**DoF Establishment of an Open List Agreement for the Provision of Legal Drafters – Secondary Legislation Service**

**NOTE: The legislative drafting service may include drafting advice or scrutiny of legislation on occasion and any references to legislative drafting/ legal drafters in this document, refer also to that service.**

Context

Legal services are provided to the devolved Northern Ireland Ministers and Departments by the Departmental Solicitor’s Office. The drafting of primary legislation is undertaken by the Office of Legislative Counsel. Northern Ireland is a devolved common law jurisdiction within the United Kingdom.

The Northern Ireland Departments face an increased workload of complex and blank-page drafting of secondary legislation as a result of the Northern Ireland Protocol to the United Kingdom’s Withdrawal Agreement from the European Union and as a result of the coronavirus pandemic.

Competition

To deal with the increased demand for drafting of secondary legislation, the Departmental Solicitor’s Office seeks to procure legislative drafters through an Open List Competition. In order to view the competition documents and apply for inclusion on the Open List Agreement please visit eTendersNI at the following address - <https://etendersni.gov.uk/epps/home.do>

The rate offered is £650/day for those who are accepted on to the Open List Agreement.

Qualification and Assessment Questions

All eligible legislative drafters are invited to consider applying to join this list. The questions are detailed below. Note that further information is included within the competition Documents:

**Qualification Question 1**

Tenderers must confirm that either the sole trader or individual member of the Economic Operator who is being proposed for inclusion on the Open List Agreement is

1. a barrister or solicitor qualified to practice without restriction\* in a common law jurisdiction but not necessarily Northern Ireland.

OR

1. has a law degree from a common law jurisdiction which would render them eligible to enter professional training as a barrister or solicitor in that jurisdiction (often referred to as a qualifying law degree).

**Qualification Question 2**

The Tenderer must also confirm that the sole trader or member of the firm who is being proposed for inclusion on the Open List Agreement has:

1. if qualified as a barrister or solicitor, spent at least 36 months (whether running consecutively or not) in the previous eight years in which the majority of their professional time has been spent in the drafting of primary or secondary legislation for or on behalf of national or regional (but not local) government.

OR

1. if the holder of a qualifying law degree, has spent at least 72 months (whether running consecutively or not) in the previous 12 years in which the majority of their professional time has been spent in the drafting of primary or secondary legislation for or on behalf of national or regional (but not local) government.

**Assessment Question 1**

For each proposed named individual the tender must provide;

a list of the primary and secondary legislative instruments in which the proposed individual(s) has been engaged during the past eight years, including start and finish dates, a brief indication of the role played by the proposed individual(s) in each, including whether they were the sole author of the instrument or part of a team and an estimate of hours worked for each;

Tenderers should provide a Hyperlinked list to each engagement

The response must not be more than 1000 words per individual. Any information provided above 1000 word limit will not be evaluated.

**Assessment Question 2**

For each proposed named individual the tender must provide;

a personal statement of not more than 1000 words setting out the experience of the proposed individual(s) in relation to drafting by reference to the complexity of work undertaken, the experience of different types of legislation (primary and secondary) and any specialist areas of law in which the proposed individual(s) has particular drafting experience.

Any information provided above 1000 word limit per individual will not be evaluated.

Individual contracts will be awarded based on the Assessment Criteria.

This competition is by way of open list, but early application is advised as a first sift of applications will take place on 14 September 2020 and contracts may be awarded from that date.

Contacts

The Department of Finance would encourage interested tenderers to view the Competition Documents initially, however further information about the tender process may be obtained from:

SSDAdmin.CPD@finance-ni.gov.uk

Further information about the types of projects which may be available, or about drafting Northern Ireland law may be obtained from:

Claire Archbold – claire.archbold@finance-ni.gov.uk

Patricia Haughan - patricia.haughan@finance-ni.gov.uk