

**Attachment 2b – Lot 2 Certificate of Technical and Professional Ability (COTPA 2)  
RM6360 – Legal Panel for Government**

### **Instructions**

To demonstrate your experience in delivering services within the scope of the requirement, you must provide evidence of relevant services as outlined in **Section A** of the Certificate of Technical and Professional Ability (COTPA). This evidence must then be validated by a customer in **Section B**.

This specific **COTPA** applies only to **COTPA 2**, which requires you to provide evidence of expertise in **one (1)** Mandatory Specialism from the following groups:

* **Group 1:**
  + Commercial Litigation and Dispute Resolution
* **Group 2:**
  + Public Law Litigation and Dispute Resolution

Either **COTPA 1, COTPA 2 or COTPA 3** must relate to a project or matter with a link to the energy market sector.

You must also meet the additional criteria detailed in **Section A**.

### **Submission Instructions**

Once completed, submit the COTPA 2 for Lot 2 by uploading it to **question 1.26.8** within the **online Selection Questionnaire (Qualification Envelope).**

### **Submission Requirements**

* Only completed forms will be accepted; attachments will not be considered.
* Customer contacts must not have been employed by your organisation within the last three (3) years.
* Digital signatures are accepted if physical signatures are impractical.
* A single customer COTPA can be used across multiple Lots but must be signed separately.
* If you are depending on the capabilities of other entities, such as a Key Subcontractor, to demonstrate your technical and professional ability to meet the requirements of this COTPA, it is essential that they are included in your bid. Please ensure that you complete either Attachment 4a - Information and Declarations: Consortium or Attachment 4b - Information and Declarations: Key Subcontractors/Guarantors for each respective entity.

**Mandatory Requirements**

For **Lot 2**, you are required to submit **three (3)** Certificates of Technical and Professional Ability (COTPA 1, COTPA 2, COTPA 3) to demonstrate your expertise in delivering the Mandatory Specialisms outlined in Attachment 1a Framework Schedule 1 (Specification). Each COTPA must be unique and **cannot be reused** for multiple submissions.

The COTPA must evidence a contract that you have delivered within three (3) years of the publication date of the Contract Notice 19/02/25.

The contract must meet the following requirements and you must select Yes to these requirements within Section A:

* The contract is in relation to a case where the public sector was a claimant or defendant (private law matters) **or** in relation to a case where the public sector was a defendant (public law matters) for a private sector client.
* Examples of call-off contracts awarded under framework contracts will be considered valid, but framework contracts themselves will not be valid.
* The legal fees charged for fee earners' time by your organisation exceeded **£500,000**.
* If you choose a specialism from Group 1, you must provide a contract advising on litigation with an underlying value or value at risk exceeding **£65,000,000, and** required a minimum of five (5) **legally qualified staff** from your organisation, excluding paralegals, legal executives, apprentices, and trainees **or** select N/A in Section A if you have selected a specialism from Group 2.
* If you choose a specialism from Group 2, you must provide a contract was in relation to advice on a Public Law Litigation case which was adjudicated by the Court of Appeal or the Supreme Court **and** required a minimum of **four (4) legally qualified staff** from your organisation, excluding paralegals, legal executives, apprentices, and trainees **or** select N/A in Section A if you have selected a specialism from Group 1.
* If this COPTA relates to a project or matter with a link to the energy market sector then you **must** select Yes in Section A, or N/A if you have already met this criteria in COPTA 1 or COTPA 3 for Lot 2.

COTPAs will be evaluated PASS/FAIL

You will fail 1.26 Certificates of Technical and Professional Ability (COTPA) of the selection questionnaire and be excluded from the competition if:

* Your COTPAs do not meet all the mandatory requirements set out above
* You have not completed all of the information requested in the COTPA, Section A
* Your customer has not provided the required information in the COTPA, Section B
* We contact the customer contact to verify the information provided and they cannot or will not verify the information

If we determine that you have failed 1.26 Certificates of Technical and Professional Ability (COTPA) of the Selection Questionnaire we will notify you and tell you about the reasons for this.

