



Homes &
Communities
Agency

The Panels Handbook 2014 - 2018

A Guide to the Procurement of Services through the
HCA Consultant Technical Panel Frameworks

7 July 2014

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Summary

The Panels Handbook is provided to give guidance and information on the Panels, including information on running mini competitions and on managing Consultants. It is a straightforward and practical guide to procuring Consultant Technical services through HCA's Consultant Technical Panels.

The Consultant Technical Panel frameworks have been procured by the Homes & Communities Agency (HCA) and are made available free of charge to a wide range of public sector bodies as part of the HCA's facilitative role in delivering the public land agenda.

The frameworks have been procured through fully compliant OJEU processes, and as such, they can be used to procure services speedily via mini competition, as opposed to a full OJEU tender.

The requirements for mini competitions run on a sliding scale, based on the estimated value of the work, and further guidance is available later in this Handbook.

The Consultant Technical Panels comprise the following:

Property

OJEU Reference No. 2013/S 235-408288
HCA Tender Reference HCAE14088

Multidisciplinary

OJEU Reference No. 2009/S 214 - 308983
HCA Tender Reference HCAE 090051

Engineering

OJEU Reference No. 2010/S 62-092413
HCA Tender Reference HCAE090113

A new Multidisciplinary Panel is currently being procured, which will replace the current Multidisciplinary and Engineering Panels. It is anticipated that this Panel will be in place by September 2014.

The current Engineering Panel expires in January 2015 and we will utilise this Panel as necessary to its conclusion. Thereafter, the new Multidisciplinary Panel should be used to procure Engineering commissions.

All Panel Members have undergone intensive vetting processes and at the time of selection, they were the best in the market to deliver the specific services required.

Other public sector bodies, wishing to procure through the HCA's Consultant Technical Panels will firstly need to sign up to a simple Access Agreement with the HCA. On signature of this Access Agreement, they will achieve Partner status and will be given access to a secure website that contains full information enabling them to use the Panels. Claire Barclay is responsible for raising the Access Agreements and for providing access to the secure website (claire.barclay@hca.gsi.gov.uk).

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On appointment of a Panel Member for commissions under the Multidisciplinary and Engineering Panels, Partners are responsible for putting in place a framework contract between the Panel Member and themselves. This framework contract should be as similar as possible to the one the HCA has in place between itself and the Panel Member. This arrangement of parallel contracts mitigates, as far as possible, procurement risk for Partners.

There is no requirement for Partners to enter into individual framework contracts with Panel Members for commissions under the Property Panel.

Potential users of the Panels include Local Authorities, Registered Providers, Central Government Departments, Defence Infrastructure Organisation, Highways Agency, GLA Group, NHS Trusts and the Ministry of Defence. A full list of public sector bodies able to use the Panels is shown at Appendix A and is available to HCA users via the Document store. Partners can obtain this information via the secure website.

Partners should satisfy themselves that they are adequately covered by these descriptions, and should seek independent advice if unsure.

Further guidance material referred to in this Handbook can be found in the Document store on HCAnet under Consultant Technical Panels, or via a link on ITP Technical. Partners can obtain this information via the secure website.

1.0 Background

This Handbook has been written primarily for use by HCA staff, and other public sector bodies should follow their own procurement protocols where appropriate.

The Panels collectively offer a broad range of services. The services offered under each individual Panel are specific to that Panel.

The table following identifies the Panels that are now available for use by the HCA and its Partners and summarises the services available. It also provides information on the Panels, together with the names of Panel Members.

HCA appointments to the Consultant Technical Panels should be made through the HCA's Instruction to Proceed system (ITP), following competition, if necessary.

Other Public Sector Bodies should instruct the Panels via their own procedures, subject to the proviso given in Clause 1.2 of Schedule 6 of the framework contract.

Off Panel competitive appointments will need to be justified and approved by the Area Director responsible (see Section 5.0).

All information relating to the Panels, such as Schedules of Services, contracts and Tendered rates are available in the Document store. Partners can obtain this information via the secure website.

The Panels each last for 4 years, and Panel Members have signed up to a 4 year framework contract.

Further help, information and advice on using the HCA Consultant Technical Panels is available from:

andrew.stirland@hca.gsi.gov.uk
claire.barclay@hca.gsi.gov.uk

rob.noble@hca.gsi.gov.uk
deborah.vogwell@hca.gsi.gov.uk

2.0 Panel Details

Panel	Expiry Date	Panel Members	Summary of Core Services
Property	17 May 2018	BNP Paribas Real Estate Advisory & Property Management UK Limited, Capita Property & Infrastructure, Carter Jonas LLP, CBRE Limited, Deloitte LLP, DTZ Debenham Tie Leung Limited, GL Hearn, GVA Grimley Limited, Jones Lang LaSalle Ltd, Lambert Smith Hampton Group Limited, Montagu Evans LLP, Savills (UK) Limited, Thomas Lister Limited and AECOM Limited, Valuation Office Agency/DVS	<ul style="list-style-type: none"> • Property Consultancy Services • Property Agency Services • Estate Management Services • Property Investment and Financial services • Valuation Services • Lead Consultant and Project Management Services • General Services
Multidisciplinary Services	17 August 2014	<p>AECOM Ltd, Atkins Ltd, BDP, Broadway Malyan Ltd, EC Harris LLP, Amec Environment & Infrastructure UK Ltd (Entec), Feilden Clegg Bradley Studios, GVA, Halcrow Group Ltd, Jacobs Engineering UK Ltd, Mace Ltd, Mouchel Ltd*, Ove Arup & Partners International Ltd, Parsons Brinckerhoff Ltd, Pell Frischmann Consultants Ltd, Peter Brett Associates LLP, Savills (L&P) Ltd, Tibbalds Planning and Urban Design Ltd, URS Infrastructure and Environment UK Limited (formerly URS Scott Wilson Ltd), WSP UK Ltd, WYG Management Services Ltd</p> <p>* This company is NOT to be invited to bid for any asbestos related services</p>	<ul style="list-style-type: none"> • Engineering • Architecture • Planning • Masterplanning • Landscape architecture • Ecology and Biodiversity • Construction Design and Management (CDM) Co-ordinator • Property
Engineering	11 January 2015	<p>Aecom Ltd, Atkins Ltd, Campbell Reith Hill LLP*, Ramboll UK (formerly Gifford LLP), Halcrow Group Ltd, Hyder Consulting (UK) Ltd*, Jacobs Engineering (UK) Ltd, Mott MacDonald Ltd, Mouchel Limited*, Ove Arup & Partners International Ltd, Parsons Brinckerhoff Limited (PB), URS Infrastructure and Environment UK Limited (formerly URS Scott Wilson Ltd), WSP UK Ltd, WYG Engineering Ltd</p> <p>* These companies are NOT to be invited to bid for any asbestos related services</p>	<ul style="list-style-type: none"> • Project Management and Cost Management • Engineering (General Services) • Transport and Highways Engineering • Water • Geotechnical and Remediation • Environmental Engineering • Structural Engineering • Infrastructure and Utilities • Mechanical and Electrical Engineering

3.0 Contracts and Schedules

All Panel Consultants have been appointed under framework contracts. The contracts have been prepared by HCA's Legal Services and signed copies of contracts with individual companies are available from Clare Moore clare.moore@hca.gsi.gov.uk

For all Panels, the HCA only accepted minor amendments to the draft contract, so the basic contracts are the same for all Consultants. The contracts are for a period of 4 years.

The contract is suitable for the majority of services to be commissioned under the Panels, however where construction works are involved, construction related conditions will be required in addition to the standard contract. Construction related conditions have been included in the Multidisciplinary Framework Contract.

Subcontracting

Many Panel Members on the Multidisciplinary Panel are formed of a lead company, together with a number of subcontractors/subconsultants or, in some cases, a consortium. Details of the Multidisciplinary consultant matrix can be found in the Document store. Partners can obtain this information via the secure website.

Deborah Vogwell, Senior Manager – Panels/PQQ, should approve, in writing, any new subcontractors required. These are generally only approved where they have specialist knowledge of a particular service area or of a particular locality. The lead Panel Member takes full responsibility for the management and payment of all subcontractors; the HCA should have no role in managing the subcontractor.

It is critical that Panel Members are not used just as a conduit for payment of companies who are not Panel Members.

The form of subcontract must be in writing and should, as far as is practicable, be in a form similar to the form of the main framework contract.

Subcontracting is dealt with in more detail within the framework contracts.

At the back of each contract are a series of Schedules, which are tailored to suit each of the Panels. The Schedules include information as detailed below. Please note that these Schedules refer to the Property Panel and may differ lightly for other Panels.

3.1 Schedule 1 Insurance

Public Liability, Employers Liability and Professional Indemnity insurance requirements for each Panel are detailed in the table following. Depending on the project, required levels of insurance may need to be raised.

Panel	Professional Indemnity Insurance	Public Liability Insurance	Employers Liability Insurance
Property	£10m	£10m	£10m
Multidisciplinary	£10m	£10m	£10m
Engineering	£10m	£10m	£10m

3.2 Schedule 2 Consultant's Fees

The best chance of obtaining high quality services and good value for money from our Consultant Technical Panels is by obtaining clear proposals from Consultants, including a fee bid, prior to an instruction being placed. This will require preparation of a brief by the instructing officer.

The HCA financial regulations require that for any piece of work estimated to be over £10,000 in value, competitive bids are required. Section 4.0 gives further details of the 'Mini Competition' process.

As part of the Tender process, bidders were required to provide a schedule of Tendered rates for various disciplines. The rates for Panel Members can be found in the Document store; these rates are the **highest rates** that a Panel Member can charge. Partners can obtain this information via the secure website.

Tendered rates will be reviewed annually on the anniversary of the formation of the Panels. Any adjustments will be made at the absolute discretion of the HCA, but any adjustments will generally be in line with the Retail Price Index (RPI). Consultants cannot exceed standard rates at any other time.

Consultants should only be employed on a time charge basis on very rare occasions. Before commencing time charge work the Consultant must provide the Client with an estimate of the total cost of such work and the rates applicable.

Consultants are not entitled to any payment in respect of travel time or cost of travel within the various HCA Areas.

3.3 Schedule 3 The Services

Panel Members should only be appointed to deliver services that are covered within the relevant Panel Schedule of Services. The schedules are drafted to be broad and flexible.

Specific Schedules of Services can be found in the Document store. Partners can obtain this information via the secure website.

3.4 Schedule 4 Key Personnel

This contains the names of the Lead and Deputy Partners, who should act as key points of contact.

3.5 Schedule 5 Consultancy Period

The Consultancy Period is 4 years.

3.6 Schedule 6 Instructions Procedures

All HCA instructions must be issued via ITP Technical. Instructions must be sent to both the Consultant's Lead Partner and Deputy Partner identified on the ITP system. This is to ensure that the key contacts appointed by the consultant are aware of work coming into their company and are responsible for overseeing the programme, cost etc. All correspondence prior to issue of the formal ITP should be sent to, or be copied to, the Lead or Deputy Partner; contact details can be found in the Document store.

Please note that the office address that appears on ITP is the company billing address, which may differ from the Lead/Deputy Partner's office address.

Partners can obtain contact details via the secure website.

Partners should follow their own procedures regarding instructing consultants, subject to the proviso given in Clause 1.2 of Schedule 6 of the framework contract.

3.7 Schedule 7 Project Tendering Procedure

All work estimated to be over £10,000 in value will be subject to the mini competition system detailed at Section 4.0 of this Handbook.

3.8 Schedule 8 Computer Systems, Data Protection Obligations, Freedom of Information, Client Property, Storage and Maintenance of Records

3.9 Schedule 9 Deed of Novation

3.10 Schedule 10 Panel Management

3.11 Schedule 11 Public Sector Bodies

This contains a list of Public Sector Bodies eligible to use the Panels.

3.12 Schedule 12 IT Policy Statement

3.13 Schedule 13 Collateral Warranties

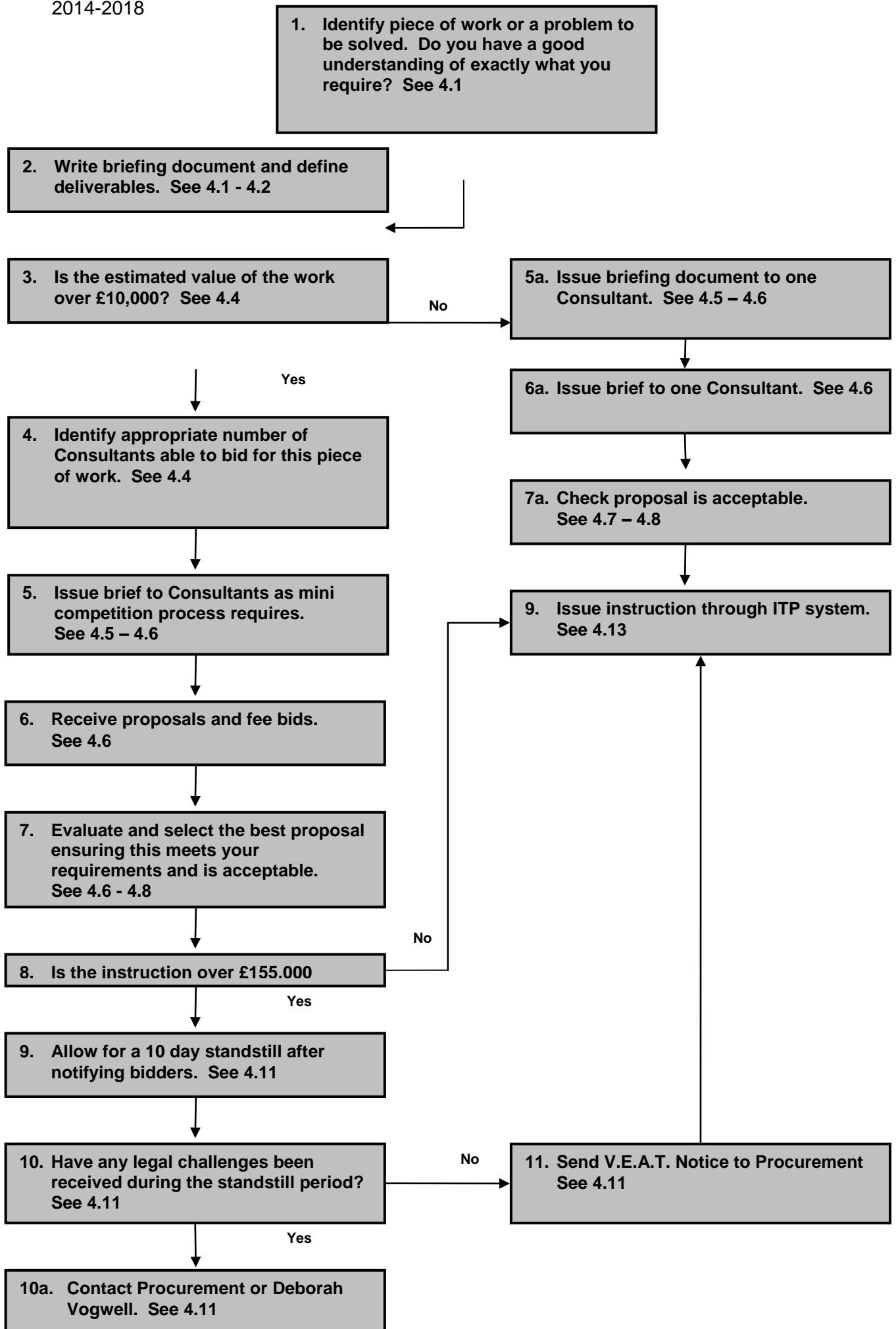
3.14 Schedule 14 Special Conditions

If used, construction related conditions should be included at this section. They are included in draft form for the Multidisciplinary Panel.

4.0 Procuring Services from the Panels

A mini competition is required in order to procure any work with an estimated value greater than £10,000, but may also be used for smaller commissions to obtain best value for money.

The mini competition should be kept as simple as possible; it is not a complex bureaucratic process. The flow chart following provides details of the key steps required when appointing a Consultant under one of the Panels. Further information is provided on the pages following.



4.1 Identifying Work

Mini Competitions should be conducted via email, with responses being returned to the instructing officer. However, for HCA commissions where the estimated value is likely to exceed the OJEU limit, proposals must be returned to the Procurement Team in Gateshead (See Section 4.7.1).

The first step in the process is to identify the piece of work to be undertaken and issue a brief accordingly via email. When this is for a defined piece of work that is fully understood, then progress straight to Section 4.2. However, when the best approach may not be known, HCA staff should firstly seek guidance from colleagues who may be able to help with drafting the brief. This may be from the Area team or previous users of the Panel, details of which can be found on the ITP system.

Two further approaches to briefing are to:

- define the deliverables expected
- define what the Consultant should achieve

Both of these approaches define the outcome, but leave the method up to the Consultant. The Consultant will define in his proposal how he will undertake the commission.

4.2 Writing the Brief

4.2.1 Context and Background

The brief provides Consultants with information on what is required of them. They should be given as much information as possible on the context of the project. For example, this should include:

- the main objectives and scope of the project
- why this piece of work is required
- how it fits into the project as a whole

The more the Consultant knows about the context of their work and the reasons for it, the better they will be able to perform. A briefing document will vary tremendously from a short statement on one page to a much larger and more detailed document.

4.2.2 Standard Brief

A simple form is available that can be used for drafting a basic mini competition brief for a piece of work. It contains the headings found in the majority of successful briefing documents. A proforma is available at Appendix C of this Handbook and in the Document store. Partners can obtain this information via the secure website.

The brief should include information under the following headings where appropriate:

- Introduction
- Background
- Objectives
- Scope
- Progress to date
- Key deliverables

- Project management and structure of commission
- Programme
- Budget
- Site information
- The Services
- Evaluation Criteria

4.2.3 Lump Sum Bids

Wherever possible, the brief should provide sufficient information for the Consultant to provide a lump sum price for their work. It should also cover all of the work likely to be required for the duration of the project, in order to avoid the need to re-tender before the project is complete

4.2.4 Information Required from Tenderers

Where possible, Tenderers should be given tight word and page limits for their responses. This focuses attention and assures Tenderers they are all working on a level playing field; it also makes the evaluation process easier.

Tenderers should not be asked for general company information relating to their experience, set up, management structure etc. as this has been submitted and evaluated as part of the Panels procurement process. Information requested in the mini competition should relate only to that specific piece of work.

The second part of the mini competition form is drafted to accommodate the Tenderer's response. It is structured so that the Tenderer addresses the information that is required for evaluation. This section should be amended to ensure that the requirements for that particular Tender are very closely defined; Tenderers need to know exactly what they are required to submit. It is important that Tenderers all submit information in the same format so that it can be evaluated consistently. Obtaining parity of Tenders is very difficult where all Tenderers have a free rein.

4.3 Tendering on the basis of a Defined Budget

Where it is difficult to define the scope of works, consideration should be given to providing an estimate of the available budget for the works. This establishes a level playing field for Consultants and gives them an idea of the level of input expected. The Consultants then bid primarily on a quality and resources basis, providing information on what that budget can buy. Some will be prepared to provide a higher level of resource for the budget available than others.

4.4 Defining the Number Required to Bid

If the estimated value of the work is below £10,000, a single Panel Member can be invited to submit a proposal in response to a brief, without the need for a full mini competition. If the estimated value of the work is over £10,000, a mini competition will be required prior to instruction. The requirements for mini competitions run on a sliding scale based on the estimated value of the work.

Estimated value of commission	Number of Tenderers	Tender return
Under £10,000	1	Tenders returned to the issuing officer by e-mail or hard copy
£10,000 - £155,000	min 3	

Over £155,000 * see note below	All capable and willing Members of that Panel ** see note below	Tenders to be returned to Gateshead in hard copy (HCA procurements only)
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* The current OJEU limit is £172,514, but it is wise to assume a lower estimate to allow for a margin of error, so an estimate of £155,000 is recommended.

** Please see below regarding the sifting exercise to reduce the level of competition.

4.5 Identifying Consultants

Details of all Consultants appointed to the various Panels, can be found earlier in this guide, in the Document store. Partners can find this information via the secure website.

Consultants have been appointed to deliver only the services covered by that particular Panel. Consultants should not be instructed to deliver services that lie outside the scope of the Panels on which they have a place. You may well find that the company does deliver other services, and is keen to offer them, but their commission should not be extended beyond their Panel appointment.

Consultants with a conflict of interest can also be excluded from the Tender list. Consultants should be asked to highlight conflicts of interest of which they are aware.

4.5.1 Sifting Brief

For commissions where the estimate is likely to exceed £155,000 (see Section 4.4) whereby we need to offer the opportunity to the whole Panel, a sifting exercise should be undertaken when there is a high level of interest from Panel Members. The purpose of this is to determine a Tender list of about 4 or 5 Panel Members who are best suited to bid.

A Sifting Brief should be sent to all Panel Members, describing the proposed commission and asking them to confirm their interest. Panel Members who are not interested, for whatever reason, should respond accordingly. Interested bidders should then respond to 3 or 4 project specific questions identified in the Sifting Brief. Word or page limits should be applied, appropriate to the questions asked. These responses are then evaluated and a reduced Tender list obtained. Bidders should be advised of the weighting to be applied to each question.

A proforma Sifting Brief is provided at Appendix B, but you should ensure that the questions you ask are specific to the success of your scheme and are sufficient to enable a fair evaluation to be made. The proforma Sifting Brief can also be found in the Document store; Partners can find this information via the secure website.

4.6 Issuing the Brief and Implementing the Mini Competition Process

The mini competition system should involve clear definition of the piece of work required and a clear proposal from the Consultants as to how they would undertake the work. The competitive element ensures that the best proposal is selected in terms of quality and cost.

Even without the requirement for a mini competition, when engaging any Consultant, clear definition of what is required by the Client and a clear response from the Consultant as to what they will do, should always exist, so this should not be an additional piece of work.

The mini competition process has been designed to operate on a sliding scale as detailed in the table below. For the various sizes of commission, different levels of information may be required within the submission; these are detailed below.

Estimated value of commission	Number of Panel Members who should be asked to bid	Bid information required
Below £10,000	In response to a brief, one Panel Member from the relevant Panel will be invited to submit a proposal to include:	<ul style="list-style-type: none"> • Brief statement on how commission would be undertaken • Staff Proposed • Timescale • Provision of a lump sum fixed fee/or fee proposal based on Tendered fee rates (depending on the particular circumstances)
Between £10,000) and OJEU Services threshold (currently £155,000)* *see Section 4.4	3 Panel Members selected from the Panel will be invited to respond to a brief with a proposal to include information such as:	<ul style="list-style-type: none"> • Proposal to describe how commission would be undertaken • Staff proposed, together with a resource schedule • Programme • Provision of a lump sum fixed fee and resource plan based on Tendered fee rates
Above OJEU Services threshold (currently £155,000)* *see Section 4.4	Sifting Brief exercise to achieve a max of 5 Panel Members to be invited to respond to a brief with a proposal to include information such as:	<ul style="list-style-type: none"> • Proposal to describe how the commission would be undertaken, an outline of the approach, an assessment of the commission being offered • Staff proposed, together with a resource schedule • Short CV summaries • Proposals for management of the commission • Programme • Provision of a lump sum fixed fee and resource plan based on Tendered fee rates • It is likely that an interview will form part of the selection process for a commission of this size

4.6.1 Evaluation Criteria

The evaluation criteria to be used must be made clear in the brief. Consultants have already undergone a rigorous quality assessment in order to secure a place on the Panel and so all should be capable of undertaking the commission.

At mini competition stage, it may be more appropriate to put greater emphasis on the price element and HCA staff should feel able to use their own judgement in setting appropriate evaluation criteria, within the defined limits set out below.

In general, lengthy information on relevant experience of the company and the key staff should not be requested in the mini competition bids. For high value mini competitions over £155,000, it may be appropriate to request very specific information on experience and how they would use this experience on the commission, e.g. provide examples of one or two projects very similar to the one for which they are currently bidding, or short half-page CVs for the staff who will be working on this commission.

The Evaluation Criteria for later procurements differs from that for earlier procurements, as detailed below:

Property Panel

The Evaluation Criteria for commissions over £10,000 are as follows:

Quality

0 – 50% of the marks will be awarded for quality and the evaluation criteria will be:

- Technical merit of the proposal
- Understanding of the project requirements
- Staff and other resource
- Management and communications
- Programme

Price

50% -100% of the marks will be awarded for Price.

There is no scope to vary these evaluation criteria.

The specific award criteria for each commission over £10,000 will be confirmed at project tender stage.

Multidisciplinary and Engineering Panels

The Evaluation Criteria for commissions over £10,000 are as follows:

Quality

80% of the marks will be awarded for the following in rank order:

- Technical merit of the proposal
- Understanding of the project requirements
- Staff and other resource
- Management and communications
- Programme

Price

The remaining 20% of the marks will be awarded for price.

In some circumstances, it may be appropriate to vary these award criteria, and any such variation to the criteria should be communicated to bidders.

A typical evaluation form is provided at Appendix F, but the Quality/Price ratio should be amended to reflect their relative importance to the commission.

4.7.1 Proposal Submission

If the estimated value of the work is over the OJEU threshold (£155,000 – see Section 4.4), then HCA proposals must be returned to the Procurement Team in Gateshead in electronic and hard copy, in compliance with the HCAs Procurement Strategy. Further advice can be provided by Susan Docherty susan.docherty@hca.gsx.gov.uk.

If the estimated value is below the OJEU threshold, they can be returned to the instructing officer in electronic format.

Tenderers should always be told how many companies they are bidding against, to enable them to make an informed commercial decision as to whether they should bid or not.

4.8 Evaluation and Selection of the Best Proposal

Draft evaluation sheets are available at Appendix F and in the Document store. Partners can find this information via the secure website. These are useful as a starting point, but obviously need to be tailored to meet the needs of each individual Tender.

Evaluation should be undertaken locally and managed by the Area Team responsible. For low-level bids, i.e. those below £20,000, it is probably appropriate that two people mark the bids; above that level a third marker is recommended.

4.9 Feedback to Unsuccessful Tenderers

Every Tenderer that enters a public procurement exercise has the right to a statutory debrief or feedback. The feedback or debrief process is a vital part of the Tendering process for both the Tenderer and the HCA. The process is designed to be simple, constructive and if conducted properly, should enable Tenderers to identify where their Tenders were weak in comparison with the winning Tender.

All compliant Tenders should be evaluated in accordance with the evaluation criteria outlined in the brief. The reasons for assessing a Tender as unsuccessful should be well documented, such that detailed feedback can be given.

Following the award of a mini competition, the HCA must promptly inform all unsuccessful Tenderers of the decision and offer to provide them with telephone or written feedback, or a personal debriefing session. The offer can include the purpose of the debriefing and the format the debriefing would take. The HCA should also make clear to the Tenderer that this debriefing would not change the award decision.

Successful Tenderers may also ask for a debriefing. This can be a good opportunity to discuss the strengths of their submission, and perhaps advise how it might have been improved.

Giving Feedback

It is good practice for feedback to:

- give the name of the successful Tenderer

- give the score/value of the successful Tender
- give an extract from the excel marking sheets showing their score, but with all other names removed
- provide an explanation of why their submission was unsuccessful (score/value compared to successful Tender)
- give the scores/values (anonymously) of the remaining Tenders
- address areas of weakness or non-compliance in the submission
- provide suggestions on how to improve future submissions

A Tenderer's performance can be explained against each of the evaluation criteria stated in the brief. Feedback should not provide information to unsuccessful Tenderers that may be confidential or sensitive to other Tenderers involved in the process, or discuss the details of a procurement process that is still ongoing.

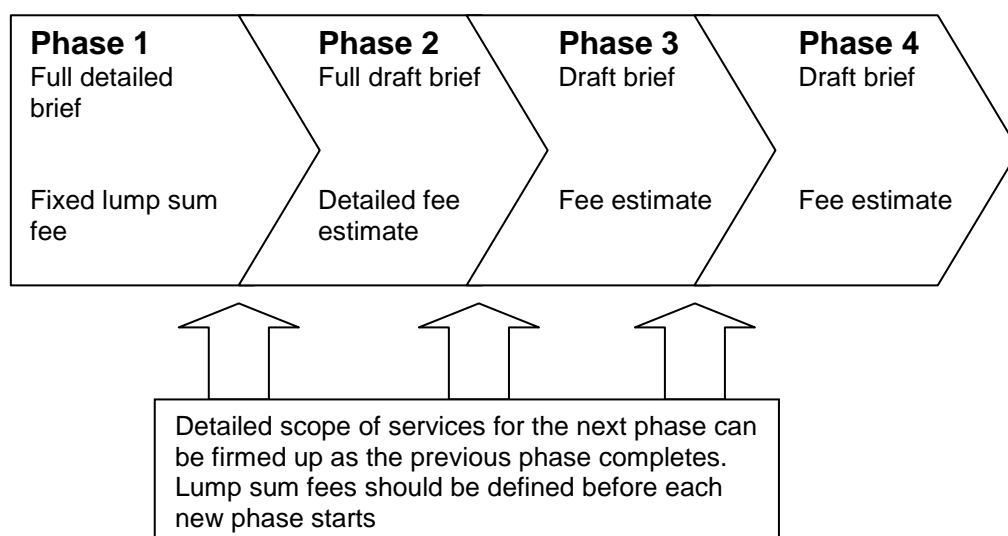
4.10 Phasing of Work

Many HCA projects occur over a long period and it is often quite difficult to estimate what services are likely to be required in the latter stages of a project. In this case, the commission should be split into stages.

For the first stage, it should be known exactly what the Consultant is expected to do. This will enable the first stage to be scoped out quite tightly and the Consultant will be able to give a lump sum price. For the latter stages, as much information as possible should be given for each stage and the Consultant should give the best bid he can, although it is likely that he may need to caveat this.

4.10.1 Break clauses

Break clauses should be included at the end of each stage, which gives us the opportunity to renegotiate with the Consultant at the beginning of each stage to confirm the detail of the commission and the price. The break clauses also offer the opportunity to terminate the commission if the project does not proceed or if the HCA is not satisfied with the Consultant's performance. The diagram below summarises this phased approach:



4.11 Mini Competitions over the OJEU Threshold

If the tendered value of your mini competition is over the OJEU threshold (see Section 4.4), you must allow for a 10 day standstill period following evaluation and

selection. For HCA commissions, the HCA's standard standstill letters must be used to inform Tenderers who have been unsuccessful, together with the successful Tenderer (See Appendix E).

If any challenges are received during the standstill period, you must inform Deborah Vogwell, Senior Manager – Panels/PQQ and the Procurement Team and must not proceed with the formal Instruction until the challenge is resolved.

Once the standstill period is complete, assuming no challenges are outstanding, you should contact Susan Docherty in the Procurement Team to issue a V.E.A.T notice (Voluntary Ex Ante Transparency notice). You may also proceed with the Instruction through the ITP system.

4.12 Reasons for and problems caused by High Financial Bids

In the event that financial bids come in much higher than the pre-Tender estimate, this gives rise to several issues: lack of understanding, procurement issues and lack of funding.

4.12.1 Lack of Understanding

Tenders submitted might include a wide range of values. These reflect things such as:

- how keen the various companies are to do the work
- how experienced they are at it, and therefore how efficient
- the level of resourcing a company is offering; will the job be staffed by senior and experienced people or more junior people? This should be covered as part of our evaluation process

But perhaps the biggest generator of variable Tender returns is probably lack of understanding or 'different' understanding of the commission. A reasonable sized commission with a sound and detailed brief can be expected to deliver a range of bids, with a central group and one or two low and high bids as shown below.

Typical Bid distribution

Low Bid	Central Group	High Bids
£90,000	£130,000 £135,000 £142,000 £153,000 £158,000 £160,000	£185,000 £210,000

This bid distribution shows a good group of bids in the centre and a small number of outliers, which indicate that the brief was clear and well-defined. The low bid requires very careful examination because it is possible that the bidder has not fully understood the commission, because they are so far outside the group. If they were appointed, it is likely that their work would be of low quality, simply because they have allowed insufficient resources. Evaluation of the quality element of their bid should make this clear. It is likely that the two high bids will have overestimated what is required, or the bidders are perhaps quite busy already and do not really want the work.

Where the range of bids is much wider and does not have a distinct central grouping, this is probably indicative of a lack of understanding by Tenderers of what is required e.g. the brief not being clear. Further information should be provided to shortlisted Tenderers, to enable them to clarify their bid and ensure that they understand what is required.

4.12.2 Procurement Issues

Where the work is estimated as being in one mini competition band, but bids come in much higher, then the level of competition may have been too low. The level of competition (i.e. the number of Tenderers) is determined by making a reasonable pre-Tender estimate. In procurement terms, this can be defined as less than 50% higher, taken as an average of the submissions made and the original estimate, and then this is considered acceptable. Greater than this, then further Tenders should be sought. In addition, those who originally Tendered should be advised of the revised number of Tenderers and given the opportunity to stand by their Tender or submit a new Tender.

Where Tenders are returned that are over the OJEU limit, then this should be referred to the Procurement Team.

4.12.3 Lack of Funding

In the event that Tenders returned are higher than the pre-Tender estimate, this may create budgetary issues in that insufficient funding is available. In this case, the options available are as follows:

- Revisit the schedule of services to reduce the amount of work required
- Provide further briefing information to better define the work required and remove any misunderstanding regarding scope
- Provide further information to enable the Consultant to reduce any allowance for risk that they may have made due to lack of information.

4.13 Appointment via ITP Technical (HCA projects only)

All instructions for HCA projects must be issued through ITP Technical, so that they can be tracked and managed by both the HCA and by the Consultant. A copy of the brief and the Consultant's proposal must be attached to the instruction.

4.14 Feed Outputs Back into the Core Systems

On completion of a job, relevant material created as a result should be fed back into the core systems in order to ensure that a complete up to date set of information is available to all staff. Any geographical data, including master plans, engineering constraints, 3D models, etc. needs to be supplied to the internal Spatial and Market Intelligence team, both on initial creation and after any substantial revision. Please contact Simon Short on 01234 24 **2556** for further information regarding this.

4.15 Assignment

It is likely that Panel Members will be required to execute Collateral Warranties and assign some work in favour of developers, funders, purchasers, tenants and/or other third parties acquiring interest in the services carried out in relation to HCA land. These warranties and assignments will be limited to a maximum of two further assignments.

5.0 Off Panel Appointments

In certain, very exceptional circumstances, and where there are strong reasons for this, Off Panel appointments may be approved. These would need to be approved by the Area Director responsible for the project, but should also be discussed with the Procurement Team, prior to commencement. Competitive processes as defined in the HCA Procurement Policy will be required; reference should be made to this when procuring services Off Panel.

It is also important that where Off Panel appointments are made, the Financial & Business Appraisal Team also undertake appropriate financial vetting; the HCA Procurement Policy covers this in more detail. An appropriate standalone consultancy contract will also be required between the HCA and the appointed Consultant. The Legal Team will provide further advice and guidance on this.

One example of where an Off Panel appointment might be appropriate is where the service required is not covered by any of the currently available HCA Panels.

6.0 Appointment without Competition

Single Tender action for follow-on work, or for other reasons, can only be undertaken in very exceptional circumstances. Single Tender procurement can be authorised by the Executive Director of Finance and Corporate Services, but only up to a limit of £25,000. Above this limit, DCLG approval will be required. Please refer to the HCA procurement procedures for further guidance.

7.0 Extensions to Commissions

In general, extensions to commissions should be avoided or kept to a minimum. Lump sum figures should be sought that cover supply of the relevant service for the duration of the project. On many projects, the duration of the commission is long and it is sometimes difficult to provide sufficient information to obtain accurate lump sum bids for the latter stages of the project. In this case, the best approach may be to split the project into defined stages and ask for lump sum bids for each stage (see Section 4.10).

It should be possible to obtain accurate lump sum bids for the first 1 or 2 stages, but latter stages may need to be renegotiated prior to instructing each stage. However, if changes are required and they can be clearly identified against a schedule of what was originally proposed, any increase can be charged at the same rates as those Tendered in the original competition. A firm lump sum price can be negotiated at the start of each phase.

The different stages also act as potential break points in the contract if required. This approach should be clearly stated in any mini competition bid.

