



**REQUEST FOR TENDER FOR THE PROVISION OF  
LEGAL SERVICES FOR THE LAW SOCIETY OF  
IRELAND Including REGULATORY FUNCTION.**

CLOSING DATE FOR SUBMISSIONS:

**Friday, 11 August 2023**

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# 1. BACKGROUND TO THE LAW SOCIETY OF IRELAND

## 1.1 Established

The Law Society of Ireland is the educational, representative and regulatory body of the solicitors' profession in Ireland.

The Law Society of Ireland exercises statutory functions under the Solicitors Acts 1954 to 2015 in relation to the education, admission, enrolment, discipline and regulation of the solicitors' profession. It is the professional body for its solicitor members, to whom it also provides services and support.

## 1.2 Governance Structure

The Law Society of Ireland is governed by a Council, comprising elected and nominated members of the solicitors' profession. The President of the Society is elected by the Council. The Council delegates statutory functions and certain responsibilities to a range of committees, including a Regulation of Practice Committee ('ROPC'), Money Laundering Reporting Committee ('MLRC'), Professional Indemnity Insurance Committee ('PII Committee') and a Finance Committee, a sub-committee of which, the Litigation Management Sub-Committee ('LMC') oversees the management of legal costs and strategy in relation to regulatory litigation.

The Director General is the chief executive of the Law Society of Ireland, with all the powers and responsibilities typically vested in a chief executive. The Director General and six Directors (the 'Executive Team') are responsible for the day to day running of the Law Society, including Regulation.

The Registrar of Solicitors exercises specific statutory functions associated with the regulation of the solicitors' profession, some of which powers are derived from primary legislation and others delegated by Council.

## 1.3 Membership

As at 28 February 2023, there were:

- Approx. 12,000 members of the Law Society
- Approx. 11,700 practising certificates issues in Ireland.

The Law Society of Ireland is based in Blackhall Place, Dublin 7, D07 VY24  
T: + 353 1 672 4800 (Monday to Friday, 9.00am to 5.00pm)

Further information on the Law Society of Ireland may be obtained on [www.lawsociety.ie](http://www.lawsociety.ie).

## 2. INTRODUCTION

- 2.1 The Law Society obtains external legal advice in the performance of its statutory regulatory functions. In 2009, by means of competitive tender, the Society established a panel of law firms with the requisite expertise to provide high-quality legal advice, primarily in the areas of professional regulatory and administrative law; A table rates were agreed, subject to periodic review.
- 2.2 The professional regulatory landscape in which the Law Society operates has changed significantly since 2009, not least with the establishment of the Legal Services Regulatory Authority ('the LSRA') and the subsequent transfer to that body of the management of complaints against solicitors. The Society nonetheless retains all of its financial regulatory powers, and its central role in the monitoring of compliance with anti-money laundering legislation.
- 2.3 The intervening years have also seen a large increase in solicitor numbers and the proportion of the profession practising as in-house solicitors. Other significant developments include the entrance of international firms to the Irish legal services market and the emergence of non-solicitors offering non-restricted legal services, developments in data protection law and qualification issues associated with Brexit and the E.U. have also impacted on the Society's regulatory workload.
- 2.4 The Society has recently updated the Solicitors Accounts Regulations, compliance with which is at the heart of the Society's financial regulatory function. The Society requires advice in relation in the performance of its investigative functions and in support of reasoned decision-making and fair procedures in its regulatory committees. The Society's administration of the statutory Compensation Fund established to compensate clients for financial loss occasioned by the dishonest acts of solicitors may also require external legal advice.
- 2.5 Each year, the Society makes regulations in relation to professional indemnity insurance, practising certificates, qualifying certificates and other areas of practice. These require expert advice on statutory interpretation and drafting. The challenges faced by distressed practices, many of which are sole practitioner firms with legacy issues and without a concrete succession plan are of significant concern to the Society in the performance of its regulatory functions. The Society's Practice Closures section performs a significant client protection function as the custodian and distributor of client files taken up from distressed practices on foot of court orders.
- 2.6 As noted previously, both the Registrar of Solicitors and regulatory committees exercise statutory powers and make regulatory decisions that are amenable to statutory appeal and/or judicial review. They are supported in the performance of their functions by an in-house legal team, the Regulatory Legal Services section ('RLS'). It is primarily through RLS that external legal advice is obtained, and regulatory litigation managed.

