



Homes  
England

# Partners Guide to Homes England Frameworks

A Guide for Partners Procuring Services through the Homes England Professional and Technical Services Frameworks

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# 1. Introduction

## 1.1 The Frameworks

The Homes England Technical Frameworks enable the quick and efficient procurement of construction and development related technical services.

Homes England currently operates four Technical Frameworks available for use by other public sector bodies (FTS references below):

2020 – 2024 Strategic Research and Economic Analysis Framework (2020/S 132-325151)

2021-2025 Development Monitoring and Management Services Framework (2021/S 091-237127)

2022 – 2026 Property and Financial Professional Services Framework (2022/S 000-001716)

2023 – 2027 Development and Regeneration Technical Services (DARTS) Framework

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

The Property and Financial Professional Services Framework covers property consultancy, estate management and agency services. The Strategic Research and Economic Analysis Framework provides advice relating to research, economic and analytical services. The Development Monitoring and Management Services Framework provides advice relating to development monitoring, and project and cost management services. The Development and Regeneration Technical Services (DARTS) Framework Lot 1 covers a wide range of technical and professional services through Lot 1 that provides a full suite of technical and professional services and Lot 2 that is focussed on placemaking services. Asbestos services can be obtained through DARTS Framework Lot 1 but only with the eight non-mandatory service suppliers indicated in the Section 4 table in this Handbook.

Homes England makes these Frameworks available free of charge to other public sector bodies as part of its role in supporting the Government's land agenda, which aims to increase economic activity through release of surplus public sector land for development. In recent years over 300 public bodies have signed up to use these Frameworks. Technical and Property related services can also be procured by public sector bodies to support their other property, construction and development related activities.

## 1.2 This Handbook

The Partners Guide to Homes England Frameworks is provided to give guidance and information on the Frameworks, including information on how Further Competitions are intended to run. It is a straightforward and practical guide to procuring services through our Frameworks.

## 2. How Public Sector Bodies can access the Frameworks

Public sector bodies wishing to procure through the Homes England Professional and Technical Services Frameworks firstly need to sign an Access Agreement. Once Homes England has received the signed Access Agreement, the public sector body will be given log in details to ProContract (the Homes England eTendering System) which contains full information enabling them to use the Frameworks. ProContract must be used for procuring all Further Competitions through these frameworks and Framework Suppliers will not accept Further Competition opportunities unless they are offered through ProContract.

Homes England will have no liability for works procured by other Public Bodies.

Further information on the frameworks can be obtained from

<https://www.gov.uk/guidance/technical-panels>

If you wish to sign up to use the frameworks or obtain further information, please contact

[commercial@homesengland.gov.uk](mailto:commercial@homesengland.gov.uk)

### 3. Benefits of using the Frameworks

The key benefits to public sector bodies of using the Frameworks are:

- Saves time and money in the procurement of the services as there is no requirement to go through a full Find a Tender Service (FTS) compliant procurement process.
- Individual procurements of services can focus entirely on the requirements of the project. There is no need to undertake prequalification activities such as checking track record, insurances or health and safety.
- The Frameworks are open to a wide range of public sector bodies free of charge. A full list of those able to use the Frameworks is contained in [Appendix A](#). Public bodies can access the frameworks by signing up to a simple access agreement with Homes England, following which Homes England will provide full information on the Frameworks and how they can be used.
- All Framework Suppliers have provided a set of competitively tendered rates which are the highest rates that can be charged by the Suppliers on work procured through the framework.
- The scope of services is broad and inclusive and covers the full range of services required to support public sector bodies in their property and development related activities.
- The Homes England Framework team can provide help and support and answer queries on using the Framework.

Key features of the Frameworks are:

- The Frameworks all operate for a period of 4 years
- The Property and Financial Professional Services Framework can be used to procure up to £100m of services over the 4 year term, Strategic Research and Analysis £70m , Development Monitoring and Management Services £40m and Development and Regeneration Technical Services (DARTS) Framework £140m through Lot 1 and £60m through Lot 2
- The Frameworks are national and cover the whole of England.
- All Framework Suppliers have demonstrated that they have the required levels of insurance cover for Professional Indemnity, Public Liability & Employers Liability Insurance.

- A simple further competition, or draw-down, process is defined; which can be tailored to meet the needs of individual projects.
- Each Framework member has identified a lead and deputy contact, who are responsible for managing the work procured through the Framework and should be the first point of contact with the Supplier organisation. These contact details can be found on ProContract.
- A Framework Agreement has been negotiated with Suppliers which covers work procured by other Public Bodies.

Public Bodies can also enter into a separate form of draw-down contract with Framework Suppliers where this is appropriate.

## 4. Framework Suppliers and Services

| Framework   | Duration                    | Framework Suppliers   | Summary of Core Services  |
|---|-----------------------------|---|---|
| <b>Property and Financial Professional Services</b> | 18 June 2022 - 17 June 2026 | See lot details below   | See lot details below   |
|   |                             | <b>Lot 1 – Property Professional and Technical Services (18 Suppliers)</b><br><br>Aspinall Verdi<br>Avison Young<br>BNP Paribas<br>Carter Jonas<br>CBRE<br>Cushman & Wakefield<br>Deloitte LLP<br>Eddisons<br>Gerald Eve LLP<br>Hartnell Taylor Cook<br>JLL<br>Knight Frank<br>Lambert Smith Hampton<br>Montagu Evans<br>Roger Hannah & Co<br>Sanderson<br>Weatherall<br>Savills<br>Thomas Lister | <b>Lot 1 – Property Professional and Technical Services</b> <ul style="list-style-type: none"> <li>• Property Advisory Services</li> <li>• Land and Property Agency Services</li> <li>• Estate and Facilities Management Services</li> <li>• Property Investment, Appraisal and Compliance Services</li> <li>• Valuation Services</li> <li>• Lead Consultant and Project Management Services</li> <li>• Development Structures and Partnering</li> <li>• Office Accommodation</li> <li>• General Services</li> <li>• Design Quality Assessment Programme</li> </ul> |
|   |                             | <b>Lot 2 – Financial Advisory Services (8 Suppliers)</b><br><br>Colliers International<br>CBRE<br>Deloitte LLP<br>Gerald Eve LLP<br>Grant Thornton<br>JLL<br>Knight Frank<br>KPMG   | <b>Lot 2 – Financial Advisory Services</b> <ul style="list-style-type: none"> <li>• Corporate Financial Advice</li> <li>• Due Diligence</li> <li>• Capital Structure Analysis</li> <li>• Financial Modelling</li> <li>• Market Assessment</li> <li>• Tax and Accounting Services</li> <li>• Auditing and Assurance Services</li> <li>• Counterparty Advice and Assistance</li> <li>• Restructuring and Insolvency Advice and Services</li> <li>• Environmental, Social, and Governance Advice</li> </ul>  |



