

Public Sector – KCS Procurement Services

Our capabilities

December 2022



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Key contacts

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Tenders and quotes

Bids Team
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More information

womblebond Dickinson.com

Womble Bond Dickinson at a glance

Multidisdictional offer

Services across all of our UK offices and access to the US and Europe
Ranked in the Top 30 most innovative law firms in Europe by the FT Innovative Lawyers Report 2022

WBD Advance

Flexible solutions bringing together innovative technology and service delivery that complement our existing legal advice

WBD Accelerate

Supporting growth in the business community in partnership with Yena

WBD Access

Access to online data rooms



More than

125 **645**
Partners Lawyers

Representing more than

100 public sector bodies

and in addition more than

85 publicly traded companies in the UK



Gold Status in the Law Society Diversity and Inclusion Charter

Commitment to
Net Zero by 2030



Award winning
Apprenticeship Scheme

Awarded the Planet Mark certification for our commitment to continuous improvement in sustainability



£30,000 donated in 2020 to foodbanks during the Covid-19 pandemic

Overview of recent projects

Business Law and Acquisitions

We help you complete business-critical transactions and prepare a full range of commercial contracts. We advise on Partnerships (including Limited and LLPs), limited partnership investment entities, establishing partnership entities for property development and joint ventures, setting up limited partnerships for Government backed SMEs, debt and other investment schemes, incentive arrangements, exit arrangements, rights and duties of partners and members and on tax matters.

Evidence of experience:

- An investment company on the establishment of four different limited partnership funds to invest in UK SMEs
- On the establishment of a Sustainable Technology limited partnership fund, backed by the UK Government.
- The transfer of a government agency to a newly created government owned company
- Local authorities on various regeneration projects involving partnership arrangements with private sector developers and investment acquisitions
- Restructuring of a not-for-profit Government backed entity in a “for profit entity” with full employee engagement via ownership.

See also [Corporate Law](#).

Key contact:



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Commercial Property Law

We have expertise in commercial property including acquisitions, disposals and regeneration and development projects. From drafting and negotiating development agreements, building leases, occupational leases, to dispute resolution involving all aspects of property management and general commercial property disputes, and more.

Evidence of experience:

- Local authorities on various regeneration projects involving partnership arrangements with private sector developers and investment acquisitions
- Local authorities on strategic acquisitions such as shopping centres for redevelopment including sales and leasebacks
- Local authorities on strategic management of property portfolios
- Advising on insolvency related issues and the ongoing liability of former tenants in the event of liquidation
- Government departments on a complex and high value dilapidations dispute, and the opposition to renewal of a 1954 Act protected lease of a major office block.

Key contact:



Katherine Douglas
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Sasha Hinton
Partner - Litigation
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Charities Law

We advise charities, local authorities, education providers, health bodies, regulatory authorities, charities and not for profits and housing associations. Our advice includes constitutional issues, trustees duties, trading issues, complex charitable trust law issues, fundraising regulation, mergers, collaborative practices, contracting with third sector bodies, gift aid and how charity law impacts on other niche areas including safeguarding, procurement, subsidy control and pensions law.

Evidence of experience:

- A local authority on the establishment of a charity to take over its parklands
- A local authority on how to address historic issues relating to a charitable trust of which it is the corporate trustee
- A local authority on the charity law implications of its approach to social housing in the context of new regulations
- An addiction charity in putting in place a social impact bond relating to arrangements to deliver a public service contract
- A mental health charity in relation to subcontracting arrangements to deliver a public service contract
- Acting as Interim Manager appointed by the Charity Commission to oversee a charity in relation to safeguarding matters.

Key contact:



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Contracts Law

We have expertise acting for public sector organisations on commercial transactions and projects. We cover all aspects of contract law, including: alliance and collaboration agreements, strategic supply chain management, supply agreements, outsourcing, e-commerce, concession / warehousing / distribution agreements, procurement of goods and services, sponsorship transactions, leasing and hire arrangements and procurement issues.

Evidence of experience:

- A central Government department on the procurement of Transcription and Court Reporting Services with multiple suppliers
- A public sector company in relation to a call-off contract with a government department and the procurement of a sub-contractor to provide system integration and banking services
- A public sector company in respect of the redevelopment of a major airport station, advising on the negotiation of the tri-partite funding and implementation arrangements with the airport and government department
- A Government agency on strategic arrangements relating to its schools programmes.

