

RFT: 7419364 – RFT for the provision of Competition Law Legal Services

Message ID No	Question	Contracting Authority Response
601179	Is work carried out in a previous firm as a solicitor on an investigation by the CCPC (which we don't know the status of) a conflict?	The pass/fail Conflict of Interest Requirement is set out at 3.2.A of the RFT. It applies to the Service Delivery Team only. It is not possible for the CCPC to publish a list of all active investigations. Conflict of Interest is also an award criterion as detailed at 3.3.1.B of the RFT and all actual and potential conflicts concerning the organisation and the Service Delivery Team must be disclosed as part of this answer.
602284	Can you please confirm the number of firms to be appointed to the multi-supplier framework?	4 firms <u>may</u> be appointed to the multi-supplier framework.
602452	Can you please clarify whether the term "CCPC competition investigations" in the RFT includes: (a) a preliminary assessment (under Phase One) and/or (b) a full investigation (under Phase Two) under the merger control regime established by Part 3 of the Competition Act 2002, as amended (Act). If the answer to (a) and/or (b) is "yes", please clarify whether acting for or advising (or having acted for or advised) parties in relation to mergers and acquisitions notified to the CCPC	The pass/fail Conflict of Interest Requirement is set out at 3.2.A of the RFT. In terms of the clarification request, reference to "CCPC's current competition investigations" does not include mergers and acquisitions notified to the CCPC under Part 3 of the Competition Act 2002, as amended ("the Act"). Though it is not possible to determine whether or not a conflict arises without knowing the specific circumstances concerned, conflict of interest is also an award criterion as detailed at 3.3.1.B

Message ID No	Question	Contracting Authority Response
	under Part 3 of the Act would constitute a conflict of interest for the purpose 3.2.A (Conflict of Interest) of the RFT?	and all actual, potential or perceived conflicts concerning the organisation and the Service Delivery Team concerning the acting for or advising (or having acted for or advised) parties in relation to mergers and acquisitions notified to the CCPC under Part 3 of the Act should be disclosed as part of this answer.
603768	We have noted some changes that would be required for us to be able to execute the framework agreement and would be grateful for your guidance on how you expect it to be addressed in the RFT process, given that the form of agreement is prescribed within Appendix 5. We are very open to exploring options that meet your requirements while ensuring compliance with our regulatory obligations. If helpful, we would be very happy to facilitate a discussion between your legal team and ours should we be appointed to the CCPC panel.	As set out in the RFT, the form of agreement contained in Appendix 5 is the prescribed contract for this competition and tenders should be prepared on that basis. At this stage of the procurement process, the CCPC is not in a position to engage in contract negotiations or amendments to the proposed form of agreement. However, as per section 2.3.3 of the RFT, Tenderers are invited to identify reservations about the terms of the Framework Agreement part of their response. These will be considered by the CCPC in accordance with the terms of the RFT. Should your organisation be appointed to the Framework Agreement panel, the CCPC <u>may</u>, with regard to any of the reservations you have submitted in relation to the Framework Agreement as part of the tender process, amend the Framework Agreement to ensure compliance with the relevant regulatory obligations. Without prejudice to the foregoing, the CCPC can confirm that, in the context of the provision of legal services, the role of the successful tenders will be primarily that of an independent data controller. We therefore accept that the Framework Agreement requires a necessary amendment at clause 15 given it erroneously refers to the Framework Member as the

Message ID No	Question	Contracting Authority Response
		data processor (rather than independent controller) in respect of any personal data processed by the Framework Member on behalf of the Commission in providing the Services. We appreciate your engagement with the process and your willingness to ensure compliance with your regulatory obligations. However, discussions between legal teams cannot be facilitated prior to the conclusion of the RFT process and the establishment of the panel
606828	Does experience as a barrister go towards experience? or is experience judged only from the date of addition to the roll of solicitors?	Previous experience as a qualified barrister can be considered as post qualification experience in relation to the Service Delivery Team
607155	We note that it is a minimum requirement in relation to conflict of interest that tenderers “have not been and are not currently involved in advising parties who are the subject of any of the CCPC’s current competition investigations.” Can you please confirm that this means the tenderer is not involved in advising those parties in respect of any of the CCPC’s current competition investigations?	The pass/fail Conflict of Interest Requirement is set out at 3.2.A of the RFT. In terms of the clarification request, the Service Delivery Team within the Tenderer must not have been and are not currently involved in advising parties who are the subject of any of the CCPC’s current competition investigations. For the avoidance of doubt, this pass/fail criterion does not include any third parties who are involved in a current investigation but are not a suspect or target of such an investigation. Conflict of Interest is also an award criterion as detailed at 3.3.1.B of the RFT and all actual and potential conflicts concerning the organisation and the Service Delivery Team must be disclosed as part of this answer. Advising a third party in respect of a CCPC competition investigation would be an actual or potential conflict which would need to be disclosed here and assessed.

Message ID No	Question	Contracting Authority Response
607190	Award Criteria A - Quality of Service Delivery Team, iii. requests CVs in the form of Biographical Summaries included in the Tender Response Template. Can CCPC please provide the form tenderers are required to use?	There is no specific CV/ Biographical Summary template. Tenderers are asked to submit their CVs either separately or include CVs in the relevant section (Section 2 – Award Criteria A– Quality of Service Delivery). As mentioned in the Qualitative TRD, CVs do not count towards page limits.
607220	1. With regards to Clause 14.5, should "Clause 0" read "Clause 14"? 2. With regards to Clause 15.1, as a law firm, we routinely act as Data Controller in such circumstances. We note from CCPC responses to requests for clarification that you propose to amend the third and fourth sentences to reflect that both CCPC and appointed law firm will act as Data Controllers in all circumstances and comply with the relevant legislation. 3. With regards to Appendix 3 – Tenderer's Statement, would it be possible for CCPC to share the document as a word document?	As set out in the RFT, the form of agreement contained in Appendix 5 is the prescribed contract for this competition and tenders should be prepared on that basis. At this stage of the procurement process, the CCPC is not in a position to engage in contract negotiations or amendments to the proposed form of agreement. However, as per section 2.3.3 of the RFT, Tenderers are invited to identify reservations about the terms of the Framework Agreement part of their response. These will be considered by the CCPC in accordance with the terms of the RFT. Should your organisation be appointed to the Framework Agreement panel, the CCPC <u>may</u>, with regard to any of the reservations you have submitted in relation to the Framework Agreement as part of the tender process, amend the Framework Agreement to ensure compliance with the relevant regulatory obligations. Without prejudice to the foregoing, the CCPC can confirm that with regards to Clause 14.5, “Clause 0” should read “Clause 14”. We therefore accept that the Framework Agreement requires a necessary amendment in this regard. The CCPC has also uploaded a word document Tenderers Statement in word format as requested.

