

SSRO-C-143 Online Legal Resource

Invitation to Tender

September 2024

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## Introduction

* + 1. The Single Source Regulations Office (“**SSRO**”) invites proposals for the provision of the services described in the Specification at section 2 of this Invitation to Tender (“**ITT**”).
		2. As part of the bid process, you are required to submit a Tender explaining how your offer will meet the requirements described in the Specification. Your Tender must address the requirements specified in paragraph 3.1 of this ITT.
		3. The SSRO will evaluate tenders fairly against the evaluation criteria set out in section 4 of this ITT.

## The SSRO

* + 1. The Defence Reform Act 2014 (‘the Act’) created a regulatory framework for single source defence contracts. The framework places controls on the prices of qualifying contracts and requires greater transparency on the part of defence contractors.
		2. The Single Source Regulations Office (SSRO) is an executive non-departmental public body, sponsored by the Ministry of Defence. We provide independent, expert leadership on the regulation of single source contracts and carry out a range of statutory functions in support of the regulatory framework. When exercising our functions, we aim to ensure that:
* good value for money is obtained in government expenditure on qualifying defence contracts; and
* That persons who are parties to qualifying defence contracts are paid a fair and reasonable price under those contracts.
	+ 1. Additional general information about the SSRO can be found on the website: <http://www.gov.uk/government/organisations/single-source-regulations-office>

### Instructions to bidders

* + 1. Please read the instructions on the tendering procedures carefully. Failure to comply with the instructions or to return any of the required documents or information may invalidate your tender.

### Timetable

* + 1. The SSRO anticipates that the tender process will be run in accordance with the timetable set out below. However, the SSRO reserves the right to vary, amend or cancel the timetable or process at any stage prior to contract award. Where amendments are significant, the SSRO may at its discretion extend the deadline for receipt of Tenders.

| **Event** | **Date/Time** |
| --- | --- |
| Tender documents issued | 18 September 2024 |
| Deadline for receipt of clarification questions | 27 September 2024 (5pm) |
| SSRO response to supplier questions | 2 October 2024 (5pm) |
| Tender return deadline | 7 October 2024 (12pm) |
| Notification of decision | 21 October 2024 |
| Commencement | 25 October 2024 |

* + 1. This is an indicative timetable and may be subject to change. Candidates will be notified if there are any delays to the timetable for evaluation of tenders.

### Content and amendments

* + 1. The information contained in this ITT and the supporting documents and in any related written or oral communication is believed to be correct at the time of issue, but the SSRO will not accept any liability for its accuracy, adequacy or completeness and no warranty is given as such. This exclusion does not extend to any fraudulent misrepresentation made by or on behalf of the SSRO.
		2. The SSRO reserves the right to amend the ITT at any time prior to the deadline for receipt of tenders. Where amendments are significant, the SSRO may at its discretion extend the deadline for receipt of tenders.

### Questions about this ITT

* + 1. It is the responsibility of tenderers to obtain at their own expense all additional information necessary for the preparation of their response to this ITT. No claims of insufficient knowledge will be entertained.
		2. You may submit any queries you have relating to this ITT by no later than the date and time specified in the timetable at paragraph 1.8 above.
		3. Please submit such queries by email to the SSRO at: tenders@ssro.gov.uk. The title of your email must be “SSRO-C-143 Online Legal Resources: clarification question”.
		4. Any specific queries should clearly reference the appropriate paragraph in the documentation and, to the extent possible, should be aggregated rather than sent individually.
		5. The SSRO will respond to reasonable requests for clarification of this ITT and supporting documents, provided they are received before the above deadline. No queries received after the above deadline will be answered.
		6. The SSRO aims to publish answers to clarification questions on Contracts Finder on or before the date and time specified in the timetable at paragraph 1.8 above. All questions and their answers will be published without revealing the identity of the individual bidder that put forward a particular question.

### Instructions for return of tenders

* + 1. Please submit your Tender by email to the SSRO at: tenders@ssro.gov.uk.
		2. The title of your email must be “SSRO-C-143 Online Legal Resources Tender”. The documents required to be submitted with your proposal should be provided as attachments to your email.
		3. Your Tender must be returned by the date and time specified in the timetable at paragraph 1.8 above. Any tender received after this date and time will not be considered. Tenders received before the due date will be retained unopened until after the deadline for submission.
		4. It is your responsibility to ensure that your tender is delivered not later than the specified time. The SSRO accepts no liability whatsoever for bids that are not processed due to internet connectivity issues, transmission delays or errors.
		5. Bidders are advised to retain for themselves details of their submission. The SSRO cannot guarantee that a copy will have been retained after the procurement process has been concluded.

### Transparency

* + 1. The Freedom of Information Act 2000 (“FOIA”) and the Environmental Information Regulations 2004 (“EIR”) apply to the SSRO. You should be aware of the SSRO’s obligations and responsibilities under FOIA and EIR to disclose, on written request, recorded information held by the SSRO. Information provided by you in connection with this procurement exercise, or with any contract that may be awarded as a result of this exercise, may be required by law to be disclosed, unless the SSRO considers that an exemption can be applied.
		2. If you wish to designate information supplied as part of this response as confidential, or if you believe that its disclosure would be prejudicial to any person’s commercial interests, you must provide clear and specific detail as to the precise information involved. Such designation alone may not prevent disclosure if in the SSRO’s reasonable opinion publication is required by applicable legislation or policy or where disclosure is required by the Information Commissioner or the First-tier Tribunal (Information Rights), or a court.
		3. Additionally, for reasons of transparency, the SSRO may publish its Tender documents on a publicly searchable website. The same applies to any contract entered into by the SSRO as a result of this procurement exercise. By submitting a Tender, the supplier agrees that their participation in this procurement and any resultant contract may be made public. Where Tender documents or contracts are disclosed, the SSRO will redact them as it considers necessary and, in doing so, will have regard to the exemptions in the FOIA or EIR.

### Conflicts of interest

* + 1. The SSRO requires that bidders notify it immediately should there be a conflict of interest (or risk thereof). Any bidder failing to notify a conflict that was known, or ought to have been known, at the time of submitting its tender and is later identified will be disqualified.

### Acceptance of tenders

* + 1. The SSRO reserves the right to discontinue this procurement at any time or not to select a supplier and does not bind itself to accept the lowest or any tender.
		2. Bidders are advised that in the event of their Tender being successful, the contract between the SSRO and the Contractor will only come into existence once it has been duly executed in writing by both parties.
		3. No other purported method of acceptance (e.g., telephone call) or any action by the bidder (e.g., commencement of any work or service) shall be binding upon the SSRO or have any contractual effect.
		4. Nothing contained in this ITT shall constitute an agreement. Receipt by the bidder of this ITT does not imply the existence of a contract or commitment by or with the SSRO for any purpose and bidders should note that the ITT may not result in the award of any business.

### Bid costs

* + 1. Tenders are to be prepared and submitted at the cost of the bidder. The SSRO will not be liable for any costs incurred by the bidder in the preparation and submission of a tender. For the avoidance of doubt, bid costs include fees incurred by the bidder directly or indirectly as a result of preparation and submission of this Tender.

### Sub-contractors and consortia

* + 1. If you are bidding for this contract in association with another supplier, you must explain the structure of your bid. If you do not do so, then your bid may be disqualified.
		2. Bidders must indicate whether they are reliant on any third parties for any aspects of fulfilling the project as specified, or if this is consortia bid. In such cases you should provide full details of subcontractors and partners, the nature of the relationship and the intended balance of work to be completed, and copies of quality assurance arrangements operating with subcontractors. Failure to provide this information will result in the bid being disqualified.
		3. Bidders and Contractors must not, without the prior consent of the SSRO, appoint sub-contractors or add consortia partners who have not been declared as part of the initial submission. The SSRO may refuse consent for any reason, acting reasonably. This is to ensure that services are delivered in a timely, good quality and cost-effective fashion.
		4. The SSRO may request a copy of the consortia legal arrangements or the form of contract to be entered into between the Contractor and any proposed sub-contractor. Failure to provide this information may lead to the bid being disqualified or the SSRO withholding its consent to the appointment of sub-contractors.

