



**SCOTTISH GOVERNMENT  
FRAMEWORK AGREEMENT FOR THE  
PROVISION OF LEGAL SERVICES  
(MULTI-LOT)**

**REFERENCE SP-22-011**

**BUYER’S GUIDE**

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## **Introduction**

Located within the Scottish Procurement and Property Directorate (SPPD) of the Scottish Government, Scottish Procurement aims to deliver benefits to the people of Scotland through improved value for money for taxpayers and improved goods and services for all our citizens. We achieve this via effective collaboration with our customers throughout the procurement cycle and by developing strategies that contribute to the Scottish Government's purpose of sustainable economic growth.

## **Framework agreement definition**

A framework agreement is a general term for agreements which can be with either single or multiple suppliers that set out the terms and conditions under which specific purchases (call-offs) can be made throughout the framework duration.

Scottish Procurement has entered into this framework agreement with suppliers to ensure organisations may obtain value for money in their purchasing whilst being assured that their procurement is compliant with Scottish procurement regulations.

In establishing this framework agreement, Scottish Procurement carried out a competition in accordance with Scottish procurement regulations.

Using a framework agreement saves time and money for organisations and ensures that the terms and conditions of their contract with the suppliers are robust and follow best practice.

## **Who can access the framework agreement**

The framework agreement will be available for use by the Scottish Ministers (including agencies), Scottish Non-Departmental Public Bodies, offices in the Scottish administration which are not ministerial offices, cross-border public authorities within the meaning of section 88(5) of the Scotland Act 1998, the Office of the Advocate General, the Scotland Office, the Scottish Parliamentary Corporate Body, the Scottish Fire and Rescue Service, the Scottish Police Authority, Student Loans Company Limited, the Forestry Commission, the Commissioner of Northern Lighthouse operating as the Northern Lighthouse Board, Equality and Human Rights Commission, Business Stream Ltd, any public body established by or under the Scotland Act 1998 or any Act of the Scottish Parliament, any association of or formed by one or more of the foregoing, bodies financed wholly or mainly by one or more of the foregoing, bodies subject to management supervision by one or more of the foregoing and bodies more than half of the board of directors or members of which, or, in the case of a group of individuals, more than half of those individuals, being appointed by one or more of the foregoing.

It is the responsibility of any buying organisation wishing to use the framework agreement to satisfy itself that it is eligible to do so.

Guidance on this can be found in annex A of [Scottish Government Guidance on Framework Agreements](#). If there is any doubt, legal advice should be sought.

## **Start date**

The framework agreement commenced on 1 September 2023 and will run for four years until 31 August 2027.

## **What the Legal Services Framework Agreement Covers:**

This framework agreement is for the supply of legal services. Framework suppliers will be required to provide the services under each of the following six lots:

- Lot 1 – contract, commercial and corporate
- Lot 2 – debt recovery
- Lot 3 – litigation, reparation, employment and inquiries
- Lot 4 – major infrastructure and commercial projects (and relegated litigation)
- Lot 5 – property and related matters
- Lot 6 – one stop shop fully managed service

## **Scope of the Framework Agreement Lots**

The scope of this framework covers the following:

### **Lot 1 – Contract, Commercial and Corporate**

Advice on commercial arrangements drafting of contracts and other commercial documents; compliance; advising on contractual issues; corporate matters including setting up companies and conserving corporate governance, finance and assets.

### **Lot 2 – Debt Recovery**

Advice and assistance on all aspects of debt recovery, including small claims, summary cause, Sheriff Court and Court of Session recovery actions; post-decree enforcement; earnings arrestments; inhibitions and rent arrears. Work allocated will include recovering payments of grants where scheme rules have been breached and where overpayments have been made; recovery of overpayment of salary or benefits (which may include an element of breach of contract); recovery of payments made erroneously into bank accounts; recovery of overpayment of pensions.

### **Lot 3 – Litigation, Reparation, Employment and Inquiries**

Handling of reparation actions; general commercial litigation; arbitrations; fatal accident inquiries; public local inquiries; construction disputes and adjudications; health and safety investigations; and Employment Law services.

