

National **LGPS Framework** for Legal Services

Introduction and joining instructions

Legal Services

**LGPS Legal
Services**

Save time and money

Quick and efficient access

National LGPS Frameworks

Common terms and conditions

Procurement flexibility

Better, faster, cheaper

Collaboration

Local choice



Issue 1 – January 2019

National LGPS
Frameworks

By LGPS Funds, for LGPS Funds

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Introduction

Accessing legal advice can be difficult for LGPS Funds and Pools, particularly those that don't regularly need these services and may be unfamiliar with the marketplace.

To support LGPS Funds and Pools, the National LGPS Frameworks (a well-established 'not for profit' LGPS initiative) have today launched their latest procurement framework, for 'Legal Services'. This Framework will help all LGPS Funds and Pools (and wider public sector schemes) swiftly and easily access a wide range of reliable, good value expert legal specialists and services.

The previous National LGPS Framework for Legal Services, launched in 2015, was widely used across the LGPS, Pools and beyond. Building on this success and the tested collaborative procurement approach used in other procurement frameworks, this latest multi-user, multi-provider framework helps funds buy a variety of legal services matched to their own specific requirements; from small, one-off pieces of work to longer-term, single supplier arrangements from a wide range of tested providers. The framework has separate lots for 'Investment', 'Benefit Administration' and 'Full Service' for England and Wales, Scotland and, for the first time, Northern Ireland.

To make the National LGPS Framework for Legal Services as simple as possible all users are able to **access this Framework free of charge** but will still benefit from all the usual advantages of using a National LGPS Framework including pre-agreed Terms and Conditions, competitively tendered ceiling prices and supporting documentation.

This framework has been established by Norfolk County Council (Norfolk Pension Fund), in collaboration with Brunel Pensions Partnership, Environment Agency, Local Pensions Partnership, The City of Edinburgh Council (Lothian Pension Fund), Northern Ireland Local Government Officers' Superannuation Committee, and City of Wolverhampton Council (West Midlands Pension Fund), the **"founding authorities"**.

Using the National LGPS Frameworks saves LGPS Funds significant time and money by allowing quicker and more efficient procurement of high-quality and value for money services. The frameworks mean users leverage better prices whilst still making local decisions about service requirements. The LGPS is already collectively benefiting from more than £105m in savings as a result of the National LGPS Frameworks programme.

This latest Framework has been developed through the collaboration of a number of LGPS Funds and Pools - Brunel Pensions Partnership, Environment Agency Pension Fund, Local Pensions Partnership, Lothian Pension Fund, Norfolk Pension Fund and West Midlands Pension Fund. It was supported by the National LGPS Frameworks team, with specialist legal and procurement advice from Norfolk County Council.

What is a framework agreement?

Frameworks are widely used across the public sector and increasingly in the LGPS. They are proven to be good for services that you can define and have demonstrated that considerable time and cost savings can be made.

A framework is an agreement put in place with a provider or range of providers that enables purchasers to place orders with service providers without running a full tender exercise.

Frameworks are based on large volume purchasing. Aggregating different purchasers' potential needs means individual purchasers can buy goods and services at prices below those normally charged, or with special added benefits and/or more advantageous conditions.

Many LGPS Funds and Pools need to access specialist legal advice, either regularly or as one-off pieces of work. Such advice can often be required at short notice.

This means that costly and time-consuming procurement exercises are regularly undertaken across some Funds and Pools, while others struggle to quickly and easily access suitable service providers.

Because of this individual Funds and Pools may not be receiving either the best service or the best value that may be achievable by working collaboratively.

The National LGPS Framework for Legal Services reduces the time and cost associated with procurement by offering a facility that has already been competitively tendered.

Framework benefits:

- Easy access to pre-selected, specialist LGPS legal service providers
- Collaboration and partnership
- Flexibility
- Best practice procurement
- Agreed terms and conditions
- Efficiency
- Value for money
- Quality of service provision
- Value added services
- No fault break clause

'By LGPS Funds, for LGPS Funds'

The National LGPS Frameworks are uniquely open to all LGPS Funds and administering authorities nationally for the procurement of services from a wide range of qualified providers.

