

Invitation to Tender

Online legal resources

16 September 2021

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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.

### Instructions to firms submitting a Tender

* + 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 Tender timetable is as follows:

| **Event** | **Date/Time** |
| --- | --- |
| Tender documents issued | 16 September 2021 |
| Deadline for receipt of clarification questions | 24 September 2021 (5pm) |
| SSRO response to supplier questions | 28 September 2021 |
| Tender return deadline | 1 October 2021 (5pm) |
| Notification of decision | 14 October 2021 |
| Commencement | 25 October 2021 |

* + 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 1.5 above.
		3. Please submit such queries by email to the SSRO at: tenders@ssro.gov.uk. The title of your email must be “Online Legal Resources Tender”.
		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 1.5 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 return your Tender by email to the SSRO at: tenders@ssro.gov.uk.
		2. The title of your email must be “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 1.5 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 reserves the right to make a charge to subsequently provide a copy of a submitted Tender.

### 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 or EIR to disclose, on written request, recorded information held by the SSRO. Information provided by you in connection with this tender exercise, or with any contract that may be awarded as a result of this exercise, may therefore have to be disclosed by the SSRO, unless the SSRO decides that one of the statutory exemptions under the FOIA or the exceptions in the EIR applies.
		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).
		3. Additionally, for reasons of transparency the SSRO may publish its tender documents (including ITTs such as this) on a publicly searchable web site. The same applies to any contract entered into by SSRO once the procurement is complete. By submitting a tender, you agree that your participation in this tender exercise may be made public. The answers you give in response may also be published where they form part of the resultant contract (and, in any event, may fall to be disclosed under FOIA or EIR). Where tender documents issued by the SSRO or contracts with its suppliers are disclosed, the SSRO will redact them as it considers appropriate, having regard to the exemptions in the FOIA or EIR.

### Conduct of bidders

* + 1. Offering an inducement of any kind in relation to obtaining this or any other contract with SSRO will disqualify your tender from being considered and may constitute a criminal offence.
		2. You must not:
			- 1. tell anyone else what your tender price is or will be, before the time limit for delivery of tenders;
				2. try to obtain any information about anyone else's tender or proposed tender before the time limit for delivery of tenders; or
				3. make any arrangements with another organisation about whether or not they should tender, or about their or your tender price.
		3. Should it be determined that any bidder has been communicating with any other bidder in respect to this tender exercise or the proposed contract, the SSRO may, acting reasonably, disqualify both bidders.
		4. The SSRO will investigate Tenders where the price appears to be abnormally low. If the bidder cannot provide genuine reasons for the low prices, then the SSRO may disqualify the bidder.
		5. You should not withdraw a Tender after it has been opened. If you do so, and the SSRO is not satisfied with the reasons for withdrawal, then the SSRO may refuse to accept future tenders from you.
		6. If the SSRO disqualifies a bidder from this procurement, it will also consider whether to exclude the bidder from subsequent procurement exercises.

### 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 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.

### 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 a 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.
		3. If you are intending to bid as a consortium and to establish a new legal entity to perform the contract please give full details of how that entity will be constituted, including its legal status, who will own it and in what proportions. The SSRO may require cross guarantees to be provided by all members of the consortium.
		4. 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, provided it does not act unreasonably. This is to ensure a timely, good quality and cost-effective outcome.
		5. 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 refusing its consent to sub-contractors or consortia partners.
		6. The SSRO appreciates that discussions over the delivery partner structure and supply chain may impact the overall cost of the scheme and the bidder is required to highlight all such options and impacts prior to any award.

## The Specification

* + 1. The SSRO is seeking web-based access to legal resources for a period of 3 years:
* the essential services described in para 2.5 (the “Essential Services”); and
* 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.
		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 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 (3rd Edition), Arrowsmith;
			- Chitty on Contracts, volume 1 (33rd Edition), Beale; and/or
			- Public Procurement Law Review.
		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 assists understanding of the Tender.

## Evaluation

* + 1. 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: Price 60%; and Quality 40%.

### 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 additional and relevant resources included in the Essential Services offering.
		2. Quality scores will be awarded between 0 and 5, with an indication of how the scores will be assigned as follows:

0 = Unacceptable

1 = Unsatisfactory – well below requirement

2 = Weak - below requirement

3 = Satisfactory – meets requirement with low levels of assurance

4 = Good – meets the requirement with moderate levels of assurance

1. = Outstanding – meets the requirement with high levels of assurance
	* 1. A total quality score will be aggregated based on the assigned scores, as follows:

| **Quality element** | **Score** |
| --- | --- |
| Quality of the proposal overall in relation to the Services | 0 – 5 |
| Proposal meets needs set out at paragraphs 2.3 and 2.4 | 0 – 5 |
| Additional and relevant resources | 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 (40).

### Price evaluation

* + 1. The price evaluation will consist of an assessment of the bidder’s tendered price (excluding VAT) for the Essential Services for a 3-year contract. The price of the Additional Services will not be scored.
		2. The SSRO will score the price of each tender out of 60 based on the relative difference between the bidders. 100% of the available marks for price (60) will be allocated to the lowest price bid (based on the price of the Essential Services) and then that lowest price is used as a percentage of the prices of the other bids.

The formula is: (Lowest price / price being evaluated) x 100 = price score for that bidder

Example:

Bidder A: £19,000

Bidder B: £17,500

Bidder C: £25,000

Following the above formula, the results generated are:

Bidder B: 100% (as it is the lowest bid)

Bidder A: 92% ((17,500 / 19,000) x 100)

Bidder C: 70% ((17,500 / 25,000) x 100)

### Overall score

* + 1. The aggregated scores for quality and price will be added together to arrive at a total score and the bidder with the highest score shall be awarded the contract.
		2. Any tender which in the reasonable opinion of the officers conducting the evaluation is fundamentally unacceptable on any key point (including any of the proposed contract terms), regardless of its other merits, may be rejected by the SSRO at its discretion.
		3. 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 with this ITT.

## Documents and information to be supplied

* + 1. Bidders are reminded that the following documents and/or information are to be submitted as part of their tender:

Bidder’s proposal (requirements set out at paragraph 3.1);

Completed Form of Tender; and

Completed Statement of Conduct.