Invitation to Tender

Assessment of stakeholders' experiences and views of the drivers and pressures affecting the UK marine environment.

Project code: **INS211**

November 2023

1. Introduction

1.1 The Office for Environmental Protection (OEP) is a new public body. We protect and improve the environment by holding government and other public bodies to account.

We were legally created in November 2021, under the Environment Act 2021.

Our work covers England and Northern Ireland. We also cover reserved matters across the UK (a matter on which only UK Parliament in Westminster can make legislation).

We are an independent non-departmental public body, funded by the Department for Environment, Food and Rural Affairs (Defra) in England and the Department of Agriculture, Environment and Rural Affairs (DAERA) in Northern Ireland, who oversee our use of public money.

However, we pursue our objectives and implement our functions independently and impartially, separately from government. Our judgements are our own, formed independently.

1.2 This document sets out the scope and parameters of work which the OEP wishes to commission and describes how tenderers may tender to undertake this work.

1.3 For guidance, this tendering opportunity has a budget in the range indicated below (NB. all values include VAT):

£10-£25k	£20k-£35k	£25k-£40k	£40k-£60k	£60k-£100k	£75k-£125k	£100k-£150k	£125k-£200k	£175k-£250k	£200k-£350k	£300k-£500k
			✓							

2. Timetable

The target timetable for this process is as follows:

- Deadline for receipt of questions relating to this ITT — 23:45, 23/11/2023
- Deadline for receipt of tender submissions — 23:45, 28/11/2023
- Notification of the OEP's decision — 4/12/2023
- Commencement of work — 11/12/2023
- Completion of work — 22/03/2024

We reserve the right to change the timetable if deemed necessary.

3. Objectives

3.1 This project aims to support the OEP in developing an independent view on the trajectory to achieving Good Environmental Status (GES) for UK marine waters. It will support us to gather and analyse the views of the stakeholder community on the drivers, and pressures in the marine environment. It will also seek views on the current state of the evidence base.

3.2 The marine environment is a priority for the OEP, and our corporate plan is that this year we will review available evidence of the condition of the marine environment and identify any gaps in this evidence that should be addressed by the UK Government. This project is a key part of delivering this commitment and will shape the future of the OEP's marine programme.

3.3 We are seeking to understand the drivers and pressures adversely affecting the marine environment; the steps that are yet to be taken to achieve GES; the barriers preventing those steps being taken; and the evidence needed to enable those steps to be implemented and effectively monitored. By drivers and pressures, we mean:

- Drivers: Social, economic and demographic influences (e.g. dredging & extraction, fisheries, offshore infrastructure and industrial activities) and natural conditions that impact upon the environment. These include direct and indirect drivers.
- Pressures: The stresses, arising from a driver, that cause a deterioration in the natural environment (e.g. gaseous emissions, noise pollution, damage to seabed).

3.4 We will be launching a call for evidence on the drivers, pressures and data gaps affecting the achievement of GES in UK marine waters. Responses to previous OEP calls for evidence have varied in number and scale from around 30 responses, each of 10 - 20 pages, to more than 100 responses with greatly varying content. A task for the supplier of this project will be to analyse all these responses and to synthesise them into a report, drawing out the key themes and assessing the evidence to support these.

3.5 To support analysis of the responses to our call for evidence, we would like the supplier of this project to organise and deliver a series of workshops with stakeholders to further explore and expand upon the drivers, pressures and data gaps. These workshops should cover a broad range of marine stakeholders, including harder to reach groups, to ensure that the evidence collected has broad coverage of experiences and views.

3.6 The outcome of the project will be to support a wider OEP programme that will scrutinise the UK Government's delivery of its EIP commitment to improve nature in our marine and coastal environments. It may also shape future work to report on the effectiveness of current arrangements and to offer advice and recommendations that inform and influence legislative or practical reforms to protect and enhance the marine environment in England and Northern Ireland.

4. Background

4.1 The Marine Strategy Regulations 2010 require coordinated action to be taken across all four UK administrations to achieve or maintain Good Environmental

Status (GES) of marine waters by 2020.[1] GES is listed under key targets and commitments in England's Environmental Improvement Plan 2023 and is included in the draft Environment Strategy for Northern Ireland that was consulted on in 2022.

4.2 GES is defined as: "the environmental status of marine waters where these provide ecologically diverse and dynamic oceans and seas which are clean, healthy and productive within their intrinsic conditions, and the use of the marine environment is at a level that is sustainable, thus safeguarding the potential for uses and activities by current and future generations".

