

Ireland: Legal services

Award of Contract to McCann Fitzgerald for Legal Consultancy Services in Respect of the Dublin Waste to Energy Project

Contract or concession award notice – standard regime

1 Buyer

1.1 Buyer

Official name: Dublin City Council

Legal type of the buyer: Local authority

Activity of the contracting authority: General public services

2 Procedure

2.1 Procedure

Title: Award of Contract to McCann Fitzgerald for Legal Consultancy Services in Respect of the Dublin Waste to Energy Project

Description: This contract was awarded by way of an Article 32 process. The VEAT notice was published on 23rd January 2025. Dublin City Council relied on Article 32.2 (b) (ii) for a derogation from public procurement whereby the works, supplies or services can be provided only by a particular economic operator as competition is absent for technical reasons. Dublin City Council intends to award a contract to McCann Fitzgerald LLP. The maximum value of this contract is €20,000 ex VAT. Following a public procurement competition, Dublin City Council (DCC) entered into a joint venture "Client Representative Agreement" on the 2nd of March 2001 with a number of parties, including McCann Fitzgerald acting as legal advisor for the preconstruction phase of the Dublin Waste to Energy Project. Following consultation with DCC's Law Department, appointed McCann Fitzgerald as legal advisor to the financial close of the Dublin Waste to Energy (DWtE) Project to carry out the following: • Finalisation of the revised Project Agreement between DCC and DWtE Ltd. • Review of funding and contract documents. • Obtain the necessary consents to execute the amended Project Agreement. A Project Agreement between Dublin Waste to Energy Limited and Dublin City Council was entered into on the 4th of September 2007. The Project Agreement was amended and restated on the 19th of September 2014 and further amended and restated on the 14th of December 2017. In October 2024, Dublin City Council received a Notice of Variation to the Project Agreement and a proposed draft Deed of Variation to the Project Agreement from Dublin Waste to Energy Ltd. This Notice relates to certain required changes to the Project Agreement as a result of the amendment to the EPA Licence. McCann Fitzgerald has provided legal advice to DCC in respect of the Dublin Waste to Energy project since its inception. They have in depth knowledge and expertise in respect of the Project Agreement and are best placed to provide legal advice on the proposed Variation. Following consultation with DCC's Law Department it is proposed that DCC engage the legal consultancy services of McCann Fitzgerald to review the Deed of Variation documents and advise accordingly. In this regard, it is proposed that DCC award the public contract by a negotiated procedure without prior publication of a contract notice due to technical reasons. The request to appoint McCann Fitzgerald as legal advisors is being made in accordance with Article 32 Section (2) (b) (ii) of Directive 2014/24/EU which provides for contracting authorities to award public contracts by a negotiated procedure without prior publication in the following case: '(b) where the works, supplies or services can be supplied only by a particular economic operator because... (ii) competition is absent for technical reasons

Procedure identifier: 7df240da-d742-4404-8fa9-3812dafa42c2

Type of procedure: Negotiated without prior call for competition

Justification for the accelerated procedure:

Main features of the procedure:

2.1.1 Purpose

Main nature of the contract: Services

Main classification (cpv): 79100000 Legal services

2.1.2 Place of performance

Country subdivision (NUTS): Dublin (IE061)

Country: Ireland

2.1.4 General information

Legal basis:

Directive 2014/24/EU

5 Lot

5.1 Lot technical ID: LOT-0001

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Internal identifier: 1

5.1.1 Purpose

Main nature of the contract: Services

Main classification (cpv): 79100000 Legal services

5.1.2 Place of performance

Country subdivision (NUTS): Dublin (IE061)

Country: Ireland

Additional information:

5.1.6 General information

Procurement Project not financed with EU Funds.