| Framework  | Duration                                   | Framework Suppliers  | Summary of Core Services   |
|--|--|--|--|
| <p><b>Strategic Research and Economic Analysis</b></p> <p>24 Framework Suppliers</p>       | <p>14 December 2020 – 13 December 2024</p> | <p>AECOM Limited<br/>Alma Economics Ltd<br/>AMION Consulting Limited<br/>Arcadis Consulting (UK) Limited<br/>Cebr<br/>ChamberlainWalker Economics<br/>Cushman &amp; Wakefield<br/>Debenham Tie<br/>Leung Ltd<br/>GENECON LIMITED<br/>Hatch Associates Ltd<br/>Iceni Projects<br/>Jacobs U.K. Limited<br/>Metro Dynamics<br/>Mott MacDonald Ltd<br/>Nathaniel Lichfield and Partners<br/>Ove Arup &amp; Partners Ltd<br/>PwC<br/>RSM Risk Assurance Services LLP<br/>Savills (UK) Ltd<br/>SQW Ltd<br/>Stantec UK<br/>Steer Davies Gleeve<br/>URSUS Consulting Ltd<br/>Volterra<br/>WSP UK Limited</p> | <ul style="list-style-type: none"> <li>• General Services</li> <li>• Strategic Economic Advice and Modelling</li> <li>• Economic Appraisal and associated research and analysis</li> <li>• Impact Assessment and Evaluation</li> <li>• General Services</li> </ul> |
| <p><b>Development Monitoring and Management Services</b></p> <p>15 Framework Suppliers</p> | <p>05/05/2021 – 04/05/2025</p>             | <p>AECOM Limited<br/>Arcadis Consulting (UK) Limited<br/>Avison Young (UK) Limited<br/>calfordseaden LLP<br/>Cushman &amp; Wakefield</p>   | <ul style="list-style-type: none"> <li>• Monitoring Surveyor Services</li> <li>• Compliance Inspector Services</li> <li>• Project and Cost Management Services</li> <li>• General Services</li> </ul>  |

| Framework   | Duration                           | Framework Suppliers  | Summary of Core Services   |
|---|------------------------------------|--|--|
|   |                                    | Debenham Tie<br>Leung Limited<br>McBains Ltd<br>rg+p Limited<br>Rider Levett Bucknall<br>UK Limited<br>Savills (UK) Limited<br>Stace LLP<br>Tetra Tech Limited<br>(was Tetra Tech<br>Management<br>Services Limited)<br>Turner & Townsend<br>Project<br>Management<br>Limited<br>Ward Williams<br>Associates LLP<br>Welling Partnership<br>Property &<br>Construction<br>Consultants<br>WSP UK Limited |  |
| <b>Development and<br/>           Regeneration<br/>           Technical Services<br/>           (DARTS) Framework</b> | 18/04/202<br>3 –<br>17/04/202<br>7 | <b>Lot 1 - End-to-end<br/>           technical and<br/>           professional<br/>           services (17<br/>           Suppliers)</b><br><br><b>MANDATORY<br/>           SERVICES</b><br>AECOM<br>Arcadis Consulting<br>(UK) Limited<br>AtkinsRéalis UK<br>Limited<br>Avison Young (UK)<br>Ltd<br>Buro<br>Happold Limited<br>Campbell Reith Hill<br>LLP<br>Gleeds Advisory Ltd                      | <b>Lot 1 – End-to-end technical and<br/>           professional services</b><br><b>MANDATORY SERVICES</b> <ul style="list-style-type: none"> <li>• Project and Cost Management Services</li> <li>• Development Monitoring Services</li> <li>• Risk Management and Monitoring Services</li> <li>• Property Advice Services</li> <li>• Contract Advice and Procurement Services</li> <li>• Construction, Design, and Management and Health &amp; Safety Services</li> <li>• Town and Country Planning Services</li> <li>• Stakeholder and Community Engagement and Social Value Services</li> <li>• Masterplanning Services including Urban Design and Architecture</li> </ul> |

