

This **Multi-Lot, Multi-Provider Framework** is open to all LGPS Funds, Pools and other bodies for the procurement of Pension Administration Operational Support Services from a range of qualified Providers.

Using this Framework will **reduce the time and cost associated with procurement** by offering a facility that has already been competitively tendered.

## PROVIDERS

- Addleshaw Goddard LLP
- Anthony Collins Solicitors LLP
- Brodies LLP
- Burges Salmon
- Burness Paull LLP
- Cleveland & Co
- Eversheds Sutherland
- Freeths LLP
- Gowling WLG (UK) LLP
- Osborne Clarke LLP
- Pinsent Masons LLP
- Squire Patton Boggs

## KEY DETAILS

*Joining Fee:* **Free to use**

*Dates of operation:*

**January 2023 - January 2027**

*Contract award length:*

**7 years - contract may extend up to January 2034**

*Structure:* **Multiple Lot - Multi-Provider**

*Procurement route:*

**Direct Award and Further Competition**

## LOT STRUCTURE:

**Lot 1** – Full Service (England and Wales)

**Lot 2** – Full Service (Scotland)

**Lot 3** – Full Service (Northern Ireland)

**Lot 4** – Investment (UK-wide)

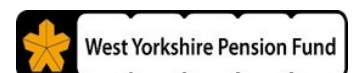
**Lot 5** – Benefit Administration, Employer Bodies and Governance (England and Wales)

**Lot 6** – Benefits Administration, Employer Bodies and Governance (Scotland)

**Lot 7** – Benefits Administration, Employer Bodies and Governance (Northern Ireland)

The full specification for this Framework can be found at Page 4 onwards.

## FOUNDING AUTHORITIES:



Using National LGPS Frameworks can save you significant time and money whilst still delivering a service **specified to your requirements**, supporting local decision making and accountability.

## WHY SHOULD I USE THIS FRAMEWORK?

- **Easy access to pre-selected, specialist providers** - The National LGPS Frameworks provide an easy access route to pre-selected specialist Providers who are best placed to deliver Legal Services to the LGPS.
- **Efficiency and Flexibility**- The Framework removes the need for you to conduct full tender exercises or lengthy Provider evaluations, saving the time and costs associated with procurement exercises. In addition, this allows you to be more flexible with the planning and running of any tender process via Further Competition. There is also an option to **Direct Award** via all Lots.
- **Best practice procurement** - Each of the Providers on the National LGPS Frameworks have been subject to a rigorous procurement process, ensuring they offer the scope and quality services you require. The pre-agreed terms and conditions offer you contractual safeguards.
- **Agreed terms and conditions** - Terms and conditions are already established and agreed for you and Providers. This removes the need to re-draft and/or renegotiate terms for each procurement you undertake. You have the right to refine, but not fundamentally alter, the terms and conditions to take into account any special requirements. The terms and conditions also provide a 'no fault break clause' giving you the right to terminate the contract at any time by giving three months written notice to the contractor.
- **Comprehensive supporting documentation** - In addition to the Specification of Requirements and Call-Off Terms and Conditions, a comprehensive pack of supporting documents is provided to support your Further Competition. This includes Provider Catalogues, Guide to Further Competition, Example Invitation to Further Competition, Pricing Schedules and Award Letters.

### Full Tender Exercise

#### **Tender**

- Selection evaluation
- Financial evaluation
- Track record
- Capacity and expertise
- Knowledge and understanding
- Organisation and people

#### **Select and award**

- Evaluate and award

- Terms and Conditions
- Ceiling Prices

### Framework

#### **Further Competition**

- Refine requirement and evaluation criteria
- Further Competition
- Evaluate and Award

### Framework

#### **Direct Award**

- Identify most suitable Provider
- Invite to provide service

**All the stages in the grey circle have been undertaken by the National LGPS Framework Founding Authorities in setting up the Framework and is fully compliant with the Public Contracts Regulations 2015.**

6-9 months without Framework...

4-6 weeks or...

Same day with Framework



### HOW DO I JOIN?

We cannot share any of the commercially sensitive details of this Framework with you until you have completed and returned a signed **Confidentiality Statement and Option Form**. Returning this places you under no obligation to use the Framework but allows us to share the full set of Framework documents with you.

