

**Attachment 5 – Financial Viability Risk Assessment Instructions**

In this attachment and Attachment 5 RM6284 Financial Viability Risk Assessment Tool, the following words shall have the following meanings

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| “EFS” | means economic and financial standing |
| “FVRA” | means Financial Viability Risk Assessment Tool |
| “Subcontractor” | means Key Subcontractor identified within Attachment 7 - Key subcontractor details. Definition of Key Subcontractor can be found in Joint Schedule 1 |
| “The Guidance Note” | means the Assessing and Monitoring the Economic and Financial Standing of Bidders and Suppliers document  [Assessing and monitoring the economic and financial standing of suppliers’ guidance note](http://../../../../../../../C:/Users/christine.connolly/Documents/FTS%202022-23/RM6284%20Costs%20Lawyer%20Services%202/Bid%20Pack%20-%20Draft/Assessing_and_monitoring_the_economic_and_financial_standing_of_suppliers_guidance_note_May_2021) |
| “The Sourcing Playbook” | the document that outlines a series of key policies for making outsourcing decisions and contracting outside suppliers for the delivery of public services.  [The Sourcing Play Book – May 2021](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/987353/The_Sourcing_Playbook.pdf) |

**Introduction**

CCS has adapted the Cabinet Office’s Financial Viability Risk Assessment (FVRA) Tool (version 4.3.1) as the basis to conduct a financial assessment on all Bids. The RM6284 Costs Lawyer Services 2 FVRA Tool is provided at Attachment 5b – Financial Viability Risk Assessment Tool and is to be completed and submitted by Bidders.

If bidding in a consortium, each consortium member must complete and submit their own Attachment 5b –Financial Viability Risk Assessment Tool.

Bidders, and consortium members who pass the assessment to the satisfaction of CCS will achieve a “pass”. If a Bidder or any member of a consortium does not pass the Assessment, to the satisfaction of CCS, they will “fail” and the bid will be deemed non-compliant and will be excluded from the competition. If we exclude a bid from the competition we will tell the Bidder and explain why. It is advised that before completing the FVRA, Bidders review the May 2021 Guidance Note [‘Assessing and Monitoring the Economic and Financial Standing of Bidders and Suppliers’](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/987132/Assessing_and_monitoring_the_economic_and_financial_standing_of_suppliers_guidance_note_May_2021.pdf) (hereafter referred to as ‘The Guidance Note’).

RM6284 Costs Lawyer Services 2 has been classified as a **Bronze** contract, via the Contract Tiering Tool. You will only be required to complete Attachment 5b - Bronze FVRA Tool if you do not pass the Financial score as set out in part ~~1.18.1~~ 1.20.1 of Attachment 2a Selection Questionnaire in the eSourcing suite.

Attachment 5b –Financial Viability Risk Assessment Tool provides transparency as to how and what CCS will assess and allows Bidders to see their risk classifications as they complete the financial assessment. Bidders ranked Red (High Risk) or Amber (Medium Risk) against relevant thresholds must set out explanations and relevant mitigations on the relevant tabs (3.1 to 3.3) within Attachment 5b –Financial Viability Risk Assessment Tool. Further guidance around potential mitigations is also provided in The Guidance Note.

Please see Appendix 2 for instructions on how and where to submit the required information in the eSourcing suite.

**Instructions and guidance**

Before completing Attachment 5b –Financial Viability Risk Assessment Tool, Bidders are advised to review the first tab ‘Bidder Instructions’.

**Important**

On the tab ‘Bidder Instructions’. Make sure you select the correct company/ organisation type for the Lead Bidder from the dropdown provided, (row 39) before completing the Attachment 5b. Please ensure you only complete the tabs relevant to your organisation type.

* 1.1a Lead financial Input - only complete if you are a Private Limited Company Publicly listed company template
* 1.1b Lead financial Input - only complete if you are Not for profit/Voluntary organisation

1. Bidders willbe required to complete Attachment 5b – Bronze FVRA Tool only if they FAIL the financial risk assessment as specified in Attachment 2a Selection Questionnaire – Part 5 Financial Risk
2. Means of Proof will be in line with [PCR2015 regulation 60](https://www.legislation.gov.uk/uksi/2015/102/regulation/60/made)
3. Bidders should complete all tabs in line with the instruction found within the Bidder instructions tab of the RM6284 Financial Viability Risk Assessment Tool
4. If there are multiple Lots and the threshold risk for the RAG status is dependent on Lot value, Bidders should select which Lot(s) they are bidding for. Please note, a Bidder who has submitted a bid for multiple Lots may be deemed ‘acceptable’ on lower risk Lots but ‘not acceptable’ on higher risk Lots.
5. Each consortium member will be required to complete an Attachment 5b –Financial Viability Risk Assessment Tool individually, and provide copies of their published accounts for the last 3 years. Each consortium member will be assessed separately.
6. Where the financial information inputted by the Bidder into Attachment 5b –Financial Viability Risk Assessment Tool and compared to the thresholds set by the CCS (see Authority RAG thresholds tab and Annex 1), the following is calculated in the assessment (black) tabs:
   * 1. ● a green result the Bidder passes the criteria and no further action is required;
     2. ● a red or amber result(s) this will not be an automatic fail. Bidders must, however, use the black tabs to provide commentary against any red or amber results and CCS will take such explanations into consideration in its assessment of the Bidder’s economical financial assessment. As well, CCS may seek further clarifications from the Bidder.
7. If CCS requires clarification or further information, explanations, it will send a message to the Bidder through the eSourcing messaging system. Bidders must respond to these requests within timeframes set in the individual messages.
8. FVRA criteria 7 Net Asset Value is the only ratio which doesn’t involve a fraction. To achieve Green – Low risk – the Bidder must be in a positive Net Asset position. If it is in a Net Liabilities position, then they are classed as High Risk.
9. All Bidders must provide copies of:
   1. their published accounts for the last 3 years
   2. parent company published accounts for the last 3 years
   3. ultimate parent published accounts for the last 3 years along with their completed Attachment 5b –Financial Viability Risk Assessment Tool. In line with The Guidance Note any qualified accounts will receive additional scrutiny.
10. Bidders' financial accounts and supporting information should be in English and in UK Sterling. If the original documents are not in English, please provide copies of the originals and a certified translation into English. If the sums in the accounts are not expressed in UK Sterling then copies of the original accounts, shall be provided together with a UK Sterling rate equivalent copy utilising the pound buys exchange rate applicable on the date of auditor issue of the financial statement.
11. Each Bidder must set out the following information:
    1. any key events or movements in its/their financial position that have a bearing on the financial standing of the bidder that have occurred since the most recent published accounts;
    2. any information relating to factors that have a bearing on the financial standing of the Bidder that require a more detailed explanation than is given in the information provided in Attachment 5b – Financial Viability Risk Assessment Tool;
    3. a statement, where relevant, that addresses any misreporting of factual information or information that has been publicly available in the last year which, in the Bidder’s opinion, requires additional explanation.

If applicable this information must be uploaded as an attachment to your bid, see Appendix 2.

**Prior to award of Framework Contracts**

11. In line with clause 2.4.15 of The Guidance Note, prior to award of the Framework Agreement, Bidders will be individually asked to

o Make CCS aware of any adverse changes to their Economic and Financial Standing that might adversely impact their ability to deliver required Framework outputs.

o CCS may require the Bidder to resubmit Attachment 5b – Financial Viability Risk Assessment Tool using latest available

Management Account (or equivalent) data, such that the impact on FVRA threshold ratios can be understood.

The resubmitted Attachment 5b – Financial Viability Risk Assessment Tool will then be appraised by CCS in line with the guidance above. Bidders may be excluded from the competition if satisfactory mitigations cannot be provided for Red or Amber threshold results.