## **Lot 4 – Major Infrastructure, Commercial Projects and Related Litigation**

Advice covering a broad range of large scale infrastructure projects (including new and ongoing road and rail construction projects) and highly complex, high value projects (including ports and harbours); future infrastructure developments and related commercial and procurement advice; IT projects; organisational projects; renewable energy projects (on-shore and off-shore wind farms, tidal development); and related commercial advice, State Aid and procurement advice; advice on maritime issues and advice on ports, harbours and associated infrastructure.

## **Lot 5 – Property and Related Matters**

Conveyancing; acquisition and sale of property; commercial leasing; crofting matters including sales and recovery of rents; provision of services when entering into new leases of property and advice relating to termination of existing leases; shared equity; construction contracts; securities; ranking arrangements; section 32 agreements; property management arrangements and lands tribunal matters; registration of land interests; ability to source property advice for jurisdictions out with Scotland.

## **Lot 6 – One Stop Shop (fully managed service)**

Fully managed service encompassing all the service types under the other Lots 1-5 in the Legal Services Framework. Suppliers will provide framework public bodies with advice for matters falling within those Lots, where framework public bodies want the ability to channel advice from many different strands of the law (as covered in the various framework Lots).

## **Framework public body ordering procedures (call-offs)**

Framework public bodies sourcing their legal service requirements through this framework agreement may award contracts in two ways:

- by mini competition (inviting all framework suppliers from the relevant Lot)
- by direct award ranked solution (available only when requirements are under £20k).

Framework public bodies must be able to define their requirement and ensure that the resulting contract award(s) does/do not amount to the creation of a subordinate multi supplier framework, for example a framework within a framework.

Call-off contracts must be awarded on the basis of a commitment to either **budget, volume or exclusivity**. To the extent that there’s no budget or volumes, then the framework public body should state in the call off contract (schedule 5) that the supplier is the exclusive provider of the stated services. An example of wording to be included in the call off contract is as follows: **“For the purposes of this call off contract the supplier is the exclusive provider of the services detailed in the specification.”**

As permitted in schedule 3 (award procedures), clause 5.3, framework public bodies may choose to appoint the second ranked contractor as a reserve for perceived or apparent conflict of interests. The purchaser should be careful where a second ranked provider has been appointed to cover conflict of interest. In this instance, the following lines may be appropriate to include in the call off contract - **“For the purposes of this call of contract the supplier is the exclusive provider of the services detailed in the specification, save to the extent that a second ranked provider has been appointed in line with schedule 3, clause 5.3.”**

Framework public bodies may choose to conduct a competition in any lot to appoint a supplier to carry out routine work for a period of time. Further work either of a specialist nature or of a particularly high value, may be the subject of separate competitions among the suppliers on the relevant lot.

Before going to mini competition, framework public bodies should consider which lot would fulfil their requirement. Where there is a requirement which perhaps falls between two or more lots, the competition should be directed at the lot which

covers the majority of the service required. Consideration could also be given to utilising Lot 6 – one stop shop.

Framework public bodies must not conduct mini competitions between two or more lots with the intention of only awarding to one.

It should be noted that although each lot represents a different type of legal service there may be occasions where ancillary advice is required for a contract awarded under the framework which would normally be associated with a different lot.

For example, if a contract is awarded under Lot 1 for commercial advice and there was some associated litigation required with this contract, then it would be reasonable to assume this related litigation is carried out under Lot 1 and not Lot 3 on this occasion.

## **Mini competition procedure**

For requirements over £20k, framework public bodies must run a mini competition amongst all framework suppliers from the relevant lot.  
(All framework suppliers from the relevant lot must be invited).

Under a mini competition process, the call-off contract will be placed with the framework supplier who has submitted the most economically advantageous tender in accordance with the mini competition award criteria set. The award criteria to be used in the mini competition must be made clear to all framework suppliers prior to the mini competition (for example details of the price/quality ratio to be used and how the submissions will be evaluated).

Framework public bodies must:

- invite tenders from all suppliers appointed to the relevant framework lot, by conducting a mini competition for its service requirements via the Public Contracts Scotland Quick Quote facility.

- Buyer’s MUST ensure, when issuing invitations to tender via Public Contracts Scotland Quick Quote, that the correct Framework Supplier e-mail address is used, as detailed in Annex B Framework Supplier Contact Details.

