



INVITATION TO TENDER (STAGE 1)
CONCESSION CONTRACT – THE GAZETTE
COMPETITIVE PROCEDURE WITH NEGOTIATION

**CLOSING DATE FOR STAGE 1 TENDER RESPONSES – 5PM (UK TIME), DECEMBER
12TH, 2018**

1 PURPOSE

- 1.1 The purpose of this Procurement Process is for The National Archives (TNA) to select a Concessionaire to deliver the Concession Contract for The Gazette, managing and delivering both the daily publication of The Gazette and the development, maintenance and operation of The Gazette Platform.
- 1.2 TNA intends to award the Concession Contract for a period of five years.
- 1.3 TNA requires the appointed Concessionaire to deliver the Concession Contract at NIL cost to TNA, and to also deliver a substantial royalty return to TNA throughout the Concession Contract period.

2 BACKGROUND

2.1 The Gazette is formally the combination of three publications, The London Gazette, The Belfast Gazette and The Edinburgh Gazette. The Gazettes are the official journals of record. The London Gazette is claimed to be the world's oldest continually published newspaper. It has been "Published by Authority" since 1665. Today The Gazette is a daily printed publication, a website (<https://www.thegazette.co.uk/>) and a data service. The printed edition provides a record of what was published on the website the previous business day. The legal power to print and publish The Gazette is a prerogative power conferred on the Queen's Printer by Letters Patent. A short video introduction is available here: https://www.youtube.com/watch?v=k5_1bedBryc

2.2 The proposition for The Gazette is as follows:

- Organisations and people can put information permanently on the public record and in the public domain;
- The information is definitive, from authorised sources, held by a trusted provider who is transparent about how it is handled, so it can be used as evidence to support legal processes;
- The information is freely available from The National Archives, presented in many other different contexts and places, in different formats, and can be used by others for different purposes;
- The information is enriched so that it can be interrogated, re-purposed and exploited in a wide variety of different ways;
- The service provides good value for advertisers and a return to Government.

2.3 The Gazette Concession Contract involves managing the daily publication of The Gazette and the development, maintenance and operation of a Gazette digital service. For the right organisation this a great opportunity to take over a thriving, sustainable, multi-million pound business.

2.4 A range of different notices (or advertisements) are placed in The Gazette, for a fee. For many, but not all, of these notices there is a statutory requirement to place the notice somewhere, often including a specific requirement to place the notice in one of The Gazettes. Notices printed in The Gazette are afforded legal standing and The Gazette itself special protection by the Documentary Evidence Act 1882.

2.5 The Gazette is operated as a Concession Contract. The Concessionaire pays The National Archives for the exclusive right to operate, and develop, the Gazette service as a business. The key factor that makes a contract a concession is the transfer of risk to the Concessionaire. In the case of The Gazette, various types of risk are transferred to the Concessionaire:

- Operational risks - the Concessionaire bears the risk and costs associated with ensuring the service is fit for purpose, including investing in the development and maintenance of The Gazette digital service.
- Economic risks - the Concessionaire bears the market risks stemming from variations in the volume of notices that advertisers may need or choose to place.

- Legal risks - the Concessionaire is liable in the case that they do not fulfil their responsibilities to publish a notice (which may have considerable impact on the notice placer or a third party).
- Financial risks - if no-one advertises in The Gazette, or purchases copies, then the Concessionaire bears the costs of provisioning the services, not The National Archives.

2.6 The total annual revenue generated by the current Concessionaire under the current Gazette Concession Contract has been as follows:

- 2013 £ 8.928 million
- 2014 £ 8.538 million
- 2015 £ 8.653 million
- 2016 £10.047 million
- 2017 £ 8.657 million
- 2018 £ 6.455 million (Year to Date, January to September)

2.7 Further background information about notice placements, website traffic and print publishing is available to Potential Concessionaires upon receipt of a signed Non-Disclosure Agreement (NDA). NDAs are available to Potential Concessionaires upon request, to procurement@nationalarchives.gov.uk

