



Department  
of Health &  
Social Care

# Market Consultation

**For** Smoke-free Generation measures Trading Standards Officer and Business training for England.

Project: C324748

ITT:

Version Number: 1

Date: 10/12/2024

# DHSC: Smoke-free Generation measures Trading Standards Officer and Business training for England.

NAME OF SUPPLIER: 

## INTRODUCTION

This information note and accompanying attachments are being made publicly available to any organisations which are interested in the DHSC: Smoke-free Generation measures Trading Standards Officer and Business training for England.

This exercise is intended to provide potential bidders with the opportunity to view and comment on a Descriptive Document for the DHSC: Smoke-free Generation measures Trading Standards Officer and Business training for England requirement, if they wish to do so. This builds on a commitment to engage with the market, by sharing information and seeking input from the market to enable us to develop the final Invitation to Tender (ITT) in a fair and transparent manner. This exercise is to ensure that the final Invitation to Tender provides all tenderers with a clear understanding of the Department's requirement and help reduce the number of questions that may be raised in the Tender Period.

This Supplier Questionnaire is being issued in conjunction with the EOI

## NEXT STEPS

The Department of Health and Social Care (The Department) will make the final decision on the content of the Invitation to Tender documentation having considered feedback.

The ITT will be released to the market as soon as practical after receipt of potential bidder(s) comments though the procurement timetable has not been finalised at this stage.

The ITT will include the final specification, pricing schedule, evaluation criteria and terms and conditions. [TUPE may also apply to this contract and this information will only be released after the tenderer has signed a confidentiality agreement.]

The ITT process will include the publication of:

- a Contract notice
- the ITT documents will be published on the Department's e-tendering system Atamis.
- Contracts Finder notice

Regards,

**Department of Health and Social Care**

## GUIDANCE FOR COMPLETION

- (i) This questionnaire forms part of the market engagement activity to support the procurement of DHSC: Smoke-free Generation measures Trading Standards Officer and Business training for England.
- (ii) The purpose of this questionnaire is to explore the market reaction to the proposed facility. We hope to identify critical success factors and potential barriers in order to inform the formal procurement process. To maximise the success of this subsequent procurement process we request that suppliers are open and honest in their responses and provide as much detail as possible.
- (iii) Prior to completing this questionnaire, suppliers are requested to read the accompanying Market Consultation Document which sets out the background and the proposed service requirements

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- (iv) Participation in this Market Consultation is voluntary. It is not required to provide an answer to every question if particular questions are not relevant.
- (v) The Department wishes to encourage participation at this stage in order to ensure a wide number of responses. The market engagement processes described above do not form part of the formal procurement process. When the formal procurement process commences any supplier may join the competition and all supplier bids will be evaluated on the same basis.
- (vi) The completed questionnaire should be returned via the Atamis portal no later than **12pm on Friday 20<sup>th</sup> December 2024**
- (vii) The Freedom of Information Act 2000 (FOIA) applies to the Department. You should be aware of the Department's obligations and responsibilities under the FOIA to disclose, on written request, recorded information held. Information provided by you in connection with this procurement exercise, or with any Contract that may be awarded as a result of this exercise, may therefore have to be disclosed in response to such a request, unless the Department decides that one of the statutory exemptions under the FOIA applies. The Department may also include certain information in the publication scheme which it maintains under the FOIA.
- (viii) In certain circumstances, and in accordance with the Code of Practice issued under section 45 of the FOIA or the Environmental Information Regulations 2004, the Department may consider it appropriate to ask you for your views as to the release of any information before a decision on how to respond to a request is made. In dealing with requests for information under the FOIA, the Department must comply with a strict timetable and the Department would, therefore, expect a timely response to any consultation within two working days.
- (ix) You may provide information which is confidential in nature and which you may wish to be held in confidence. You must give a clear indication which type of material is to be considered confidential and why it is considered to be so, along with the time period for which it will remain confidential in nature. The use of blanket protective markings such as "commercial in confidence" will no longer be appropriate. In addition, marking any material as confidential or equivalent should not be taken to mean that the Department accepts any duty of confidentiality by virtue of such marking. Please note that even where you have indicated that information is confidential the Department may be required to disclose it under the FOIA if a request is received.
- (x) The Department cannot accept that trivial information or information which by its very nature cannot be regarded as confidential should be subject to any obligation of confidence.
- (xi) In certain circumstances where information has not been provided in confidence, the Department may still wish to consult with you about the application of any other exemption such as that relating to disclosure that will prejudice the commercial interests of any party.
- (xii) The decision as to which information will be disclosed is reserved to the Department notwithstanding any consultation with you.
- (xiii) Whilst the Department expects to proceed to procurement in due course, there is no obligation to do so as a consequence of this early market engagement activity.
- (xiv) The publication of any documents at this stage is intended to provide potential bidders with the opportunity to view and comment on a draft specification for the requirement. The Department does not intend to be bound by any information at this stage. The Department makes no commitment to accept recommendations or suggestions. Once published, the Invitation to Tender will contain the final requirements in relation to this service. All previous versions, including any documents published at this stage should be disregarded.

