



Our ref: RFI 6578

21 May 2014

REQUEST FOR INFORMATION: PROCUREMENT OF LEGAL SERVICES

Thank you for your email seeking further information about the procurement of legal services on the back of a response from the Defra Helpline sent on 24 March 2014. You specifically asked for the following information:

- sight of the Defra internal guidelines which state that every procurement of legal services by firms of solicitors above £1k should be subject to a competitive tender or quotation process unless a single tender action can be justified;
- the circumstances in which Defra would consider single tender action to be justified; and
- whether the MMO would need to clear with or inform Defra if the MMO proposed to employ single tender action to appoint a firm of solicitors.

We have handled your request under the Freedom of Information Act 2000 (FOIA).

In response to the first bullet point the procurement guidance covers all procurements, not just legal services. A copy of the guidance is attached at Annex B. The guidance states:

Threshold £500 to £999

- A single quotation should be sought.
- Raise a requisition, attaching the quotation to the requisition, in Buy4Defra.

Threshold £1,000 to £9,999

- Examine existing contractual arrangements and use them if appropriate.
- A minimum of three quotes should be sought.
- All quotations received should be evaluated for best Value for Money.
- Raise a requisition, attaching quotation analysis to the requisition, within Buy4Defra.

Threshold £10,000 to £99,999



- Examine current contracts and if the requirement is already covered raise a requisition within Buy4Defra referencing the Contract.
- Alternatively, conduct a formal tender with the involvement of Procurement.

Threshold £100,000 or more

- Examine current contracts and if the Requirement is already covered raise a requisition within Buy4Defra referencing the Contract.
- Alternatively, conduct a formal tender with the involvement of Procurement.

In response to your second bullet point single tender actions (STAs) are considered on a case by case basis.

The criteria used include:

- For work of exceptional urgency caused by unforeseeable circumstances where competitive tendering would cause unacceptable delay i.e. following flood event, storm, fire etc.
- The proposed supplier is by recent experience (within 3 months) the best value for money supplier following a competitive tender.
- The proposed supplier is the only one known to possess unique or specialized skills, articles or data which are unobtainable from any other source.
- Where intellectual property rights are an important issue.
- In maintenance contracts for equipment where using a supplier other than the original supplier of the equipment will render any warranty invalid, and when equipment is so specialised that anyone other than the original supplier carrying out maintenance could raise safety issues.

In response to your third, and final point, we would expect STAs in MMO to be approved by the core Defra procurement team. I can confirm, as Head of Procurement for Defra, we have received no STAs from MMO for approval.

Furthermore, our Service Level Agreement with MMO, covers the provision of procurement and associated standards of commercial services to be provided by Defra Procurement and Commercial Function to the MMO and applies to the procurement of goods, services and works as follows:

- Proposed competitive procurement exercises with an estimated value exceeding of £10,000
- All proposed single tender exercises irrespective of value

In keeping with the spirit and effect of the FOIA, and in keeping with the government's Transparency Agenda, all information is assumed to be releasable to the public unless exempt. Therefore, the information released to you will now be published on www.gov.uk together with any related information that will provide a key to its wider context. Please note that this will not include your personal data.

Should you be unhappy with the service that you have received you will find contact details at Annex A.

If you have any queries about this letter, please contact me.

Yours sincerely

Simon Hewitt

Direct Line: 0207 238 1548

Annex A **Complaints**

If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision within 40 working days of the date of this letter. Please write to David Waller, Head of Public Request fro Information Advice Service Team at Area G07, Nobel House, 17 Smith Square London, SW1P 3JR, (email: requestforinformation@defra.gsi.gov.uk) and he will arrange for an internal review of your case. Details of Defra's complaints procedure are on our [website](#).

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. Please note that generally the Information Commissioner cannot make a decision unless you have first exhausted Defra's own complaints procedure. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF