qualified solicitor or a qualified barrister with more than 5 years PQE
Junior Legal Practitioner	a Junior Legal Practitioner is a qualified solicitor or a qualified barrister with less than 5 years PQE

Note:	
Post Qualification Experience (PQE)	Post qualification experience (PQE) is experience derived from practical knowledge, skill, or practice in delivering legal services similar to those required by the Contracting Authority in the particular Lot being tendered for.

Appendix 4: Direct Award by Cascade - Framework Member Ranking Tables

These tables are only applicable when awarding a services contract through the Direct Drawdown by Cascade mechanism.

Lot 1 – Corporate, Commercial & Information	
No.	**Framework Member**
1	Mason Hayes & Curran LLP
2	RDJ LLP
3	Philip Lee LLP
4	Beauchamps LLP
5	Arthur Cox LLP

Lot 2 – Estates Management and Capital Development	
No.	**Framework Member**
1	RDJ LLP
2	Beauchamps LLP
3	Philip Lee LLP
4	Byrne Wallace LLP
5	Mason Hayes & Curran LLP

Lot 3 – Employment	
No.	**Framework Member**
1	Byrne Wallace LLP
2	RDJ LLP
3	Beauchamps LLP
4	Arthur Cox LLP
5	O'Flynn Exhams LLP

Lot 4 – Procurement & Competition	
No.	**Framework Member**
1	Philip Lee LLP
2	Beauchamps LLP
3	A&L Goodbody LLP
4	Arthur Cox LLP
5	Eversheds Sutherland LLP

Lot 5 – University Affairs	
No.	**Framework Member**
1	Mason Hayes & Curran LLP
2	Byrne Wallace LLP
3	Beauchamps LLP
4	RDJ LLP
5	Arthur Cox LLP

Lot 6 – Multi-Disciplinary Services	
No.	**Framework Member**
1	RDJ LLP
2	Beauchamps LLP
3	Byrne Wallace LLP
4	Arthur Cox LLP
5	Philip Lee LLP

Appendix 5: Framework Member Directory

The following, in alphabetical order, is the Framework Member Directory.

Framework Member		Address	Email	Contact Name	Telephone
1	A&L Goodbody LLP	3 Dublin Landings, North Wall Quay, Dublin 1, D01 C4E0	AMCurran@algoodbody.com	Anna Marie Curran	00-353-1-649 2227
2	Arthur Cox LLP	Ten Earlsfort Terrace, Dublin 2, D02 T380.	Kevin Langford Olivia Mullooly	kevin.langford@arthurcox.com olivia.mullooly@arthurcox.com	00-353-1-920 1211
3	Beauchamps LLP	Riverside Two, Sir John Rogerson's Quay, Dublin 2, D02 KV60.	i.reynolds@beauchamps.ie	Imelda Reynolds	00-353-1-418 0664
4	ByrneWallace LLP	88 Harcourt Street, Dublin 2, D02 DK18.	mnilongain@byrnewallace.com jlegorburu@byrnewallace.com	Michelle Ní Longáin Jon Legorburu	00-353-1-691 5310 00-353-1-691 5494
5	Eversheds Sutherland	One Earlsfort Centre, Earlsfort Terrace, Dublin 2.	terryomalley@eversheds-sutherland.ie	Terry O'Malley	00-353-1-664 4281
6	Mason Hayes & Curran	South Bank House, Barrow Street, Dublin 4, D04 TR29.	clord@mhc.ie	Claire Lord	00-353-1-614 5204

7	O'Flynn Exhams LLP	58 South Mall, Cork	rn@ofx.ie	Richard Neville	00-21-427 7788
8	Philip Lee	Connaught House, One Burlington Road, Dublin 4, D04 C5Y6	mbaker@philiplee.ie	Maree Baker	00-353-1-237 3700
9	Ronan Daly Jermyn	85 South Mall, Cork, T12 TP8D	linda.kelleher@rdj.ie	Linda Kelleher	00-353-21-480 2757