4.3 The publication of the UK Marine Strategy, between December 2012 and December 2015, was intended to mark a significant step towards achieving GES. It set out a framework for assessing, monitoring and taking action across our seas. Despite this, evidence shows limited progress to date, with only four of fifteen GES descriptors achieved, according to Defra's latest update in 2018.

4.4 It is particularly concerning that all four species-related components, namely those relating to seals, cetaceans, birds and fish, are yet to achieve GES. There are also general concerns relating to the sufficiency of available data, limiting the ability to draw firm conclusions about the state of the marine environment in many areas.

5. Requirements and services

Project inception

5.1 Attend a project inception meeting to agree the methodology and confirm the deliverables. Produce minutes setting out the key outcomes, conclusions, and action points within 3 working days. We will also share an explanation of our wider work activities for context.

The project comprises the following areas of study:

Analysis of call for evidence responses

5.2 The supplier will analyse all submissions to the call for evidence to identify and extract key themes. We are seeking an in-depth analysis and synthesis of the responses and evidence provided. A basic framework is set out below, which we anticipate will be developed further in the supplier's proposal, and in collaboration between the OEP and the supplier.

5.3 Thematic analysis of responses should be carried out deductively (including categorisation / themes described below) and inductively to ensure the breadth and depth of analysis.

5.4 We suggest that the contractor utilises an appropriate data capturing method (e.g.qualitative data analysis software, such as nVivo) to ensure that analysis is robust, and available for quality assurance. This should be agreed with the OEP prior to initiating analysis.

[1] MSFD 2008/56/EC, Article 3(5) – GES is defined as the environmental status of marine waters where these provide ecologically diverse and dynamic oceans and seas which are clean, healthy and productive within their intrinsic conditions, and the use of the marine environment is at a level that is sustainable, thus safeguarding the potential for uses and activities by current and future generations.

5.5 An initial framework for analysis and categorisation (including themes) is provided below for reference, but the final approach will be agreed at the initiation meeting. We will seek to understand how the supplier will scrutinise the quality of the evidence provided.

i) General categorisation of response:

(1) Stakeholder organisation

(2) Type of stakeholder (sectors, jurisdiction; type e.g. NGO, ALB, individual, professional institute, research, local authority, park authorities, etc.)

(3) Knowledge areas and specialisms

ii) General categorisations for each question:

(1) Which areas of the marine environment did the stakeholder consider in their responses?

(2) How well evidenced is the response (well evidenced, partial, none)?

(3) Type of evidence provided

(4) What is the quality of the evidence relied upon? This should include, but is not limited to, consideration of date / age of evidence

iii) What are the drivers and pressures affecting the achievement of GES in the marine environment?

(1) List the drivers, and pressures

(2) Categorise into themes

(3) Categorise by time period and spatial coverage (extent and location)

(4) Identify any transboundary pressures with other coastal states and parts of the UK

iv) What actions are needed to deliver GES in UK marine waters?

(1) List the actions and any identified barriers and opportunities

(2) Categorise into themes identifying trade-offs and synergies

(3) Categorise by time period required to implement action

v) Where are the gaps in the available data and evidence?

(1) List the data and evidence gaps

(2) Categorise the evidence available to identify the data and evidence gaps

(3) Analysis of existing monitoring programmes to fill gaps

(a) Categorise by those working well and those in need of improvement.

vi) What additional actions are required to fill any data gaps?

(1) List the actions

(2) Categorise into themes

(3) Categorise by time period required to implement action

(4) Categorise barriers and pressures.

(5) Categorise the evidence available to identify the actions

5.6 Findings should be synthesised and presented clearly in a Summary of Responses report. This should include an executive summary, clearly described methodology, a narrative description of themes, and be well-referenced. It can include, where appropriate tables and graphics. The structure of this report should be outlined in the application, and agreed with the OEP at the inception meeting.

Stakeholder workshops

5.7 To support the call for evidence we would like the supplier of this project to run several workshops with stakeholders to gather input from harder to reach groups, potentially missing from the call for evidence responses, and to further explore and expand upon the drivers, pressures and data gaps identified from call response analysis.

5.8 We are seeking broad coverage for these workshops with a wide a range of stakeholders included. We would like to understand from suppliers the number of workshops they would run to ensure broad sectoral coverage and the stakeholders they would include.

5.9 The supplier will identify suitable stakeholders and develop an approach for facilitating workshops. The workshops should gather the required level of detail and links to associated evidence to expand upon the drivers, pressures, and data gaps identified during the call for evidence.

5.10 Due to the fixed budget of this project, we would like the supplier to detail their proposed approach to workshops, and their approach to combining the workshop findings with the outputs of the call for evidence for the final report.