The procurement is covered by the Government Procurement Agreement (GPA): yes

5.1.7 Strategic procurement

Aim of strategic procurement: No strategic procurement

5.1.10 Award criteria

Criterion:

Type: Cost

Name:

Description: Cost @ 100%

Category of award threshold criterion: Weight (percentage, exact)

Award criterion number: 100

Description of the method to be used if weighting cannot be expressed by criteria:

Justification for not indicating the weighting of the award criteria:

5.1.15 Techniques

Framework agreement:

No framework agreement

Information about the dynamic purchasing system:

No dynamic purchase system

5.1.16 Further information, mediation and review

Review organisation: The High Court of Ireland -

Organisation providing more information on the review procedures: The High Court of Ireland -

6 Results

Value of all contracts awarded in this notice: 20 000 Euro

Direct award:

Justification for direct award: The contract can be provided only by a particular economic operator because of an absence of competition for technical reasons

Other justification: Dublin City Council relied on Article 32 Section (2) (b) (ii) of Directive 2014/24/EU which provides for contracting authorities to award public contracts by a negotiated procedure without prior publication in the following case: '(b) where the works, supplies or services can be supplied only by a particular economic operator because... ..(ii) competition is absent for technical reasons.

6.1 Result lot Identifier: LOT-0001

At least one winner was chosen.

6.1.2 Information about winners

Winner:

Official name: McCann Fitzgerald LLP

Tender:

Tender identifier: Award of Contract to McCann Fitzgerald for Legal Consultancy Services in Respect of the Dublin Waste to Energy Project

Identifier of lot or group of lots: LOT-0001

Value of the tender: 20 000 Euro

Subcontracting: No

Contract information:

Identifier of the contract: Award of Contract to McCann Fitzgerald for Legal Consultancy Services in Respect of the Dublin Waste to Energy Project

6.1.4 Statistical information

Received tenders or requests to participate:

Type of received submissions: Tenders

Number of tenders or requests to participate received: 1

8 Organisations

8.1 ORG-0001

Official name: Dublin City Council

Registration number: IE47732154U

Postal address: Civic Offices, Wood Quay

Town: Dublin

Postcode: D08 RF3F

Country subdivision (NUTS): Dublin (IE061)

Country: Ireland

Email: karen.kennedy@dublincity.ie

Telephone: 01 2222222

Internet address: <https://www.dublincity.ie>

Buyer profile: <https://www.dublincity.ie>

Roles of this organisation:

Buyer

8.1 ORG-0002

Official name: The High Court of Ireland

Registration number: The High Court of Ireland

Department: The High Court of Ireland

Postal address: Four Courts, Inns Quay, Dublin 7

Town: Dublin

Postcode: D07 WDX8

Country subdivision (NUTS): Dublin (IE061)

Country: Ireland

Email: HighCourtCentralOffice@courts.ie

Telephone: +353 1 8886000

Roles of this organisation:

Review organisation

Organisation providing more information on the review procedures

8.1 ORG-0003

Official name: European Dynamics S.A.

Registration number: 002024901000

Department: European Dynamics S.A.

Town: Athens

Postcode: 15125
Country subdivision (NUTS): Βόρειος Τομέας Αθηνών (EL301)
Country: Greece
Email: eproc-esender@eurodyn.com
Telephone: +30 2108094500
Roles of this organisation:
TED eSender

8.1 ORG-0004

Official name: McCann Fitzgerald LLP
Registration number: 1290160F
Postal address: Riverside One, Sir John Rogerson's Quay, Dublin 2,
Town: Dublin
Postcode: D02 X576
Country subdivision (NUTS): Dublin (IE061)
Country: Ireland
Roles of this organisation:
Tenderer
Winner of these lots: LOT-0001

11 Notice information

11.1 Notice information

Notice identifier/version: b0521173-97f8-4f56-8a2d-845aaced5429 - 01
Form type: Result
Notice type: Contract or concession award notice – standard regime
Notice dispatch date: 09/04/2025 16:44 +01:00
Languages in which this notice is officially available: English

11.2 Publication information