### EXPRESSION OF INTEREST:

#### Title

DHSC: Smoke-free Generation measures Trading Standards Officer and Business training for England.

# DHSC: Smoke-free Generation measures Trading Standards Officer and Business training for England.

## Short description

The Tobacco and Vapes Bill was introduced in the House of Commons on 5 November 2024. To support the implementation of the Bill, the government is committed to strengthening enforcement activity, including additional support for Trading Standards for tobacco and vaping enforcement at the retail level.

The training required will be for the professional upskilling for Trading Standards Officers and also compliance training for businesses. Training and resources will need to be provided on new measures in the Tobacco and Vapes Bill and the Single-Use Vapes Ban. The Tobacco and Vapes Bill is currently going through parliamentary passage, with MPs voting overwhelmingly in favour of it at Second Reading on 26 November. If the Bill receives Royal Assent, training will be needed on the measures passed. The Environmental Protection (Single-use Vapes) (England) Regulations 2024 have been approved by resolution, and will come into force on 1 June 2025.

## Description of the procurement

This request for information/expression of interest exercise is being made publicly available to any organisations which have expertise in developing training courses for Trading Standards Officers in England. Expertise in developing courses for businesses to understand the legislation is also required.

A previous [EOI](#) was published for this project in May 2024. However, due to the Tobacco and Vapes Bill being re-introduced with an expanded measures that require training, this is a new updated specification with a wider scope.

DHSC is seeking to secure a supplier who will develop and deliver training courses on:

- (1) The Single-Use Vapes Ban, banning the sale and supply of single-use (disposable) vapes. This measure will come into force on 1 June 2025. Those selling single-use vapes will face £200 fixed monetary penalties and stop notices ordering them to cease the illegal activity.
- (2) The age of sale legislation: The Tobacco and Vapes Bill will gradually phase out the sale of tobacco products across the country (including herbal smoking products and cigarette papers), so children born on or after 1 January 2009 (turning 15 in 2024 or younger) will never be legally sold these products. This will come into force on 1 January 2027. The Bill also introduces a minimum age of sale of 18 on non-nicotine vapes and nicotine products to ensure they cannot be sold to children, in line with nicotine vaping products. This will come into force 6 months after Royal Assent of the Bill.
- (3) Online sales: This is in regard to how the new measures in the Bill will also apply, and need to be enforced, for online sales.
- (4) FPNs: New fixed penalty notices (on-the-spot fines) of £200 in England and Wales for certain tobacco and vape offences, including underage sales of tobacco, vapes and nicotine products. This will come into force 6 months after Royal Assent of the Bill.
- (5) Age verification: The Bill introduces another defence for retailers accused of selling to someone underage: the retailer can prove they were shown an identity document that showed the customer was

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above the age of sale. The Bill sets out the types of identification that retailers can accept from the customer as proof of age to satisfy this defence. The defence applies to the age of sale offences which come into force on the dates outlined above in paragraph (2).

- (6) Vending machine restrictions: The Bill will ban the sale of vapes and nicotine products from vending machines. This will come into force 6 months after Royal Assent of the Bill.
- (7) Vape advertising: The Bill will ban the advertising and sponsorship of all vapes and nicotine products, mirroring the current restrictions on tobacco. This will come into force by commencement order after Royal Assent of the Bill.
- (8) Any other measures requiring Trading Standards enforcement or business compliance that are introduced by the Tobacco and Vapes Bill. (This will only include measures on the face of the Bill, not areas where the Bill gives enabling powers in the future, such as on retail licensing or vape flavours.)