5.11 The findings should be synthesised and presented clearly in a Summary of Workshops report. This should include an executive summary, a narrative description of themes, and include read outs, transcripts and details of the workshops. It can include, where appropriate tables and graphics. The structure of this report should be outlined in the application, and agreed with the OEP at the inception meeting.

5.12 The cost of organising the workshops should be included as part of the contract and included in the quotation. Where appropriate, bearing in mind proximity to stakeholders, we can make our offices in Worcester and Belfast available at no cost. We would anticipate at least one workshop to take place in Northern Ireland. The approach to workshops will be agreed at the inception meeting.

Reporting requirements

5.13 Collate the findings into a formal report. The report must:

a) Include a non-technical summary of the key drivers, pressures and evidence gaps as well as technical documents for the analysis.

b) Fully document and reference all evidence provided by respondents.

c) Be provided initially in draft form on a timescale to enable the OEP to undertake sufficient review, and for comments and amendments to be agreed with the supplier for finalising the report

d) Be produced in the OEP's report template (Microsoft Word) and branding, which will be provided to the supplier.

e) Be accurate and quality checked.

Project and team management

5.14 Use appropriate project management techniques to ensure that all activities are undertaken on time, on budget and to a high standard of quality; manage budget and risks robustly, and resolve issues promptly.

5.15 If any services or elements of the delivery are subcontracted:

5.15.1 Agree each subcontractor with us in advance.

5.15.2 Manage the subcontractor's activity and performance as if they were part of your own team.

5.16 Provide a single point of contact of appropriate seniority with whom we will liaise on all day-today matters throughout the duration of the contract.

5.17 Maintain an oversight of all work and propose opportunities for improved coordination and efficiency where possible to reduce overall costs and improve value for money.

5.18 Provide regular progress reporting and attend project progress and campaign meetings as agreed.

5.19 Actively participate in performance reviews initiated by the OEP.

6. Tendering procedure

Tender submissions

6.1 The process the OEP uses to select its suppliers is a competitive one. You should keep your tender focussed on the specific requirements and objectives of the work, and we recommend that you also consider the assessment criteria.

6.2 Tenders will only be accepted by email attachment to procurement@theoep.org.uk

The project name and code (see front page of this ITT) must be stated in the email subject line.

Tenders submitted by any other route, including postal, will not be accepted.

6.3 To constitute a compliant tender it is essential that all required information and documentation is fully completed, in the correct format, and your tender is received in our email inbox by the deadline date and time. It is your responsibility to ensure your tender arrives with us before the deadline date and time. We will not accept any tenders that arrive late.

Ensure you allow sufficient time before the deadline to submit your tender and for it to reach us.

6.4 Details not provided or not fully completed may constitute an admission of unsuitability/inability to fulfil requirements and may result in the tender being rejected at the OEP's absolute discretion.

6.5 We accept tenders from individuals, companies and from consortiums. Should you decide to tender as part of a consortium you will need to identify one member of the consortium (the "Lead Contractor") to act as the contracting party. All other consortium members will be sub-contractors to the Lead Contractor.

6.6 Your tender and all accompanying documents are to be in English.

6.7 All tenders will be treated on a confidential basis by the OEP and its advisers, subject to the provisions of the Freedom of Information Act 2000.

6.8 All tenders must remain valid for a minimum period of 90 days following the deadline for receipt.

6.9 Information in this ITT is offered in good faith for the guidance of interested parties, but no warranty or representation is given as to the accuracy or completeness of any of it. The OEP and its advisors shall not be liable for any error, misstatement or omission. No aspect of this procedure shall constitute a contract or part of a contract. Tenderers participate in this process on the strict understanding that the procedure may be altered or that the OEP may not proceed for any reason. The OEP reserves the right not to follow up this ITT in any way and in particular not to enter into any contractual arrangement with any of the tenderers. The OEP does not bind itself to enter into negotiations or proceed with or accept any tender. Any decision to tender is at the sole discretion of the tenderer and the OEP excludes all liability in respect of any tendering costs incurred.

6.10 To be considered for assessment, suppliers must have sufficient and suitable insurance covers in place at the time of tendering or must include (as part of the tender submission) a commitment to take out such cover in the event of being appointed.

6.11 We reserve the right to reject tenders from suppliers where there are circumstances which in our reasonable opinion could impact upon the supplier's ability to deliver the services required. Such circumstances could include:

- A financial report or other financial information about a tenderer suggesting it is at risk of insolvency;
- A tenderer is subject to relevant legal proceedings;
- A tenderer has a conflict of interest for which there is no feasible remedy.