## IMPORTANT

Failure to use the correct e-mail address, *may* result in some Framework Suppliers being denied the opportunity to tender for the services required, thereby failing to comply with the Framework operation procedures and reducing competition and the potential to obtain overall best overall value for the public sector body/department.

- Set weightings for the award criteria in the mini competition invitation to tender against the following:
  - technical criteria (xx% weighting(s) to be set by framework public body at mini competition) -
  - service delivery - (proposal to demonstrate how the services will be delivered, with particular emphasis on quality, delivery timescales and customer satisfaction)
  - commercial criteria (xx% weighting(s) to be set by framework public bodies at mini competition) –
  - Pricing - total tender cost ex VAT

The evaluation criteria allows for flexibility regarding the composition of percentage weighting(s) allocated against each of the criteria shown above. The mini competition should be conducted on the basis of the criteria listed above and on the same, or if necessary, more precisely formulated terms. Where a framework public body wishes to introduce additional terms for evaluation, for example, account management or sustainable benefits, full details must be provided in the invitation to tender document to framework suppliers.

- Set a time limit for the receipt of the mini competition tenders which takes into account factors such as:
  - the complexity of the subject matter of the order
  - allow as much time as possible for tenderers to complete and return their tender, taking into account holiday periods and complexity of the requirement. .
- Keep each mini competition tender confidential until the expiry of the time limit for the receipt by it of mini competition tenders.
- Apply the award criteria and weightings to the framework suppliers’ compliant tenders submitted through the mini competition as the basis of its decision to award an order for its services requirements.

## **Bid evaluation**

The results of the price/quality ratio will reveal who has offered the most economically advantageous tender for example scored the highest overall mark.

Following evaluation of all submissions, an award can then be made to the supplier submitting the most economically advantageous tender for the service required.

Tender evaluation guidance is available within the [Procurement Journey](#).

## **Direct award ranked solution**

Where the framework public body’s requirement is below £20k, is met in full by the terms set out in the framework agreement and the direct award ranked solution is deemed most suitable, the framework public body will go to the first ranked supplier (from the relevant lot) in the first instance.

If, for any reason, the first ranked framework supplier cannot meet the requirements at that time, the framework public body will go to the second ranked framework supplier (from the relevant lot), and so on.

Framework public bodies must not disaggregate their requirements in order to award to a particular framework supplier.

Supplier rankings in each Lot are detailed (in brackets) beside their contact details contained in annex B Framework Supplier Contact Details.

## **Awarding an order (call-off contract)**

A call-off contract, whether placed via mini-competition or direct award ranked solution, must be concluded by an award letter.

Where a mini competition has been carried out, letters must also be issued to all unsuccessful tenderers. Please note that framework public bodies do not have to follow the standstill rules when awarding a call-off contract under a framework agreement.

However, where above threshold level contract is awarded by mini competition, following the standstill rules on a voluntary basis (including summary reasons) can protect the contract from ineffectiveness, if challenged in court.

Buyers are reminded of the obligations contained in the [Procurement Reform \(Scotland\) Act 2014](#) in relation to the award of contracts, including those awarded as a result of a framework call-off/mini competition.

In particular, Buyers should note that in accordance with [Section 23\(2\)](#) the award of contracts must be publicised on the Public Contracts Scotland website and in accordance with [Section 35](#) contracts must be registered in the contracting

authority’s “contracts register”.

Your attention is also drawn to the requirement to provide feedback in accordance with [Section 32](#) and [Section 33](#)

## **Reserve supplier**

The framework agreement allows public bodies to choose to appoint the second ranked supplier as a reserve supplier following any contract award. This essentially allows the framework public body to go to the second ranked supplier if the principal supplier cannot act for the framework public body for any reason including but not limited to a real, perceived or apparent conflict of interest.

## **Pricing schedules**

Information regarding pricing can now be found on the [Knowledge Hub](#). If you are not registered to access this site and are eligible to use the framework please complete the [registration template](#) and send to the Scottish Procurement contact name at section 18 of this buyer’s guide.

### **Mini competition**

The hourly rates detailed within the pricing schedule are fixed for the four year duration of the framework. These are the maximum hourly rates that any supplier can charge. However, they may be improved upon in mini competition and framework public bodies have the ability to negotiate any combination of hourly, fixed and capped rates.