Frameworks available include:

- Actuarial Benefits and Governance Consultancy Services • Global Custody Services
- Passive Investment Management Services • Investment Performance and Cost Monitoring and Reporting Services • Stewardship Services • Third Party Administration Services • Investment Management Consultancy Services • Transition Management and Implementation Services
- Member Data Services.

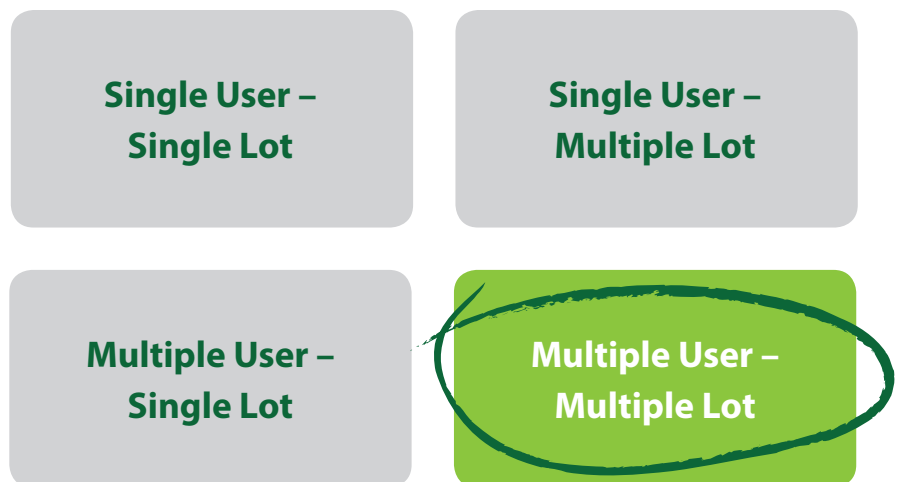
Agreed terms and conditions are provided so users can simply 'call-off' the framework to meet their requirements, therefore removing costly and time-consuming legal work from the procurement process.

The National LGPS Frameworks are directly in line with the Government's agenda for LGPS collaboration and delivering greater value for money.

Using the framework will help users easily access the marketplace and leverage better prices, while crucially still supporting local decision making and service requirements.

Different types of frameworks

There are several different types of framework arrangements. The National LGPS Framework for Legal Services is a multiple user, multiple Lot framework – i.e. all LGPS Funds and Pools and their administering authorities can use the framework to procure a range of legal services.



Why should I use this framework?

Accessing legal advice can be difficult for LGPS Funds and Pools, particularly those that don't regularly need these services and may be unfamiliar with the marketplace. Procurement can also take significant time and money, both for the awarding authority and service provider.

The National LGPS Framework for Legal Services is fully compliant with the Public Contracts Regulations 2015. It reduces the time and costs associated with the procurement process by offering a facility that has already been competitively tendered.

It aims to deliver easy access to high-quality, efficient and effective legal services for all LGPS Funds and Pools and their administering authorities, at the best possible price.

The main benefits include:

Easy access to pre-selected, specialist LGPS legal service providers

Accessing legal advice can be difficult for LGPS Funds and Pools, particularly those that don't regularly need these services and may be unfamiliar with the marketplace. 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 generally, and in particular the investment and pensions sectors.

Collaboration and partnership

The National LGPS Frameworks have been created in line with the Government's wish for LGPS Funds and Pools to seek ways of extending joint working and collaboration. They are helping to realise potential efficiencies and are giving LGPS Funds and Pools a clearer voice within the marketplace, along with helping to share knowledge, information, experience and best practice.

Flexibility

National LGPS Frameworks reduce the time and cost associated with a full procurement exercise, which in turn 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 on all Lots of this Framework.

Best practice procurement

Each of the service providers on the National LGPS Frameworks have 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 are already established and agreed for you and service 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.

Efficiency

The framework removes the need for you to conduct full tender exercises or lengthy service provider evaluations, saving the time and costs associated with procurement exercises. Our easy ordering process makes the National LGPS Framework simple to access and use.

Value for money

To harness the opportunity to aggregate spend, ceiling prices with the facility to conduct Further Competition to ensure that value for money is consistently achieved.