## The Specification

* + 1. The SSRO is seeking web-based access to legal resources for a period of 3 years covering:
* the essential services described in para 2.5 (the “Essential Services”); and
* at the SSRO’s discretion, the additional services described in paragraph 2.6 below (the “Additional Services”) they can offer.
	+ 1. The SSRO requires the Essential Services and may, in its sole discretion, decide to also purchase one or more of the Additional Services.
		2. The Essential Services and Additional Services (together, the “Services”) should meet the following requirements:
			- resources updated promptly to reflect developments in the law;
			- resources available 24 hours a day, 7 days a week, 365 a year, subject to a minimum level of disruption which the bidder should specify in the tender.
			- customer support services by telephone and/or email. Customer support service requests should be responded to in a timely manner.
		3. The Services must be available for a minimum of two people.

**Essential Services**

* + 1. The SSRO requires the following, as a minimum:
			- Up to date legislation and statutory instruments and linked case law references and commentary;
			- Comprehensive databases of UK and (retained) EU case law;
			- Encyclopaedias, commentary, journals and practice guides in the following areas:
				1. Procurement and contracts;
				2. Administrative and public law;
				3. Civil procedure, including Judicial Review;
				4. Access to information, particularly: freedom of information, data protection, GDPR and official secrets;
				5. Employment law; and
			- Comprehensive precedent documents.

**Additional Services**

* + 1. The SSRO may at its sole discretion decide to purchase the following products (or equivalents):
			- Law of Public and Utilities Procurement, volume 1 (latest edition), Arrowsmith;
			- Chitty on Contracts, volume 1 (latest edition), Beale;
			- Public Procurement Law Review; and
			- Halsbury’s Laws of England.
		2. The SSRO invites bidders to identify which of the Additional Services they can offer or any equivalent products.

## Bidder’s Proposal

* + 1. Tenders must include the following:
			- 1. Pricing:

A fixed price for a 3-year contract covering the Essential Services; and

Separately itemised, the fixed price of each of the Additional Services for the same period, if they are offered.

* + - * 1. A statement of the bidder’s Essential Services offering, clearly indicating what is and is not included, and how it will meet the Specification.
				2. Without limiting (b), the Tender should clearly indicate the resources which will be included as part of the Essential Services.
				3. The proposed terms and conditions.
		1. Tenders which omit any of the required information may not be considered.
		2. Additional pre-existing material may be provided, if this would assist understanding of the Tender.

## Evaluation

* + 1. Prior to evaluating Tenders, the SSRO will carry out a review of each Tender to confirm completeness and compliance with the requirements of this ITT.
		2. Contract award will be based on the most economically advantageous tender in relation to the Essential Services. Tenders will be scored on the basis of price and quality, with the division between these being as follows: **Quality 70%; and Price 30%.**

### Quality evaluation

* + 1. In relation to quality, tenders will be evaluated by assigning a score to the following (each of which carries an equal weighting):
			- 1. the quality of the proposal overall having regard to the requirements of the Essential Services;
				2. the extent to which the Services offering meets the SSRO’s needs in respect of each of the matters in paragraphs 2.3 and 2.4 above; and
				3. any further and relevant resources included in the Essential Services offering.