Where increases in cost occur over the life of a project, that takes the overall cost of the commission over the next mini competition threshold, then Area Director approval should be sought.

8.0 Grouping of Mini Competition Bids

In order to reduce procurement workload, consideration should be given to grouping together the requirements for mini competitions wherever possible, to reduce the overall number of commissions required. These requirements could be co-ordinated

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at Area level. For example, where an Area requires two similar commissions, either at a similar time, or one following on from another, these can be Tendered as one exercise. Also, programmes of similar services can be rolled up and Tendered as one. Instructing officers should ensure that they cover as much of the work as possible, for the duration of the project under each mini competition.

APPENDIX A: Potential Users of the Framework (Property Panel only)

Please note that this will also include any successor organisations of those listed below

Organisation

Central Government Departments, their agencies and non-departmental Public Bodies
Defence Infrastructure Organisation

Oil & Pipeline Agency
Department for Environment, Food and Rural Affairs

Environment Agency

Natural England

Department for Transport

Highways Agency

London & Continental Railways Ltd

British Rail Board (Residuary)

Network Rail

DVLA

VOSA

Highspeed 2

Home Office

Department for Culture Media and Sport

Judicial System (Ministry of Justice)

DEFRA

DCLG

The Crown Estate

Department of Education

Olympic Delivery Authority

Department of Energy and Climate Change
(including Coal Authority)

Nuclear Decommissioning Authority

NDA Properties Ltd

Business Innovation and Skills

Land Registry

Local Authorities

A Minister of the Crown

Royal Mail

English Heritage

Community Land Trusts

Olympic Park Legacy Company

GLA Group

Web link

<http://www.direct.gov.uk/en/DI1/Directories/A-ZOfCentralGovernment/index.htm>

<http://www.mod.uk/defenceinternet/microsite/dio/>
No web site - go through Defence Infrastructure Organisation

<http://www.defra.gov.uk/>

<http://www.environment-agency.gov.uk/>

<http://www.naturalengland.org.uk/>

<http://www.dft.gov.uk/>

<http://www.highways.gov.uk/>

<http://www.lcrhq.co.uk/>

<http://www.brbr.co.uk/>

<http://www.networkrail.co.uk/>

<http://www.dft.gov.uk/dvla/>

<http://www.dft.gov.uk/vosa/>

<http://www.hs2.org.uk/abouths2ltd>

<http://www.homeoffice.gov.uk/>

<http://www.culture.gov.uk/>

<http://www.justice.gov.uk/>

<http://www.defra.gov.uk/>

<http://www.communities.gov.uk/corporate/>

<http://www.thecrownestate.co.uk/>

<http://www.education.gov.uk/>

<http://www.london2012.com/about-us/the-people-delivering-the-games/the-olympic-delivery-authority/>

<http://www.decc.gov.uk/>

<http://www.nda.gov.uk/>

<http://www.bis.gov.uk/>

<http://www.landregistry.gov.uk/>

http://www.direct.gov.uk/en/DI1/Directories/Localcouncils/A-ToZOfLocalCouncils/DG_A-Z_LG

<http://www.parliament.uk/mps-lords-and-offices/government-and-opposition1/her-majestys-government/>

<http://www.royalmail.com/>

<http://www.english-heritage.org.uk/>

<http://www.dft.gov.uk/>

<http://www.legacycompany.co.uk/>

<http://www.london.gov.uk/who-runs-london/greater-london-authority/gla-functional-bodies>

Department for Health Arms Length Bodies NHS PROPERTY Services Ltd	http://www.dh.gov.uk/en/Aboutus/OrganisationthatworkwithDH/Armslengt hbodies/index.htm
Special Health Authorities	http://www.nhs.uk/ServiceDirectories/Pages/SpecialHealthAuthorityListing.aspx
Strategic Health Authorities	http://www.nhs.uk/ServiceDirectories/Pages/StrategicHealthAuthorityListing.aspx
Primary Care Trusts	http://www.nhs.uk/ServiceDirectories/Pages/PrimaryCareTrustListing.aspx
Mental Health Trusts	http://www.nhs.uk/ServiceDirectories/Pages/MentalHealthTrustListing.aspx
Care Trusts	http://www.nhs.uk/ServiceDirectories/Pages/AmbulanceTrustListing.aspx http://www.monitor-nhsft.gov.uk/home/about-nhs-foundation-trusts/nhs-foundation-trust-directory
NHS Foundations Trusts	http://www.nhs.uk/ServiceDirectories/Pages/AmbulanceTrustListing.aspx
Ambulance	http://www.housingcare.org/elderly-uk-assisted-living-extra-care-housing.aspx
Extracare Providers	http://www.nhs.uk/servicedirectories/Pages/ServiceSearch.aspx
NHS Hospital Trusts	http://www.nhs.uk/servicedirectories/Pages/ServiceSearch.aspx
Community Health Councils	http://www.nhs.uk/servicedirectories/Pages/ServiceSearch.aspx
Local Health Boards	http://www.nhs.uk/servicedirectories/Pages/ServiceSearch.aspx
General Practitioners	http://www.gmc-uk.org/doctors/register/LRMP.asp
Acute Trust (NHS)	http://www.nhs.uk/ServiceDirectories/Pages/AcuteTrustListing.aspx
ALMOS	http://www.almos.org.uk/member_list
Fire Authority	http://www.fireservice.co.uk/information/ukfrs
Education Establishments	http://www.education.gov.uk/edubase/search
BBC	http://www.bbc.co.uk/ http://www.online.police.uk/forces.htm http://www.apa.police.uk/your-police-authority/contact-information
Police Authorities	http://www.apa.police.uk/transition-to-pccs
Ministry of Defence	http://www.mod.uk/DefenceInternet/Home/
Registered Providers / Housing Associations	http://www.tenantservicesauthority.org/server/show/nav.14538
Almshouses	http://www.almshouses.org/
A local asset backed vehicle or asset investment vehicle between a body listed and a private sector partner	
Local Development Agencies	http://www.communities.gov.uk/localgovernment/local/localenterprisepartnerships/summaries/
LEPS	
National Parks	http://www.nationalparks.gov.uk/
The City of London Corporation	http://www.cityoflondon.gov.uk/
Transport for London	http://www.tfl.gov.uk
Greater London authority	http://london.gov.uk/

APPENDIX B – Sifting Brief

All text in blue italics should be amended / removed. Sufficient information should be provided to allow the Panel Members to make an informed decision on whether to express an interest in tendering for this commission.

