



Crown
Commercial
Service

STAGE 2 GUIDANCE AND SUITABILITY QUESTIONNAIRE

RAIL LEGAL SERVICES

REFERENCE NUMBER

RM 3756

ATTACHMENT 3

1. INTRODUCTION

- 1.1 The purpose of this Attachment 3 Stage 2 Guidance and Suitability Questionnaire is to provide information and instructions about the scoring and evaluation process to Potential Providers who have been invited to participate in Stage 2 of this Procurement.
- 1.2 In order to evaluate your ability to meet the advertised requirement, the Authority requires Potential Providers to complete and submit their response to a Stage 2 Suitability Questionnaire and Stage 2 Pricing Matrix (Attachment 4), in accordance with this Stage 2 Guidance and Suitability Questionnaire.
- 1.3 The Invitation (Attachment 1) provides more information about the Authority's requirements.
- 1.4 The defined terms referred to within this Stage 2 Guidance and Suitability Questionnaire have the meaning given to them in the Glossary, as set out in paragraph 13 of The Invitation (Attachment 1).
- 1.5 For the purposes of this Stage 2 Guidance and Suitability Questionnaire the terms "CCS", "we", "us" or "our" refers to the Authority (Crown Commercial Service).
- 1.6 For the avoidance of doubt in this Stage 2 Guidance and Suitability Questionnaire the terms "you" or "your" mean your organisation, or the organisation you represent in this Procurement process.
- 1.7 In Stage 2 the Authority will be evaluating quality and price. The quality evaluation will account for 70% and price will account for 30% of the Stage 2 Final Score.

2. INSTRUCTIONS FOR COMPLETION

- 2.1 To participate in this Stage of this Procurement you are required to submit a completed:
 - 2.1.1 Suitability Questionnaire; and
 - 2.1.2 Stage 2 Pricing Matrix (Attachment 4)together the "**Stage 2 Tender Submission**" which comply with the instructions in this Stage 2 Guidance and Suitability Questionnaire (Attachment 3) and The Invitation (Attachment 1).
- 2.2 You must adhere to the following instructions in order to submit a fully compliant Stage 2 Tender Submission:
 - 2.2.1 You are strongly advised to read through all documentation first to ensure understanding of how to submit a fully compliant Stage 2 Tender Submission.
 - 2.2.2 In this Procurement, the Authority has decided to offer an opportunity to raise clarifications at each stage of the Procurement process. Please refer to paragraph 8 Questions and Clarifications of The Invitation (Attachment 1) for further information.
 - 2.2.3 Potential Providers are encouraged to raise questions they may have about any Stage of the Procurement during the initial clarification period. You may, however, raise questions or seek clarification regarding any aspect of this Procurement at any time during the clarification periods as set out in paragraph 6 Procurement Timetable of The Invitation

(Attachment 1). Questions must be submitted using the messaging facility provided within the e-Sourcing Suite.

- 2.2.4 The Authority is utilising an e-Sourcing Suite to manage the submission of the Tender Submissions and to communicate with you.
- 2.2.5 No hard copy documents will be issued and all communications with the Authority (including the submission of your Stage 2 Tender Submission) will be conducted via the e-Sourcing Suite. You must ensure that the details of the point of contact you nominate in the e-Sourcing Suite are accurate at all times as the Authority will not be under any obligation to contact any other point of contact.

2.3 Completion of Stage 2 Suitability Questionnaire

- 2.3.1 You must submit your Stage 2 Suitability Questionnaire in the e-Sourcing Suite.
- 2.3.2 It is your responsibility to ensure that you are eligible to participate in this Procurement and have submitted a fully compliant Stage 2 Suitability Questionnaire.
- 2.3.3 You must ensure that you are using the latest versions of this document and all the Invitation to Tender attachments as the documentation may be updated from time to time.
- 2.3.4 Any incomplete or incorrect Stage 2 Tender Submissions may be deemed non-compliant and as a result you may be unable to participate any further in this Procurement
- 2.3.5 You are advised to allow sufficient time for the entering of responses in the e-Sourcing Suite. It is advised that this activity commences as soon as possible and is not left until the day of the Stage 2 Tender Submission Deadline.
- 2.3.6 For technical guidance on how to complete questions and text fields and how to upload any requested attachments, please download the Supplier Guidance Documentation at Supplier Guidance (Attachment 11).
- 2.3.7 All responses must be inserted into the relevant answer fields unless an additional attachment is permitted. No attachments are permitted except where specifically requested by the Authority. Only information entered into the relevant answer fields or information specifically requested by the Authority and uploaded as an attachment will be taken into account for the purposes of evaluating the Stage 2 Suitability Questionnaire.
- 2.3.8 Your Stage 2 Suitability Questionnaire must be submitted in the English (UK) language.
- 2.3.9 You must answer all questions accurately and as fully as possible, within the character limits specified.
- 2.3.10 Where options are offered as a response to a question, you must select the relevant option from the drop down list.
- 2.3.11 You must not answer questions by cross referencing to other answers or to other materials (e.g. annual company reports located on a website). Each question answered must be completed in its own right.
- 2.3.12 The Authority will disregard any part of a response to a question which exceeds the specified character limit; the excess will be disregarded, not

the whole response. The stated character limit includes spaces and punctuation.

2.4 Completion of Stage 2 Pricing Matrix

- 2.4.1 The instructions in this section 2.4 refer to the Stage 2 Pricing Matrix Attachment 4) and paragraphs 5.7 to 5.14 of this Stage 2 Guidance.
- 2.4.2 You must download the Stage 2 Pricing Matrix in the e-Sourcing Suite.
- 2.4.3 You must ensure that you read the instructions tab.
- 2.4.4 You are advised to read these instructions in conjunction with Panel Agreement Schedule 3: Panel Prices and Charging Structure (Attachment 7).
- 2.4.5 You must not alter, amend or change the format or layout of Stage 2 Pricing Matrix. You must not insert or attach any notes or comments into any of the worksheets or upload as a separate attachment. Any such additional information will be disregarded by the Authority.
- 2.4.6 You must complete the Stage 2 Pricing Matrix. If you fail to submit a completed Stage 2 Pricing Matrix, your Stage 2 Tender Submission may be excluded from further participation in this Procurement.
- 2.4.7 You must upload the completed Stage 2 Pricing Matrix into the e-Sourcing Suite to question Stage2PQ using the paperclip icon aligned to that question. You must re-name the file to include your organisation's trading name as a suffix to the original file name provided i.e. [yourorganisationname Stage2PQ].
- 2.4.8 You must insert the required values into the cells which are highlighted yellow and blue in accordance with the instructions provided within the Stage 2 Pricing Matrix.
- 2.4.9 The values that you submit into the cells highlighted in yellow will be used for the Stage 2 Price Evaluation and as such failure to insert an applicable value may result in your Stage 2 Tender Submission being deemed non-compliant and being excluded from further participation in this Procurement.
- 2.4.10 The values that you submit into the cells highlighted in blue will not be used for the Stage 2 Price Evaluation, but will be included in Potential Providers Panel Schedule 24 (Additional Supplier Obligations) and as such failure to insert an applicable value may result in your Stage 2 Tender Submission being deemed non-compliant and being excluded from further participation in this Procurement.
- 2.4.11 No zero values will be accepted in any of the cells.
- 2.4.12 All prices submitted must be excluding VAT and in Great British Pounds Sterling (£).
- 2.4.13 Potential Providers should complete the Stage 2 Pricing Matrix on the basis that TUPE does not apply. Please refer to paragraph 11 of The Invitation (Attachment 1) for further information on this.
- 2.4.14 Abnormally Low Tenders; as part of the Stage 2 Price Evaluation process, if the Authority believes that a price is abnormally low it will conduct a further analysis of the offer in accordance with Regulation 69 of the Regulations.