Quality of service provision

The experience, expertise and commitment to quality of a service provider are assessed at the time of the initial competition. Your satisfaction with the service providers' performance is monitored on an ongoing basis.

Value added services

All service providers on the framework offer an extensive selection of value added services, for example, sharing of advice already offered to other LGPS Funds and Pools to reduce duplication and facilitate a consistent approach across the LGPS, or email updates on new developments in the sector etc.

No fault break clause

You have the right to suspend or terminate the contract with immediate effect at any time by giving written notice to the service provider.

Framework route vs full procurement

The **National LGPS Framework** for Legal Services significantly reduces the **time and cost** associated with procurement by offering a facility that has **already been competitively tendered**.

Full Tender Exercise

Pre-Qualification

- Selection evaluation
- Financial evaluation
- Track record

Tender

- Capacity and expertise
- Knowledge and understanding
- Organisation and people

Select and award

- Evaluate and award

- Ceiling prices
- Terms and conditions

Framework

Further Competition

- Refine requirement and evaluation criteria
- Tender
- Evaluate and award

Framework

Direct Award

- Identify most suitable provider
- Invite supplier to provide service

6 - 9 months
without framework

reduced to...

4-6 weeks
with framework

or...

Same day
with framework

Who can use the National LGPS Framework for Legal Services?

The National LGPS Framework for Legal Services is a multi-provider framework agreement for the provision of legal services primarily in support of the Local Government Pension Scheme.

The framework may be used by:

- Any administering authorities and any of their participating employing authorities as defined in the Local Government Pension Scheme Regulations 2013 SI 2013 No.2356 (as amended) and the Local Government Pension Scheme (Administration) (Scotland) Regulations 2018 as amended by SSI 2018/141;
- Any administering authority and any scheme employers as defined in the Local Government Pension Scheme Regulations (Northern Ireland) 2014 / SRNI2014/188 (as amended);
- The Board of the Pension Protection Fund www.pensionprotectionfund.org.uk;
- Any other administering authority or organisation of a public sector pension scheme or any public sector body that requires pensions related legal advice; and
- Any Common Asset Pool or Collective Investment Vehicle established by or on behalf of an administering authority or group of administering authorities, any LGPS or groups of LGPS funds, or any bodies, organisations or companies established by them for the purpose of operating on a collective basis.

“Enterprising and effective collaborations like this are the type of approach we are keen to encourage.”

Francis Maude

Former Minister for the Cabinet Office

What services are covered by this framework?

The National LGPS Framework for Legal Services has seven separate Lots covering different services:

Lot	Description	Number of Service Providers
1	Full Service (England and Wales)	7
2	Full Service (Scotland)	4
3	Full Service (Northern Ireland)	2
4	Investment (UK Wide)	10
5	Benefit Administration, Employer Bodies and Governance (England and Wales)	8
6	Benefit Administration, Employer Bodies and Governance (Scotland)	4
7	Benefit Administration, Employer Bodies and Governance (Northern Ireland)	4

Q.

Can we add in any service requirements at the Further Competition stage, even if they are not covered by the framework's more general specification?

A.

Yes, as long as these are in areas within the overall scope. You may want to request that service providers give specific examples for any questions you ask.

For a full breakdown of the services covered by the National LGPS Framework for Legal Services, please see the Annex – Specification of Requirements found at the end of this pack.

Who can provide services under this framework?

There are 12 service providers on the framework, across the seven Lots:

Service Provider	Lot 1	Lot 2	Lot 3	Lot 4	Lot 5	Lot 6	Lot 7
Addleshaw Goddard	✓			✓			
Allen & Overy				✓			
Brodies		✓		✓		✓	
Burges Salmon	✓			✓	✓		✓
Burness Paull		✓		✓		✓	
Eversheds Sutherland	✓	✓	✓	✓	✓	✓	✓
Gowling WLG	✓			✓	✓		
Osborne Clarke	✓			✓	✓		
Pinsent Masons	✓	✓	✓	✓	✓	✓	✓
Squire Patton Boggs	✓			✓	✓		
Trowers & Hamlins					✓		✓
Ward Hadaway					✓		

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

While each 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.

It is really important that you focus clearly on what you as a Fund need, so you select the most appropriate provider.