We would initially seek to clarify the circumstances with the tenderer.

6.12 We reserve the right to reject any tender if any information provided is found to be false, misleading, incomplete or inaccurate.

Enquiries about this ITT

6.13 If you wish to submit questions relating to this ITT please do so by email to procurement@theoep.org.uk Questions submitted in any other way will not receive a response.

6.14 Responses and the nature of the questions will be shared with all tenderers (unless we decide there is a specific reason not to) without disclosing the name of the tenderer who raised the question.

6.15 At our discretion, questions/requests for clarification on any element of this ITT or the procurement process submitted after the deadline stated in paragraph 2 will not be responded to.

Tender assessment and award of contract

6.16 All tenders will be assessed against the evaluation criteria set out in section 8 of this ITT.

6.17 All tenderers will receive written notification of our decision.

6.18 Any contract entered into as a result of this procurement process shall be in accordance with the OEP's terms and conditions of contract available at <LINK>.

6.19 If the successful tenderer operates through an 'intermediary' (e.g. a personal service company or a partnership) and has conditions of liability as defined at HMRC ESM10003, or is a sole trader, we will undertake a determination of IR35 applicability or employment status for tax using the HMRC CEST tool.

If our determination concludes that IR35 applies or the contract is employment for tax purposes, we may require an alternative contracting method so that the required tax and National Insurance Contributions can be deducted from our contract payments.

6.20 Tenderers taking part in this process acknowledge and accept that we may publish contract information about the winning tender (including the contract value and the name and contact details of the winning tenderer) on the OEP website and any mandatory registers (e.g. Contracts Finder and Find a Tender Service as applicable) or elsewhere, as required of Contracting Authorities by legislation, government, our funders, or in line with recognised industry good practice.

7. Please provide the following in your tender

7.1 Your tender shall comprise the following elements:

- A written proposal
- Quotation & rates schedule
- Supporting documents:
  - Quality management policy
- Tenderer information and declaration

Details about each of these are given in the sections below.

7.2 Ensure that you provide ALL of the information and documents requested.

- Documents must be separate not as a single combined document.
- Provide your *Quotation & Rates Schedule* in Microsoft Excel format and all other documents in PDF format.
- You are not required to submit any other information than that requested. Any information that is not specifically requested will be disregarded.

Written proposal

7.3 Your written proposal should be limited to no more than **10** x A4 sides at minimum 10pt font (excl. cover page, index, executive summary and appendices). You should keep your responses focussed on the requirements and specific objectives, and we recommend you also consider the assessment criteria.

The assessment panel will not assess beyond the stated maximum number of sides, so if your submission exceeds that number, this may result in your tender being deemed non-compliant.

7.4 Do not provide information by linking to websites or external sources as the assessors will not refer to these.

7.5 Include the following in your written proposal:

(1) Describe your organisation. You may wish to highlight relevant services you provide and outline how you are differentiated from other organisations.

(2) Demonstrate your understanding of the project, what we are trying to achieve and why.

(3) Demonstrate your relevant experience and expertise, supported by examples of previous similar work you have undertaken. Include:

- Your experience of providing analysis of evidence for organisations similar to the OEP.
- Your experience of developing and delivering Workshops with stakeholders.
- Your understanding of the marine sector and stakeholders.

Where you cite examples it would be useful to include comment on how you would translate your experience of these to our project.

(4) Explain your approach for delivering the work.

Separately address:

a. Analysis of Call for evidence responses

- How you will review all submissions to categorise them. Including your methodology for ensuring a robust review of the responses.
- How you will scrutinise the quality of the evidence provided.
- How you will synthesize and present the results of the analysis.

b. Stakeholder workshops

- How many workshops you will run and with whom.

- How you will ensure broad coverage with a wide a range of stakeholders.
- How you will use the workshops to explore emerging themes and supplementing call responses with input from hard-to-reach groups.
- How you will identify suitable stakeholders and develop an approach for facilitating workshops.

(5) **Explain your approach for project management**. Include:

- Ensuring delivery on time and to budget.
- Quality management.
- Risk management.
- Team and subcontractor management.

(6) **A project schedule of work**, showing tasks and timescales.

(7) **Describe the project team that would manage and deliver the work**, identifying team structure and the allocation of roles within the project. Identify any subcontractors.

(8) **State if your company arrangement is that you:**

a. operate through an ‘intermediary’ (e.g. a personal service company or a partnership) and have conditions of liability as defined at HMRC ESM10003;

b. are a sole trader; or

c. are neither of these.