- 2.4.15 Potential Providers should note you are required to submit a one Rate per Grade for both the Core and Non-Core Specialisms.
- 2.4.16 Potential Providers should note you are not required to provide a percentage discount for Trainee and paralegal Grade.
- 2.4.17 Potential Providers should note that the Authority will take the average of the discounts submitted in Table 4 found at paragraph 5.11 and apply this to the Potential Providers submitted Hourly Rates for each Supplier Personnel Grade, to form a new “**Stage 2 Discounted Hourly Rate**” for each Supplier Personnel Grade.
- 2.4.18 Potential Providers should note the Daily Rate in Table 2 found at paragraph 5.9.6 and the Monthly Rate in Table 3 found at paragraph 5.10.6 should not exceed the “**Stage 2 Discounted Hourly Rate**”.

2.5 Uploading and Submitting a Stage 2 Tender Submission

- 2.5.1 You are responsible for ensuring that your Stage 2 Tender Submission has been successfully completed in the e-Sourcing Suite and that your completed Stage 2 Pricing Matrix has been uploaded as an attachment to question Stage2PQ prior to the Stage 2 Tender Submission Deadline as detailed in paragraph 6 Procurement Timetable of The Invitation (Attachment 1).
- 2.5.2 Your Stage 2 Tender Submission must be submitted to the Authority using the e-Sourcing Suite. Stage 2 Tender Submissions submitted by any other means will not be accepted.

3. DEADLINE FOR THE SUBMISSION OF STAGE 2 TENDER

- 3.1 Your Stage 2 Tender Submission must be received by the Authority before the Stage 2 Tender Submission Deadline as detailed in paragraph 6 Procurement Timetable of The Invitation (Attachment 1).

3.2 Late Submissions

- 3.2.1 Any Stage 2 Tender Submissions received after the Stage 2 Tender Submission Deadline may be rejected by the Authority having regard to the principles of proportionality, transparency and equal treatment.

4. STAGE 2 COMPLIANCE / VALIDATION

- 4.1 Prior to commencing the formal evaluation process, your Stage 2 Tender Submission will be checked to ensure compliance with the requirements of The Invitation. Any non-compliant Stage 2 Tender Submissions may, including in the event further questions are asked or clarification is sought by the Authority if Potential Providers fail to produce a satisfactory response, be rejected by the Authority without proceeding to the next stage of evaluation.
- 4.2 Potential Providers who are excluded on grounds of non-compliance will be notified accordingly.

5. OVERVIEW OF STAGE 2 SUITABILITY EVALUATION PROCESS

- 5.1 The Stage 2 Suitability evaluation will comprise of:
 - 5.1.1 an evaluation of Potential Providers responses to Stage 2 Suitability Questions (“**Quality Evaluation**”) as detailed in paragraph 5.5; and
 - 5.1.2 an evaluation of the values tendered in the Stage 2 Pricing Matrix (“**Price Evaluation**”) as detailed in paragraphs 5.7 to 5.14.

- 5.2 The maximum possible score capable of being achieved by a Potential Provider will be 100 marks (being the sum of the scores achieved for the Quality Evaluation and Price Evaluation i.e. 70 + 30)
- 5.3 The Quality Evaluation is weighted at 70%. The Price Evaluation is weighted at 30%.

5.4 Stage 2 Consensus Marking Procedure

- 5.4.1 Stage 2 Suitability Questionnaire questions that are scored and require evaluation will be evaluated in accordance with the Consensus Marking Procedure described in this paragraph.
- 5.4.2 The Consensus Marking Procedure is a two-step process, comprising of:
- 5.4.2.1 Independent evaluation; and
 - 5.4.2.2 Group consensus marking.
- 5.4.3 During the independent evaluation process each evaluator will separately (i.e. without conferring with other evaluators) scrutinise the quality of answers given by you in your Stage 2 Suitability Questionnaire. Evaluators will apply the criteria applicable to the question as set out in the evaluation guidance to determine the overall quality of each answer. Each evaluator will then allocate a mark for the answer in accordance with the Marking Scheme applicable to that question. Each evaluator will also provide a justification for the mark they attribute to an answer. All of the evaluators' marks and related justifications will be recorded separately in the e-Sourcing Suite.
- 5.4.4 When the independent evaluation exercise has been completed by all of the evaluators, a group consensus marking exercise will be coordinated by the consensus marker as follows:
- 5.4.4.1 The consensus marker will review the marks allocated by the individual evaluators together with their justifications for awarding the marks for each question.
 - 5.4.4.2 The consensus marker will arrange for the evaluators to meet and discuss the marks they have allocated to responses provided in the Stage 2 Suitability Questionnaire. The consensus marker will facilitate discussion among the evaluators regarding the marks awarded and the related justifications.
 - 5.4.4.3 During the meeting each evaluator will discuss the quality of the answers given to a question and review their justification for attributing the marks having regard to the relevant Marking Scheme. The evaluators will continue discussing the answers until the evaluators reach a consensus regarding the mark that should be attributed to each Potential Provider's answer to the question.
 - 5.4.4.4 The consensus marker will record the consensus mark and the justification for the consensus mark in the e-Sourcing Suite.
 - 5.4.4.5 The process above will be repeated until all applicable answers in Stage 2 Suitability Questionnaire have been consensus marked by evaluators.

- 5.4.5 When the Consensus Marking Procedure has been completed, the e-Sourcing Suite will be secured by the consensus marker to ensure no further modifications are made to the consensus marks and justifications.

5.5 Stage 2 Quality Evaluation

- 5.5.1 The information submitted in your Stage 2 Suitability Questionnaire will enable the Authority to consider your suitability to deliver the Panel Services. If you fail to respond fully and accurately you may be deemed non-compliant. The Authority reserves the right to exclude non-compliant Stage 2 Suitability Questionnaires from this Procurement.

- 5.5.2 Questions in your Stage 2 Suitability Questionnaire will be weighted as below:

Stage 2 Suitability Section	Weighting
Section A: Managing Conflicts	5%
Section B: Core Specialisms	55%
Section C: Supplier Delivery	10%

- 5.5.3 The evaluation of each of the scored questions in Stage 2 Suitability Questionnaire (i.e. questions A1, A2, B1(i), B1(ii), B1(iii), B1(iv), B2, B3 and C1, C2, C3 and C4) will be conducted and consensus checked in accordance with the Consensus Marking Procedure as set out in paragraph 5.4.
- 5.5.4 If a Potential Provider is awarded a mark of zero (0) for three (3) or more scored questions (i.e. questions A1, A2, B1(i), B1(ii), B1(iii), B1(iv), B2, B3 and C1, C2, C3 and C4) their Tender Submission will be excluded from further participation in this Procurement.
- 5.5.5 When the Mark for each question have been determined they will be added together to determine an overall score for the Stage 2 Quality Evaluation (“**Stage 2 Quality Score**”). See worked example in the Table A overleaf:

Section	Question Number	Question	Marking Scheme	Weighting	Sub Weighting	Maximum Mark Available
A Conflicts of Interest	A1	Identifying and Assessing Potential Conflicts of Interest	100/75/50/25/0	5%	2.5%	100
	A2	Managing and Minimising the risk Conflicts of Interest	100/75/50/25/0		2.5%	100
Section A Total					10%	
B Core Specialisms	B1	B1(i) Rail franchise awards	100/75/50/25/0	55%	12%	100
		B1(ii) Rolling stock transactions	100/75/50/25/0		6%	100
		B1(iii) Infrastructure concessions	100/75/50/25/0		6%	100
		B1(iv) Rail industry projects	100/75/50/25/0		6%	100
	B2	Company, Commercial and Contract Law	100/75/50/25/0		10%	100
	B3	Procurement Law	100/75/50/25/0		15%	100
Section B Total					50%	
C Supplier Delivery	C1	Collaborative/Partnership Working	100/75/50/25/0	10%	2.5%	100
	C2	Technology/Innovation	100/75/50/25/0		2.5%	100
	C3	Culture and Service Delivery	100/75/50/25/0		2.5%	100
	C4	Value Added Services	100/75/50/25/0		2.5%	100
Section C Total					10%	
Stage 2 Quality Score				70%	70%	

5.5.6 Rounding of calculations undertaken in the Stage 2 Quality Evaluation process will be calculated to two decimal places using the standard Excel 2010 formula. The Authority will not apply any other rounding.