What is the duration of the framework?

The National LGPS Framework for Legal Services commenced on 14 January 2019 and is open for 4 years.

Contracts awarded under the framework may be for a period of up to 5 years plus 2 years.

How much does it cost and what will I save?

Q.

Are users of the National LGPS Framework bound by the prices set out in the pricing schedules, or is there scope for price negotiation at an individual fund level?

A.

The prices set out in the framework are the **maximum** rates, but we would expect these to be **reduced** at **Further Competition** or at **Direct Award** if applicable. Please note however that this is competition not negotiation. The defined pricing structure aims to eliminate hidden extras and allow for easy comparison at the evaluation stage.

Joining Fee

There is no joiners fee for the National LGPS Framework for Legal Services.

To make the National LGPS Framework for Legal Services as simple as possible users are able to access the Framework free of charge.

Just let the National LGPS Frameworks team know you wish to use the Framework by emailing nationalLGPSframeworks@norfolk.gov.uk or calling 01603495922 and they will arrange for you to join the frameworks.

Once you have joined you can call off the Framework as many times as you require.

Pricing

Ceiling prices for all service providers on the National LGPS Framework for Legal Services are included in the **Pricing Schedule** supplied when you return your confidentiality statement.

All prices are maximum rates and are subject to further reduction at **Further Competition** or **Direct Award** if applicable.

Travel and subsistence

Service provider prices are inclusive of travel, subsistence and any other expenses.

Rate review

The ceiling prices remain fixed until 14 January 2021. On 15 January 2021, and again on 15 January 2022, ceiling prices will be increased in line with the most recent Retail Prices Index excluding mortgage index rates (RPIX) as published by the Office of National Statistics.

These price increases will not apply to Call-off Agreements already in place at the time of the increase; however Funds do have the option of agreeing these price increases with the successful service provider at the Award stage, should they wish to.

The ceiling prices for each service provider can be found in the **Pricing Schedule** supplied when you return your confidentiality statement.

The list of ceiling prices is fixed so that there are no hidden charges and prices are comparable and transparent.

It is important to remember that the ceiling prices quoted are the **maximum** each service provider can charge under the framework.

How were the service providers chosen and monitored?

Q.

Under the National LGPS Framework, are legal services providers scored or ranked? If so, are we under any obligation to use the highest scoring provider?

A.

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 would not oblige you to use any specific service provider. If you wished to make an appointment under the framework you would either **Direct Award** or undertake a **Further Competition**, depending on the nature of your specific requirements.

Expectations of quality

As part of the procurement and tendering process, the successful service providers demonstrated proof of the following general expectations:

- Ability to provide a high standard of legal service in a manner consistent with the obligations on the LGPS to demonstrate 'best value' in the procurement of its services
- An innovative approach in delivering solutions and continuous improvement to Framework users. An ability to provide advice that addresses the wider context of the LGPS, and the issues it faces, that would support clients in achieving their objectives

In order to be appointed to the framework, providers have demonstrated they have the right expertise and capacity to provide the services detailed in the Annex at the back of this document.

While each 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.

It is important you focus clearly on what you as a Fund need, so that Further Competition or Direct Award helps you select the most appropriate service provider.

Dispute resolution

General contract issues should be dealt with between you and the service provider.

Where there are more significant issues or if things get out of hand then you can escalate these to us.

Email us at **NationalLGPSFrameworks@norfolk.gov.uk** or call us on **01603 495922**.

Anything else I need to know?

Audit

As part of its contract management function, Norfolk County Council has the right to conduct independent auditing of the service providers' processes, procedures and application of their hourly rate.

Financial arrangement between Norfolk County Council and service providers

Service providers are required to pay Norfolk County Council, as the letting authority, a flat rebate of 1.5% of all contracts let under the National LGPS Framework each year, for work invoiced during the financial year.

This rebate will be used to cover the administration costs of the framework.

How do I join the National LGPS Framework?

If you would like to know more or to make use of the National LGPS Framework for Legal Services please complete and return a copy of the **Option Form** at Appendix 1.

Via this form you can opt to receive more details or to join the framework.