12. Where, immediately prior to award of the Framework Agreement, the last accounting information provided by Bidders is over 12 calendar months old, the Bidder may be asked to resubmit Attachment 5b – Financial Viability Risk Assessment Tool using either:

o Latest published accounts, where the accounts date falls within the last 12 months; or

o Management account (or equivalent) data, where the relevant year end period falls within the last 12 months.

The provisions above will then apply, and Bidders may be excluded from the competition if unable to provide satisfactory explanations and mitigations for Red or Amber threshold results.

**Appendix 1 – FVRA risk thresholds:**

Risk thresholds for RM6284 Costs Lawyer Services 2 line with tab 2 of Attachment 5b –Financial Viability Risk Assessment Tool)

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  |  | RM6284 | | |  |
|  |  | R | A | G |  |
| **1** | Turnover Ratio | 1.50 | - | 3.00 | Higher the better |
| **2** | Operating Margin | 2.00% | - | 5.00% | Higher the better |
| **3a** | Free Cash flow to Net Debt Ratio | N/A | N/A | N/A | Not assessed |
| **3b** | Net Debt to EBITDA Ratio | 3.50 | - | 2.50 | Lower the better |
| **4** | Net Debt and Net Pension Deficit to EBITDA Ratio | N/A | N/A | N/A | Not assessed |
| **5** | Net Interest Paid Cover | 2.00 | - | 4.00 | Higher the better |
| **6** | Acid Ratio | 1.00 | - | 2.00 | Higher the better |
| **7** | Net Asset Value | - |  | 0 | Higher the better |
| **8** | Group Exposure Ratio | N/A | N/A | N/A | Not assessed |

Notes:

a) Sourcing Playbook thresholds have been applied as above

b) 3a, 4 and 8 will not be assessed

Appendix 2 – How and where to submit the required information

|  |  |  |  |
| --- | --- | --- | --- |
| **What** | **File name** | **Zip folder**  **name** | **Question to**  **upload zip folder (qualification**  **envelope)** |
| Lead Bidder  Attachment 5b | FVRA\_ your  organisation name | Upload as a  zip folder  EFS\_ your  organisation  name | Part 5 Financial Risk |
| Accounts (3 years) for  • Lead Bidder  • Parent  • Ultimate  parent | Insert account  period\_ organisation name |
| Lead Bidder  response to  paragraph 12  (if applicable) | 12\_ your  organisation name |
| Consortium member Attachment 5b | FVRA\_consortium  member name | Upload all  consortia  member  information in one zip folder CMEFS\_ your organisation  name | Part 5 Financial Risk |
| Accounts (3 years) for  • Consortium  member  • Consortia  Parent  • Consortia  Ultimate  parent | Insert account  period\_organisation name |
| Consortium member response to  paragraph 12  (if applicable) | 12\_ consortia  member name |
| Any additional  completed  Attachment 5b  required i.e. where your bid includes both charitable and Private Company Sub-Suppliers or Parent and/or  Ultimate Parent  company | Ad1FVRA\_ your  organisation name1  Ad2FVRA\_ your  organisation name1 and so on | AdFVRA\_ your organisation  name | Part 5 Financial Risk |

|  |  |  |  |
| --- | --- | --- | --- |
| Consortium member Attachment 5b | FVRA\_consortium  member name | Upload all  consortia  member  information in one zip folder CMEFS\_ your organisation  name | Part 5 Financial Risk |
| Accounts (3 years) for  • Consortia  member  • Consortia  Parent  • Consortia  Ultimate  parent | Insert account  period\_organisation name |
| Consortium member response to  paragraph 12  (if applicable) | 12\_ consortium  member name |
| Any additional  completed  Attachment 5b  required i.e. where your bid includes both charitable and Private Company Sub-Suppliers or Parent and/or  Ultimate Parent  company | Ad1FVRA\_ your  organisation name1  Ad2FVRA\_ your  organisation name1 and so on | AdFVRA\_ your organisation  name | Part 5 Financial Risk |