| Framework | Duration | Framework Suppliers   | Summary of Core Services   |
|-----------|----------|---|--|
|           |          | <p>Mace Consult Limited<br/> Mott MacDonald Limited<br/> Ove Arup &amp; Partners Ltd<br/> Pell Frischmann Consultants Ltd<br/> Ramboll UK Limited<br/> Stantec UK Limited<br/> Tetra Tech Limited<br/> Turner &amp; Townsend Project Management Limited<br/> WSP UK Limited</p> <p><b>NON-MANDATORY SERVICES (Asbestos)</b><br/> <b>Only the following 8 suppliers from lot 1 can deliver asbestos services.</b><br/> Arcadis Consulting (UK) Limited<br/> Avison Young (UK) Ltd<br/> Campbell Reith Hill LLP<br/> Ove Arup &amp; Partners Ltd<br/> Pell Frischmann Consultants Ltd<br/> Stantec UK Ltd<br/> Tetra Tech Limited<br/> WSP UK Limited</p> | <ul style="list-style-type: none"> <li>• Landscape Design and Ecology Services</li> <li>• Environment and Sustainability Services</li> <li>• Structural and Civil Engineering Services</li> <li>• Transport and Traffic Services</li> <li>• Mechanical and Electrical Services</li> <li>• Fire Engineering Services</li> <li>• Heritage and Townscape Services</li> </ul> <p><b>NON-MANDATORY SERVICES</b></p> <ul style="list-style-type: none"> <li>• Asbestos Services</li> </ul> |

| Framework | Duration | Framework Suppliers  | Summary of Core Services  |
|-----------|----------|--|---|
|           |          | <p><b>Lot 2 – Place-making, masterplanning and design services (10 Suppliers)</b><br/> Allies &amp; Morrison LLP<br/> BDP<br/> David Lock Associates Limited<br/> Fabrik Limited<br/> HTA Design LLP<br/> LDA Design<br/> Maccreanor Lavington Limited<br/> Prior+Partners Ltd<br/> Rolfe Judd Planning<br/> AR Urbanism Ltd<br/> Tibbalds Planning and Urban Design Ltd*</p> <p>* Tibbalds must provide a Performance Bond for any instructions over the FTS threshold.</p> | <p><b>Lot 2 – Place-making, masterplanning and design services</b></p> <ol style="list-style-type: none"> <li>1. Town and Country Planning Services</li> <li>2. Stakeholder and Community Engagement and Social Value Services</li> <li>3. Masterplanning Services including Urban Design and Architecture</li> <li>4. Landscape Design and Ecology Services</li> </ol> |

## 5. Contracts and Schedules

### Contracts

All Framework Suppliers have been appointed under framework contracts prepared by Homes England's Legal Services team. Signed copies of contracts with individual Suppliers are available from [commercial@homesengland.gov.uk](mailto:commercial@homesengland.gov.uk).

Framework terms and conditions apply to **all commissions** under the Framework.

The contract is suitable for the services to be commissioned under the Frameworks, however where consultants appointed to the DARTS Framework are required to perform a role in relation to engineering or construction projects, Homes England can require the consultant to enter into such standard form contract as corresponds with the relevant works contract (e.g. the NEC 3 Professional Services contract).

### 5.1 Subcontracting

Many Framework Suppliers on the DARTS Framework, and some on the Property and Financial Professional Services Framework, are formed of a lead company, together with a number of subcontractors/sub consultants or, in some cases, a consortium. Details of the DARTS consortium matrix are available on ProContract.

The lead Framework Supplier takes full responsibility for the management and payment of all subcontractors. Homes England have no role in managing any subcontractors. It is critical that Framework Suppliers are not used as a conduit for payment of companies who are not Framework Suppliers. Subcontracting is dealt with in more detail within the Framework Agreement.

Please note that on the Development Monitoring and Management Services Framework there are specific restrictions relating to subcontracting, where with the exception of the Non-Core Services, the Consultant shall not sub-contract the Services. Please see the Development Monitoring and Management Services Framework Agreement for the full definition of Non-Core Services.

### 5.2 Limit of Liability

The total liability levels of the Supplier are consistent with the level of insurance required by Framework members, see paragraph 5.3 below.

| Framework                                      | Total liability level        |
|--|------------------------------|
| Property and Financial Professional Services   | £5m for each and every claim |
| Strategic Research and Economic Analysis       | £5m for each and every claim |
| Development Monitoring and Management Services | £5m for each and every claim |

|   |   |
|---|---|
| Development and Regeneration Technical Services Framework | Lot 1 £10m for each and every claim<br>Lot 2 £5m for each and every claim |
|---|---|

In some circumstances liability remains unlimited, for example, for death or personal injury.

The total liability levels apply for each instruction, however there is the option to amend the limit of liability for certain commissions, where the Framework levels are not commercial or proportionate. It is at the discretion of the public sector body whether an amendment to total liability levels will only be permitted on their commission.

For further information regarding liability please refer to the framework contract Limit of Liability clause.

### Schedules

The Schedules in the Framework Agreement are tailored to suit each of the Frameworks. Key Schedules include information as detailed below.

#### 5.3 Schedule 1 Insurance

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

| Framework   | Professional Indemnity Insurance | Public Liability Insurance  | Employers Liability Insurance |
|---|----------------------------------|-----------------------------|-------------------------------|
| Property and Financial Professional Services              | £5m                              | £5m                         | £5m                           |
| Strategic Research and Economic Analysis                  | £5m                              | £10m                        | £10m                          |
| Development Monitoring and Management Services            | £5m                              | £5m                         | £5m                           |
| Development and Regeneration Technical Services Framework | £10m (lot 1)<br>£5m (lot 2)      | £10m (lot 1)<br>£5m (lot 2) | £10m (lot 1)<br>£5m (lot 2)   |

The insurances noted above are for each and every claim.

The Development and Regeneration Technical Services Framework (for the non-mandatory services in Lot 1 only) limits professional indemnity insurance for asbestos and other contaminations to £5m in the aggregate.

#### 5.4 Schedule 2 - Framework Supplier's Fees

As part of the Tender process, bidders were required to provide a schedule of Tendered rates for various disciplines. The Property and Financial Professional Services Framework Suppliers have also provided percentage rates for certain services including acquisition and disposal of sites. The rates for Framework Suppliers can be found on ProContract. These rates are the **highest** that a Framework Supplier can charge.