Key contact:



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Construction Law

We advise on national frameworks, regeneration and estate masterplanning, on residential, retail and mixed use initiatives, energy and infrastructure, education, health including NHS Trusts, dispute resolution and on planned and reactive maintenance. We have considerable experience in capital projects such as PFI/PPP, DBOM and Building Schools for the Future/Priority Schools Building Programme.

Evidence of experience:

- A north east mayoral development company on the procurement of a major quay infrastructure project and site-wide remediation
- a local authority in the £65million refurbishment of a landmark London public services building
- a local authority on the enabling works for the development of a flagship science and technology urban quarter, and subsequent procurement of the first laboratory building
- A government department on a capital works schools building programme and associated Frameworks.

Key contact:



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Data & Information Law

We cover all GDPR/Data Protection Law including compliance projects and audits; drafting policies and guidance and implementing GDPR contract remediation solutions. We advise on FOIA/EIR compliance and public sector transparency requirements, including on complex information and re-use requests, drafting policies, procedures and guidance, delivering training and advising on complaints and appeals to the ICO and First-Tier Tribunal.

Evidence of experience:

- A local authority in a high profile Tribunal appeal concerning an EIR request relating to a regeneration project and the proposed CPO of land
- A quasi-public body on complex FOIA requests, internal reviews and complaints to the ICO. We have also advised on data sharing arrangements and subject access requests
- A quasi-public rail organisation on general data protection helpline support and advising on its GDPR project, including guidance on lawful processing, advising on privacy notices and delivering GDPR training for 100 key stakeholders
- Delivering GDPR training for a range of Public Sector organisations.

Key contact:



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Corporate Law

We have the capability, experience and expertise to service a full range of corporate law requirements. Our work includes mergers and acquisitions, joint ventures and collaborations, corporate governance, equity capital markets, investment funds, reorganisations, private equity, company secretarial, partnerships and LLPs and corporate tax.

Evidence of experience:

- A local council on the restructuring of their ownership (through a corporate vehicle) of a Film Studios, including corporate governance issues, and the requirements for compliance with the law concerning local authority owned companies
- A UK research council on investments made alongside academic institutions including an investment with a university on the development of a new education centre
- A local council on investing (both equity and debt) in a JV company promoting a development site. Including procurement, vires and Subsidiary Control issue, funding agreements, land transfer and a services agreements.

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Dispute Resolution

We cover all aspects of Litigation and have particular experience in: ADR and mediation, pre-action advice on strategy, on contractual / procurement / insurance / probate and trust / corporate and shareholder disputes, cyber risks, class actions, public law responsibilities, exiting unprofitable or unsuitable contracts, international arbitration, debt and asset recovery, fraud and injunctive relief.

Evidence of experience:

- A local council in relation to their industrial estate redevelopment scheme on a challenge from one of the unsuccessful bidders. A development company issued claims for Judicial Review of the Council's decision to enter into a development agreement and a statutory challenge under the public procurement regime.
- A local council in relation to the redevelopment of their leisure park, where we successfully fended off a claim for a declaration of ineffectiveness
- A local authority in relation to the redevelopment of their leisure facilities, where they were challenged by the incumbent under the public procurement regime.

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Education Law

We provide advice on academy conversions, governance and funding, FE sector restructuring, HE sector JVs, Data Protection/FoI, dispute resolution, compliance, establishing trading companies, student contracts, admissions, exclusions, SEN issues including SENDIST, shared occupancy schemes, pension issues including LGPS and TPS, procurement matters, planning issues, estate and student accommodation projects and IPR.

Evidence of experience:

- Three local councils on:
 - The portfolios of academy conversions
 - The academy conversion of schools built under PFI/BSF Projects
- A Government department on complex rebrokerages and transfers as well as litigation, PFI, finance and funding issues
- A university on the delivery of two new colleges via a long-term public private partnership
- On liaison with government department regarding FE colleges' charitable foundation
- On over 450 academy conversions, as well as providing ongoing support to academy trusts on commercial contracts, employment, SEN issues, admissions, exclusions and GDPR.

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Employment Law

We advise on a range of public sector projects, including working on PFI/PPP projects. We have experience of unionised workforce issues, including changing T&Cs across large workforces and collective bargaining and industrial disputes. We also advise on complex TUPE transfers, including on procurement projects.

Evidence of experience:

- Employment/TUPE and pensions advice on a bid to a central government department for a large-scale, complex project
- Advice to a non-departmental public body including restructuring, complex TUPE issues and strategic advice
- A local authority in its defence of a high profile dismissal, discrimination and whistleblowing claim
- A non-profit organisation on TUPE and Staff Transfers in relation to the transfer of services to an NHS Foundation Trust
- A public sector company on complex employment tribunal claims and providing "inclusive leadership" diversity training to management teams nationwide
- An NHS Trust including tribunal litigation, industrial relations issues, complex and grievance and disciplinary processes and senior exits.