(9) **Identify any conflicts of interest** which might arise if you were selected to undertake the work and if such a conflict were to arise, an indication of how this conflict would be addressed.

7.6 Do not state your quotation or day rates in your written proposal.

Quotation & rates schedule

7.7 You must provide your pricing by completing the template *Quotation & Rates Schedule*

Tenders not using this template or which have reformatted or modified the template may be deemed non-compliant and may not be assessed. However, you may add additional lines to the tables if there are insufficient for your number of tasks or roles being proposed.

7.8 All price values stated must be **inclusive of VAT**.

7.9 Provide your **quotation** by completing the template worksheet *Quotation*.

- Enter a full breakdown of your fixed price quotation showing your price for each activity/task. This should include mobilisation and project management. If expenses (travel etc) are not included in your task costs then include an estimate as a separate cost item.

  (NB: Quotations using a payment model other than fixed price will not be accepted.)

7.10 Provide an **invoicing schedule** by completing the template worksheet *Invoicing Schedule*.

- Propose what the payment milestones would be and when. These should be linked to defined deliverables.

Tenderer information and declaration

7.11 Download the *Tenderer Information and Declaration* template from the OEP website <LINK>.

7.12 Fully complete all sections of the template.

7.13 The declaration must be confirmed by a person in your organisation with appropriate and sufficient authority.

Supporting documents

7.14 Provide your quality management policy. This will support your description (in your written proposal) of approaches you will use to ensure quality of deliverables.

7.15 Provide your environmental policy, and evidence of any environmental management system and accreditation (e.g. ISO 14001).

8. Assessment criteria

8.1 We must be satisfied that each potential Supplier has the appropriate capabilities and resources available to undertake the work to our requirements and provide the necessary services.

8.2 The *Tenderer Information and Declaration* template required you to make statements about exclusions and corporate requirements. These will be assessed on a pass/fail basis.

Receipt of a 'Fail' may result in your tender being excluded at our complete discretion. To inform our decision we will consider any self-cleansing or mitigation you have presented, and may seek further clarification from you.

8.3 Your tender will be assessed using the assessment criteria below. We may use information from any part of your tender when assessing any criterion.

Criteria • *Sub-criteria*	**% weighting**	**Maximum possible score**
Your understanding of the project, what we are trying to achieve and why	**10%**	**70**
Your relevant experience and expertise	**30%**	**210**

Criteria • *Sub-criteria*	% weighting	Maximum possible score
• *Experience of providing analysis of evidence submissions to organisations similar to the OEP*	*10%*	*70*
• *Experience of delivering stakeholder workshops*	*10%*	*70*
• *Understanding of the marine sector and stakeholders*	*5%*	*35*
• *Effective team structure and allocation of roles and responsibilities*	*5%*	*35*
Approach and methodology (including allocation of time and resources) that will most effectively deliver the objectives, requirements and value to the OEP	**40%**	**280**
• *Delivering the analysis of call for evidence responses effectively*	*20%*	*140*
• *Delivering stakeholder workshops effectively*	*20%*	*140*
Price	**20%**	**140**
	100%	**700**

8.4 Price will each be assessed relative to the lowest compliant tender using the formula:
Lowest compliant tender price / tender price x maximum score available.

All other criteria will be assessed by being marked in the range 0 – 7, with 0 being non-compliant and 7 being Excellent.

8.5 Scoring guide for assessment criteria

7: Excellent	The response demonstrates a complete understanding of the work requirements and meets them in full
6: Very good	The response is relevant and very good. It is well detailed, demonstrates a very good understanding of the work and provides robust details on how the requirements will be fulfilled.
5: Good	The response demonstrates a good understanding of the work and aligns well with the requirements and there are no concerns.
4: Acceptable	The response demonstrates an acceptable understanding of the work and aligns sufficiently with the requirements and although it may raise some queries, there are no notable concerns

3: Poor	The response is partially relevant but generally poor. It addresses some elements of the work requirements but contains insufficient detail or explanation to demonstrate how the requirements will be fulfilled. **Tender may be rejected**
2: Very poor	The response demonstrates very limited understanding of the work and/or has a very poor alignment with the requirements and/or raises strong concerns. **Tender may be rejected**
1: unacceptable	The response fails to demonstrate any real understanding of the work and/or does not align with the requirements and/or raises very strong concerns. **Tender may be rejected**
0: Non-compliant	The response provides insufficient information such that it is not possible to make an assessment of the suppliers' understanding of the work or demonstration of meeting the requirements. **Tender may be rejected**

8.6 During assessment of tenders we may request further information or evidence from the tenderers, or from other sources, to support statements made or to conduct sufficient due diligence.