| **RM6360 – Legal Panel for Government – Lot 2 (COTPA 2)** | |
| --- | --- |
| **Section A - To be completed by the Bidder**  We reserve the right to contact the customer listed in the certificate to verify the information provided. It is your responsibility to inform the customer that they may be contacted as part of this process. | |
| **Name of Bidder (Lead Bidder):** | **[Bidder’s name]** |
| **Certificate of Technical and Professional Ability - details of the contract, to be certified by the customer in Section B.** | |
| **Name of Customer:** | **[Customer name]** |
| **Contract title:** | **[contract title]** |
| Confirm what role your organisation has in delivering the services for the contract example? | **(Prime Supplier/Key Subcontractor/Member of a Consortium)** |
| **Name of Supplier:**  If you (Lead Bidder) are relying on another entity to demonstrate technical and professional capability they should be identified. | **[Supplier name]** |
| Confirm this contract has been delivered and completed:   * In relation to a case where the public sector was a claimant or defendant (private law matters);   **or**   * ~~In relation to a case where the public sector was a defendant (public law matters) for a private sector client.~~   ● In relation to a case where the public sector was a defendant (public law matters) and you acted for the defendant or another private sector client. | **(Yes/No)** |
| Confirm your contract is not a Framework Contract.  *(Please note, examples of call-off contracts awarded under framework agreements are valid; however, the framework agreements themselves are not eligible.)* | **(Yes/No)** |
| Confirm which **one (1)** Mandatory Specialism your contract covers: | **Group 1**  ☐ **Commercial Litigation and Dispute Resolution**  **Group 2**  ☐ **Public Law Litigation and Dispute Resolution** |
| Confirm the contract was delivered within three (3) years prior to the publication date of the Contract Notice (19/02/25). | **(Yes/No)** |
| Confirm that the legal fees charged for fee earners' time by your organisation exceeded **£500,000**.  *Please note when calculating fees charged, firms may only include fees related to time spent by* ***fee earners employed by your organisation****. Disbursements and expenses (such as expert witness fees, counsel’s fees, document management/discovery costs, IT costs, printing, and travel)* ***must not be included****.* | **(Yes/No)** |
| If you selected **Group 1** confirm that the contract involved advising on litigation with an underlying value or value at risk exceeding **£65,000,000** | **(Yes/No/N/A)** |
| If you selected **Group 1** confirm that the contract required a minimum of **five (5) legally qualified staff** from your organisation, excluding paralegals, legal executives, apprentices, and trainees. | **(Yes/No/N/A)** |
| If you selected **Group 2** confirm that the contract was in relation to advice on a Public Law Litigation case which was adjudicated by the Court of Appeal or the Supreme Court; | **(Yes/No/N/A)** |
| If you selected **Group 2** confirm that the contract required a minimum of **(four)** **4 legally qualified staff** from your organisation, excluding paralegals, legal executives, apprentices, and trainees. | **(Yes/No/N/A)** |
| Confirm that this contract relates to a project or matter with a link to the energy market sector  *Please note: one (1) of the three (3) COTPAs for Lot 2* ***must*** *meet this requirement.* | **(Yes/No/N/A)** |
| Please provide a description of the contract and your substantive role in its delivery (250 words): | |

| **Section B - To be completed by the Customer** | |
| --- | --- |
| **Certificate of Technical and Professional Ability - Customer contact details** | |
| **Customer contact name:** | [name of Customer contact] |
| **Customer address:** | [Customer address] |
| **Customer direct line:** | [Customer telephone number] |
| **Customer email:** | [Customer email] |
| **Customer confirmation:** | |
| We hereby certify that, to the best of our knowledge and belief, the supplier has satisfactorily supplied the services and delivered the deliverables and the outcomes described above at Section A in accordance with the contract. | Authorised signature (either double-click on signature box below to digitally sign or copy & paste in an image file of your signature): |
| **Liability for Customer certifying Certificate of Technical and Professional Ability:** | |
| In signing this Certificate of Technical and Professional Ability I confirm that I have the necessary authority to do so on behalf of the organisation for which the works and services were provided.  Whilst the information in this certificate has been provided in good faith in the belief that it is truthful and accurate, the customer does not assume any responsibility or any liability nor make any guarantee, representation or warranty as to the contents of this certificate. The customer shall not be liable for and hereby excludes liability for any loss, damage (including any special, exemplary, indirect, incidental, consequential damages, costs or associated legal fees) that may be suffered as a result of use of the certificate and its content, to the fullest extent permitted by law.  Nothing in this certificate shall affect, or constitute a waiver of, the customer's rights or remedies in relation to the contract. | |