- 2.7 As challenges to regulatory decisions have a potential impact on the reputation of not only the Regulation Department, but the Society as a whole, it is imperative that the Society's external legal advisers have an understanding of the broader remit of the Society, of which the Regulation Department is an integral part. A fair and effective regulation system is critical to the maintenance of high standards within the solicitors' profession
- 2.8 **In light of the above, the Society is seeking to establish a panel of a minimum of four law firms to service its regulatory legal needs and invites applications from all law firms with the requisite expertise to provide legal services in the aforementioned areas. The Society reserves the right to obtain legal services outside the panel in the very exceptional circumstances in which it does not believe that a panel firm has the requisite expertise to advise on an issue that arises. The Society also reserves the right to brief counsel directly, although the briefing of counsel in most instances will be done through panel firms.**
- 2.9 **The Society is also seeking to establish panel for the provision of insurance and general legal services. Firms are also invited to include submissions for these services in addition to regulatory services or independent of these.**

## **3. OVERVIEW**

### **3.1 Vision**

The Law Society's vision is to be the trusted voice of a respected solicitors' profession.

### **3.2 Strategic Objectives**

The Law Society's strategic objectives as per its Strategy Statement 2019 – 2023 are to:

1. Use its voice, experience and relationships to represent the solicitors' profession and to champion their contribution to the Irish economy, the vindication of citizens' rights and the rule of law.
2. Provide a strong voice in policy debate in order to inform decision-making on matters pertaining to the justice system and law reform.
3. Enable its members to achieve their potential as respected and trusted advisors and successful businesses.
4. Fulfil its statutory regulation functions to ensure fair and effective regulation of solicitors in the interests of the profession and the public.
5. Fulfil its statutory education functions in delivering a premier qualification and high-quality ongoing education and training.
6. Be a valued resource for its members as a high-performance professional body.
7. Continue its tradition of engaged citizenship and civic responsibility by promoting legal awareness, encouraging social diversity within the profession, supporting local community initiatives and providing accessibility to its resources at Blackhall Place, in line with its Corporate Social Responsibility Statement.

### **3.3 Role and Responsibilities of Law Society of Ireland's Regulatory Function**

The twin pillars of the Society's regulatory function are to protect the interests of the clients of solicitors and protect the reputation of the profession.

The Regulation Department has three sections: Financial Regulation, Practice Regulation and Regulatory Legal Services, each of which report into the Director of Regulation, who is also the Registrar of Solicitors. The Regulation Department implements the Society's regulatory policy in accordance with its statutory mandate.

The most significant regulatory decisions are made by the ROPC, which committee's powers have been delegated to it by Council. The ROPC polices the profession's compliance with regulations regarding solicitors' accounts, anti-money-laundering, and regulatory requirements under the Solicitors Acts 1954-2015 not assigned to other regulatory committees. Its statutory powers include:

- the power to refer allegations of misconduct to the Legal Practitioners Disciplinary Tribunal ('the LPDT');
- the power to direct the Society to apply to the High Court to suspend a solicitor from practise and/or to freeze their accounts or take up client files where there is a significant client protection concern;
- the power to direct the Registrar to withhold the issuance of a practising certificate or to impose conditions on a solicitor's practising certificate in prescribed circumstances;
- the power to direct the making of a complaint alleging misconduct to the LSRA.
- the power to specify measures that a solicitor is required to implement to address a regulatory concern.

The Regulation Department discharges its responsibilities by adhering to the principles of fairness, transparency and proportionality. It aims to assist solicitors and law firms in the delivery of a high quality legal service based on the highest ethical standards. Central to this is the protection of the interests of clients and the promotion of professionalism in their engagement as a solicitor with colleagues, the justice system and society in general.

The Finance & Operations Department is responsible for the financial management and governance, sustainability, and operational functions of the Society including IT, Facilities, Data Protection, ESG, and Insurance. As with the Regulation Department, it discharges its responsibilities to highest professional and ethical standards.

## **4. METHOD OF OPERATION**

### **4.1 Instruction**

The Regulation Department, via either the Director of Regulation or Head of Regulatory Legal Services, will assess each case and instruct firms based on its experience, availability, and specialisms. The Finance & Operation Department will instruct via the Director of Finance & Resources or the Risk, Administration & Project Executive. Assignments will be prospective in nature, with the firms currently advising on specific cases likely to be retained to complete such assignments.

## 4.2 Reporting

The successful tenderer must be proactive in providing updates to the Society in relation to ongoing legal cases. The successful tenderer must also respond in a timely fashion to all requests from the Society for information.

The tenderer has responsibility for ensuring that confidentiality is maintained over all information and records obtained in carrying out its duties, in accordance with relevant laws (inc. Data Protection).