Key contacts:



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Energy, Waste and Sustainability

We advise on electricity generation projects, energy disputes, energy trading, carbon trading, energy efficiency, support mechanisms including Contracts for Difference, Renewables Obligation Certificates, RHI and Feed-in Tariffs, transmission and grid connections, LNG/FLNG projects and on a range of energy related agreements, pipeline schemes and corporate finance. We advise on PFI handback, waste, and energy from waste, district heat networks, and provide support on ESG matters.

Evidence of experience:

- A Government department on the administration by the Department of the temporary management scheme under which the UK government operated the Iranian Oil Company's UK North Sea oil & gas interests during international sanctions
- A Government office on the late Offshore Transmission Owner build model including on construction risks and the regime as a whole and separately on the development of the new regulatory regime
- Local authorities:
 - Providing a range of advice in relation to district heating schemes across the UK
 - On electricity and gas purchasing under their PFI arrangements, and;
 - On their procurement of renewables including PV panels and wind turbines
 - On variations to waste PFI schemes, including to deliver EfW facilities.

Key contacts:



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Financial Services

We provide high quality finance and investment related advice and solutions to lenders, borrowers and commercial and public sector clients on a broad range of transactional and noncontentious finance work, cross-sector, including real estate, corporate, tax, construction and commercial.

Evidence of experience:

- An executive non-departmental public body on £75m public sector funding for affordable housing including £32m funding Local Infrastructure Fund, with a building consortium
- A local authority on funding of a regeneration project, including on intercreditor issues between the council, the an investment fund, a bank and an insurance company
- A university on finance and security documentation on an insurance company's funding for student accommodation
- A local authority on a loan to an NHS Trust to allow the Trust to terminate a PFI contract.

Key contact:



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Food, Rural & Environmental

We advise on wildlife welfare and marine protection and enforcement, environmental compliance advice, environmental impact and habitats regulations assessment, sustainability strategies and the circular economy, rural estate and food compliance matters including hygiene and safety issues and act for landowners regarding surface and mineral interests.

Evidence of experience:

- An NHS Trust dispute with its contractors over water quality issues
- A local authority on the exclusion of waste collection services from VAT
- Environmental issues relating to the consenting of onshore/ offshore wind schemes, including on potential pollution incidents, marine mammals, the Environmental Damage Regulations and the Offshore Safety Directive
- A mining company in relation to a police investigation into alleged bat habitat disturbance
- A hospitality association on the implications of the Food Information to Consumers Regulation, with particular focus on its impact on the labelling of food allergens
- A range of clients, including prominent landed estates, public authorities, large landowning charities and other governmental organisations.

Key contacts:



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Health and Healthcare Law

We advise on the commissioning of healthcare and non-clinical services, routine employment, pensions, commercial contracts and property work and on large scale complex hospital redevelopment projects, PFI and LIFT schemes, renewable energy and district energy projects and complex information governance advice, including advising on the General Data Protection Regulation and freedom of information issues.

Evidence of experience:

- An NHS Foundation Trust on the award winning project for the outsourcing of non-clinical services to a wholly owned subsidiary company. Advising on corporate governance and contractual issues and commercial arrangements for the provision of non-clinical services, including a bespoke services contract
- An NHS body on a hosting agreement relating to Apps and Wearables and an Asset Purchase Agreement and associated IT contracts relating to the proposed acquisition of certain software and IT services
- NHS Trusts on various Supplementary Agreements to their PFI Project Agreement
- On a concession agreement with an NHSFT.

Health and Safety Law

We advise the Health and Safety Executive (HSE), local authorities and Public Health England as well as organisations in the private sector. We support clients involved in critical, high-profile, incidents, providing crisis management advice. We deal with formal investigations including suspected corporate manslaughter and gross negligence manslaughter, prosecutions, Inquests, Public Inquiries, appeals in the Employment Tribunal and on appeal to the High Court, corporate and governance structures and supply chain management.

Evidence of experience:

- A Government-owned body suspected of corporate manslaughter relating to police investigation into fatal road traffic incidents
- An executive Government agency in connection with a nationally reported HSE investigation into the death of a worker
- Public inquiry work including very high profile inquiries into historical child abuse, hospitals, and building safety
- An executive agency in relation to its response to the Coronavirus pandemic.
- A local authority in connection with an inquest into the death of a member of the public during an annual May Day parade
- A non-departmental public body employee suspected of gross negligence manslaughter in connection with a fatal accident
- A council in connection with a major city centre fire requiring mass evacuation.

