

**CONTRACT TITLE: PROVISION OF EXTERNAL LEGAL SERVICES TO THE NORTHERN IRELAND AUTHORITY
FOR UTILITY REGULATION**

CONTRACT REF: CON/44/09

Requests for clarification received as of 21 January 2010 and responses

1. A potential bidder asked for clarification on the requirements set out at paragraph 15 of Part 1 of the Tender Pack and also regarding question 3 of the 'Legal Understanding' Criteria at Paragraph 13 relating to conflicts of interest, with particular regard to its situation as a legal firm in NI with energy clients and consequentially the potential for conflicts of interest.

A Tenderer may wish to refer to its policy/procedure on conflict management as evidence of how it would manage potential or real conflicts.

2. A potential bidder asked for further detail on what is meant by 'facilitating meetings' as referred to in the Criteria at paragraph 13 at Part 1 of the Tender Pack under 'Relationship Building and Methodology'. The same potential bidder enquired whether we intended to make all clarification requests and responses accessible to all bidders.

This reference was intended primarily to include instances whereby the Utility Regulator would require its external lawyers to attend meetings and possibly also provide facilities/meeting space as opposed, for example, to the making of introductions. Yes, the Utility Regulator intends by use of its website and also the mytenders website at www.mytenders.org/ to make requests and responses accessible.

3. A potential bidder enquired as to whether it should submit not just documentation required as part of the stage 1 tender process but also that required for stage 2 on or before the closing date.

Yes, the completion and submission of Tender documentation for both stages 1 and 2 is necessary.

4. A potential bidder asked for clarification on
 1. Paragraph 12 of the Instructions to Tenderers with regard to whether in the event of applying for both Stream A & B whether it is acceptable to use the same work samples in both streams providing that experience is demonstrated on at least 6 items listed within stream A and on at least 6 items in stream B.

The same work samples or examples may, if the Tenderer chooses, be used as evidence in both streams providing that those work examples adequately relate to the different needs within Stream A and Stream B and providing also that at least 2 years' experience is demonstrated on at least 6 items within Stream A and at least 6 items in Stream B.

2. Relationship and Methodology – whether the work examples demonstrated in streams A & B can be used to demonstrate the 'technical skills and qualities' required.

Yes, the work examples demonstrated in pursuance of Paragraph 12 of the Instructions to Tenderers can if the Tenderer so chooses, be used to demonstrate the 'technical skills and qualities' required under the 'Relationship Building & Methodology' evaluation criteria at Paragraph 13 of the Instructions to Tenderers. It is for Tenderers to elicit relevant technical skills and qualities from whatever sources or examples they wish.