3 THE PROCUREMENT PROCESS

- 3.1 The Procurement Process for The Gazette Concession Contract will be split into two Stages, described in this document as 'Stage 1' and 'Stage 2'.
- 3.2 Stage 1 of the Procurement Process is about understanding and evaluating Potential Concessionaires' capabilities for delivering The Gazette Concession Contract. At Stage 1, we will be evaluating Responses on the basis of Quality criteria only.
- 3.3 At the end of Stage 1, each Potential Concessionaire's Stage 1 Response will be evaluated by TNA. We envisage that a maximum of four Potential Concessionaires will be shortlisted for invitation to participate in Stage 2 of the Procurement Process.
- 3.4 Stage 2 of the Procurement Process is about understanding and evaluating short-listed Potential Concessionaires' Proposals for delivering The Gazette Concession Contract, at a detailed level.
- 3.5 During Stage 2, shortlisted Potential Concessionaires will have an opportunity to have one-to-one meetings with TNA to test ideas, to negotiate, and to refine their Proposals. At the end of Stage 2, short-listed Potential Concessionaires will be invited to submit their final Proposals. TNA will evaluate those Proposals – and make a Contract Award decision - on the basis of Quality (35%) and Financial Return (65%).

4 HOW TO RESPOND

- 4.1 Please submit your Stage 1 Response by **5pm (UK time) on December 12th, 2018** to procurement@nationalarchives.gsi.gov.uk, providing the information specified in Section 5 of this Stage 1 Invitation to Tender document.
- 4.2 If you have any clarification questions related to your Stage 1 Response, please submit these to procurement@nationalarchives.gsi.gov.uk by **5pm (UK time) on November 27th, 2018**.
- 4.3 Potential Concessionaires should note that there are [grounds for mandatory exclusion](#) from being awarded government contracts. By submitting a Stage 1 Response you are self-certifying that none of these grounds apply to you or your organisation (or any other person who has powers of representation, decision or control in the organisation), or to any agents, affiliates or sub-contractors.

5 YOUR STAGE 1 RESPONSE

5.1 Stage 1 Responses must demonstrate your relevant experience, skills and capabilities for delivering The Gazette Concession Contract. Please respond by telling us the following:

- **Category 1** - Tell us what relevant experience, skills and capabilities you, and/or any proposed sub-contractor(s) you propose using, have in *putting information in the public domain* - as referred to in Section 2.4 of this document - and how you believe they are relevant to the delivery of The Gazette Concession Contract.
- **Category 2** - Tell us what relevant experience, skills and capabilities you, and/or any proposed sub-contractor(s) you propose using, have in *handling definitive information from authorised sources* - as referred to in Section 2.4 of this document - and how you believe they are relevant to the delivery of The Gazette Concession Contract.
- **Category 3** – Tell us what relevant experience, skills and capabilities you, and/or any proposed sub-contractor(s) you propose using, have in *presenting information in varied contexts, places and formats* - as referred to in Section 2.4 of this document - and how you believe they are relevant to the delivery of The Gazette Concession Contract.
- **Category 4** - Tell us what relevant experience, skills and capabilities you, and/or any proposed sub-contractor(s) you propose using, have in *enriching information so that it can be interrogated, re-purposed and exploited in a wide variety of different ways* - as referred to in Section 2.4 of this document - and how you believe they are relevant to the delivery of The Gazette Concession Contract.
- **Category 5** - Tell us what relevant experience, skills and capabilities you, and/or any proposed sub-contractor(s) you propose using, have in *developing, managing and delivering a service that generates a financial return* - as referred to in Section 2.4 of this document - and how you believe they are relevant to the delivery of The Gazette Concession Contract.

6 EVALUATION CRITERIA

Stage 1 Responses will be evaluated using the following criteria:

CATEGORY	MAXIMUM AVAILABLE SCORE	WEIGHTING	MAXIMUM AVAILABLE WEIGHTED SCORE
Category 1	10	1	10
Category 2	10	1	10
Category 3	10	1	10
Category 4	10	1	10
Category 5	10	1	10

For each Category, a points score between 1 and 10 is available. These points will be allocated applying the criteria as listed in the table below. If any Category within your Response mainly has the criteria of one score, but also has one or more criteria of a lower score, then that Category will be awarded the lower score.