Hourly rates will be reviewed annually on the anniversary of the formation of the Frameworks by Homes England's Commercial Team. Any adjustments made will be at the absolute discretion of Homes England but will generally be in line with the Retail Price Index (RPI). Framework Suppliers cannot exceed standard rates at any other time.

Framework Suppliers are not entitled to any payment in respect of travel time or cost of travel within England. Other expenses and disbursements are permitted if approved by the instructing officer and must be in line with the limits set out in Part 4 of Schedule 2 of the Framework Contract.

#### 5.5 Schedule 3 - The Scope of Services

Suppliers should only be appointed to deliver services that are covered within Schedule 3 of the Framework Contract. The schedule is drafted to be broad and flexible. The Scope of Services can be found on ProContract.

#### 5.6 Schedule 6 - Instructions Procedures

All commissions under £10,000 will be instructed through the Public Sector Body's usual internal processes using the Supplier contact details on ProContract. All commissions over £10,000 **must** be run through the ProContract System

## 6. Procurement Issues

### Project tendering procedure

The project tendering procedure utilised is based on the value of the commission. The table below summarises the different procedures, number of Tenders required and the tender return method.

| Estimated value of commission | Number of Suppliers | Tender return   |
|-------------------------------|---------------------|---|
| Under £10,000 (see 6.1)       | 1                   | Tenders returned to the instructing officer via email |

|                                |  |  |
|--------------------------------|--|--|
| £10,000 - £179,086 (see 6.2.1) | minimum 3 but for higher value commissions up to 6.                  | Tenders returned to the instructing officer via the eTendering System ( <u>ProContract</u> ) |
| Over £179,086 (see 6.2.2)      | All capable and willing Suppliers of that Framework * see note below | Tenders returned to the instructing officer via the eTendering System ( <u>ProContract</u> ) |

\*Please see 6.2.2.1 and 6.2.2.2 below regarding the sifting exercise to reduce the level of competition.

### 6.1 Direct Award - commissions under £10,000

The lowest value appointments, those below £10,000, do not require a Further Competition and appointments can be made directly (a direct award).

For such commissions a single Framework Supplier selected by the instructing officer can be invited to submit a proposal in response to a brief via email.

### 6.2 Further Competition

All Further Competition tenders must be issued to the Supplier and returned via the eTendering System (ProContract).

Suppliers should be given as much advance notice as possible of upcoming Further Competitions so that they are able to prepare their most appropriate bid team.

The timescales provided for each stage below are indicative. You should set an appropriate response period dependent on the complexity of the commission. You should also consider whether any additional time is required to allow for issues such as holiday periods.

If only two tenders are submitted, you may progress with the competition if you are content with these bids.

The requirements for Further Competitions run on a sliding scale based on the estimated value as follows:

#### 6.2.1 Commissions between £10,000 – £179,086

As commissions of this value are under the FTS services threshold (the current FTS threshold is £179,086), the approach is for the instructing officer to select between 3 to 6 Framework Suppliers to bid.

There is only one further competition stage for this value of commission – a Further Competition Invitation to Tender.

You should make initial contact with at least 3 Framework Suppliers before issuing the Further Competition Invitation to Tender to ensure you have sufficient interest in the commission.



## 6.2.2 Commissions over £179,086

For commissions where the estimate is likely to exceed £179,086 the opportunity **must** be issued to the whole Framework.

If your organisation will be running a procurement through any of our technical and professional frameworks which has an estimated value of **over £1,000,000**, please can you email [commercial@homesengland.gov.uk](mailto:commercial@homesengland.gov.uk) so that we can confirm whether there is sufficient headroom remaining.

An Expression of Interest (EOI) is the first stage of the process. Following receipt of Expressions of Interest, there are choices on how best to proceed with the further competition, to reflect the complexity and the quantum of information requested:

- If six or less Framework Suppliers express an interest, then the project can move directly to tender stage (stage 3) using the Further Competition Invitation to Tender.
- If seven or more Framework Suppliers express an interest in bidding they should be invited to respond to a Sifting Brief (stage 2), to achieve a shortlist of between three and six Framework Suppliers who would then be invited to submit a Further Competition Invitation to Tender (stage 3).

### 6.2.2.1 Stage 1 - Expression of Interest (EOI)

The EOI should contain sufficient information for Framework Suppliers to decide whether they wish to bid for a commission.

For this stage you should allow a 1 to 2 week duration for a response.

This first stage is self-selecting and Framework Suppliers may decline to bid at this stage, for example, due to current resources, operating area, business models, or the type of the opportunity offered to them. Framework Suppliers should respond with a simple 'Yes' or 'No'. If the response is 'No', Framework Suppliers have agreed to give feedback on reasons why they have declined.

### 6.2.2.2 Stage 2 - Sifting Brief

A sifting exercise should be undertaken when there is a high level of interest from Framework Suppliers. The Sifting Brief should be sent to all Framework Suppliers who responded to the EOI. The purpose of this is to determine a Tender list of three to six Framework Suppliers who are best suited to bid.

For this stage you should allow a minimum 2 week duration for a response.

Interested bidders will respond to 3 project-specific questions identified in the Sifting Brief. These questions must be specific to the success of your scheme and are sufficient to enable a fair evaluation to be made. Word or page limits should be applied, appropriate to the

questions asked. Please note that the sifting exercise should focus only on quality and therefore price should **not** be considered at this stage. These responses are then evaluated and a reduced Tender list obtained. Bidders should be advised of the evaluation and weighting to be applied to each question.

### **6.2.2.3 Stage 3 - Further Competition Invitation to Tender (ITT)**

Once there is a shorter tender list of Suppliers as a result of the Sifting Brief, these Suppliers should then respond to a Further Competition Invitation to Tender.

You should consider whether Suppliers would benefit from a tender briefing session to provide more information on the Further Competition requirements.