Hourly rates agreed in call-off contracts awarded via mini competition will be fixed for the duration of the call-off contract and any subsequent extension to that call-off contract.

The pricing schedule is available via the [Knowledge Hub](#). The pricing schedule is a commercially sensitive document and must not be shared.

### **Direct award ranked solution**

Where the direct award ranked solution is utilized, Framework hourly rates are fixed and cannot be increased or decreased.

## **Contact details of the suppliers on the framework agreement**

Contact details for the suppliers on the framework agreement can be found at Annex B Framework Supplier Contact Details within this Buyer’s Guide. Buyer’s should ensure, when issuing invitations to tender via Public Contracts Scotland Quick Quote, that the correct supplier email details are used as detailed in Annex B Framework Supplier Contact Details.

## **Other framework information**

## Framework management

Scottish Procurement will manage this framework agreement at a strategic framework level. This incorporates a number of activities, including the strategic management of framework supplier performance issues, collating management information for the framework, coordinating feedback, framework supplier reviews, user groups and escalations.

### Contract management

Framework public bodies **must** manage contracts awarded under this framework at a local level, dealing with day to day supplier issues, with a view to resolving these locally in the first instance. Scottish Procurement will act as an escalation point should local resolution prove unsuccessful.

**Framework public bodies can request their own management information and hold regular meetings with the supplier as necessary.** The format of the required information shall be agreed between the framework public body and the supplier. Framework public bodies can develop and agree specific requirements and format for tailored management information reports, further developing these reports where required. The framework supplier is aware of the need to provide management information to framework public bodies as part of the framework requirements.

## Framework terms and conditions

Copies of the framework terms and conditions and standard terms of supply are available on the secure Knowledge Hub site (see above for access to Knowledge Hub).

## Sustainability benefits achieved under the framework

- Carbon reduction plans/Net zero targets;
- Greener offices/Greener travel;
- Cycle to work schemes;
- Waste reduction and recycling initiatives including IT equipment and furniture being offered to local charities;
- Use of renewable energy suppliers;
- Identify talent and improve representation of lawyers from socially disadvantaged backgrounds;
- Paid internships to help increase the number of black professionals in the legal profession;
- Hybrid working models;
- Employees encouraged to use days for CSR, Net Zero, community benefit or pro bono activities;
- Hosting sector-focused national conferences where sustainability is a key topic;
- Commitments to Modern Apprenticeship Scheme and work experience students;
- Ongoing participation in the Homes for Ukraine Scheme.

## **Workforce Matters**

As part of the technical evaluation process, each tenderer was asked to demonstrate their commitment to being a best practice employer in the delivery of this framework. Tenderers responded with a number of different measures, including:

- Employee assistance programme
- All suppliers pay at least the Real Living Wage
- IIP accreditation
- Wellbeing committees.
- No zero hours contracts
- In-house training academies and programmes
- Apprenticeships, including Modern Apprentices
- School work experience opportunities
- Support of work/life balance policies
- Gender pay gap reports
- Employee bonus, reward and recognition schemes

Fair work practices will be monitored through framework contract management.

## **Community benefits**

Tenderers were asked to provide details of their proposals to support Scottish Procurement to meet the Scottish Government’s overall community benefits policy through delivery of the framework agreements. Tenderers responded positively, proposing a number of different benefits including:

- Work placements
- Targeted recruitment/training for disadvantaged unemployed persons
- Work experience training
- Training/seminars for community groups
- Pro-bono work for charities and third sector organisations
- Support for charitable organisations and events
- Staff volunteering

## Contact details

For further information on the framework agreement please contact:

Paul Brydon  
Senior Portfolio Specialist

Email: [Paul.Brydon@gov.scot](mailto:Paul.Brydon@gov.scot)

Or

Liz Burns  
Portfolio Specialist

Email: [Liz.Burns@gov.scot](mailto:Liz.Burns@gov.scot)

## Annex A – Guidance

Listed below are considerations and a good practice check list to assist when conducting a mini competition under the framework agreement.