Confidentiality Statement

We cannot share any of the commercially sensitive details of the framework with you until you have completed and returned a **Confidentiality Statement** (Appendix 2). 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 **Confidentiality Statement** we will send you a set of **Guidance notes**, along with a comprehensive Call-off pack including a **Guide to Call-off** and an **Example Further Competition Template**.

We will also send you **Call-off terms and conditions**, a **Pricing Schedule** and **Supplier Catalogues**, which include service descriptions and biographies/CVs.

Members' Access Agreement

To use the National Framework, you must sign and return two copies of the **Members' 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 the Framework.

If you opt to join the framework we will send you two copies of the **Members' Access Agreement** to sign and return, along with all the other framework documentation. An example of the **Members' Access Agreement** is at Appendix 3.

If you have already signed a **Members' Access Agreement** for another framework but wish to join this framework, or you have previously signed a **Members' Access Agreement** for the Legal Services Framework and wish to join another lot, please complete and return **Annex A Notice letter template** which is attached to your signed Members' Access Agreement. Alternatively, please contact us and we can send you over a template if required.

If you have any further questions or need any further detail before using the framework, please contact us and we will be happy to help.

FAQs

Question 1

Who can use the framework?

A. Any administering authorities and any of their participating employing authorities as defined in the Local Government Pension Scheme Regulations 2013 SI 2013 No.2356 (as amended) and the Local Government Pension Scheme (Administration) (Scotland) Regulations 2018 as amended by SSI 2018/141;

Any administering authority and any scheme employers as defined in the Local Government Pension Scheme Regulations (Northern Ireland) 2014 / SRNI2014/188 (as amended);

The Board of the Pension Protection Fund www.pensionprotectionfund.org.uk;

Any other administering authority or organisation of a public sector pension scheme or any public sector body that requires pensions related legal advice; and

Any Common Asset Pool or Collective Investment Vehicle established by or on behalf of an administering authority or group of administering authorities, any LGPS or groups of LGPS funds, or any bodies, organisations or companies established by them for the purpose of operating on a collective basis.

Question 2

Do I need to use a Framework to procure Legal Services?

A. You don't need to use a Framework, but you do need to meet the Public Contracts Regulations 2015 (as amended) when purchasing Legal Services. The National LGPS Framework for Legal Services will provide a Public Contracts Regulations compliant vehicle for purchasing Legal Services, whilst also allowing you to significantly speed up the purchasing process compared to running a standard tender process.

Question 3

Under the National LGPS Framework, are suitable legal services providers scored or ranked? If so, are we under any obligation to use the highest scoring provider?

A. 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 would not oblige you to use any specific service provider. If you wished to make an appointment under the framework you would either **Direct Award** or undertake a **Further Competition**, depending on the nature of your specific requirements.

Question 4

If a list of suitable legal services providers is provided (un-ranked), are we able to decide which firms to invite to tender?

A. This depends on the nature of your requirements and which Lots they fall under. You are able to Direct Award from all Lots on this Framework. Alternatively you can run a Further Competition, it is best practice to invite all capable service providers to take part. By nature of their successful award to the Framework, all services providers on the National LGPS Framework for Legal Services are deemed capable. You would need a clear and justifiable reason to exclude any service provider. Please see the Guide to Call-off at Appendix 1 for more information .

Question 5

How much can we adjust the selection criteria to suit our individual needs?

A. We have tried to build flexibility into the Call-off criteria so that you can adjust these to be the most appropriate fit for you. This could include further defining the criteria, inserting sub criteria and adjusting weightings. You must declare **all** your evaluation criteria.

Question 6

Can we add in any service requirements at the Further Competition stage, even if they are not covered by the framework's more general specification?

A. Yes, as long as these are in areas within the overall scope. You may want to request that service providers give specific examples for any questions you ask.

Question 7

Are users of the National LGPS Framework bound by the prices set out in the pricing schedules or is there scope for price negotiation at an individual fund level?

A. The prices set out in the framework are the **maximum** rates, but we would expect these to be **reduced** at Call-off stage. Please note however that this is competition not negotiation. The list of ceiling prices is fixed so that there are no hidden charges and prices are comparable and transparent.

Question 8

How much does it cost to join the framework?