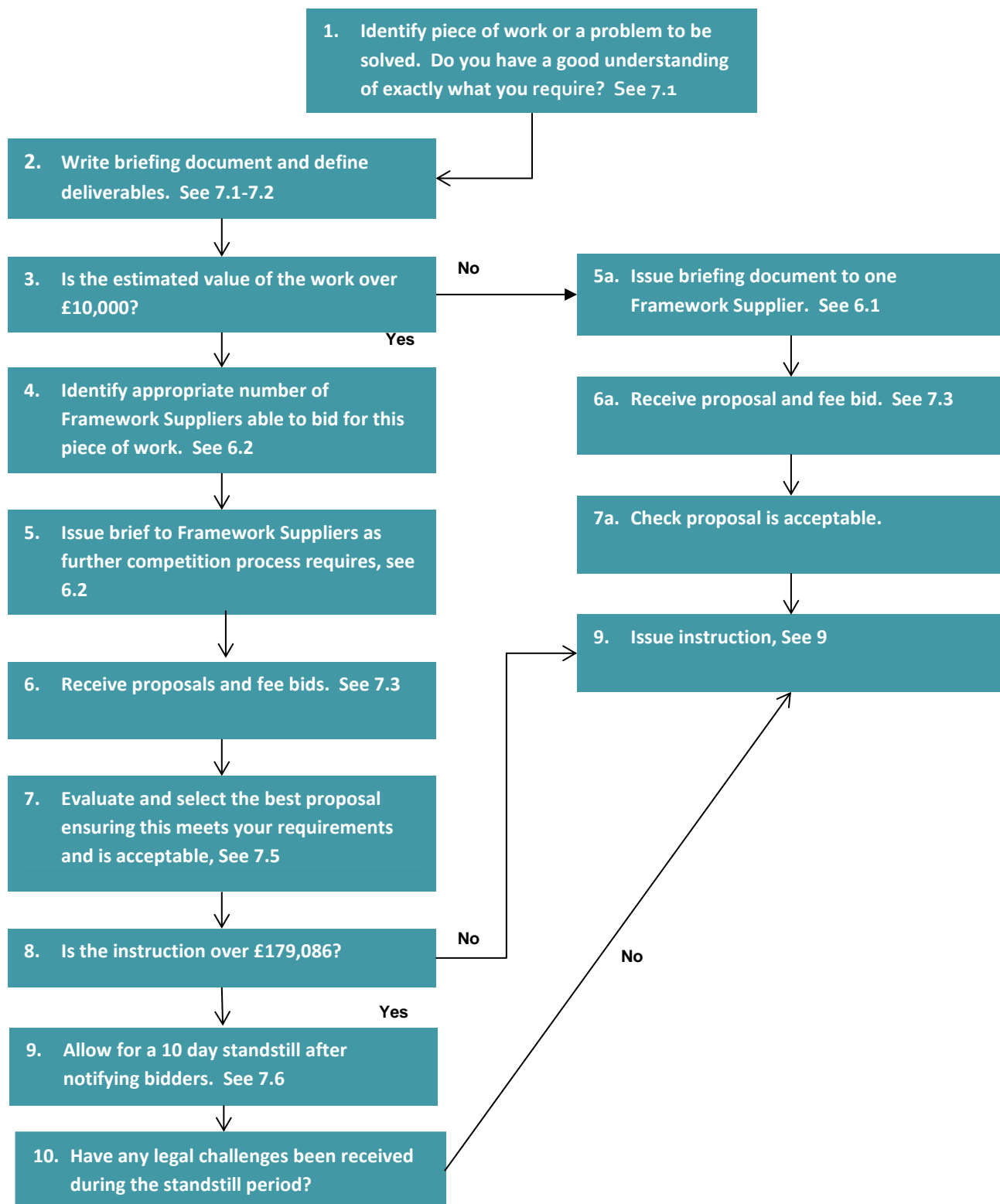
For this stage you should allow a minimum 4-week duration for a response unless in exceptional circumstances.

Please note that as the Development and Regeneration Technical Services Framework Tender Award Criteria have been updated a different Sifting Brief and Further Competition ITT template should be used for instructions through this framework. Please use the DARTS Sifting Brief and ITT templates available in the documentation section on ProContract for instructions through this framework. All other templates remain as standard for the DARTS Framework.

Where the DARTS Framework Further Competition is over £179,086 in value, Social Value must be assessed. The Social Value quality question must assess the Supplier on one or two of the Model Assessment Criteria (MAC) listed in the DARTS Framework ITT template that are most appropriate to your project.

## 7. Project Tendering Procedure

The flow chart below provides details of the key steps to follow when appointing a Framework Supplier under one of the Frameworks.



## 7.1 Identifying Services

The first step in the process is to identify the services to be undertaken and issue a brief accordingly. When this is for a defined scope of services that is fully understood, then progress straight to Section 7.2 – Writing the briefing document.

Two further approaches to briefing are to:

- define the deliverables expected
- define what the Framework Supplier should achieve

Both of these approaches define the outcome but leave the method up to the Framework Supplier. The Framework Supplier will define in the proposal how the commission will be undertaken.

## 7.2 Writing the briefing document

### 7.2.1 Background

The term briefing document in this Handbook applies to both the brief for commissions under £10,000 and the Further Competition ITT.

The briefing document provides Framework Suppliers 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 the services are required
- how the services fit into the project as a whole

The more the Framework Suppliers know about the context of your requirements and the reasons for them, the better they will be able to respond. A briefing document will vary tremendously from a short statement on one page to a much larger and more detailed document.