The purpose of this exercise is to help DHSC design training programmes for Trading Standards Officers in order to help ensure that they are able to enforce the new measures which will apply in England. Additionally, it is intended to help DHSC design training programmes for businesses to support understanding and compliance with the new measures. We would expect the provider to manage the materials used for the courses, and also manage the promotion of the training to Local Authority Trading Standards staff and businesses, and the booking of attendees onto the training. We would also like feedback from participants to be collected on the training provided and given to DHSC.

The primary requirements of this project are:

- An understanding of the role of Local Authority Trading Standards, and experience in training Trading Standards Officers and businesses to deliver enforcement and compliance action.
- An understanding of how to interpret legislation and develop it into training for enforcement officers and businesses. (The contract holder will provide information on the new legislation which the training should be based on and be able to answer queries on the interpretation of the new measure. We would expect the contract holder to approve the training course materials with the relevant department before training commences.)
- The ability to develop and deliver training to Trading Standards Officers and businesses in England, which will result in staff having a high quality understanding of what the new legislation means and build confidence in enforcing the new measures.

The secondary requirements of this project are:

- Combination of interactive learning opportunities and resources that can be accessed at the trainees' need.
- Resources to test the trainees' understanding of the courses once finished.

### **Budget**

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Our expected range for the training of Trading Standards Officers on new measures in the Tobacco and Vapes Bill and the Single-Use Vapes Ban is £120-175k. We are prioritising high quality training materials. Therefore, for bids that go above and beyond the specification we would consider bids outside of the budget range.

## **Timeline/Key Dates and contract term**

We are looking for the training to be ready in advance of the new laws coming into effect. In order to train staff to be ready for the introduction of the new measures, the training should be delivered in advance of each of the new laws' coming into force dates. The single-use vapes ban will come into force on 1 June 2025. For the measures in the Tobacco and Vapes Bill, the timing will be certain once the Bill receives Royal Assent, with most due to come into force 6 months after Royal Assent.

Please note that the contract will specify terms that the funding will only be provided for the elements of the training in the Tobacco and Vapes Bill if the Bill receives Royal Assent. However, the Defra-led single-use vapes ban Statutory Instrument for England has been approved by resolution and will come into force on 1 June 2025.

## **Process of engagement**

Please register your interest by completing the short questionnaire using this link <https://forms.office.com/e/JWhCrQEW7n> by **12pm on Friday 27<sup>th</sup> December 2024**.

If you encounter any issues accessing the link, the questions have been posted below. Please make sure to email your response.

## **Questionnaire:**

1. Enter your name, email, organisation, Job Title.
2. Please also confirm whether your organisation is a company or a voluntary, community or social enterprise?
3. Does the EOI provide you with a clear understanding of the Service being procured? Is it structured in a clear and straightforward way? Would you require any additional information?
4. Is your organisation considering submitting a tender (or participating in a collaborative response) for this project? If not, is there any reason why? Could the Department take any steps to encourage greater participation?
5. Please outline your experience in working with local authorities, preferably in providing training to Trading Standards Officers or other local authority staff.
6. Can you deliver the project requirements within the project timescales and within the budget given in the Contracts Finder notice?
7. The EOI provides you with a draft set of key performance indicator (KPIs) for the service requirement. Please provide any observations to the KPIs provided or you may wish to suggest additional KPIs which you feel are relevant to this service requirement.

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8. How would your organisation propose delivering this training? For example, would it be conducted via webinars, through written guidance documents, or a combination of these methods? Please outline the approach and any associated considerations.
9. The training should be delivered before each of the new laws come into force. How long would your organisation need to develop and deliver the training?
10. When would the contract need to be awarded for your organisation to be able to deliver training for the single-use vapes ban at the start of May?
11. The Tobacco and Vapes Bill is still being debated in Parliament, so timings and specifics of the training may change. Is your organisation able to accommodate this? Please provide details of how long you would need to amend learning materials and any additional costs this would entail.
12. What features of the project are of particular interest to you as a supplier and why?
13. Are there any features of the service that are of concern to you and why? How might these be addressed?
14. Please use this section to provide any additional information which you feel might be of value or to highlight any additional items that need to be taken into consideration.

### THANK YOU FOR TAKING THE TIME TO COMPLETE THIS QUESTIONNAIRE

Name of authorised representative in block letters:

Position:

For and on behalf of:

Date:

**(This should be completed by the Supplier or a partner or an authorised representative in his / her own name and on behalf of the company / organisation completing this questionnaire)**