5.6 To proceed to the Stage 2 Price Evaluation, Potential Providers must achieve a mark greater than zero (0) for nine (9) or more evaluated questions (i.e. questions A1, A2, B1(i), B1(ii), B1(iii), B1(iv), B2, B3 and C1, C2, C3 and C4)

5.7 Stage 2 Price Evaluation

5.7.1 Pricing will be evaluated on the basis of a “**Stage 2 Price Score**” which will consist of the marks awarded for each Table 1 to 4 weighted as below at Table B below:

Table B

Price Score Weighted 30%		
Table	Sub Weighting	Maximum Mark Available
Table 1 – Hourly Rate “Table 1 Total Overall Hourly Rate (OHR)”	15%	15
Table 2 – Daily Rate “Table 2 Total Overall Daily Rate (ODR)”	5%	5
Table 3 – Monthly Rate “Table 3 Total Overall Monthly Rate (OMR)”	5%	5
Table 4 – Aggregated Spend discount “Table 4 Discount”	5%	5
Maximum Stage 2 Price Score available		30

5.8 Table 1 – Hourly Rate – Overall Hourly Rate (OHR)

5.8.1 You are required to provide an Hourly Rate for each Grade of Supplier Personnel set out at Table 1 across all the Panel Services.

5.8.2 Please note:

5.8.2.1 Only one Hourly Rate for each Grade of Supplier Personnel is permitted. Variances in Hourly Rates between the different Panel Services and/or Core and Non-Core Specialisms is not permitted; and

5.8.2.2 The Authority has fixed the Rates for paralegal/Trainee Grade. These amounts will be the maximum permitted Rates and will not be evaluated or weighted.

5.8.3 The rates provided for each Grade of Supplier Personnel will be weighted as set out below. The Hourly Rate submitted will be multiplied by the appropriate weighting found in Table 1 below to calculate an “Overall Hourly Rate” (OHR) for each Supplier Personnel Grade. As illustrated in the Table 1 overleaf:

Table 1: Total Overall Hourly Rate (OHR)			
Supplier Personnel Grade	Hourly Rate submitted (£)	Weighting	OHR (£)
Partner (including senior /managing)	£50.00	30%	15.00
Senior Solicitor / Senior Associate / Legal Director	£40.00	30%	12.00
Solicitor / Associate	£30.00	20%	6.00
Junior Solicitor	£20.00	20%	4.00
Table 1 Total Overall Hourly Rate (OHR)			£37.00

- 5.8.4 The OHR calculated for each of the Supplier Personnel Grade will be added together to determine the “Table 1 Total Overall Hourly Rate (OHR)”.
- 5.8.5 The Potential Provider with the lowest “Table 1 Total Overall Hourly Rate (OHR)” will be awarded the maximum mark available. For Table 1 the maximum mark available is 15 marks as detailed in the table found at Table B above. The remaining Potential Providers will receive a percentage of the maximum mark available equal to their “Table 1 Total Overall Hourly Rate (OHR)” relative to the lowest “Table 1 Total Overall Hourly Rate (OHR)” submitted using the equation found at the paragraph below.
- 5.8.6 The calculation used is as follows:

$$\text{Table 1 Mark} = \frac{\text{Lowest "Table 1 Total Overall Hourly Rate (OHR)" tendered}}{\text{Potential Providers "Table 1 Total Overall Hourly Rate (OHR)" tendered}} \times 15 \text{ (Maximum Mark Available)}$$

5.9 Table 2 - Daily Rate – Overall Daily Rate (ODR)

- 5.9.1 You are required to provide a Daily Rate for each Supplier Personnel Grade which will apply to a full day’s supply of the Supplier Personnel Grades.
- 5.9.2 Only one Daily Rate for each Grade of Supplier Personnel is permitted. Variances in Daily Rates between the different Panel Services and/or Core and Non-Core Specialisms is not permitted; and
- 5.9.3 The Authority has fixed the rates for paralegal/Trainee Grade. These amounts will be the maximum permitted rates and will not be evaluated.
- 5.9.4 The Daily Rate will apply where a minimum of eight (8) hours of work is provided on any one single day. Once eight (8) hours of work has been completed the Daily Rate will apply irrespective of how many further hours of work are completed on that Day.

- 5.9.5 The Authority expects the Daily Rate to provide a level of discount against the Hourly Rates submitted in Table 1 of the Stage 2 Pricing Matrix (Attachment 4).
- 5.9.6 The Daily Rate provided for each Grade of Supplier Personnel which will be weighted as set out below. The Daily Rate submitted will be multiplied by the appropriate weighting, found in Table 2 below, to calculate an “Overall Daily Rate” (ODR) for each Supplier Personnel Grade. As illustrated in Table 2 below:

Table 2: Total Overall Daily Rate (ODR)			
Supplier Personnel Grade	Daily Rate submitted (£)	Weighting	ODR (£)
Partner (including senior /managing)	£60.00	30%	£18.00
Senior Solicitor / Senior Associate / Legal Director	£50.00	30%	£15.00
Solicitor / Associate	£40.00	20%	£8.00
Junior Solicitor	£30.00	20%	£6.00
Table 2 Total Overall Daily Rate (ODR)			£47.00

- 5.9.7 The ODR calculated for each of the Grades of Supplier Personnel will be added together to determine the “Table 2 Total Overall Daily Rate” (ODR)
- 5.9.8 The Potential Provider with the lowest “Table 2 Total Overall Daily Rate (ODR)” will be awarded the maximum mark available which is 5 marks as detailed in the table found at Table B above. The remaining Potential Providers will receive a percentage of the maximum mark available equal to their “Table 2 Total Overall Daily Rate (ODR)”, relative to the lowest “Table 2 Total Overall Daily Rate (ODR)” submitted using the equation found at paragraph 5.9.9.
- 5.9.9 The calculation used is as follows:

$$\text{Table 2 Mark} = \frac{\text{Lowest "Table 2 Total Overall Daily Rate (ODR)" tendered}}{\text{Potential Providers "Table 2 Total Overall Daily Rate (ODR)" tendered}} \times 5 \text{ (Maximum Mark Available)}$$

5.10 Table 3 - Monthly Rate – Overall Monthly Rate (OMR)

- 5.10.1 You are required to provide a Monthly Rate for each Supplier Personnel Grade which will apply to a full month’s supply of the Supplier Personnel grades.
- 5.10.2 Only one Monthly Rate for each Grade of Supplier Personnel is permitted. Variances in Monthly Rates between the different Panel Services and/or Core and Non-Core Specialisms is not permitted;
- 5.10.3 The Authority has fixed the rates for paralegal/Trainee Grade. These amounts will be the maximum permitted costs and will not be evaluated.
- 5.10.4 The Monthly Rate is to be calculated on the basis of 20 Days of work being carried out in any calendar month. The Monthly Rate will apply where 20 or more Days of work are carried out in any calendar month.
- 5.10.5 The Authority expects the Monthly Rate to provide a level of discount against the Daily Rates submitted in Table 2 of the Stage 2 Pricing Matrix (Attachment 4).
- 5.10.6 The Monthly Rate submitted for each Grade of Supplier Personnel will be weighted as set out in the table below. The Monthly Rate submitted will be multiplied by the appropriate weighting, found in Table 3 below, to calculate an “Overall Monthly Rate” (OMR) for each Supplier Personnel Grade. As illustrated in Table 3 below:

Table 3: Total Overall Monthly Rate (OMR)			
Supplier Personnel Grade	Monthly Rate submitted (£)	Weighting	OMR (£)
Partner (including senior /managing)	£70.00	30%	£21.00
Senior Solicitor / Senior Associate / Legal Director	£60.00	30%	£18.00
Solicitor / Associate	£50.00	20%	£10.00
Junior Solicitor	£40.00	20%	£8.00
Table 3 Total Overall Monthly Rate (OMR)			£57.00

- 5.10.7 The OMR calculated for each of the Grades of Supplier Personnel will be added together to determine the “Table 3 Total Overall Monthly Rate” (OMR)
- 5.10.8 The Potential Provider with the lowest “Table 3 Total Overall Monthly Rate (OMR)” will be awarded the maximum mark available which is 5 marks as detailed in the table found at Table B above. The remaining Potential Providers will receive a percentage of the maximum mark available equal to their “Table 3 Total Overall Monthly Rate (OMR)”, relative to the lowest “Table 3 Total Overall Monthly Rate (OMR)” submitted using the equation found below at paragraph 5.10.9.