Key contacts:



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Immigration / Human Rights Law

We advise clients on a variety of complex business immigration matters. This includes assisting with sponsor licence applications and certificates of sponsorship and helping with a range of visa applications, including under the Skilled Worker and Global Business Mobility immigration routes. We also support clients on the prevention of illegal working and provide advice and training on right to work checks, compliance with sponsor management duties and assist with both internal audits and Home Office compliance visits.

Evidence of experience:

- A business-to-business media group on the recruitment of key overseas employees. This included applying for a number of Skilled Worker visas under the Points Based System (PBS)
- An audit for an education provider reviewing right to work checks compliance and prevention of illegal working. Also on changes to the PBS post-Brexit, including on the EU Settlement Scheme
- A housing association on employment and immigration matters, including cross jurisdictional matters, overseas working agreements, sponsor licence related matters and immigration visa queries
- A communications provider on senior executive transfers, including adding a new route to their existing sponsor licence and applying for a number of Intra-Company Transfer visas.

Key contact:



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Intellectual Property Law

We supply registration, exploitation, protection and infringement advice and on the protection and exploitation of IP asset portfolios. Including: asset management, design and trade mark issues, collaboration, research and development agreements, assignments and other technology transfer and exploitation arrangements, confidentiality and non-disclosure agreements, patent, invalidity and entitlement disputes (both in the UK and overseas), domain name disputes, Companies Names Tribunal complaints and IP training and policies.

Evidence of experience:

- A public sector company in relation to trade mark infringement and passing off actions against third parties, working on brand reputation and franchisee relationships
- A NHS organisation advising and assisting on how to identify, acquire and license database rights
- A professional association on the protection and enforcement of its trade marks in the UK and overseas
- The publishing arm of the BBC on clearance searches, trade mark portfolio management and various IP disputes here and overseas
- Our team includes chartered trade mark attorneys.

Key contact:



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Projects and Infrastructure Law

We advise local authorities, NHS trusts, fire authorities, local education partnerships, academy sponsors, private sector companies and funders. We also work in the secondary market, acting for buyers and sellers of infrastructure assets and on transactions to restructure and/or refinance projects. We have experience in PFI/PF2 projects, public/private outsourcing arrangements, large scale, long term, public sector capital investment programmes and low carbon energy projects, including district energy (heat, cooling and power).

Evidence of experience:

- A local council on all aspects of its competitive dialogue procurement of a private sector partner to develop district heating projects across Newcastle
- A local council on its Priority Schools PF2 Project. Advising on the acquisition of the site, aligning it to the Landowner Agreement, and the relevant provisions in the PF2 Project Agreement itself
- A university on a bond-funded project to procure a partner under a long term design, build, finance and operate mode to deliver two new colleges on University owned sites
- Local authorities on the refinancing of their BSF projects
- Local authority recipients of Housing Infrastructure Fund monies including variously negotiating the funding agreement, procurement advice, local authority powers and provision of State aid opinion letters.

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International Law

We advise on international trade agreements, investments, regulations and restrictions, competition, anti-corruption procedures, modern slavery compliance, European safety requirements, mediation & arbitration, export licensing, controls and sanctions, employment, IP protection, online trading implications, franchising, joint ventures, jurisdictional issues, trade and export finance transactions, international tax sales, transport, logistics and insurance of goods, terms of carriage and incoterms and agency and distribution arrangements.

Evidence of experience:

- We've helped businesses of all sizes on their exporting journey, sharing knowledge and helping business to export products and services globally. From identifying market/compliance requirements, to protecting your intellectual property and resolving any potential disputes, we have the knowledge to underpin the exporting goals of your business
- Manufacturers and energy service suppliers on trade restrictions and sanctions currently in place
- A number of retailers and FMCG manufacturers providing cross-jurisdiction regulatory advice
- We have strong relationships with intermediaries including banks and financial institutions, tax experts and insurers.

Key contact:



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Pensions Law

Specialisms for the team include the Civil Service Pension Scheme, NHS Pensions Schemes, Local Government Pension Schemes, Judicial Pension Schemes and early retirement rights. We also have a strong reputation as experts in relation to Old and New Fair Deal, and the new “admission” regime and how this interacts with the old broadly comparable regime.