Once we have received your signed **Confidentiality Statement and Option Form** we will share the full set of documentation through our online Document Portal, including:

- **Guidance Notes**
- **Guide to Further Competition and Direct Award**
- **Example Invitation to Further Competition**
- **Example intention to Award and Contract Award Letters**
- **Pro Forma Letter of Appointment**
- **Call-Off Terms and Conditions**
- **Rebate Structure and Examples**
- **Pricing Schedules**
- **Provider Catalogues**

Once you decide to use the National LGPS Framework we will send you two copies of your **Member Access Agreement**. This is a legal document between your Authority and Norfolk County Council (the Letting Authority for this Framework). The purpose of the document is to regulate any liabilities that may arise as a result of use of this Framework. **If your organisation already has a Member Access Agreement in place** from another Framework please let us know.

As there is no joining fee to pay for using this Framework you will then be able to carry out your **Direct Award** or **Further Competition**.

### WHO CAN USE THIS FRAMEWORK?

- Any LGPS Administering Authorities within England, Wales and Scotland including the Firefighters' and Police Pension Schemes
- NILGOSC in Northern Ireland
- The Board of the Pension Protection Fund
- Other Administering Authorities or scheme managers of a Public Sector pension scheme
- Other Public Sector bodies requiring pensions related services
- LGPS Funds, groups of Funds or bodies established by them with the purpose of operating on a collective basis

### CONTACT US:

Email:  
[nationalLGPSframeworks@norfolk.gov.uk](mailto:nationalLGPSframeworks@norfolk.gov.uk)

Phone: 01603 306846

To view the other services available via National LGPS Frameworks, please visit [www.nationallgpsframeworks.org](http://www.nationallgpsframeworks.org)

### SPECIFICATION OF REQUIREMENTS

**Lots 1, 2 and 3** are primarily Full Service Lots which covers advice on all aspects of the laws and regulations relevant to LGPS Funds, Administering Authorities scheme employers and the operators of LGPS pools reflecting laws and regulations applicable to England and Wales, Scotland and Northern Ireland. **Lots 4, 5, 6 and 7** cover more specialist and individual areas of advice. You can use the full services Lots where you require a combination of advice across different areas of expertise (i.e. a 'full-scope service) or advice which is not available under other Lots.

The scope of services offered under this framework are spilt in to the below areas:

- (PART A) Investment work
- (Part B) Benefit Administration, employer Bodies and Governance Work
- (Part C) General Work

#### Lot 1 - Full Service (England and Wales)

The scope of Lot 1 covers advice on all aspects of the laws and regulations of **England and Wales** relevant to LGPS Funds, Administering Authorities scheme employers (in respect of their participation in the LGPS) and the operators of LGPS investment pools, including but not limited to the areas outlined in Part A, Part B and Part C below.

Framework users are likely to use Lot 1 where they need advice which:

- (a) Cannot be provided for under the other Lots, or
- (b) Require a combination of advice across different areas of expertise (i.e. a 'full-scope' service).

The scope of Lot 1 includes but is not limited to the following types of matters/work: -

#### PART A (INVESTMENT WORK)

- Investment fund vehicles (regulated and unregulated), including closed-ended limited partnerships, Open Ended Investment Companies (OEICs), Authorised and Unauthorised Unit Trusts, Undertakings for Collective Investment in Transferable Securities (UCITS), Real Estate Investment Trusts (REITs), listed vehicles, other types of alternative investment funds (AIFs) and with a familiarity of other commonly used European, US and off-shore

vehicles and their regulation.

- All forms of corporate and partnership vehicles used in investment fund structures.
- Alternative investment fund establishment for different types of asset classes, including liaising with the Financial Conduct Authority (FCA) in relation to applications for the requisite authorisations/Financial Services and Markets Authority (FSMA) permissions, investor fund-raising/marketing restrictions, preparation of fund launch documentation, setting up tax-efficient investment holding structures, ongoing compliance with UK and international financial services law and regulation (such as AIFMD, UK AIMFD, UK MiFIR, MiFID II and FATCA). Details of relevant experience in relation to particular asset classes should be included.
- Advising on Financial Services, Corporate and EU law as it applies to investment funds and investment practice in the UK (and including both compliance and transactional aspects) on behalf of investors or in relation to fund managers/vehicles.
- Investment management arrangements, agreements, relevant codes of practice and guidelines issued by UK statutory and industry bodies, when acting for an LGPS fund as an institutional investor or the authorised fund manager of an LGPS investment pool or similar structure.
- Advising on commercial property; conveyancing (to include all forms of documentation relating to acquisitions and disposals and other legal services relating to property management); searches; lease re-gears; property management and associated/related legal advice.
- All forms of corporate & partnership vehicles used in making direct and indirect investments in infrastructure.
- Governance and compliance issues for funds and managers adopting a best practice approach to new regulation (UK MiFIR, MiFID II, SMCR) and perimeter guidance associated with investment activities.
- Advising on company secretarial matters and general corporate governance.
- Any Class actions and other legal advice relating to Class Actions.