5.10.9 The calculation used is as follows:

$$\text{Table 3 Mark} = \frac{\text{Lowest "Table 3 Overall Monthly Rate (OMR)" tendered}}{\text{Potential Providers "Table 3 Total Overall Monthly Rate (OMR)" tendered}} \times 5 \text{ (Maximum Mark Available)}$$

5.11 Table 4 – Aggregated Spend Discount

5.11.1 Based on Aggregated Spend the Authority requires Potential Providers to provide a percentage discount that will apply to their Hourly Rates submitted in Table 1 to reflect increased volumes of spend during the first two (2) Contract Years of the Panel Agreement.

5.11.2 Please note:

5.11.2.1 The Daily Rate in Table 2 and the Monthly Rate in Table 3 must not exceed the discounted Hourly Rates as detailed in paragraph 2.4.17 above.

5.11.3 Potential Providers are required to provide a percentage discount for each of the 11 Spend increments as are listed in the example overleaf (which is for illustrative purposes only):

Table 4 – Aggregated Spend discount “Table 4 Discount”		
	Spend Increments (£)	Discount
1	>250,000	1.00
2	>500,000	1.00
3	>1m	1.00
4	>1.5m	0.50
5	>2m	0.50
6	>2.5m	0.50
7	>3m	0.50
8	>3.5m	0.50
9	>4m	0.50
10	>4.5m	0.50
11	>5m	0.50
Potential Providers Total Discount		7.00
Potential Providers Table 4 Discount		7.00 / 11.00 = 0.64

- 5.11.4 The Authority will take the average of the discounts submitted in Table 4 of Stage 2 Pricing Matrix (Attachment 4) by adding up the 11 percentage discounts to arrive at a total. This Total will then be divided by 11. This is the figure that will be evaluated (“Table 4 Discount”).
- 5.11.5 The Potential Provider with the highest “Table 4 Discount” will be awarded the maximum mark available. For Table 4 the maximum mark available is 5 marks as detailed in Table B. The remaining Potential Providers will receive a percentage of the maximum mark available equal to their “Table 4 Discount” price, relative to the highest “Table 4 Discount” submitted using the equation below.
- 5.11.6 The calculation used is as follows:

$$\text{Table 4 Mark} = \frac{\text{Potential Providers "Table 4 Discount" tendered}}{\text{Highest "Table 4 Discount" tendered}} \times 5 \text{ (Maximum Mark Available)}$$

5.11.7 Please note that at Stage 3:

- 5.11.7.1 the Stage 2 ‘Table 4 Discount’ will be applied to the Potential Providers Stage 2 Hourly Rates, to form a new “**Stage 2 Discounted Hourly Rate**” for each Supplier Personnel Grade;
- 5.11.7.2 Potential Providers may not provide Stage 3 Hourly Rates higher than the Stage 2 Discounted Hourly Rates; and
- 5.11.7.3 the Stage 3 ‘Table 4 Discount’ will be applied to the Potential Providers Stage 3 Hourly Rates to form the maximum Panel Hourly Rates which will be included in the Potential Providers Panel Schedule 3 (Panel Prices and Charging Structure) to their Panel Agreement.

5.12 Stage 2 Price Score.

- 5.12.1 The Table 1 Mark, Table 2 Mark, Table 3 Mark and Table 4 Mark of the Stage 2 Pricing Matrix (Attachment 4) will be added together to calculate “**Stage 2 Price Score**”.

5.13 Free Legal Advice and Training Depending on Aggregated Spend (Not evaluated) – Table AA

- 5.13.1 Table AA in the Stage 2 Pricing Matrix, is not part of the Price Evaluation and is for information only, but the percentage rates submitted will be included in the Potential Providers Panel Schedule 24 (Additional Supplier Obligations) to their Panel Agreement.
- 5.13.2 Based on the level of Aggregated Spend you will be required to offer free legal advice and training to the Authority.
- 5.13.3 Where a Supplier is appointed to the General Legal Services Panel RM3786 (“**GLS Panel**”) and this Panel, they will be required to provide the free legal advice and training under the GLS Panel only until the GLS Panel expires or the Supplier’s panel agreement under the GLS Panel is terminated (whichever is earlier). In the event that the Supplier’s panel agreement under the GLS Panel is terminated or the GLS Panel

expires before this Panel comes to an end, the Supplier will then be required to provide free legal advice and training under this Panel based on the Aggregated Spend. .

5.13.3.1 For the avoidance of doubt, Suppliers who are only appointed to this Panel will provide free legal advice and training under this Panel based on Aggregated Spend.

5.13.4 Please note, where applicable:

5.13.4.1 The Aggregated Spend will determine the amount of free legal advice and training the Potential Provider is required to provide to the Authority, in accordance with the percentage rates submitted by the Potential Provider in Table AA.

5.13.4.2 The percentage rates you have submitted per spend band in Table A will be applied to the Aggregated Spend and this will determine the value of the free legal advice and training Supplier's will be required to provide. The Authority and Supplier Relationship Managers will determine which Panel Customers will be able to utilise the free legal advice and training.

5.13.4.3 The percentages offered will be fixed to apply during the first two (2) Contract Years of this Panel and thereafter will be negotiated but may not be reduced.

5.13.4.4 The Authority will keep a record of all accumulated free legal advice/training from the annual Aggregated Spend.

5.13.4.5 Any free training requested as a result of free legal advice due to Aggregated Spend shall not count towards the 1 day's free training Suppliers are required to provide to the Authority under the Panel Services (or such number of free training days as offered by the Potential Provider in response to C4 at Stage 2).

5.13.4.6 Whilst the intention is for free advice/training to be used within in each Contract Year, the Authority reserves the right to carry forward any accumulated free advice/training into the next Contract Year.

5.13.5 You are required to provide a percentage for each of the eleven (11) bands of Aggregated Spend in Table AA of the Stage 2 Pricing Matrix (Attachment 4).

5.13.6 The percentage which can be submitted for each Aggregated Spend band must be equal to or greater than 0.5%. No zero values will be accepted.

5.13.7 The 11 bands of Aggregated Spend are listed below:

Table AA – Free Legal Advice and Training Depending on Aggregated Spend	
	Aggregated Spend Bands (£)
1	>£250,000
2	>£500,000
3	>1m
4	>1.5m
5	>2m
6	>2.5m
7	>3m
8	>3.5m
9	>4m
10	>4.5m
11	>5m

5.14 Stage 2 Price Evaluation methodology

- 5.14.1 The Price Evaluation Process as described in paragraphs 5.7 to 5.13 will be undertaken by different evaluators to those individuals involved with the Quality Evaluation process.
- 5.14.2 The Price Evaluation process and resultant ranking of Potential Providers (along with the marks awarded) will be independently checked and verified by individual(s) not previously involved in the Procurement process.
- 5.14.3 Rounding of calculations undertaken in the Stage 2 Price Evaluation process will be calculated to two decimal places using the standard Excel 2010 formula. The Authority will not apply any other rounding.