- You must ensure that the mini competition process is conducted in an open, fair and transparent manner at all times and that the award criteria is used, for example most economical advantageous tender (MEAT).
- You must award the contract to the supplier who has submitted the most economical advantageous tender (MEAT) on the basis of the mini competition award criteria. Weightings can vary to reflect the particular requirement.
- Core terms of the framework agreement cannot be renegotiated; however terms can be supplemented or refined to reflect the particular circumstances of the order, for example delivery timescales and payment terms. Framework terms can be accessed via the Scottish Procurement Knowledge Hub system or via your sector representative.
- A mini competition involves issuing a request to **all** suppliers within the framework agreement lot specific to your particular need.
- When using the quick quote facility within Public Contracts Scotland (PCS), please ensure that only those suppliers on the relevant Scottish Procurement framework agreement lot are invited to respond and that you have selected the correct email address to receive the invitation to tender (see supplier contact details at Annex B).

### Mini competition- good practice check list

- ✓ Devote sufficient time to manage the mini competition process effectively.
- ✓ Allow adequate time for the supplier to respond to the mini competition.
- ✓ Use only the standard terms of supply (schedule 5) under the framework agreement. You may only refine and supplement the framework terms.
- ✓ Ensure your evaluation criteria and weightings are detailed in your mini competition documentation.
- ✓ Consult colleagues in your respective procurement areas for advice and guidance (and legal advisers if necessary).
- ✓ Ensure you have an exit strategy.
- ✓ Treat all suppliers equitably.
- ✓ Where applicable, consider using the Public Contracts Scotland Quick Quote portal to issue and receive your mini competition documents.
- ✓ Keep the process and documentation simple and auditable.

- ✓ Ensure you are able to compare suppliers equally from their mini competition submissions against your criteria.
- ✓ Agree a single point of contact for your organisation.
- ✓ Do endeavor to draft mini competition documentation sufficiently clearly and precisely to enable suppliers to put forward their best offer without significant clarifications being necessary.
- ✓ Keep mini competition documentation to a reasonable size.

## **VAT**

It may be possible for public sector organisations to reclaim VAT paid on non-criminal legal services. Framework public bodies should seek their own financial advice on reclaiming VAT.

## **Annex B - framework supplier contact details**

**Buyer’s should ensure, when issuing mini competition invitations to tender via Public Contracts Scotland Quick Quote, that the correct supplier email details are used as detailed below.**

Supplier rankings (for direct awards) are shown in brackets next to their names

### **Lot 1 – contract, commercial and corporate law**

#### **Harper Macleod LLP (1<sup>st</sup>)**

Harper Macleod LLP  
The Ca’d’oro  
45 Gordon Street  
Glasgow  
G1 3PE

Tel: 0141 227 9411

All mini-competition invitations to be directed via: [tenders@harpermacleod.co.uk](mailto:tenders@harpermacleod.co.uk) All other queries and communications to be emailed directly to: [martin.darroch@harpermacleod.co.uk](mailto:martin.darroch@harpermacleod.co.uk) **And** [tenders@harpermacleod.co.uk](mailto:tenders@harpermacleod.co.uk)

#### **Anderson Strathern LLP (2<sup>nd</sup>)**

Anderson Strathern LLP  
1 Rutland Court  
Edinburgh  
EH3 8EY

Tel: 0131 625 8174

All mini competition invitations to be directed via: [lynn.brennan@andersonstrathern.co.uk](mailto:lynn.brennan@andersonstrathern.co.uk)  
All other queries and communications to be emailed directly to:  
[lynn.brennan@andersonstrathern.co.uk](mailto:lynn.brennan@andersonstrathern.co.uk)

**DWF LLP (3<sup>rd</sup>)**

DWF LLP  
2 Semple Street  
Edinburgh  
EH3 8BL

Tel: 0131 474 2355 / 07771 930824 / 0333 320 2220

All mini competition invitations to be directed via: [BidOpportunities@dwf.law](mailto:BidOpportunities@dwf.law)  
**and**  
copied to [wayne.lawrence@dwf.law](mailto:wayne.lawrence@dwf.law) **and** [michael.gilmartin@dwf.law](mailto:michael.gilmartin@dwf.law)