The successful tenderer shall also include a detailed memorandum with every fee note which includes the following information:

- what work was conducted to justify the sought fee
- indicate if fee is consistent with the agreed hourly rate (or attach the relevant Section 150 Notice or written estimation from Counsel)
- If cost accountant view obtained, this should be attached

On occasion, a panel solicitor may be required to provide advice directly to the Regulation of Practice Committee or to the Litigation Management Sub-Committee.

## 5. REQUIREMENTS

The successful tenderer will be required to:

- 5.1 Serve as a business partner to the Law Society to add value for money, insight, innovate solutions, advice and thought leadership to ensure that all actual and potential litigation involving the Society (whether as plaintiff, defendant, applicant, respondent etc.) is managed as efficiently and effectively as possible, including management of legal costs.
- 5.2 Carry out any work in a manner that is consistent with the highest professional standards and conduct, and comply with the Solicitors Acts 1954 to 2015 and Legal Services Regulation Act 2015 at all times
- 5.3 Provide a series of agreed fee rates, which outline the rates for the following:
  - Partner
  - Senior Associate
  - Associate
  - Solicitor
  - Legal Executive
  - Trainee
  - Paralegal
- 5.4 Nominate a key relationship manager, who will be the contact point at the firm with whom the Society's Head of Regulatory Legal Services will engage in relation to all ongoing and potential work and general issues associated with the legal services provided.
- 5.5 Allocate appropriate and reasonable resources when instructed, including a commitment to diversification and equality when selecting representatives
- 5.6 Communicate any changes to status of representatives (i.e. promotion to more senior level) and consult with the Society's case managers

- 5.7 Communicate in advance to case managers and agree the rates and fees of any ancillary services incurred (i.e. secretarial, printing, couriering etc.). Such costs must not be excessive and be consistent with the work being undertaken
- 5.8 Consult with the Head of Regulatory Legal Services before appointing Counsel.
- 5.9 Provide an appropriate notice, as set in s150 of the Legal Services Regulation Act 2015, when instructed. No contract shall be entered into without the provision and agreement of such notice. The fee rates and basis for calculation must be consistent with the agreed panel hourly rates.
- 5.10 Be proactive in providing updates to the Society and respond in a timely fashion to all requests from the Society, in relation to ongoing legal cases, arranging consultations when required.
- 5.11 Ensure that correspondence with the Society is clear, concise and reasoned, providing an analysis of the key prevailing issue(s) and risks, options (where appropriate) and advice as to next steps.
- 5.12 Provide fee notes and explanatory memorandum on a quarterly basis
- 5.13 Keep the Regulation Department, Finance & Operations Department, ROPC and LMC apprised of any topical, regulatory issues and best practice in the area of litigation with particular reference to other cases
- 5.14 Liaise and interact with the Society's control environment (i.e. External and Internal Audit, Insurance providers) upon request and on a timely basis

## 6. AWARD CRITERIA

Tenders will be evaluated on the basis of the most economically advantageous valid tender received in accordance with the following award criteria and weightings:

	Criteria	Weightings
A	Proposed approach and methodology for delivering the service, including timescales, resource allocation, reporting structures and project management procedures. Reliability and continuity of supply including capability to meet proposed deadlines and schedules	30%
B	Understanding of the needs of Law Society of Ireland's Regulatory function.	25%
C	Quality and level of resources offered including quality and experience of the firm and the quality of reference sites and contacts	25%
D	Cost to include fees, expenses and other related costs ( <b>inclusive of VAT</b> as appropriate) all of which must be quantified	20%



For each of the non-cost criteria stated (i.e. criteria A - C) the following evaluation methodology will be applied;

**Stage 1:** The tender evaluation panel will determine into which of the following five bands the response falls

<b>Band</b>	<b>Meaning</b>
<b>91% - 100%</b>	<i>Excellent response with very few or no weaknesses exceeds requirements, and provides comprehensive, detailed, and convincing assurance that the Tenderer will deliver to an excellent standard.</i>
<b>80% - 90%</b>	<i>A very good response that demonstrates real understanding and fully meets the requirements and assurance that the Tenderer will deliver to high standard.</i>
<b>60% - 79%</b>	<i>A satisfactory response which demonstrates a reasonable understanding of requirements and gives reasonable assurance of delivery to an adequate standard but does not provide sufficiently convincing assurance to award a higher mark.</i>
<b>30% - 59%</b>	<i>A response where reservations exist. Lacks full credibility/convincing detail, and there is a significant risk that the response will not be successful.</i>
<b>1% - 29%</b>	<i>A response where serious reservations exist. This may be because, for example, insufficient detail is provided, and the response has fundamental flaws, or is seriously inadequate or seriously lacks credibility with a high risk of non-delivery.</i>
<b>0</b>	<i>Response completely fails to address the criterion under consideration / No Response</i>

**Stage 2** – The award of contract will be subject to a review of proposals and shortlisted firms will be invited to a make a short presentation to the appointing committee.