### 7.2.2 Fee requirements

For simple commissions where there is an easily defined services or a clear objective Suppliers can be asked to provide a lump sum fee. The briefing document should contain sufficient information for the Framework Supplier to provide a lump sum price for the required services. It should also cover all of the services likely to be required for the duration of the project, in order to avoid the need to re-tender before the project is complete. This fee should be backed up with a Resource and Pricing Schedule to detail the number of days and the staff proposed. A template is available at Appendix F. Where fee bids vary, interrogation of the Resource and Pricing Schedule is essential to ensure parity of tenders. Clarification should be sought where there are significant differences.

Where it is difficult to define the services, consideration should be given to providing an estimate of the available budget (preferably a range). This establishes a level playing field for Framework Suppliers and gives them an idea of the level of input expected. The Framework Suppliers 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.

Where there are elements of work that cannot be defined it is also possible to seek time charge rates from Suppliers, these should match or be lower than the tendered day rates.

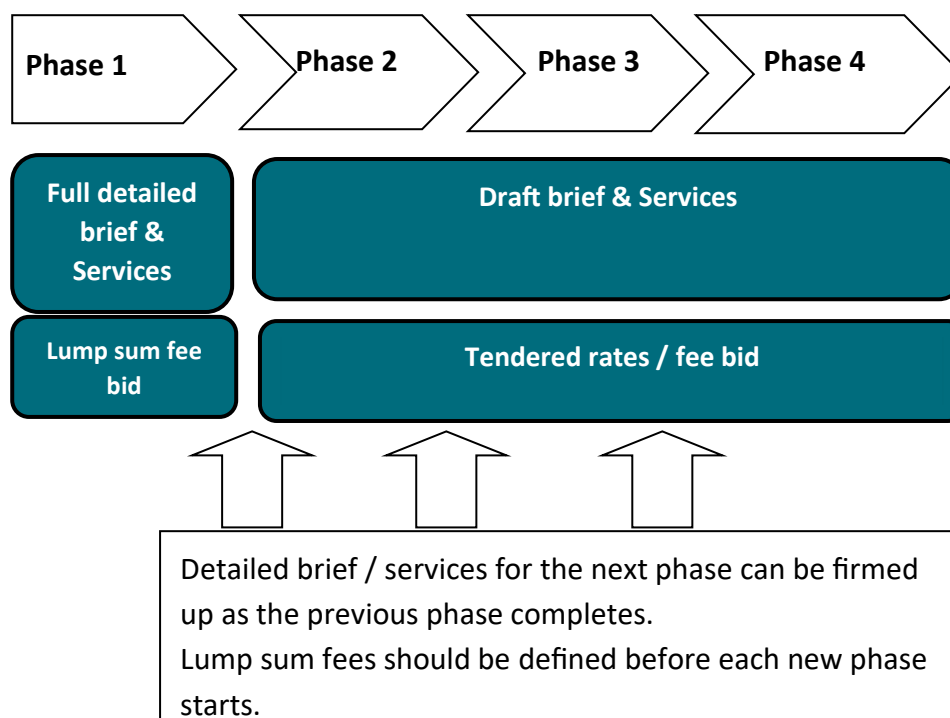
### 7.2.3 Phasing

Many 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 could be split into stages.

For the first stage, it should be known exactly what the Framework Supplier is expected to do. This will enable the first stage to be scoped out quite tightly and the Framework Supplier 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 Framework Supplier should give the best bid they can, although it is likely that they may need to caveat this.

To establish phasing, break clauses can be included at the end of each stage, which gives the opportunity to renegotiate with the Framework Supplier 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 for performance issues.

The diagram below summarises this phased approach.



### 7.3 Supplier's response

The second part of the briefing document accommodates the Supplier's response. This section should be amended to ensure that the requirements for that particular competition are closely defined; Suppliers need to know exactly what they are required to submit.

For Further Competitions it is important that Suppliers all submit information in the same format so that it can be evaluated consistently. Obtaining parity of Tenders is very difficult where Tenderers have a free rein.

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

Suppliers 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 Frameworks procurement process. Information requested should relate only to that opportunity.

Suppliers 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 submit a bid or not.

For the various size of commission Suppliers are required to return different levels of information.

| Estimated value of commission | Number of Framework Suppliers who should be asked to bid  | Bid information required  |
|-------------------------------|---|---|
| Below £10,000                 | In response to a brief, one Framework Supplier from the relevant Framework will be invited to submit a proposal to include:   | Brief statement on how commission would be undertaken<br>Staff Proposed<br>Timescale<br>Provision of a lump sum fixed fee/or fee proposal based on Tendered fee rates (depending on the particular circumstances) |
| Between £10,000 and £179,086  | Minimum of 3 up to a maximum of 6 Suppliers selected from the Framework will be invited to respond to a Further Competition ITT with a proposal to include information such as: | Proposal to describe how commission would be undertaken<br>Staff proposed, together with a resource schedule<br>Programme<br>Provision of a lump sum fixed fee and resource plan based on Tendered fee rates      |
| Over £179,086                 | EOI to determine interest, then Sifting Brief exercise, if applicable, to achieve a max of 6 Framework  | Proposal to describe how the commission would be undertaken, an outline of the approach, an assessment of the commission being offered<br>Programme   |

|  |   |   |
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|  | Suppliers to be invited to respond to a Further Competition ITT with a proposal to include information such as: | Staff proposed, together with a resource schedule<br>Short CV summaries<br>Provision of a lump sum fixed fee and resource plan based on Tendered fee rates<br>An interview may form part of the selection process for a commission of this size |
|--|---|---|

#### 7.4 Evaluation Criteria

The evaluation criteria to be used must be made clear in the Further Competition ITT.