 4.4 **Assessment table**

| **Assessment** | **Score** |
| --- | --- |
| ***Unacceptable:***  the response does not meet any of the requirements or no response has been provided. An unacceptable and/or non-compliant response with serious reservations, demonstrating no understanding of the requirement. | 0 |
| ***Unsatisfactory:*** the proposal significantly fails to meet the requirements as it does not demonstrate a full understanding of them, posing major concerns. | 1 |
| ***Weak*** – the proposal falls below the requirements. The response has met some, but not all elements of the requirement, which poses risk that the proposal will not meet the deliverables required.  | 2 |
| ***Satisfactory*** – the proposal meets the required elements with low levels of assurance. The response is acceptable and meets all the basic requirements. However, the response is not sufficiently detailed to minimise risk and/or the proposed approach may require additional support (in addition to that outlined in the Services Specification) from the SSRO to meet its deliverables. | 3 |
| ***Good*** – the proposal meets the requirements with moderate levels of assurance. The response fully meets all requirements with detail provided, minimising risks to delivery. The response is comprehensive and unambiguous, demonstrating a thorough understanding of the requirements and provides details of how the requirement will be met in full without additional support from the SSRO, other than that outlined within the Services Specification. | 4 |
| ***Outstanding*** - the proposal exceeds the requirement with high levels of assurance. The response is comprehensive and unambiguous, demonstrating a thorough understanding of the requirements, providing detail of how the requirement will be met in full without additional support from the SSRO. The Potential Provider has also provided additional beneficial services, solutions, and skills other than those outlined within the Services Specification. | 5 |

4.5 Bidders can gain scores of 5 by providing innovative proposals that exceed the SSRO’s core expectations as expressed in the specification. The SSRO also encourages bidders to present innovative methods of service delivery that will add value to the services.

4.6 A total quality score will be aggregated based on the assigned scores, as follows:

| **Quality element** | **Score** |
| --- | --- |
| The quality of the proposal overall having regard to the requirements of the Essential Services | 0 – 5 |
| The extent to which the Services offering meets the SSRO’s needs in respect of each of the matters in paragraphs 2.3 and 2.4 of the specification | 0 – 5 |
| Any further and relevant resources included in the Essential Services offering. | 0 – 5 |
| **Total Quality Score** | **Sum of the above** |

As the weighting of each quality element is equal and the maximum Total Quality Score available is 15, the following formula will be applied:

(Total Quality Score / 15) x 100 = quality score for that bidder, being a % of the available marks for quality (70).

### Price evaluation

4.7 Bidders are required to complete the tables in the Pricing Schedule **(Appendix 3)**. Bidders should note that the price quotes for the Essential Services only is scored. The price(s) quoted for the Additional Services offered are not scored.

4.8 The Price criteria has a weighting of 30%.

4.9 The lowest-priced Tender based on the price quoted for the Essential Services will receive the full marks available. The price of each of the other Tenders will be scored proportionately to the lowest-priced Tender, according to the following calculation:

(Lowest-priced Tender / price of Tender being scored) x 30% x 100

**Example:**

Bidder A submits a Tender with a cost of £25,000.

The lowest-priced Tender received in relation to the Essential Services was £20,000. Bidder A’s score for the will be calculated as follows:

20,000/25,000 = 0.80

0.80 x 30% = 0.24

0.24 x 100 = 24.00

Bidder A will therefore receive an overall weighted score of 24 for price.

###  Ranking and provisional award of contract

4.10 Price and Quality/Technical scores will be added together to give a total score for each bidder, and each bidder will be ranked accordingly. The highest-ranking bidder will be recommended for contract award. Should there be a tie in scores between the bidders ranked first and second, the bidder with the lowest-priced Tender will be recommended for contract award.

4.11 Any Tender which in the reasonable opinion of the Evaluation Team is fundamentally unacceptable on any key point regardless of its other merits, may be rejected.

4.12 The SSRO reserves the right to award a contract to more than one bidder.

## Statement of Conduct

* + 1. Bidders must provide a completed statement of conduct in accordance with the template provided at Appendix 3 with this ITT.

**6. Form of Tender**

6.1 Bidders must provide a completed Form of Tender, which is provided at Appendix 2 with this ITT.

6.2 The Form of Tender requires that bids remain valid for acceptance for 90 days from the deadline for receipt of Tenders. If this statement is excluded, amended or qualified, the bid will be rejected.

## Documents and information to be supplied

7.1 Bidders are reminded that the following documents and/or information are to be submitted as part of their tender:

1. Bidder’s proposal, including proposed terms and conditions (requirements set out at paragraph 3.1);

2. Completed pricing schedule;

3. Completed Form of Tender; and

4. Completed Statement of Conduct