10 Points	<p>Very Good:</p> <ul style="list-style-type: none"> • Potential Concessionaire's Response exceeds TNA's expectations at Stage 1. • Potential Concessionaire has submitted a Response which is highly relevant to the Requirement. • Potential Concessionaire has provided high-quality, compelling and convincing evidence to support all elements their Response. • Potential Concessionaire's Response is clear and easy to understand. • Where relevant, Potential Concessionaire has demonstrated a high level of capability to deliver new and innovative service approaches.
7 Points	<p>Good:</p> <ul style="list-style-type: none"> • Potential Concessionaire's Response meets TNA's expectations at Stage 1. • Potential Concessionaire has submitted a Response which is highly relevant to the Requirement. • Potential Concessionaire has provided evidence to support most elements of their Response. The evidence supplied is good and relevant to the Requirement. • Potential Concessionaire's Response is clear and easy to understand. • Where relevant, Potential Concessionaire has demonstrated some level of capability to deliver new and innovative service approaches.
4 Points	<p>Average:</p> <ul style="list-style-type: none"> • Potential Concessionaire's Response only partly meets TNA's expectations at Stage 1. • Potential Concessionaire has submitted a Response which is only partly relevant to the Requirement. • Potential Concessionaire has provided evidence to support only some elements of their Response. The evidence supplied has only some relevance to the Requirement. • Potential Supplier's Response is not always clear and easy to understand. • Where relevant, Potential Supplier has demonstrated limited capability to deliver new and innovative service approaches.
1 Point	<p>Poor:</p>

	<ul style="list-style-type: none">• Potential Concessionaire's Response fails to meet TNA's expectations at Stage 1.• Potential Concessionaire has submitted a Response which has little or no relevance to the Requirement.• Potential Supplier has provided little or no evidence to support most elements of their Response. The evidence supplied is weak and has limited relevance to the Requirement.• Potential Supplier's Response is not always clear and easy to understand.• Where relevant, Potential Supplier has demonstrated little or no capability to deliver new and innovative service approaches.
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We envisage that a maximum of four Potential Concessionaires will be shortlisted for invitation to participate in Stage 2 of the Procurement Process. If you have been successful, we will provide you with feedback on your Stage 1 Response to help you to prepare for Stage 2 of the Procurement Process.

7 PROCUREMENT TIMETABLE

The Procurement Timetable is as follows:

STAGE 1		
Ref.	Description	Date
1	Stage 1 Invitation to Tender is published in OJEU and on the Contracts Finder website	November 13 th , 2018
2	Deadline for Potential Concessionaires to submit clarification questions to procurement@nationalarchives.gov.uk	November 27 th , 2018
3	Deadline for TNA to respond to clarification questions*	December 4 th , 2018
4	Deadline for Potential Concessionaires to submit their Stage 1 Responses to procurement@nationalarchives.gov.uk	December 12 th , 2018
5	TNA to evaluate Stage 1 Responses and to shortlist Potential Concessionaires for Stage 2 of the Procurement Process	December 17 th , 2018

STAGE 2		
Ref.	Description	Date
6	TNA to submit Stage 2 Invitation to Tender to shortlisted Potential Concessionaires	January 14 th , 2019
7	Timebox for shortlisted Potential Concessionaires to meet with TNA to test ideas, to negotiate, and to refine their Proposals	mid-January to mid-February, 2019
8	Deadline for shortlisted Potential Concessionaires to submit clarification questions to procurement@nationalarchives.gov.uk	February 18 th , 2019
9	Deadline for TNA to respond to clarification questions**	February 27 th , 2019
10	Deadline for short-listed Potential Concessionaires to submit their Stage 2 Proposals to procurement@nationalarchives.gov.uk	March 11 th , 2019
11	Timebox for short-listed Potential Concessionaires to present their Stage 2 Proposals to TNA	w/c March 11 th , 2019
12	Deadline for TNA to evaluate Stage 2 Proposals and identify preferred Concessionaire	March 21 st , 2019
13	End of standstill period	March 31 st , 2019
14	Contract award	April 1 st , 2019
15	Service commencement date	January 1 st , 2020

**Any clarification question that TNA deems to be relevant to more than one Potential Concessionaire will be shared with all Potential Concessionaires participating in Stage 1 of the Procurement Process*

***Any clarification question that TNA deems to be relevant to more than one Potential Concessionaire will be shared with all Potential Concessionaires participating in Stage 2 of the Procurement Process.*

8 TERMS OF PARTICIPATION

- 8.1 The Terms of Participation attached as **Annex A** to this document constitute the conditions which will apply to Potential Concessionaires' participation in the Procurement Process. Submission of a Stage 1 Response and/or Stage 2 Proposal will be deemed to constitute your acceptance of these Terms of Participation.

9 TUPE

- 9.1 The current Concessionaire has identified 29 roles which are involved in the delivery of the current Gazette Concession Contract, some or all of which may be covered by the provisions of the Transfer of Undertakings (Protection of Employment) Regulations (TUPE) following the award of this Contract. Further details will be supplied to those Potential Concessionaires who are shortlisted for Stage 2 of the Procurement Process. We will provide Potential Concessionaires with this information so that they may carry out their own assessments of what the scale of the TUPE obligation may be.