## INTRODUCTION NOTES

- Advising on and negotiating documents relating to the purchase of existing private fund interests on the secondary market, with up-to-date knowledge of the latest market practices/norms.
- Agreements for Global Custody and sub-custodian services, portfolio transition management, administration, use of derivatives and currency hedging, and other investment services.
- The negotiation of financial legal documents, including ISDA master agreements, commodity agreements, repurchase master agreements, securities lending master agreements and brokerage documentation.
- Advising on cross-border transactions within the UK and other EU jurisdictions, the US, off-shore and in other jurisdictions commonly encountered in investment and other investment management/administration transactions (including the emerging and developing markets).
- Advising on investment governance including the exercise of fiduciary duty by Pension Committees, Environmental, Social and Governance (ESG) considerations, ethical and responsible investment matters, and the application of the Myners Principles, the UK Stewardship Code, the TPR single code of practice and any other codes of best practice.
- Providing or co-ordinating specialist tax support and knowledge in the investment funds/management sector, including advising on all UK pension fund taxation and application of VAT and VAT exemptions. This may require having sufficient in-house expertise or networks to facilitate advice on overseas tax requirements, the availability of exemptions for LGPS investors and routes for recovering overpayments of tax. It could involve reviewing contracts with foreign tax agents and providing advice on completion of foreign tax returns.
- Advising on and supporting LGPS funds with existing or potential pooling arrangements for investment services.

### **PART B (BENEFIT ADMINISTRATION, EMPLOYER BODIES AND GOVERNANCE WORK)**

- Employer admissions (when acting for the LGPS Fund itself or a scheme employer), reorganisations, other types of constitutional change, outsourcing arrangements,

## INTRODUCTION NOTES

restructurings and cessations, as well as negotiating payment plans and other risk mitigation strategies aimed at protecting the interests of pension fund stakeholders. This requires knowledge of TUPE, 'Fair Deal', Best Value and COSOP.

- Advising on third party benefit administration and service level agreements and pension bulk transfer agreements.
- Drafting and negotiating admission agreements with different types of scheme employer (including Secretary of State applications), guarantees and where appropriate, security packages for unfunded scheme employer contributions or deficits.
- Transposing complex LGPS regulations and member communications to ensure they are both legally accurate to protect the funds from any liability or reliance risk and user-friendly for fund members to read and understand.
- The protection of accrued pension rights e.g. TUPE situation, Rule of 85 provisions, career breaks and opt-outs, benefit aggregation, early and flexible retirement terms, public sector transfer club rules, private sector transfers, and scope of transitional arrangements.
- The exercise of pension discretions including on making death grants and the establishment of trust arrangements for juveniles or incapacitated beneficiaries.
- Disbursement of pension fund benefits, exercise of delegations and the scope of any related policies and best practice guidance.
- The discharge of unfunded liabilities and payment of pension gratuities.
- Pension issues arising from registered civil partnership and fund member divorce including earmarking and pensions sharing orders.
- Complex early pension release transfers and issues regarding pension liberation schemes/ and potential fraudulent activity. Ability to advise on Pensions Pledge and Pensions Nudge.
- Member complaints in relation to pension benefits, including drafting responses on Stage 1 and Stage 2 IDRPs and Pension Ombudsman cases, and advising funds on future prevention and mitigation measures.
- Recovery of pension fund overpayments and other payments made in error, handling of

## INTRODUCTION NOTES

pension fraud and complex debt recovery cases including litigation and court action (including High Court) if required and advising on the requirements of the unauthorised payment rules.

