**DOCUMENT 1**

**INSTRUCTIONS AND INFORMATION ON THE BIDDING PROCEDURES**

1. These instructions are designed to ensure that all bids are given equal and fair consideration. It is important, therefore, that you provide all the information asked for in the format and order specified.
2. Please contact [FreeSchools.ExternalSupport@education.gov.uk](mailto:FreeSchools.ExternalSupport@education.gov.uk) (marked “Question” in the subject field) if you have any doubts or queries as to what is required or you have difficulty in providing the information requested. Pre-bid negotiations are **not** permitted.
3. Bids may be rejected if the information asked for is not given at the time of bidding.

**Format of Bids**

1. Bids must follow this format:

**Section 1 - Table of Contents**

**Section 2 - Meeting the Specification** (inc. annexes)(see Documents 2 and 3)

**Section 3 - Qualification Questionnaire and Declaration** (see Document 4)

**Submitting Bids**

1. Bids must be emailed to: [FreeSchools.ExternalSupport@education.gov.uk](mailto:FreeSchools.ExternalSupport@education.gov.uk) no later than **23:59 on Friday 19 January**. Emails must be marked “Bid for Free Schools Support Service” in the subject field.
2. Bids received earlier than 23:59 on Friday 19 January will be retained unopened until this time is reached. Late bids will not be considered. It is the responsibility of the bidder to ensure their bid is received no later than the appointed time. Bidders do not need to submit a hard copy of their bid.

**Incomplete Bids**

1. Bids may be rejected if the information asked for in this ITB is not given at the time of bidding.

**Qualification Questionnaire**

1. The Department reserves the right not to proceed with further evaluation of any bid that fails to meet the requirements detailed in the Qualification Questionnaire and/or Declaration in Document 4.

**Assessment of Bids**

1. Your response to the bid specification will be evaluated using the criteria set out in the Evaluation Criteria (see Document 3). A panel of senior departmental officials will assess all eligible bids against the published criteria. Meeting the criteria does not guarantee a bid will be successful. Bids will be assessed and ranked according to the extent to which the panel judges they meet the selection criteria, which includes, offering the taxpayer good value for money. The panel will recommend a preferred bidder to the Secretary of State, with whom rests the final decision on the award of the grant.
2. Bids are not agreements or grants. Meeting the selection criteria does not guarantee funding. The Department reserves the right to apply its discretion to the amount of funding that is to be awarded to the successful bidder. This may be in full accordance with the bidder’s proposal, however, if the Department deems that only part of the proposal is acceptable, in terms of the stated deliverables, then it reserves the right to award funding on that basis.

**Bid Period**

1. The Department aims to issue the grant funding agreement in February 2018. Bids from all prospective providers must remain valid until a final decision is made and the grant is awarded.

**Feedback**

1. Following the award of the grant, feedback will be available to unsuccessful bidders on request.

**Government Efficiency Spending Controls: Marketing and Advertising**

1. As part of the Government’s commitment to efficiency controls, bidders should be aware that there are restrictions on what grant funding can be used for in relation to all paid-for communications and marketing activities. The controls apply to most communications activity including printing and publications, events, PR and digital communications. Exemptions may be granted for essential activities where cost effectiveness can be evidenced and where other no cost or low cost options have been exhausted.
2. Exemptions for expenditure under £100,000 can be approved by DfE (through the Director of Communications) where proposed communications related activity is judged to be critical to delivery of the project and meeting agreed national priorities for the government.
3. We do not envisage that bids will include expenditure over £100,000 on communications and marketing related activities. However, if requested, these would need exemption clearances from within DfE and also the Cabinet Office in line with the Government’s Marketing and Advertising Efficiency Controls. Bidders whose proposals fall into this category may need to provide further information which might result in a delay in clearing funding.

**Freedom of Information Act**

1. The Department is committed to being open and transparent and to meeting its responsibilities under the Freedom of Information Act 2000 (the “**Act**”). Information submitted to the Department may need to be disclosed in response to a request for it made under the Act. This is the case for all bids whether or not they are successful.
2. There are certain circumstances in which the Act allows information not to be disclosed. If you consider that any of the information included in your bid is commercially sensitive, please identify it and explain (in broad terms) what harm may result if it was to be disclosed and the time period applicable to that sensitivity.
3. You should be aware that, even where you have indicated that information is commercially sensitive, we may still be required to disclose it under the Act if a request is received. Please also note that the receipt of any material marked “confidential” or equivalent should not be taken to mean the Department accepts any duty of confidence by virtue of that marking.

**Transfer of Undertakings (Protection of Employment) Regulations**

1. Bidders should note that New Schools Network (the “**Current Grant Recipient**”) currently receives grant funding to support free school applicants. Depending on how the successful bidder decides to deliver the support described in this ITB, the Transfer of Undertakings (Protection of Employment) Regulations 2006 (“**TUPE**”) may or may not apply to staff employed by the Current Grant Recipient. Based on the information provided by the Current Grant Recipient, we understand there are currently up to 19 employees potentially in scope to transfer if TUPE applies with a total salary bill (inc. pension and NI contributions) of £738,608 per annum. The Department makes no representations or warranties in this regard and bidders must satisfy themselves through their own investigations as to whether TUPE may apply and consider the implications and steps which may need to be taken to comply with TUPE if applicable.

**State Aid**

1. State Aid rules must be adhered to State Aid is a European law term that refers to forms of financial support from a public body or publicly-funded body given to organisations engaged in economic activity on a selective basis, which has the potential to distort competition and affect trade between member states of the European Union. Unauthorised State Aid is unlawful aid and if public authorities award State Aid in breach of the rules, the European Commission has the power to require repayment with interest from the aid beneficiary. State Aid may be permitted if it falls under a certain threshold. This is known as de minimis aid. Currently, the total de minimis aid granted to any one organisation must not exceed €200,000 over any period of three financial years.
2. If you have received State Aid from any public body in the previous three financial years, you must let us know in your application. If your organisation has received State Aid below the de minimis threshold in the previous three financial years, it may well limit the amount of funding you are eligible for.

**Inducements**

1. Offering an inducement of any kind in relation to obtaining this or any other grant from the Department will disqualify a bid from being considered and may constitute a criminal offence.

**Costs and Expenses**

1. Bidders are not entitled to claim from the Department any costs or expenses incurred in preparing a bid whether or not the bid is successful.

**Conclusion**

1. Whilst every endeavour has been made to provide an accurate description of the service and outcomes the Department requires, bidders should make their own assessment about the methods and resources needed to meet those requirements.