6. STAGE 2 FINAL SCORE

- 6.1 The Quality Score awarded for Stage 2 will be added to the Price Score for Stage 2 to determine the final score for each Potential Provider ("**Stage 2 Final Score**"). Please see worked example in Table C below:

Table C			
Potential Provider	Stage 2 Quality Score (Maximum Score 70)	Stage 2 Price Score (Maximum Score 30)	Stage 2 Final Score (Maximum Score 100)
POTENTIAL PROVIDER A	65.70	20.25	85.95
POTENTIAL PROVIDER B	50.25	30.00	80.25

7. SELECTION OF TENDERS FOR STAGE 3 COMPATIBILITY

- 7.1 A maximum of the top 12 scoring Potential Providers from Stage 2 will be invited to participate in Stage 3 of this Procurement.
- 7.2 For the purposes of determining which Potential Providers will be invited to Stage 3 the Authority will rank all Potential Providers from the highest "**Stage 2 Final Score**" downwards.
- 7.3 Potential Providers ranked 1st to 12th will be invited via the e-Sourcing Suite to participate in Stage 3. The Authority reserves the right to invite less Potential Providers to Stage 3 where less than 12 Potential Providers are considered to have successfully met the Stage 2 criteria as set out in paragraph 5.6.
- 7.4 Potential Providers ranked 13th and below will be excluded from this Procurement by the Authority and notified accordingly via the e-Sourcing Suite.
- 7.5 Where two or more Potential Providers have tied scores and are in any position, the number of Potential Providers will fill the positions immediately following the position that they have tied for. For instance where two Potential Providers are tied in 3rd position they will occupy that 3rd position as well as the 4th position respectively for the purpose of calculating the top 12 Potential Providers.
- 7.6 Where there are two or more Potential Providers who have tied scores and are placed in last position (12th), the Authority will apply a tie breaker and the Potential Provider who obtained the highest overall Stage 2 Quality Score will be taken through to Stage 3.
- 7.7 In the event that there are still two or more Potential Providers who have tied scores following the tie break process outlined in paragraph 7.5 then the Authority will use the Hourly Rates provided as part of the Stage 2 Price Evaluation. The Potential Provider offering the lowest Overall Hourly Rate (OHR) will be taken through to Stage 3.
- 7.8 The above paragraphs are illustrated in Table D overleaf:

Table D				
Rank	Provider	Stage 2 Final Score	Invited to participate in Stage 3 Compatibility	Reasoning
1	Potential Provider A	89.88	Yes	
2	Potential Provider B	88.99	Yes	
3	Potential Provider C	87.44	Yes	
4	Potential Provider D	86.22	Yes	Tied places in any other position other than last will take respective ranked positions as detailed.
5	Potential Provider E	86.22	Yes	
6	Potential Provider F	84.87	Yes	
7	Potential Provider H	82.65	Yes	
8	Potential Provider I	81.25	Yes	
9	Potential Provider J	81.25	Yes	
10	Potential Provider K	80.2	Yes	
11	Potential Provider L	79.21	Yes	Scored tied 11 th place
12	Potential Provider M	79.21	Yes	
13	Potential Provider N	77.21	No	Potential Providers ranked 13th and below not be invited to participate in Stage 3 and will be excluded from this Procurement.

8. QUALITY SUITABILITY QUESTIONNAIRE AND GUIDANCE

- 8.1 The quality questions contained within this Stage 2 Suitability Questionnaire, along with the Marking Scheme and maximum score available (where applicable) for each question is set out below. The questions are set out in three sections: Section A, Section B and Section C.
- 8.2 You cannot submit your responses using this document. You must complete and submit only the online version of Stage 2 Suitability Questionnaire in the e-Sourcing Suite.
- 8.3 Please note if the Stage 2 Tender Submission is submitted by the Lead Contact of a Group of Economic Operators you must clearly identify in response to any of the following questions, when you are relying on another member of the Group of Economic Operators, the name of the particular member and explain the member's role capability and experience as the context of the question require, in accordance with paragraph 5.5.6 of The Invitation (Attachment 1)

9. SECTION A - MANAGING CONFLICTS OF INTEREST

- 9.1 During this Tender process and during the course of further competitions during the term of this Panel Agreement, the Authority and the Panel Customers need to be satisfied that Suppliers will not frequently decline to act because of an "own interest conflict" or a "client conflict" both as defined in Chapter 3 of the SRA Handbook (Version 18, published 1 November 2016) (together "**Conflicts of Interest**").
- 9.2 The Authority will also need to be assured, irrespective of an actual conflict existing, that no Supplier admitted to the Panel will subsequently, consistently, have to decline work due to Conflicts of Interest.
- 9.3 In this section, Suppliers are required to explain the steps they will take to identify, assess and manage potential and actual Conflicts of Interest to allow them to continue to act for the Authority and Panel Customers in as many situations as possible. It should be noted that, notwithstanding any such arrangements, a Panel Customer may consider that it is not appropriate to instruct the Supplier because of concerns over conflicts.

A1 Identifying and Assessing Potential conflicts of interest

Potential Providers are required to demonstrate the process, including the systems and controls you will have in place in order to identify and assess potential Conflicts of Interest.

A1 Response guidance

Your response must as a minimum include:

- the process, including the systems and controls you have in place, to enable you to identify and assess potential Conflicts of Interest; and
- the circumstances in which you would decline to act for Panel Customers where there is a Conflict of Interest or there is a serious risk of a Conflict of Interest arising;

Responses should be limited to, and focused on the question posed. Potential Providers should refrain from making generalised statements and providing information not relevant to the topic. Whilst there will be no marks given to layout, spelling, punctuation and grammar, it will assist evaluators if attention is paid to these.

Maximum character count – 4096 characters including spaces and punctuation. This character count cannot be exceeded within the e-Sourcing Suite. Responses must include spaces between words.

No attachments are permitted; any additional documents submitted will not be taken into consideration for the purposes of evaluation.

Marking Scheme	Evaluation Guidance
100	<p>The response is relevant to the question.</p> <p>Full evidence has been provided</p> <p>The response provides a high level of confidence that the process, including the systems and controls you have in place will identify and assess potential conflicts of interest.</p>
75	<p>The response is relevant to the question.</p> <p>Substantial evidence has been provided</p> <p>The response provides a good level of confidence that the process, including the systems and controls you have in place will identify and assess potential conflicts of interest.</p>
50	<p>The response is relevant to the question.</p> <p>Satisfactory evidence has been provided</p> <p>The response provides adequate level of confidence that the process, including the systems and controls you have in place will identify and assess potential conflicts of interest.</p>
25	<p>The response is relevant to the question.</p> <p>Partial evidence has been provided</p> <p>The response provides a low level of confidence that the process, including the systems and controls you have in place will identify and assess potential conflicts of interest.</p>
0	<p>The response is relevant to the question but has not been evidenced.</p> <p>The response provides no confidence that the process, including the systems and controls you have in place will identify and assess potential conflicts of interest.</p> <p>OR</p> <p>The response is not relevant</p>

A2 Managing and Minimising the Risk Conflicts of Interest

Potential Providers are required to demonstrate how you will manage Conflicts of Interest and minimise the risk of any potential Conflict of Interest.

A2 Response guidance

Your response must as a minimum include:

- how you will structure your legal teams, including the allocation of lawyers;
- how you will maintain separate reporting lines for legal teams; and
- what information barriers you will have in place to prevent individual lawyers, who are acting for your rail industry clients, from being able to see files, documents or other

information created by those of their colleagues that would be representing the Authority and its customers.

Responses should be limited to, and focused on the question posed. Potential Providers should refrain from making generalised statements and providing information not relevant to the topic. Whilst there will be no marks given to layout, spelling, punctuation and grammar, it will assist evaluators if attention is paid to these.

Maximum character count – 4096 characters including spaces and punctuation. This character count cannot be exceeded within the e-Sourcing Suite. Responses must include spaces between words.

No attachments are permitted; any additional documents submitted will not be taken into consideration for the purposes of evaluation.