- Administering exit credits and the potential implications for a LGPS funding strategy.
- Delivering pensions knowledge for Pension Committees/Boards and similar bodies, providing training to such bodies and LGPS staff as required, and induction training for new appointees. This will require an understanding of Local Government Governance arrangements as set out in the Local Government Act 1972 and Public Services Pensions Act 2013.
- Internal pension fund governance matters (including compliance obligations, effective risk management and decision-making, sub-delegations, requirements of the good governance project and minimising conflicts of interests).
- Advising Pensions Committee, Boards or similar bodies and LGPS staff on all aspects of public and pension fund law, constitutional matters, governance and primary fiduciary duties toward the pension fund and the financial interests of fund members.
- The scope of the fiduciary responsibilities for Pensions Committee, Boards or similar bodies and LGPS staff, and any liabilities exposure for members when acting in this capacity.
- Pension funding obligations and fund deficit recovery and repayment plans from LGPS employers. Flexibility regarding exiting employers and payments in instalments - deferred debt or debt spreading arrangements.
- Advising on trust law where relevant to any LGPS pensions matters.
- The impact of changes in government policy affecting LGPS funds and scheme employers, including the outcomes from national consultation on pensions reform options.
- Aspects of employment law and HR policies and practices e.g. human rights legislation, age discrimination, default retirement obligations etc.
- LGPS obligations with respect to provision of contractually agreed benefit promises, dealing as necessary with DLUHC on potential regulatory amendments.



## INTRODUCTION NOTES

- Issues arising from the exercise of scheme employer pension discretions, pensions issues arising from statutory redundancy and voluntary early retirement schemes, and ill-health retirement cases.
- Impact of conversions of maintained schools to academies, and other types of scheme employer conversions and how it impacts on funding pension liabilities.
- Accessing Specialist pensions tax matters, including the scope of unauthorised payment rules, and any applicable employment tax rules.
- The establishment of or participation in shared service or potential pooling arrangements for pensions administration services.
- Advice on regulatory and compliance matters in connection with The Pensions Regulator, CIPFA and the LGPS Scheme Advisory Board.
- Advising on employment law including but not limited to employment disputes.

### **PART C (GENERAL WORK)**

- Advising on outsourcing and procurement matters.
- Advising on general commercial and trust law issues, including commercial contracts.
- Advising on the body of regulations applicable to LGPS funds.
- Implications of recent Appeal, Supreme and High Court and other case law and Pension Ombudsman's decisions.
- Advise on post Brexit implications on the LGPS in terms of compliance, regulation, funding and the investment environment.
- Dispute resolution.
- Instructing and liaising with specialist Counsel where required.
- New pensions law, finance acts, and other possible changes for LGPS funds, consultation exercises, and assessing national and local government policy changes affecting LGPS pension funds and scheme employers.
- General property law advice e.g. charges on assets for funding liabilities.

### Lot 2 - Full Service (Scotland)

The scope of Lot 2 covers advice on all aspects of the laws and regulations of Scotland relevant to LGPS funds, administering Authorities, scheme employers (in respect of their participation in the LGPS) and LGPS investment pools/collaborative arrangements. Framework users are likely to use Lot 2 where they need Scots-law specific advice which requires a combination of advice across different areas of expertise (i.e. a 'full-scope' Scottish service).

The scope of Lot 2 includes but is not limited to:

Everything covered in **Part A, Part B and Part C** of Lot 1. Specifically, this means that

Applicants must have been able to provide advice on matters including but not limited to:

- The Scottish LGPS Regulations;
- The governance structures applicable to Scottish LGPS funds (for example, the operations of the Scottish Scheme Advisory Board and the role of the Scottish Public Pensions Agency);
- Matters of public law that have been devolved to the Scottish Government;
- Scottish court procedures; and
- Scottish property law.

### Lot 3 - Full Service (Northern Ireland)

The scope of Lot 3 covers advice on all aspects of the laws and regulations of **Northern Ireland** relevant to the LGPS in Northern Ireland (hereafter 'NI'), the Northern Ireland Local Government Officers Superannuation Committee (NILGOSC), employing authorities (in respect of their participation in the LGPS) and LGPS investment pools/collaborative arrangements.

Framework users are likely to use Lot 3 where they need specific advice on matters of NI law which requires a combination of advice across different area of expertise (i.e. a 'full-scope' NI service).

Please note that Framework users situated in Northern Ireland may choose to use any other Lot, at their absolute discretion.