A. There is **no joiners fee** for the National LGPS Framework for Legal Services.

To make the National LGPS Framework for Legal Services as simple as possible users are able to **access the Framework free of charge.**

Just let the National LGPS Frameworks team know you wish to use the Framework by emailing nationalLGPSframeworks@norfolk.gov.uk or calling 01603495922 and they will arrange for you to join the frameworks.

Once you have joined you can call off the Framework as many times as you require.

Question 9

Is there scope for us to agree/alter contractual terms and conditions, or are these essentially set at a framework level?

A. The Public Contracts Regulations 2015 (“the Regulations”) specifically state that the parties should not substantially amend the terms laid down in a framework agreement.

There is an acknowledgement though that you may need to make non-material changes to the terms (e.g. to change the time for supply of the relevant products). However, you are not entitled to make a material change to the terms (e.g. by adding a new service) to the extent that it might affect the identity of the service providers capable of meeting the requirements.

This prevents the distortion of competition by ensuring that service providers are not excluded solely on the grounds that they were unable to meet the original requirements.

Question 10

What variations will be considered non-material?

A. The regulations do recognise that the terms of a framework, or of specific contracts, may need to be supplemented in certain situations.

Where you are running a **Further Competition** under a multi-supplier arrangement, you may supplement the terms.

In these circumstances, you would do so where you need to amend the terms to ensure that they capture the requirements more precisely, or provide additional terms on the basis that these have been referred to in the framework. **This does not allow a fundamental re-write of the terms** but recognises that it is not possible or practical to attempt to make provision for every eventuality, particularly in a multi-supplier environment.

However, there is a requirement that any supplemental terms align with and are based on the terms referred to in the framework agreement or the original request for tender. It was for this reason that careful consideration was given to the development of these documents when setting up this framework.

Question 11

Will we be able to stipulate our own contract termination conditions?

A. You have the right to suspend or terminate the contract with immediate effect at any time by giving written notice to the service provider as set out in the Call-off terms and conditions.

Question 12

When we do our own further competitions we may have a shortlist in order of highest score and use the interviews to verify the scores from the ITT, plus add an additional score, e.g. for communication. Can we still do this if using the National LGPS Framework?

A. You may wish to include service provider interviews as part of your **Further Competition** process – for example, if you want to meet your potential client relationship manager.

If you decide to include moderation interviews as part of your **Further Competition** evaluation process, you will need to invite all service providers who have a realistic chance of winning. You should make it clear in your Invitation to **Further Competition** who you will interview e.g. the top three scoring bids who have a realistic chance of winning.

If you choose to use interviews only for clarification and to ratify the scores you have awarded as part of the Quality and Service Fit sections, you may only want to interview suppliers that have a realistic chance of winning.

Whichever approach you take, you must clearly state your intentions up front in your **Invitation to Further Competition**.

Please try to avoid carrying out unnecessary interviews for providers who have no realistic chance of being awarded a contract.

Question 13

Do I have to use the provided templates to undertake my procurement?

A. The templates are designed to help you as much as possible in your procurement but are not compulsory. However, if you decide not to use them you may lose a lot of the benefit and value of the framework. In particular, the **Guide to Call-off** and **Example Invitation to Further Competition** guide you through the Call-off process step by step, ensuring you set and evaluate the right criteria to meet your own specific needs.

We strongly recommend you use the **Pro Forma Letter of Appointment** for all orders placed under the framework, as this forms the contract between yourselves and the successful service provider.

If you have any questions about any of the templates and guides, please contact us on 01603 495922 or NationalLGPSFrameworks@norfolk.gov.uk.

Glossary

Administering authority

An authority that administers a Local Government Pension Scheme (LGPS).

Award criteria

The criteria used to determine whether a service provider can meet the requirements set by an awarding authority.

Awarding authority

An LGPS authority looking to award a contract to a service provider within the National LGPS Framework.

Call-off

The act of an awarding authority procuring a service provider from the National LGPS Framework.

Call-off contract

A legally binding agreement for the provision of services made between the awarding authority and service provider.

Call-off criteria

The criteria used to evaluate service providers at the Further Competition stage.

Ceiling prices

The maximum prices that service providers can charge as part of the National LGPS Framework. These are subject to further reduction at the Call-off stage.