In general, lengthy information on relevant experience of the company and the key staff should not be requested in the further competition bids. For high value Further Competitions over £179,086, 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 commissions over £10,000 are as follows:

#### Quality/Price

The tender response will be evaluated on the basis of quality and price. There is the flexibility built into the Framework Agreement to set the Further Competition quality/price ratio between 80/20 and 20/80. The ratio for each Further Competition must be identified in the invitation to Tender. The quality evaluation criteria must be:

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

#### 7.5 Evaluation and Selection of the Best Proposal

A draft evaluation template is available at Appendix G in the External Guidance.zip folder under Documentation on ProContract. This is useful as a starting point, and obviously needs to be tailored to meet the needs of each individual Further Competition.

#### 7.6 Feedback to Suppliers – General

Every Supplier 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 procuring body. The process is designed to be simple, constructive and if conducted properly, should enable Suppliers to identify where their Tenders were weak in comparison with the winning Supplier.

All compliant Tenders must 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 Further Competition, the procuring body must promptly inform all unsuccessful Suppliers 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. It should be made clear to the Supplier that this debriefing would not change the award decision.

Successful Suppliers 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.

It is good practice for feedback to:

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

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

### **7.7 Feedback to Suppliers over the FTS Threshold**

If the tendered value of your Further Competition is over the FTS services threshold written feedback and scores should be provided to Suppliers who are unsuccessful at the Sifting Brief stage in order to provide transparency on Suppliers being shortlisted.

Following evaluation of the Further Competition Invitation to Tender you **must** issue standstill letters and allow for a 10 day standstill period before awarding the commission.

If any challenges are received during the standstill period, you must not proceed with the formal Instruction until the challenge is resolved.

Once the standstill period is complete, assuming no challenges are outstanding, you must enter the award information onto ProContract. Further information can be found in the ProContract Guidance section.



## 8. Procurement Issues

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

### Lack of Understanding

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

- how keen the various Suppliers are to win the opportunity
- 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 |

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 services 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 three high bids will have overestimated what is required, or the bidders are perhaps quite busy already and do not really want to win the opportunity.

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 Suppliers of what is required e.g. the brief not being clear. Further information should be provided to shortlisted Suppliers, to enable them to clarify their bid and ensure that they understand what is required.

### 8.1 Procurement Issues

Where the required services are estimated within one further 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. The level of competition is considered acceptable if the average of the

submissions received is less than 50% higher than the pre-tender estimate. 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.

## 8.2 Lack of Funding

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

- revisit the schedule of services to reduce the cost
- provide further briefing information to better define the services required and remove any misunderstanding regarding scope
- provide further information to enable the Framework Suppliers to reduce any allowance for risk that they may have made due to lack of information

## 8.3 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 7.2.3 Phasing](#)).

It should be possible to obtain accurate lump sum bids for the first 1 or 2 stages, but later 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.

Where increases in cost occur over the life of a project, the ability to accept these changes are governed by Regulation 72 of the Public Contract Regulations 2015. There are circumstances where increases can be accepted and those where changes are deemed substantial and cannot be agreed (e.g. increases above 50% of the original value).

# 9. Instructing Consultants

Public Sector Bodies can follow their own procedures regarding instructing consultants, subject to the proviso given in Clause 1.2 of Schedule 6 of the framework contract. This sets out the form of instruction for Public Bodies procuring services through the framework. The template instruction form for Public Sector bodies is available in the External Guidance.zip folder under Documentation on ProContract.

## Appendix A Potential Users of the Frameworks

1. Any of the following, and any of their successors:
  - (a) Ministerial government departments;
  - (b) Non ministerial government departments;
  - (c) Executive agencies of government and other subsidiary bodies
  - (d) Non-Departmental Public Bodies (NDPBs), including advisory NDPBs, executive NDPBs, and tribunal NDPBs;
  - (e) All non-Crown Status Government Companies wholly or partly owned by Central Government Departments and their subsidiaries  
Assembly Sponsored Public Bodies (ASPBs);
  - (f) Police forces;
  - (g) Fire and rescue services;
  - (h) Ambulance services;
  - (i) Maritime and coastguard agency services;
  - (j) NHS bodies;
  - (k) Educational bodies or establishments including state schools (nursery schools, primary schools, middle or high schools, secondary schools, special schools), academies, colleges, Pupil Referral Unit (PRU), further education colleges and universities;
  - (l) Hospices;
  - (m) National Parks;
  - (n) Housing associations, including registered social landlords;
  - (o) Third sector and charities;
  - (p) Citizens advice bodies;
  - (q) Councils, including county councils, district councils, county borough councils, community councils, London borough councils, unitary councils, metropolitan councils, parish councils;
  - (r) Other Public Bodies and Public corporations and their subsidiary bodies sponsored by Central Government Departments which are not covered by named categories in this Attachment 1 Authorised Customer list;
  - (s) Public financial bodies or institutions;
  - (t) Public pension funds;
  - (u) Central banks; and
  - (v) Civil service bodies, including public sector buying organisations.
  - (w) All new bodies created which fall within the criteria
2. Those listed and maintained by the Government on their website at <https://www.gov.uk/government/organisations> or any replacement web-link.
3. Those listed and maintained by the Office of National Statistics (ONS) at <https://www.ons.gov.uk/economy/nationalaccounts/uksectoraccounts/datasets/publicsectorclassificationguide> or any replacement web-link.
4. Those set out in the definition of “Contracting Authority” in regulation 2(1) of the Public Contracts Regulations 2015 (PCR), namely:

- (a) the State, regional or local authorities. This covers parliament, central government, regional government and local government;
- (b) associations formed by one or more regional or local authorities;
- (c) bodies governed by public law, as defined under regulation 2(1) of PCR, including any subsidiary and sponsoring department of such bodies. A body which operates in normal market conditions, aims to make a profit, and bears the losses resulting from the exercise of its activity shall not be considered as being a 'body governed by public law' since the needs in the general interest, that it has been set up to meet or been given the task of meeting, can be deemed to have an industrial or commercial character;
- (d) associations formed by one or more bodies governed by public law, including any (applicable) joint venture or corporation; and
- (e) central government authorities, as defined under regulation 2(1) of PCR, and listed in Schedule 1 PCR

