**NORTH EAST ACCESS TO FINANCE LIMITED**

**TENDER SPECIFICATION: GROUP LEGAL SERVICES**

**Tender Reference: NEA2F.045**

**September 2024**

**3rd Floor**

**Baltimore House**

**Abbots Hill**

**Gateshead**

**NE8 3DF**

1. **BACKGROUND**

The Contracting Authority for this Tender is **North East Access to Finance Limited** (‘NEA2F’). NEA2F is a company limited by guarantee and its registered office is 3rd Floor, Baltimore House, Abbots Hill, Gateshead NE8 3DF.

NEA2F’s remit includes:

* Stewardship of returns from publicly backed investment funds in North East England, including overseeing fund realisations and ensuring that returns are maximised.
* Working with regional stakeholders and policy makers to provide a co-ordinated strategy on Access to Finance provision in North East England.
* Planning and supporting the implementation of new funds to ensure continuity of Access to Finance provision in the region.
* Overseeing the re-deployment of legacy returns from investment funds in the region into new funds and initiatives to support SMEs.

This Tender is for legal services for NEA2F and its group companies. These include North East Finance Holdco Limited, which is the holding fund manager for the Finance for Business North East (‘FBNE’) Fund. During its active investment phase, the FBNE Fund invested £160m in SMEs across North East England. Our focus is now on realising these investments and generating a cash legacy to fund future investment programmes in the region.

The group has a small but experienced executive team and benefits from the collective expertise of its non-executive directors and a joint Investment Sub-Committee.

1. **INVITATION TO TENDER**

We are inviting law firms to tender for the provision of legal services to NEA2F and its group companies including North East Finance Holdco Limited and North East Regional Investment Fund Partner Limited. The full specification of requirements is set out later in this document.

**Contract Term**

This is a sub-threshold procurement. The contract is for a term of **three years**, commencing November 2024. The precise length of the contract term depends on operational factors and circumstances. It could be extended, provided that we remain below the procurement threshold, but we will also have the right to terminate the contract on three months’ notice.

The award of the contract does not guarantee any work and we reserve the right to procure other legal support if necessary, whether because of a conflict of interest or for other operational reasons.

**Contract value**

It is difficult to quantify the value of the contract, but as a guide expenditure on legal fees in recent years has been in the region of £25k per annum, though this can vary as larger projects arise.

**Enquiries and clarifications**

All enquiries in relation to this Tender should be addressed to James Arkless, Company Secretary & Legal Counsel at [james.arkless@nea2f.co.uk](mailto:james.arkless@nea2f.co.uk).

1. **SPECIFICATION**

Tenders are sought for the provision of legal services to North East Access to Finance Limited and its group companies including North East Finance Holdco Limited, North East Finance Subco Limited and North East Regional Investment Fund Partner Limited.

We are seeking bids from firms with a suitable level of experience and expertise to act as legal advisers to the group, supporting the Executive team and the Company Secretary in providing guidance to the Boards and ensuring compliance with all legal and regulatory requirements. Instructions may come from the respective Boards of North East Access to Finance or North East Finance Holdco or the group’s Company Secretary. We are looking for bidders to demonstrate expertise in the following key areas:

*Specialist expertise*

* Public sector venture capital funds and the legal and regulatory issues applying to them, including financial services regulation
* Procurement: all aspects of procurement processes and procedures as well as the interpretation and application of procurement law
* Subsidy Control and State Aid relating to publicly funded bodies delivering venture capital funds and issues of aid to investees
* Legal/regulatory issues relating to public sector economic interventions including compliance with ERDF Regulations and requirements of other funders such as Regional Growth Fund
* Regional funding arrangements and understanding of local/regional political structures
* Requirements of key stakeholders at European, national and regional level
* Key contractual agreements and public funding conditions.

*General commercial advice*

* Data security and compliance with Data Protection legislation
* Staffing issues and employment law
* Governance and corporate structures
* M&As and equity disposals
* Issues arising from commercial contracts and/or lease terms
* Issues arising from audits and evaluations
* Debt recovery.

1. **INFORMATION TO BE PROVIDED**

Please set out in detail how you would deliver the services set out in the specification above, including the following:

* Details of your firm’s **relevant specialist expertise**, which is a key focus in the selection process. You should explain what expertise you have within the team in each of the areas in the specification above and give details of your previous experience in similar work.
* You should demonstrate some understanding of the legal issues facing NEA2F and your knowledge of public sector investment funds and regional funding arrangements.
* You should specify who will be our **main client contacts,** how you will manage client relationships and ensure that the firm is responsive and provides a high standard of service.
* Please give details of all key **members of the team**, their roles, experience and track record and your overall capacity as a firm. Brief CVs of the team should be included.

**Pricing**

You are asked to provide **hourly rates** for delivering the services specified. We expect that these will vary between individuals and grades of fee-earner. Please set out all the relevant rates. However, for comparison purposes in scoring the bids, please note that we will look at the ‘headline rates’ for Partners and Associates.

We would anticipate that, for each project or instruction, we would agree a fee quote with you in advance, based on the rates stated in your tender.

1. **TENDER SUBMISSIONS AND EXPRESSIONS OF INTEREST**

Tenders (quoting ref: NEA2F.045) should be emailed to [james.arkless@nea2f.co.uk](mailto:james.arkless@nea2f.co.uk) by the closing date which is **12.00 noon on Thursday 10 October 2024**.

All bids will be opened on the closing date. Tenders should be **limited to 15 pages of A4**.

It is useful to know **who interested parties are**, in case additional information needs to be circulated. Firms intending to bid may indicate their interest without obligation, by emailing [james.arkless@nea2f.co.uk](mailto:james.arkless@nea2f.co.uk).

1. **CONFIDENTIALITY AND TRANSPARENCY**

To ensure a fair and transparent process, no approach should be made to anyone associated with NEA2F or North East Finance in connection with this Tender outside of the formal process.

You must not disclose details of your tender to other interested parties and you must not try to obtain information about anyone else’s tender before the contract is awarded.

1. **EVALUATION OF TENDERS**

**Conditions precedent**

Bidders must be fully accredited full service law firms with an appropriate level of PI insurance, details of which should be provided.

**Contract award**

Bids will be evaluated using the award criteria and scoring principles set out below.

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| **Award criteria** | **Max score** |
| 1. Demonstration of specialist expertise on venture capital funds, publicly funded bodies and regional funding arrangements, and key legal issues relating to them, including procurement, Subsidy Control and State Aid | **25%** |
| 1. Demonstration of expertise in corporate and commercial matters, including M&As and equity disposals, contractual disputes, employment law and data protection | **25%** |
| 1. Evidence of your ability to deliver the range of services required to a high standard, including regular access to key contacts and understanding of the context in which we operate | **25%** |
| 1. Price and value for money | **25%** |

**Scoring principles for criteria 1 to 3**

* Excellent: exceeds the requirements of the contract: 25 marks
* Good: meets all contract requirements to a high standard: 20 marks
* Acceptable: meets most of the requirements of the contract: 15 marks
* Unable to meet the requirements of the contract: 10 marks or less

**Scoring for price**

We will score price based on the headline rates given for Partners and Associates. The maximum 25 marks will be awarded to the lowest priced bid and other scores will be reduced in proportion to the additional cost.

September 2024