The review schedule will be as follows:

- w/c 10 July 2023 – Tender opens
- Monday, 7 August 2023 – Queries close
- Friday, 11 August 2023 – Tender submission deadline
- w/c 21 August 2023 – Firms advised of outcome of submission process
- w/c 4 September 2023 – Presentations and interviews
- w/c 11 September 2023 – Firms advised of outcome of interview process

Further details regarding location and times will be communicated to the selected tenderers in due course. It would be essential that the key personnel assigned to this contract should be available and present at this meeting.

**NOTE:** Tenderers should note that they must achieve a minimum rating of "good" or 60% for each of the individual qualitative criteria (A) - (C) to avoid elimination from the selection process. Please note that in relation to criterion (D), tenders will be scored in inverse proportion to the maximum score based on the lowest price of a credible tenderer.

**NB.** Tenderers should ensure in their tenders that they provide detailed information in respect of all aspects of the contract award criteria as stated above. This will enable the Law Society of Ireland to assess fully the extent of their offers.

**6.1 Proposed approach and methodology for delivering the service, including timescales, reporting structures and project management procedures. Reliability and continuity of supply including capability to meet proposed deadlines and schedules (Criterion A)**

Tenderers are required to provide a comprehensive response in relation to their proposed approach and methodology for the delivery of the service. They should also include:

- a) Reporting and management structures
- b) How technology such as CAATs and data analytics will be used to provide the highest level of effectiveness and efficiencies
- c) How you can use your experience of best practice with other similar clients to add value for the Law Society of Ireland

Tenderers will be required to satisfy the Law Society of Ireland that the latter may place due confidence in the tenderer's reliability and continuity of supply in delivering similar services if placed on the panel.

Tenderers are required to provide two examples (and if possible references) which, as far as possible, have a profile similar to the requirements of the Law Society of Ireland.

The Law Society of Ireland reserves the right to contact any referees directly on a confidential basis and without further reference to the Tenderer.

**6.2 Understanding of the needs of Law Society of Ireland and having a good understanding of its operating model and inherent issues relating to this type of environment. (Criterion B)**

Tenderers are required to provide information to demonstrate their understanding of the needs of the Law Society of Ireland's Regulatory Function.

**6.3 Quality and level of resources offered including quality and experience of the team proposed and the quality of reference sites and contacts (Criterion C)**

The tenderer should give a brief introduction setting out the background to the firm and the following information must be provided:

- Legal name
- Holding, parent or subsidiary relationships (if any)
- Head office address
- Phone numbers and e-mail address
- Main contact person for this tender

Where the Law Society of Ireland deems a proposed person to be unsuitable or unqualified for the tasks envisaged the Law Society of Ireland may refuse to accept their appointment to the assignment.

Where this occurs, the tenderer will be deemed to have failed to comply with this requirement until a substitute acceptable to the Law Society of Ireland is provided.

An Account Manager must be identified who will have overall responsibility for the service and be accountable to Law Society of Ireland.

#### **6.4 Cost to include fees, expenses and other related costs (inclusive of VAT as appropriate) all of which must be quantified (Criterion D)**

Tenderers are required to provide a detailed breakdown of costs (including Value Added Tax as appropriate). Component costs reflecting the hourly charges for each grade of staff, e.g. partner, senior associate etc. together with the basis for the allocation of these inputs should also be included.

Details of all expenses for travelling, subsistence and ancillary expenses or costs of every description should also be included.

## **7. INSTRUCTIONS TO TENDERERS**

### **7.1 Tender Documents**

If you consider that you are missing any documents which would prevent you from submitting a comprehensive tender please contact Glen Newman at [g.newman@lawsociety.ie](mailto:g.newman@lawsociety.ie) as soon as possible

### **7.2 Tender Submission**

Tenderers must submit soft copy of their proposals not later than **COB on Friday, 11 August 2023** via [g.newman@lawsociety.ie](mailto:g.newman@lawsociety.ie) . Late tenders will not be accepted.

The proposals must be address addressed to:

Glen Newman  
Risk, Administration & Project Executive  
Law Society of Ireland  
Blackhall Place  
Dublin 7  
D07 VY24

The Tenderer is fully responsible for the safe and timely delivery of the tender.