Marking Scheme	Evaluation Guidance
100	<p>The response is relevant to the question.</p> <p>Full evidence has been provided</p> <p>The response provides a high level of confidence that you will manage conflicts of interest to reduce the risk of any potential client conflict.</p>
75	<p>The response is relevant to the question.</p> <p>Substantial evidence has been provided</p> <p>The response provides a good level of confidence that you will manage conflicts of interest to reduce the risk of any potential client conflict.</p>
50	<p>The response is relevant to the question.</p> <p>Satisfactory evidence has been provided</p> <p>The response provides adequate level of confidence that you will manage conflicts of interest to reduce the risk of any potential client conflict.</p>
25	<p>The response is relevant to the question.</p> <p>Partial evidence has been provided</p> <p>The response provides a low level of confidence that you will manage conflicts of interest to reduce the risk of any potential client conflict.</p>
0	<p>The response is relevant to the question but has not been evidenced.</p> <p>The response provides no confidence that you will manage conflicts of interest to reduce the risk of any potential client conflict.</p> <p>OR</p> <p>The response is not relevant</p>

10. SECTION B – CORE SPECIALISMS

- 10.1 Section B General Response Guidance
- 10.2 Potential Providers are required to demonstrate their capabilities pertaining to rail legal services in each of the Core Specialisms.
- 10.3 Potential Providers are required to answer all elements of B1 - B1 (i) to (iv)), B2 and B3 and are required to provide examples to support their responses.
- 10.4 The Authority advises that where possible Potential Providers should use examples in their responses to questions in respect of completed transactions. If this is not possible Potential Providers may use examples of on-going transactions and should make clear the current status of that transaction.
- 10.5 The Authority advise that where possible Potential Providers should use different examples in their responses to questions B1(i), B1(ii), B1(iii) and B1(iv). If this is not possible Potential Providers may use the same example(s).

B1 Regulatory Law Core Specialism Response guidance

This guidance applies to questions B1 (i) – B1 (iv).

Your response to each question must as a minimum include:

- a brief overview of the scope, scale and complexity of the relevant rail project(s) and the impact your legal advice had on the outcome of the project;
- evidence, where applicable, of consideration of the following:
 - rail specific legislation both domestic and European; and
 - key regulatory and commercial documents relating to the rail industry such as franchise terms, regulated access arrangements and rolling stock leasing arrangements.

The Authority advise that where possible Potential Providers should use different examples in their responses to questions B1(i), B1(ii), B1(iii) and B1(iv). If this is not possible Potential Providers may use the same example(s).

B1(i) Rail franchise awards

Potential Providers are required to demonstrate your organisation's capability and experience to deliver legal support in respect of rail franchise awards (including advising on competitions, extensions and single tender actions).

Please provide evidence of the legal support in respect of rail franchise awards (including advising on competitions, extensions and single tender actions) projects in Great Britain you have provided (or are providing) within the last 5 years.

B1(i) Response guidance

Maximum Character Count – 8,192

Responses should be limited to, and focused on the question posed. Potential Providers should refrain from making generalised statements and providing information not relevant to the topic. Whilst there will be no marks given to layout, spelling, punctuation and grammar, it will assist evaluators if attention is paid to these.

Maximum character count – 8,192 characters including spaces and punctuation. This character count cannot be exceeded within the e-Sourcing Suite. Responses must include spaces between words.

No attachments are permitted; any additional documents submitted will not be taken into consideration for the purposes of evaluation.

Marking Scheme

Mark	Classification	Definition
100	Outstanding/ Full demonstration	The response provided demonstrates an exceptional level of knowledge and provides outstanding evidence of capability and experience to deliver legal support for rail franchise awards as outlined in Appendix 2 of Panel Schedule 2 - Part A: Panel Services.
75	Good/substantial demonstration	The response provided demonstrates a good level of knowledge and provides substantial evidence of capability and experience to deliver of legal support for rail franchise awards as outlined in Appendix 2 of Panel Schedule 2 - Part A: Panel Services.
50	Acceptable /Satisfactory demonstration	The response provided demonstrates acceptable knowledge and evidence of capability and experience to deliver legal support for rail franchise awards as outlined in Appendix 2 of Panel Schedule 2 - Part A: Panel Services.
25	Partial demonstration	The response provided is limited in evidence of capability and experience to deliver legal advice for rail franchise awards as outlined in Appendix 2 of Panel Schedule 2 - Part A: Panel Services.
0	Not demonstrated	The response provided demonstrates no in-depth capability or experience at all to deliver legal advice for rail franchise awards as outlined in Appendix 2 of Panel Schedule 2 - Part A: Panel Services.

B1(ii) Rolling stock transactions

Potential Providers are required to demonstrate your organisation's capability and experience to deliver legal support in respect of rolling stock transactions (such as advising on standalone fleet procurements, maintenance arrangements and financings, procurement/maintenance arrangements/financings for fleets used by single or multiple franchisees).

Please provide evidence of the legal support in respect of rolling stock transactions in Great Britain (such as advising on standalone fleet procurements, maintenance arrangements and financings, advising on procurement/maintenance arrangements/financings for fleets used by single or multiple franchisees) you have provided (or are providing) within the last 5 years.

B1(ii) Response guidance

Maximum Character Count – 4,096

Responses should be limited to, and focused on the question posed. Potential Providers should refrain from making generalised statements and providing information not relevant to the topic. Whilst there will be no marks given to layout, spelling, punctuation and grammar, it will assist evaluators if attention is paid to these.

Maximum character count – 4,096 characters including spaces and punctuation. This character count cannot be exceeded within the e-Sourcing Suite. Responses must include spaces between words.

No attachments are permitted; any additional documents submitted will not be taken into consideration for the purposes of evaluation.

Marking Scheme

Mark	Classification	Definition
100	Outstanding/ Full demonstration	The response provided demonstrates an exceptional level of knowledge and provides outstanding evidence of capability and experience to deliver legal support for rolling stock transactions as outlined in Appendix 2 of Panel Schedule 2 - Part A: Panel Services.
75	Good/substantial demonstration	The response provided demonstrates a good level of knowledge and provides substantial evidence of capability and experience to deliver of legal support for rolling stock transactions as outlined in Appendix 2 of Panel Schedule 2 - Part A: Panel Services.
50	Acceptable /Satisfactory demonstration	The response provided demonstrates acceptable knowledge and evidence of capability and experience to deliver legal support for rolling stock transactions as outlined in Appendix 2 of Panel Schedule 2 - Part A: Panel Services.
25	Partial demonstration	The response provided is limited in evidence of capability and experience to deliver legal advice for rolling stock transactions as outlined in Appendix 2 of Panel Schedule 2 - Part A: Panel Services.
0	Not demonstrated	The response provided demonstrates no in-depth capability or experience at all to deliver legal advice for rolling stock transactions as outlined in Appendix 2 of Panel Schedule 2 - Part A: Panel Services.

B1(iii) Infrastructure concessions and other infrastructure related rail projects

Potential Providers are required to demonstrate your organisation's capability and experience to deliver legal support in respect of rail infrastructure concessions and other infrastructure related rail projects (such as alliances between the infrastructure manager and train operators) in Great Britain or elsewhere.

Please provide evidence of the legal support in respect of rail infrastructure concessions and other infrastructure related rail projects (such as alliances between the infrastructure manager and train operators) you have provided (or are providing) within the last 5 years in Great Britain or elsewhere.

B1(iii) Response guidance

Maximum Character Count – 4,096

Responses should be limited to, and focused on the question posed. Potential Providers should refrain from making generalised statements and providing information not relevant to the topic. Whilst there will be no marks given to layout, spelling, punctuation and grammar, it will assist evaluators if attention is paid to these.

Maximum character count – 4,096 characters including spaces and punctuation. This character count cannot be exceeded within the e-Sourcing Suite. Responses must include spaces between words.

No attachments are permitted; any additional documents submitted will not be taken into consideration for the purposes of evaluation.

Marking Scheme

Mark	Classification	Definition
100	Outstanding/ Full demonstration	The response provided demonstrates an exceptional level of knowledge and provides outstanding evidence of capability and experience to deliver legal support in respect of infrastructure related rail projects as outlined in Appendix 2 of Panel Schedule 2 - Part A: Panel Services.
75	Good/substantial demonstration	The response provided demonstrates a good level of knowledge and provides substantial evidence of capability and experience to deliver of legal support in respect of infrastructure related rail projects as outlined in Appendix 2 of Panel Schedule 2 - Part A: Panel Services.
50	Acceptable /Satisfactory demonstration	The response provided demonstrates acceptable knowledge and evidence of capability and experience to deliver legal support in respect of infrastructure related rail projects as outlined in Appendix 2 of Panel Schedule 2 - Part A: Panel Services.
25	Partial demonstration	The response provided is limited in evidence of capability and experience to deliver legal advice in respect of infrastructure related rail projects as outlined in Appendix 2 of Panel Schedule 2 - Part A: Panel Services.
0	Not demonstrated	The response provided demonstrates no in-depth capability or experience at all to deliver legal advice in respect of infrastructure related rail projects as outlined in Appendix 2 of Panel Schedule 2 - Part A: Panel Services.