Evidence of experience:

- On a central Government contract bid to ensure compliance with New Fair Deal by becoming an admission body in the Civil Service Pension Scheme
- A local authority on the insourcing of Children’s Services from an NHS Trust, and how the Council could comply with New Fair Deal, including the process for the Council to become a direction body under the NHS Pension Scheme
- Local authority shareholders in Durham Tees Valley Airport Limited in relation to DTVA’s proposal to withdraw from the Local Government Pension Scheme and transfer
- A transport executive on the termination of its concession, and agreement with the operators of a transport system and implications for the risk-sharing of termination costs in the Local Government Pension Scheme.

Key contact:



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Property and Land Law

We advise on acquisitions & disposals, portfolio management, housing, regeneration, secured lending and finance, CPOs, mediation / arbitration / proceedings, tenancy disputes and notices and title issues. We cover all aspects of development, including strategic land assembly, expert input on promotion and collaboration agreements, and more.

Evidence of experience:

- Local authorities on complex regeneration projects involving partnership arrangements with private sector developers and investment acquisitions
- Local authorities on strategic acquisitions, and on strategic management of property portfolios
- A local authority on a 6,000 home Garden Village
- A local authority Development Company, acting as lead partner on its public/private partnership delivering town centre regeneration projects
- A non-departmental public body on a number of strategic acquisitions and disposals.

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Planning Law

We advise on DCOs, NSIPs, Environmental Impact Assessment and Habitat Regulation Assessments, regeneration, residential development, transport schemes, town and village greens, waste schemes, planning obligations, infrastructure agreements and Community Infrastructure Levy issues, High Court challenges and Judicial Review and neighbourhood planning.

Evidence of experience:

- A Government office on the legislative and policy regime for DCOs
- Local planning authorities on major redevelopment schemes, including negotiating s106 Agreements
- Objectors including national household names including appearance in Select Committee
- An airport on strategic development issues for implementation of a £10m passenger per annum expansion programme and on new major multi-storey car parking applications, s106 Agreements and on Judicial Review proceedings
- A local authority on a re-development for mixed uses with circa 2,400 new homes and a major new sports facility, including on land assembly.

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Procurement Law

We have substantial expertise in the creation and administration of frameworks, as well as in defending and bringing procurement challenges on behalf of both contracting authorities and bidder clients. We offer end-to-end procurement support, advice on risk management strategies, on the application of public procurement law to public projects, on devising structures/agreements and on ‘building in’ flexibility to tender processes and contracts, and on contract changes. We advise on both domestic and EU public procurement law.

Evidence of experience:

- A Government department on the procurement of high profile services contracts, including training on evaluation and carrying out a moderator role
- An arms length body in respect of a high value, four lot services contract
- Public bodies on ethical procurement and supply chain management
- Local councils on a range of major procurements in respect of regeneration projects, leisure and district energy
- A Government department in respect of an urgent procurement challenge in relation to a critical service
- Local authorities on the social value element of their procurement documentation to reflect their aims to reduce the carbon footprint for the works or services.

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Administrative and Public Law

We work across all our teams, with expertise led mainly from our Projects & Procurement, Regulatory, and our Commercial Litigation Team. We have particular experience in Local Government matters, data protection, environmental information regulations, and freedom of information matters, dispute resolution and litigation, governance, judicial review powers and functions of Government departments public inquiries, subsidy control, statutory appeals and vires issues.

Evidence of experience:

- An NHS body on public law issues including its statutory functions, its legal powers to collect and share data and on directions from the Secretary of State and NHS England. Includes analysis of the powers and duties of other public bodies
- A local authority in relation to a challenge for breach of EU Procurement Rules and s123 Local Government Act 1972
- Local authorities in the formation of wholly owned and JV corporate structures for the delivery of housing and other local infrastructure. Advice included powers, corporate, financing the vehicles, governance, procurement, state aid/subsidy control and tax
- A local authority on a district heating scheme including grant funding, consideration of the application of subsidy control, and the application of exemptions.

Key contact:



Iain Greenshields
Partner

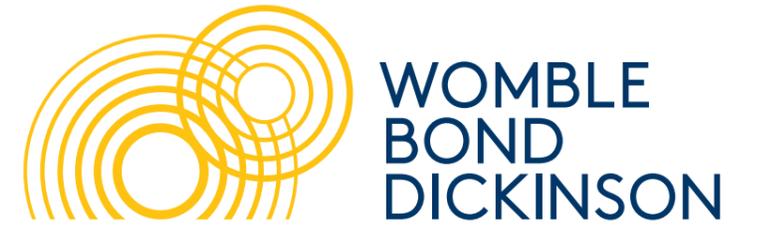
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