All other queries and communications to be emailed directly to:  
[wayne.lawrence@dwf.law](mailto:wayne.lawrence@dwf.law) **and** copied to [michael.gilmartin@dwf.law](mailto:michael.gilmartin@dwf.law)

**Brodies LLP (4<sup>th</sup>)**

Capital Square  
58 Morrison Street  
Edinburgh  
EH3 8BP

Tel: 0131 228 3777

All mini competition invitations and queries to be directed via: [tenders@brodies.com](mailto:tenders@brodies.com)

**Morton Fraser MacRoberts LLP (5<sup>th</sup>)**

Morton Fraser MacRoberts LLP  
Quartermile Two  
2 Lister Square  
Edinburgh  
EH3 9GL

Tel: 0131 247 1000 or 0131 247 1210

All mini-competition invitations to be directed via: [infodesk@mfmac.com](mailto:infodesk@mfmac.com) **And**  
[Ruth.McCallister@mfmac.com](mailto:Ruth.McCallister@mfmac.com).

All other queries and communications to be emailed directly to: [infodesk@mfmac.com](mailto:infodesk@mfmac.com) **And**  
[Ruth.McCallister@mfmac.com](mailto:Ruth.McCallister@mfmac.com).

**Addleshaw Goddard LLP (6<sup>th</sup>)**

Addleshaw Goddard LLP  
Cornerstone  
107 West Regent Street  
Glasgow  
G2 2BA

Tel: 0131 222 9597

All mini competition invitations to be directed via: [bdtenders@addleshawgoddard.com](mailto:bdtenders@addleshawgoddard.com)

All other queries and communications to be emailed directly to:  
[suzanne.moir@addleshawgoddard.com](mailto:suzanne.moir@addleshawgoddard.com)

## **Lot 2 – debt recovery**

### **Anderson Strathern LLP (1<sup>st</sup>)**

Anderson Strathern LLP  
1 Rutland Court  
Edinburgh  
EH3 8EY

Tel: 0131 625 8174

All mini competition invitations to be directed via: [lynn.brennan@andersonstrathern.co.uk](mailto:lynn.brennan@andersonstrathern.co.uk)

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[Ruth.McCallister@mfmac.com](mailto:Ruth.McCallister@mfmac.com).

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[Ruth.McCallister@mfmac.com](mailto:Ruth.McCallister@mfmac.com).

**DWF LLP (4<sup>th</sup>)**

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2 Semple Street  
Edinburgh  
EH3 8BL

Tel: 0131 474 2355 / 07771 930824 / 0333 320 2220

All mini competition invitations to be directed via: [BidOpportunities@dwf.law](mailto:BidOpportunities@dwf.law)  
**and**  
copied to [wayne.lawrence@dwf.law](mailto:wayne.lawrence@dwf.law) **and** [michael.gilmartin@dwf.law](mailto:michael.gilmartin@dwf.law)

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[wayne.lawrence@dwf.law](mailto:wayne.lawrence@dwf.law) **and** copied to [michael.gilmartin@dwf.law](mailto:michael.gilmartin@dwf.law)

## **Lot 3 – litigation, reparation, employment and inquiries**

### **Anderson Strathern LLP (1<sup>st</sup>)**

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1 Rutland Court  
Edinburgh  
EH3 8EY

Tel: 0131 625 8174

All mini competition invitations to be directed via: [lynn.brennan@andersonstrathern.co.uk](mailto:lynn.brennan@andersonstrathern.co.uk)

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2 Lister Square  
Edinburgh  
EH3 9GL

Tel: 0131 247 1000 or 0131 247 1210

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Tel: 0141 227 9411

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All other queries and communications to be emailed directly to:  
[martin.darroch@harpermacleod.co.uk](mailto:martin.darroch@harpermacleod.co.uk) **And** [tenders@harpermacleod.co.uk](mailto:tenders@harpermacleod.co.uk)

**Brodies LLP (4<sup>th</sup>)**

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Tel: 0131 228 3777

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2 Semple Street  
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## **Lot 4 – major infrastructure and commercial projects (and related litigation)**

### **Harper Macleod LLP (1<sup>st</sup>)**

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The Ca’d’oro  
45 Gordon Street  
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G1 3PE

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## **Lot 5 – property and related matters**

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