B1(iv) Rail industry projects

Potential Providers are required to demonstrate your organisation’s capability and experience to deliver other rail related projects such as advising on

- i) the development of standard industry documentation;
- ii) regulatory projects such as the implementation of access charges reviews or modifications to licensing or access arrangements; or
- iii) in respect of structural issues relating to the rail sector.

Please provide evidence of the other rail related projects, you have delivered within the last 5 years which may include without limitation advising on:

- the development of standard industry documentation;
- regulatory projects such as the implementation of access charges reviews or modifications to licensing or access arrangements; and
- structural issues relating to the rail sector.

B1(iv) Response guidance

Maximum Character Count – 4,096

Responses should be limited to, and focused on the question posed. Potential Providers should refrain from making generalised statements and providing information not relevant to the topic. Whilst there will be no marks given to layout, spelling, punctuation and grammar, it will assist evaluators if attention is paid to these.

Maximum character count – 4,096 characters including spaces and punctuation. This character count cannot be exceeded within the e-Sourcing Suite. Responses must include spaces between words.

No attachments are permitted; any additional documents submitted will not be taken into consideration for the purposes of evaluation.

Marking Scheme

Mark	Classification	Definition
100	Outstanding/ Full demonstration	The response provided demonstrates an exceptional level of knowledge and provides outstanding evidence of capability and experience to deliver legal support in respect of rail projects as listed in (i) to (iii) above and as outlined in Appendix 2 of Panel Schedule 2 - Part A: Panel Services.
75	Good/substantial demonstration	The response provided demonstrates a good level of knowledge and provides substantial evidence of capability and experience to deliver of legal support in respect of rail projects as listed in (i) to (iii) above and as outlined in Appendix 2 of Panel Schedule 2 - Part A: Panel Services.
50	Acceptable /Satisfactory demonstration	The response provided demonstrates acceptable knowledge and evidence of capability and experience to deliver legal support in respect of rail projects as listed in (i) to (iii) above and s outlined in Appendix 2 of Panel Schedule 2 - Part A: Panel Services.
25	Partial demonstration	The response provided is limited in evidence of capability and experience to deliver legal advice in respect of rail projects as listed in (i) to (iii) above and as outlined in Appendix 2 of Panel Schedule 2 - Part A: Panel Services.
0	Not demonstrated	The response provided demonstrates no in-depth capability or experience at all to deliver legal advice in respect of rail projects as listed in (i) to (iii) above and as outlined in Appendix 2 of Panel Schedule 2 - Part A: Panel Services.

B2 Company, Commercial and Contract Law - Core Specialism

Potential Providers are required to demonstrate your organisation's capability and experience in the Company, Commercial and Contract law Core Specialism as outlined in Appendix 2 Core Specialisms of Attachment 7a Panel Agreement Schedule 2 Part A: Services.

Please provide evidence of your capability and experience of successfully providing complex commercial, contractual agreements as part of public sector transactions in any sector in the last five years.

B2 Response guidance

Your response must as a minimum include :

- a brief overview of the scope, scale and complexity of the relevant project(s);
- how you have effectively contributed to the development of any relevant public policies and their ultimate reflection in the contractual and other arrangements; and
- the impact your legal advice had on the outcome of the project

Maximum Character Count – 4,096

Responses should be limited to, and focused on the question posed. Potential Providers should refrain from making generalised statements and providing information not relevant to the topic. Whilst there will be no marks given to layout, spelling, punctuation and grammar, it will assist evaluators if attention is paid to these.

Maximum character count – 4,096 characters including spaces and punctuation. This character count cannot be exceeded within the e-Sourcing Suite. Responses must include spaces between words.

No attachments are permitted; any additional documents submitted will not be taken into consideration for the purposes of evaluation.

Marking Scheme

Mark	Classification	Definition
100	Outstanding/ Full demonstration	The response provided demonstrates an exceptional level of knowledge and provides outstanding evidence of capability and experience to deliver legal support for complex commercial contractual arrangements as part of public sector transactions including effective contribution to the development of relevant public policies and their ultimate reflection in the contractual and other arrangements as outlined in Appendix 2 of Panel Schedule 2 - Part A: Panel Services.
75	Good/substantial demonstration	The response provided demonstrates a good level of knowledge and provides substantial evidence of capability and experience to deliver legal support for complex commercial contractual arrangements as part of public sector transactions including effective contribution to the development of relevant public policies and their ultimate reflection in the contractual and other

		arrangements as outlined in Appendix 2 of Panel Schedule 2 - Part A: Panel Services.
50	Acceptable /Satisfactory demonstration	The response provided demonstrates acceptable knowledge and evidence of capability and experience to deliver legal support for complex commercial contractual arrangements as part of public sector transactions including effective contribution to the development of relevant public policies and their ultimate reflection in the contractual and other arrangements as outlined in Appendix 2 of Panel Schedule 2 - Part A: Panel Services.
25	Partial demonstration	The response provided is limited in evidence of capability and experience to deliver legal support for complex commercial contractual arrangements as part of public sector transactions including effective contribution to the development of relevant public policies and their ultimate reflection in the contractual and other arrangements as outlined in Appendix 2 of Panel Schedule 2 - Part A: Panel Services.
0	Not demonstrated	The response provided demonstrates no in-depth capability or experience at all to deliver legal support for complex commercial contractual arrangements as part of public sector transactions including effective contribution to the development of relevant public policies and their ultimate reflection in the contractual and other arrangements as outlined in Appendix 2 of Panel Schedule 2 - Part A: Panel Services.

B3 Procurement Law - Core Specialism

Potential Providers are required to demonstrate your organisation’s capability and experience in Procurement Law as outlined in Appendix 2 of Panel 2 Part A: Panel Services.

Please provide evidence of your capability and experience in providing in-depth, and solution focussed procurement law advice on major public procurement exercises in the last five years.

B3 Response guidance

Your response must as a minimum include :

- a brief overview of the scope, scale and complexity of the relevant project(s); and
- the impact your legal advice had on the outcome of the project

Maximum Character Count – 8,192

Responses should be limited to, and focused on the question posed. Potential Providers should refrain from making generalised statements and providing information not relevant to the topic. Whilst there will be no marks given to layout, spelling, punctuation and grammar, it will assist evaluators if attention is paid to these.

Maximum character count – 8,192 characters including spaces and punctuation. This character count cannot be exceeded within the e-Sourcing Suite. Responses must include spaces between words.

No attachments are permitted; any additional documents submitted will not be taken into consideration for the purposes of evaluation.

Marking Scheme

Mark	Classification	Definition
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100	Outstanding/ Full demonstration	The response provided demonstrates an exceptional level of knowledge and provides outstanding evidence of capability and experience to deliver procurement law advice as outlined in Appendix 2 of Panel 2 Part A: Panel Services.
75	Good/substantial demonstration	The response provided demonstrates a good level of knowledge and provides substantial evidence of capability and experience to deliver procurement law advice as outlined in Appendix 2 of Panel 2 Part A: Panel Services.
50	Acceptable /Satisfactory demonstration	The response provided demonstrates acceptable knowledge and evidence of capability and experience to deliver procurement law advice as outlined in Appendix 2 of Panel 2 Part A: Panel Services.
25	Partial demonstration	The response provided is limited in evidence of capability and experience to deliver procurement law advice as outlined in Appendix 2 of Panel 2 Part A: Panel Services.
0	Not demonstrated	The response provided demonstrates no in-depth capability or experience at all to deliver procurement law advice as outlined in Appendix 2 of Panel 2 Part A: Panel Services.