The scope of Lot 3 includes but is not limited to everything covered in **Part A, Part B and Part C** of Lot 1. Specifically, this means that Applicants must be able to provide, in addition to the

## INTRODUCTION NOTES

matters set out at Lot 1 tailored to a Northern Ireland context, advice on matters including but not limited to:

- The NI LGPS Regulations;
- The governance structures applicable to NILGOSC;
- The powers of NILGOSC as a statutory body;
- Apportionment agreements;
- Insolvency law in NI;
- Matters of public law that have been devolved to the Northern Ireland Executive;
- Northern Irish court procedures; and
- Northern Irish property law.

Please note that (for the purposes of this Lot 3) in Lot 1:

- Any references to legislation which does not apply in NI shall be read as references to the equivalent legislation for NI;
- Any references to a government Department which does not operate in NI shall be read as references to the equivalent NI department, for example MHCLG shall be read as the Department for Communities and, where relevant, Treasury shall be read as the Department of Finance
- Terms used which are drawn from the LGPS Regulations in England and Wales shall be read as referring to the equivalent under the LGPS Regulations for NI (e.g. Scheme Employer shall be read as Employing Authority, Exit Credit shall be read as surplus certified as due to an exiting employer, etc)
- References to academies may be read as references to different school types in NI such as controlled, maintained, integrated, voluntary grammar and independent.

### Lot 4 - Investment and Regulatory Compliance (UK Wide)

The scope of Lot 4 is focused on legal advice relating to different aspects of pension fund investment and investment management or/administration (including as part of a pooled fund structure)

The scope of Lot 4 includes but is not limited to:-

**Any of the matters described in PART A (INVESTMENT WORK) and PART C (GENERAL) of**

**Lot 1.**

### Lot 5 - Benefit Administration, Employer Bodies and Governance (England and Wales)

The scope of Lot 5 covers legal advice on all aspects of the laws and regulations of England and Wales relating to pensions administration, management, governance and the admission, participation and exit of scheme employers.

The scope of Lot 4 includes but is not limited to:-

**Any of the matters described in PART B (BENEFIT ADMINISTRATION, EMPLOYER BODIES AND GOVERNANCE WORK) and PART C (GENERAL) of Lot 1.**

### Lot 6 - Benefit Administration, Employer Bodies and Governance (Scotland)

The scope of Lot 6 covers legal advice on all aspects of the laws and regulations of Scotland relating to pension administration, management, governance and the admission, participation and exit of scheme employers.

The scope of Lot 6 includes but is not limited to:-

**Any of the matters described in PART B (BENEFIT ADMINISTRATION, EMPLOYER BODIES AND GOVERNANCE WORK) and PART C (GENERAL) of Lot 1.**

### Lot 7 - Benefit Administration, Employer Bodies and Governance (Northern Ireland)

The scope of Lot 7 covers legal advice on all aspects of the laws and regulations of **Northern Ireland** relating to pensions administration, management, governance and the admission, participation and exit of employing authorities.

The scope of Lot 7 includes but is not limited to **any of the matters described in PART B**

### **(BENEFIT ADMINISTRATION, EMPLOYER BODIES AND GOVERNANCE WORK) and PART C (GENERAL) of Lot 1.**

Please note that Framework Users situated in NI may choose to use any other Lot, at their absolute discretion. Specifically, this means that Applicants must be able to provide, in addition to the matters set out at Parts B and C of Lot 1 tailored to a Northern Ireland context, advice on matters including but not limited to:

- The NI LGPS Regulations;
- The governance structures applicable to NILGOSC;
- The powers of NILGOSC;
- Apportionment agreements;
- Insolvency law in NI;
- Matters of public law that have been devolved to the Northern Ireland Executive;
- Northern Irish court procedures; and
- Northern Irish property law.

Please note that (for the purposes of this Lot 7) in Lot 1:

- Any references to legislation which does not apply in NI shall be read as references to the equivalent legislation for NI;
- Any references to a government Department which does not operate in NI shall be read as references to the equivalent NI Department, for example MHCLG shall be read as the Department for Communities and, where relevant, Treasury shall be read as the Department of Finance
- Terms used which are drawn from the LGPS Regulations in England and Wales shall be read as referring to the equivalent under the LGPS Regulations for NI (e.g. Scheme Employer shall be read as Employing Authority, Exit Credit shall be read as a surplus certified as due to an exiting employer, etc)
- References to academies may be read as references to different school types in NI such as controlled, maintained, integrated, voluntary grammar and independent.