Insert name of Panel

Sifting Brief for

Insert name of project/commission

This Sifting Brief has been issued by *name of issuing body* as the first stage of the tender process for the selection of a Consultant for *name of project/commission*.

As a member of the *insert name of Panel*, by returning this Sifting Brief you will have confirmed your **interest, capacity and resource** to bid in a mini competition to undertake the above project/commission.

The purpose of this Sifting Brief is to reduce numbers down to a tender list of *4 or 5*. In order to do this, we ask you to respond to the questions detailed in this document. We will then evaluate responses and select the Panel Members who will be invited to tender.

Overview

Provide a brief description of the project/commission here, including any relevant background information/history and any aims/objectives. You should ensure that the questions you ask are specific to the success of your scheme and are sufficient to enable a fair evaluation to be made.

Sifting Brief questions

Panel Members are asked to prepare a response to the following questions. Responses should be no more than *700 – 1,000 words / 2 - 3 A4 pages* with illustrations where appropriate.

- *Provide details of a very similar commission you have previously undertaken and advise on:*
 - *Client and contact details*
 - *Your role; in what capacity you were commissioned*
 - *The specific actions or interventions you made that helped advance the commission*
 - *A specific issue or problem you encountered and how you dealt with this*
 - *How will you use the knowledge, experience and learning you gained on this project to advance [add name of project]*

Please return responses to this Sifting Brief to *insert name and email contact details of instructing officer*

No later than *insert date here* (Normally 1 – 2 weeks should suffice)

If appropriate, you may also ask supplementary questions. Please ensure that these are tailored to suit the needs of your commission. Examples could include:

- *How could you bring added value to the commission?*
- *How will the commission be managed?*
- *Provide comment on the delivery programme*

APPENDIX C – Invitation to Tender

Logo of Client Organisation

Mini Competition

Insert name of Panel

Invitation to Tender for

Insert name of project/commission

The headings provided are for guidance only and should be tailored to suit your commission. Text in italics provides suggestions for content and should be removed once the proposal is complete.

Invitation to Participate in a Mini Competition	
Panel Name:	
Project Name:	Date:
Reference Number:	
To: <i>Name of Consultant (taken from ITP)</i> <i>Address of Consultant (taken from ITP)</i>	
From: <i>HCA Project Manager or main HCA contact for the instruction</i>	
Background <i>How does this piece of work fit in? What is HCA trying to achieve overall? What are the overall project/commission, programme outcomes</i>	
Objectives <i>What you are trying to achieve specifically through this piece of work</i>	
Scope <i>Brief explanation of the commission</i>	
Progress to date <i>What has happened so far? Reference any available documents</i>	
Key deliverables <i>What do you want them to achieve by the end of the commission?</i> <i>Who will the Consultant need to work with?</i> <i>What regular meetings will they need to attend?</i> <i>Who will manage the Consultant day to day?</i> <i>What help / information / advice can HCA provide?</i>	

Programme

State any key deadlines you have. What is the end date? What are dates for any meetings / presentations where they will need to present material for sign off or approval?

Budget

Consider stating the budget if the work is very difficult to scope

Site information (if appropriate)

Information on the site / sites and where they can find any further existing info on these

The Services

If you know exactly what you want them to do, detail this. You may wish to refer to Panel schedules of services.

You may want to detail key issues to be addressed

If you don't know exactly what you want them to do, ask them to propose a method

Evaluation Criteria

Define what these are

Do you want examples of Case Studies for similar commissions

State word or page limits for the proposal (excluding CVs and Case Studies?)

Date response required by: xxxx

Response to Invitation to Participate in a Mini Competition

Panel Name:

Project Name:

Date:

Reference Number:

To: *HCA Project Manager*

From: *Name of Consultant*
Address of Consultant

Proposal

*Brief statement to explain how the commission will be undertaken or
Schedules of services to be delivered
Information on other Consultant input that may be required
Identification of other information that may be required
Other commentary on the brief*

Proposed staff

*Who will undertake the commission?
Identify members of staff
How much time will they devote to it?
Complete Resource Schedule at Appendix D*

Management arrangements

*How will the commission be managed?
Who will be responsible for reporting to the Client?
Who will manage the team?*

Timescale

*When will the commission be complete?
When will key milestones be complete?
What is the programme for the works?
Are any programme dates we have given achievable?*

Fee Proposal

*Lump sum fee for completing the commission or
Fee proposal*

APPENDIX E - HCA's Standard Standstill Letter

Copies of HCA's Standard Standstill Letters are available from the Procurement team or by following the following link:

[Standstill Letters](#)

Please contact Susan Docherty from the Procurement Team or the Panels Team for assistance.

Partners should follow their own protocols.

APPENDIX F - Typical Evaluation Form (50% Quality/50% Price)

All sections in red need to be tailored to meet the requirements of the specific project; these are examples only.

	MINI COMPETITION EVALUATION MATRIX	Total Marks Available	Consultant 1	Consultant 2	Consultant 3
1.00	QUALITY				
	Ability to plan & deliver objectives contained in the Brief				
	Demonstration of how experience will be used.				
	Experience of collaborative working process				
	Ability to innovate				
	Experience of actual delivery				
	1.0 Total	10			
2.00	TECHNICAL MERIT OF PROPOSAL				
	Appreciation of the Brief				
	Method & approach				
	Understanding of external influences				
	Completeness of services offered				
	2.0 Total	10			
3.00	STAFF & OTHER RESOURCES				
	Project Director				
	Allocation of Key Staff to meet objectives				
	Communication skills				
	Ability to meet programme				
	3.0 Total	10			
4.00	MANAGEMENT AND COMMUNICATION				
	Balance of relevant skills				
	Experience of working together as a team				
	Project Management structures				

	Means of communicating with HCA				
	Single point of contact				
	4.0 Total	10			
5.00	PROGRAMME				
	Are sensible times proposed?				
	Has time for approval and sign off been identified?				
	Does overall duration and milestones fit with our stated requirements?				
	5.0 Total	10			
	TOTAL	50			