SECTION C: SUPPLIER DELIVERY

C1 Collaborative / Partnership Working

Please provide one example (with supporting evidence) where your organisation has worked collaboratively with:

- A customer's internal lawyers; and
- Lawyers / Technical Consultants from other law firms

C1 Response guidance

Your response must as a minimum include:

- i. the scope and nature of the collaboration;
- ii. the challenges, if any, that you faced whilst working collaboratively and how you overcame the challenges;
- iii. how you generated and maintained effective engagement with the team; and
- iv. how you added value through your ways of working.

Responses should be limited to, and focused on the question posed. Potential Providers should refrain from making generalised statements and providing information not relevant to the topic. Whilst there will be no marks given to layout, spelling, punctuation and grammar, it will assist evaluators if attention is paid to these.

Maximum character count – 4096 characters including spaces and punctuation. This character count cannot be exceeded within the e-Sourcing Suite. Responses must include spaces between words.

No attachments are permitted; any additional documents submitted will not be taken into consideration for the purposes of evaluation.

Marking Scheme	Evaluation Guidance
100	<p>The response is relevant to the question.</p> <p>Full evidence has been provided.</p> <p>The response provides a high level of confidence that the approach adopted evidences the ability to work collaboratively.</p>
75	<p>The response is relevant to the question.</p> <p>Substantial evidence has been provided.</p> <p>The response provides a good level of confidence that the approach adopted evidences the ability to work collaboratively.</p>
50	<p>The response is relevant to the question.</p> <p>Satisfactory evidence has been provided.</p> <p>The response provides an adequate level of confidence that the approach adopted evidences the ability to work collaboratively.</p>
25	<p>The response is relevant to the question.</p> <p>Partial evidence has been provided.</p> <p>The response provides a low level of confidence that the approach adopted evidences the ability to work collaboratively.</p>
0	<p>The response is relevant to the question but has not been evidenced.</p> <p>The response provides no confidence that the approach adopted evidences the ability to work collaboratively.</p> <p>OR</p> <p>The response is not relevant</p>

C2 Technology / Innovation

What new and emerging technologies do you use and how do you use these to drive efficiencies in the provision of legal services and to reduce charges?

C2 Response guidance

Your response must as a minimum include:

- i. the technology you have or will have in place by the Panel Agreement Commencement Date;
- ii. how this technology does / will drive efficiencies in the provision of the Panel Services to Panel Customers and reduce their charges; and
- iii. details of any future technology you are planning to introduce in the next two (2) years and how this technology will drive efficiencies in the provision of Panel Services to Panel Customers and reduce their charges.

Responses should be limited to, and focused on the question posed. Potential Providers should refrain from making generalised statements and providing information not relevant to

the topic. Whilst there will be no marks given to layout, spelling, punctuation and grammar, it will assist evaluators if attention is paid to these.

Maximum character count – 4096 characters including spaces and punctuation. This character count cannot be exceeded within the e-Sourcing Suite. Responses must include spaces between words.

No attachments are permitted; any additional documents submitted will not be taken into consideration for the purposes of evaluation.

Marking Scheme	Evaluation Guidance
100	<p>The response is relevant to the question.</p> <p>Full evidence has been provided.</p> <p>The response provides a high level of confidence that the technology evidenced will drive efficiencies in the provision of Legal Services and reduce charges.</p>
75	<p>The response is relevant to the question.</p> <p>Substantial evidence has been provided.</p> <p>The response provides a good level of confidence that the technology evidenced will drive efficiencies in the provision of Legal Services and reduce charges.</p>
50	<p>The response is relevant to the question.</p> <p>Satisfactory evidence has been provided.</p> <p>The response provides adequate level of confidence that the technology evidenced will drive efficiencies in the provision of Legal Services and reduce charges.</p>
25	<p>The response is relevant to the question.</p> <p>Partial evidence has been provided.</p> <p>The response provides a low level of confidence that the technology evidenced will drive efficiencies in the provision of Legal Services and reduce charges.</p>
0	<p>The response is relevant to the question but has not been evidenced.</p> <p>The response provides no confidence that the technology evidenced will drive efficiencies in the provision of Legal Services and reduce charges.</p> <p>OR</p> <p>The response is not relevant.</p>

C3 Culture and Service Delivery

- (a) How will your organisation determine how, and to what level of seniority, work is assigned (team formation) to ensure quality outcomes and to minimise charges to Panel Customers?

(b) What safeguards / policies are in place to ensure service delivery in the shortest possible time to represent value for money (minimising billable hours), whilst maximising quality?

C3 Response guidance

Your response must as a minimum include:

- i. the methods you deploy for assessing and matching individual lawyers' to assignments to achieve quality outcomes and minimise charges; and
- ii. what steps, if any, you take during an assignment / project to ensure quality outcomes and to minimise charges.

Responses should be limited to, and focused on the question posed. Potential Providers should refrain from making generalised statements and providing information not relevant to the topic. Whilst there will be no marks given to layout, spelling, punctuation and grammar, it will assist evaluators if attention is paid to these.

Maximum character count – 4096 characters including spaces and punctuation. This character count cannot be exceeded within the e-Sourcing Suite. Responses must include spaces between words.

No attachments are permitted; any additional documents submitted will not be taken into consideration for the purposes of evaluation.

Marking Scheme	Evaluation Guidance
100	<p>The response is relevant to the question.</p> <p>Full evidence has been provided.</p> <p>The response provides a high level of confidence that the methods adopted evidences delivery of quality outcomes and minimise charges</p>
75	<p>The response is relevant to the question.</p> <p>Substantial evidence has been provided.</p> <p>The response provides a good level of confidence that the methods adopted evidences delivery of quality outcomes and minimise charges.</p>
50	<p>The response is relevant to the question.</p> <p>Satisfactory evidence has been provided.</p> <p>The response provides adequate level of confidence that the methods adopted evidences delivery of quality outcomes and minimise charges.</p>
25	<p>The response is relevant to the question.</p> <p>Partial evidence has been provided.</p> <p>The response provides a low level of confidence that the methods adopted evidences delivery of quality outcomes and minimise charges.</p>
0	<p>The response is relevant to the question but has not been evidenced.</p> <p>The response provides no confidence that the methods adopted evidences delivery of quality outcomes and minimise charges.</p> <p>OR</p> <p>The response is not relevant.</p>

C4 Value Added Services

What additional Value Added Services beyond those specified in the Panel Agreement Schedule 2 Part A: Panel Services (Attachment 7a) will you offer to panel Customers, free of charge, which are relevant to the scope of the Panel Services and which will benefit Panel Customers?

C4 Response guidance

Your response must as a minimum include:

- i. a description of each additional Value Added Service (including any extra free training beyond the mandatory minimum of one (1) day) that will be made available to Panel Customers; and
- ii. a description of the benefits each additional Value Added Service will offer to Panel Customers.

Responses should be limited to, and focused on the question posed. Potential Providers should refrain from making generalised statements and providing information not relevant to the topic. Whilst there will be no marks given to layout, spelling, punctuation and grammar, it will assist evaluators if attention is paid to these.

Maximum character count – 4096 characters including spaces and punctuation. This character count cannot be exceeded within the e-Sourcing Suite. Responses must include spaces between words.

No attachments are permitted; any additional documents submitted will not be taken into consideration for the purposes of evaluation.

Potential Providers should note that any additional value added services (including an increase to the number of free training days to the Authority) will be regarded as forming part of the Potential Providers' Tender Submission and will be included in the Panel Agreement signed with successful Suppliers.

Marking Scheme	Evaluation Guidance
100	The response is relevant to the question. Full evidence has been provided. The response provides a high level of confidence that additional value added services will be offered and will benefit Customers.
75	The response is relevant to the question. Substantial evidence has been provided. The response provides a good level of confidence that additional value added services will be offered and will benefit Customers
50	The response is relevant to the question. Satisfactory evidence has been provided. The response provides adequate level of confidence that additional value added services will be offered and will benefit Customers.
25	The response is relevant to the question. Partial evidence has been provided.

	The response provides a low level of confidence that additional value added services will be offered and that they will benefit Customers.
0	The response provides no confidence that additional value added services will be offered or that they will benefit Customers. OR The response is not relevant.