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| Central Government Departments, Local Government and Public Corporations that can be accessed at the Public Sector Classification Guide:   | <a href="https://www.ons.gov.uk/economy/nationalaccounts/uksectoraccounts/datasets/publicsectorclassificationguide">https://www.ons.gov.uk/economy/nationalaccounts/uksectoraccounts/datasets/publicsectorclassificationguide</a> |
| Local Authorities (England)  | <a href="https://www.gov.uk/find-local-council">https://www.gov.uk/find-local-council</a><br><a href="https://local-authority-eng.register.gov.uk/records">https://local-authority-eng.register.gov.uk/records</a>                |
| NDPBs  | <a href="https://www.gov.uk/government/organisations">https://www.gov.uk/government/organisations</a>   |
| National Parks Authorities   | <a href="http://www.nationalparks.gov.uk/">http://www.nationalparks.gov.uk/</a>   |
| Educational Establishments in England, maintained by the Department for Children, Schools and Families including Schools, Universities and Colleges but not Independent Schools  | <a href="http://www.education.gov.uk/edubase/home.xhtml">http://www.education.gov.uk/edubase/home.xhtml</a>   |
| Police Forces in the United Kingdom  | <a href="https://www.police.uk/contact/force-websites/">https://www.police.uk/contact/force-websites/</a>   |
| Police Forces and Special Police Forces in the United Kingdom, and/or Police and Crime Commissioners (as defined by the Police Reform and Social Responsibility Act 2011) and/or the Police Authorities (as defined in the Police Act 1964, Police Act 1996, Serious Organised Crime and Police Act 2005, Police and Justice Act 2006, Police, Public Order and Criminal Justice (Scotland) Act 2006), and other relevant legislation for the constituent parts of the United Kingdom, for their respective rights and interests |   |
| Fire and Rescue Services in the United Kingdom   | <a href="http://www.fireservice.co.uk/information/ukfrs">http://www.fireservice.co.uk/information/ukfrs</a>   |

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| NHS Bodies England   | <a href="http://www.nhs.uk/ServiceDirectories/Pages/AcuteTrustListing.aspx">http://www.nhs.uk/ServiceDirectories/Pages/AcuteTrustListing.aspx</a><br><a href="http://www.nhs.uk/ServiceDirectories/Pages/CCGListing.aspx">http://www.nhs.uk/ServiceDirectories/Pages/CCGListing.aspx</a><br><a href="http://www.nhs.uk/ServiceDirectories/Pages/MentalHealthTrustListing.aspx">http://www.nhs.uk/ServiceDirectories/Pages/MentalHealthTrustListing.aspx</a><br><a href="http://www.nhs.uk/ServiceDirectories/Pages/CareTrustListing.aspx">http://www.nhs.uk/ServiceDirectories/Pages/CareTrustListing.aspx</a><br><a href="http://www.nhs.uk/ServiceDirectories/Pages/AreaTeamListing.aspx">http://www.nhs.uk/ServiceDirectories/Pages/AreaTeamListing.aspx</a><br><a href="http://www.nhs.uk/ServiceDirectories/Pages/SpecialHealthAuthorityListing.aspx">http://www.nhs.uk/ServiceDirectories/Pages/SpecialHealthAuthorityListing.aspx</a><br><a href="http://www.nhs.uk/ServiceDirectories/Pages/OtherListing.aspx">http://www.nhs.uk/ServiceDirectories/Pages/OtherListing.aspx</a> |
| Hospices in the UK   | <a href="http://www.helpthehospices.org.uk/about-hospice-care/find-a-hospice/uk-hospice-and-palliative-care-services">http://www.helpthehospices.org.uk/about-hospice-care/find-a-hospice/uk-hospice-and-palliative-care-services</a>   |
| Registered Providers of Social Housing (Housing Associations)  | <a href="https://www.gov.uk/government/publications/current-registered-providers-of-social-housing">https://www.gov.uk/government/publications/current-registered-providers-of-social-housing</a>   |
| Third Sector and Charities in the United Kingdom   | <a href="http://www.charitycommission.gov.uk/find-charities/">http://www.charitycommission.gov.uk/find-charities/</a><br><a href="http://www.oscr.org.uk/search-charity-register/">http://www.oscr.org.uk/search-charity-register/</a><br><a href="https://www.charitycommissionni.org.uk/ShowCharity/RegisterOfCharities/RegisterHomePage.aspx">https://www.charitycommissionni.org.uk/ShowCharity/RegisterOfCharities/RegisterHomePage.aspx</a>   |
| Citizens Advice in the United Kingdom  | <a href="http://www.citizensadvice.org.uk/index/getadvice.htm">http://www.citizensadvice.org.uk/index/getadvice.htm</a><br><a href="http://www.cas.org.uk">www.cas.org.uk</a><br><a href="http://www.citizensadvice.co.uk/">http://www.citizensadvice.co.uk/</a>  |
| Local Enterprise Partnerships (LEP's)  | <a href="https://www.gov.uk/government/policies/local-enterprise-partnerships-leps-and-enterprise-zones?page=2">https://www.gov.uk/government/policies/local-enterprise-partnerships-leps-and-enterprise-zones?page=2,</a>  |
| Combined Authorities established under Section 103 of the Local Democracy Economic Development and Construction Act 2009 | <a href="http://www.local.gov.uk/devolution/map">http://www.local.gov.uk/devolution/map</a>   |

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| other Public Bodies, Public Corporations and their subsidiary bodies sponsored by Central Government Departments which are not covered by the above categories; Any successor bodies to any of the above; |  |
| Post Office Ltd   |  |
| Manchester Airport Group  |  |

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