Competitively tendered

The process of circulating detailed specification of services to a number of potential providers, who submit bids for evaluation ahead of an award being made. In this instance it refers to the process undertaken by Norfolk County Council and the “founding authorities” when appointing service providers to the National LGPS Framework.

Confidentiality statement

A statement to be signed by potential joiners of the National LGPS Framework, agreeing to respect the confidentiality of any commercially sensitive information made available.

Direct award

Where a contract for services is awarded based solely on the information provided in the **Supplier Catalogues** without the need for **Further Competition**.

Further Competition (sometimes referred to as mini-competition)

Competitions run by awarding authorities in order to evaluate service providers when awarding contracts under Lots 1, 2 and 3 as part of the National LGPS Framework.

Initial competition

The procurement exercise that was carried out in order to appoint service providers to the National LGPS Framework.

Invitation to Further Competition

As part of the **Further Competition** stage, awarding authorities will invite service providers to quote for the services they have set out in their detailed requirements.

Letting authority

The authority that provides access to the National LGPS Framework (in this case Norfolk County Council).

LGPS

The Local Government Pension Scheme.

Members' Access Agreement

An agreement to join the National LGPS Framework, made between an awarding authority and the letting authority (Norfolk County Council in this instance). Also known as a Deed of Adherence.

OJEU

OJEU stands for the Official Journal of the European Union. This is where the contract notice for the National LGPS Framework was published. All public sector contracts over a published threshold are required to be published in the OJEU.

Pro Forma Letter of Appointment

The order submitted to the service provider by the awarding authority in accordance with the National LGPS Framework. It sets out the description of the services to be supplied including, where appropriate, key personnel, premises, timeframe, deliverables and quality standards.

Service provider

A company that provides legal services as part of the National LGPS Framework.

Terms and conditions


In this instance, the Call-off terms and conditions that, along with a Pro Forma Letter of Appointment, comprise a call-off contract.

Contact us

If you have any questions about the National LGPS Frameworks or would like to know more, please contact us at the following:

 **NationalLGPSFrameworks@norfolk.gov.uk**

 **01603 495922**

 **Norfolk Pension Fund**
(National LGPS Frameworks)
4th Floor, Lawrence House
Norwich NR2 1AD

Annex – Specification of Requirements

Specification of Requirements

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 and pools, Administering Authorities, scheme employers (in respect of their participation in the LGPS) and the operators of LGPS investment pools.

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: -

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 commonly 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, MiFID II and FATCA). Details of relevant experience in relation to 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; searches; lease re-gears; property management and associated/related legal advice.
- Governance and compliance issues for funds and managers adopting a best practice approach to new regulation (MiFID II, SMCR) and perimeter guidance associated with certain investment activities.
- Advising on company secretarial matters and general corporate governance.
- Class actions and other types of shareholder disputes and litigation.
- 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.
- 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 and any other subsequent 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.

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, restructurings and cessations, as well as negotiating payment plans and other risk mitigation strategies aimed at protecting the interests of pension fund stakeholders. This may require knowledge of TUPE, 'Fair Deal' 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, 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 ear marking and pensions sharing orders.
- Complex early pension release transfers and issues regarding pension liberation schemes and potential fraudulent activity.
- 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 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 payments 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, 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.
- 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 CLG on potential regulatory amendments.
- 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.

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 the potential implications of Brexit on the LGPS in terms of 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.

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 Lot 1, insofar as it applies to Framework users based in Scotland. Specifically, this means that providers must be 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);
- matter 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 areas 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 Lot 1, insofar as it applies to Framework users based in Northern Ireland.

Specifically, this means that providers must be able to provide, in addition to the 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 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.

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 Investment Work and 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 all scheme employers.

The scope of Lot 5 includes but is not limited to: -

Any of the matters described in Benefit Administration, Employer Bodies and Governance Work and 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 Benefit Administration, Employer Bodies and Governance and General Lot 1, insofar as it applies to Framework users based in Scotland.

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 Benefit Administration, Employer Bodies and Governance and General of Lot 1, insofar as it applies to Framework users based in Northern Ireland.

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

Specifically, this means that providers 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 certifies 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.