### **7.3 Cost of Preparation of Tender**

The Law Society of Ireland will not be liable for any costs incurred by candidates in the preparation of proposals or any associated work effort. It is the responsibility of the tenderer to ensure that they are fully aware and understand the requirements as laid down in this document.

Tenderers will be responsible for any costs incurred by them in the event of their being required to attend for interview or make a presentation of their proposals.

## **7.4 Insurance**

The successful Tenderer will be required to hold the following minimum levels of insurance for the term of the contract:

Type of Insurance	Indemnity Limit
Professional Indemnity	€2,000,000
Employer's Liability	€13,000,000
Public Liability	€6,500,000

The Law Society of Ireland will request confirmation that these insurance are in place prior to awarding the contract.

## **7.5 Payment**

The Law Society of Ireland pays all invoices which are not disputed within 30 days from the end of the month in which the invoice is received.

## **7.6 Confidentiality**

The successful tenderer(s) will treat the details of all documents supplied in connection with the assignment as private and confidential.

## **7.7 Conflict of Interest**

Any conflicts of interest involving a candidate (or candidates in the event of a consortium bid) must be fully disclosed to the Law Society of Ireland. Any registerable interest involving the tenderer and the Law Society of Ireland or employees of the Law Society of Ireland or their relatives must be fully disclosed in the tender submission or should be communicated to the Law Society of Ireland immediately upon such information becoming known to the tenderer, in the event of this information only coming to their notice after the submission of a bid and prior to the award of the contract. The terms 'registerable interest' and 'relative' shall be interpreted as per Section 2 of the Ethics in Public Office Act, 1995. Failure to disclose a conflict of interest may disqualify a bidder or invalidate an award of contract, depending on when the conflict of interest comes to light.

## **7.8 Acceptance of Proposals**

The Law Society of Ireland does not bind itself to accept the lowest cost proposal or any proposal.

## **7.9 Confidentiality of Evaluation**

After the official opening of Tenders, information relating to the examination, clarification, evaluation and comparison of Tenders and recommendations concerning the Award of Contract will not be disclosed to Tenderers or other persons not officially concerned with such process until the Award of Contract to the successful Tenderer has been announced and in conformity with national law.

Any effort by the Tenderer to influence the Purchaser or his staff in the process of examination, clarification, evaluation and comparison of Tenders and in decisions concerning the Award of Contract may result in the rejection of that Tender.

### **7.10 Determination of Responsiveness**

After the official opening of Tenders, the Law Society of Ireland or its staff or agents will determine whether each Tender is substantially responsive to the requirements of the Tender Documents.

If a material deviation exists that limits in any substantial way the Purchaser's rights or the Tenderer's obligations under the Contract, the Tender shall be rejected.

### **7.11 Clarification of Tenders**

To assist in the examination and comparison of Tenders, the Purchaser may ask Tenderers for clarification of their Tenders, including breakdowns of unit prices. No change in the price or substance of the Tender shall be sought, offered or permitted, except as required to confirm the correction of manifest arithmetic errors discovered by the Purchaser during evaluation of the Tenders. To assist in finalising the tender evaluation, selected tenderers may be invited to attend a clarification meeting with the Law Society of Ireland.

### **7.12 Ownership of Documents & Data Protection**

All working papers, including material held in electronic format, will remain the property of the Law Society of Ireland.

The successful contractor will have access to the Law Society of Ireland's systems as a data processor and will be expected to meet or exceed all legislative requirements relating to data protection and sign the Law Society's Data Processing Agreement

### **7.13 Sub-Contracting**

Where part of the overall contract is sub-contracted by the prime contractor to a third party, the prime contractor will be responsible to the Law Society of Ireland for the performance of the entire contract. The Law Society of Ireland must approve the use of all sub-contractors.

### **7.14 Queries**

All enquiries regarding this tender should be in writing and emailed to TBC at email

Queries should be in question format and should be submitted by email. All queries will be responded to by e-mail, and the responses will be forwarded to all tenderers to ensure that no party has an unfair advantage over any other. The details of the person making a query will not be disclosed when circulating the response.

All queries should be submitted before COB **Monday, 7 August 2023** to enable issue of responses to all interested tenderers.

## 8. KEY DATES

Milestone	Date
Closure date for any queries in respect of tenders	Monday, 7 August 2023
Tender submission date	Friday, 11 August 2023
Presentation and Selection	w/c 4 September 2023
Tender award date	w/c 11 September 2023