



Crown  
Commercial  
Service

# Invitation to tender Attachment 2 – How to bid

## Rail Legal Services RM6204

# Contents

1. How to make your bid .....	3
2. How to submit your bid in the eSourcing suite .....	3
3. Overview of the competition stages .....	3
4. Selection stage .....	4
5. Award stage part 1 .....	5
6. Part 1 quality evaluation.....	10
7. Part 1 price evaluation .....	31
8. Process of selection of bids to proceed from Award stage part 1 to Award stage part 2 .....	36
9. Award stage part 2.....	37
10. Part 2 quality evaluation.....	39
11. Part 2 price evaluation .....	45
12. Final decision to Award.....	46
Annex 1 – Part 2 Interview Presentations .....	48

## **1. How to make your bid**

- 1.1 Your bid must be made by the organisation that will be responsible for providing the goods and/or services if your bid is successful.
- 1.2 Upload ONLY those attachments we have asked for. Do not upload any attachments we haven't asked for.
- 1.3 Make sure you answer every question.
- 1.4 You must submit your bid before the bid submission deadline, in paragraph 6 "Timelines for the competition" in Attachment 1 - About the framework.
- 1.5 It will be our decision whether we will accept bids submitted after the bid submission deadline.
- 1.6 You must log on to the eSourcing suite and access your message inbox for this competition to check for messages regularly for the duration of this competition.
- 1.7 If anything is unclear, or you are unsure how to complete your bid submission, you can raise a question before the clarification question deadline, via the eSourcing suite. Read paragraph 7 "When and how to ask questions" in Attachment 1 - About the framework.
- 1.8 We may require you to clarify aspects of your bid in writing and/or provide additional information. Failure to respond within the time required, or to provide an adequate response may result in the rejection of your bid and your exclusion from this competition.

## **2. How to submit your bid in the eSourcing suite**

- 2.1 Your bid must be entered into the eSourcing suite. We can only accept bids that we receive through **the eSourcing** suite.
- 2.2 Responses to the selection questionnaire (qualification envelope), quality questionnaire (technical envelope) and the price questionnaire (commercial envelope) must be answered online in the eSourcing suite.

## **3. Overview of the competition stages**

### **3.1 Selection stage**

At the selection stage, we will evaluate Bidders' technical, professional and financial capabilities to deliver the Deliverables.

If you have successfully passed the selection stage, you will proceed to the Award stage part 1.

### **3.2 Award stage part 1**

At the Award stage part 1, we will evaluate the Bidders' responses to the quality questionnaire in the eSourcing suite ("Part 1 Quality Evaluation"), in accordance with paragraph 6; and we will evaluate the values tendered in the Pricing Matrix ("Part 1 Price Evaluation"), in accordance with the instructions provided in paragraph 7.

If you have been ranked 1st to 12th, you will be invited to participate in Award stage part 2.

### 3.3 Award stage part 2

At the Award stage part 2, we will evaluate the responses provided by the Bidder's representatives at the Interview Presentation ("Part 2 Quality Evaluation") in accordance with paragraph 10; and we will evaluate the Bidders' best and final offer Pricing Matrix ("Part 2 Price Evaluation"), in accordance with the instructions provided in paragraph 11.

We will offer the number of Bidders a Framework Contract as set out in paragraph 3.1 of Attachment 1 – About the framework.

## 4. Selection stage

Please refer to Attachment 2a – Selection Questionnaire. Remember you must complete the questionnaire online in the eSourcing suite (qualification envelope).

At the selection stage, we evaluate Bidders' technical, professional and financial capabilities. We will ask a range of questions appropriate to the procurement. It is important that you answer these questions accurately.

If you are relying on any Key Subcontractors to provide the answers to the technical and professional ability or you are relying on a guarantor to pass the economic and financial assessment, they must complete parts 2, 2a, 3 and 4 for themselves.

In addition, if you are the lead member of a consortium, you must get each of the other members to answer the questions in parts 2, 2a, 3, 4 and 1.10 (if applicable) for themselves.

We are providing the 'Information and declaration' workbook (Attachment 4) to enable you to collect and submit this data to us, whether from organisations on whom you are relying (for example a Key Subcontractor or a guarantor) or from other members of a consortium.

#### 4.1 Selection process

After the bid submission deadline, we will check all bids to make sure we have received everything we have asked for.

We may ask you to clarify information you provide, if that is necessary. Don't forget you must log on to the eSourcing suite and access your message inbox for this competition to check for messages regularly for the duration of this competition.

If your bid is not compliant we will reject your bid and you will be excluded from the competition. We will tell you why your bid is not compliant.

Not all selection questions need guidance as the questions are self-evident. However other questions such as the financial question, require a process to be undertaken before we can assess your response. In those instances, we have told you what we will do in the evaluation guidance.

#### 4.2 Selection criteria

We may exclude you from the competition at the selection stage if:

- your bid is non-compliant
- you receive a 'fail' for any of the evaluated selection questions
- any of the information you have provided proves to be false or misleading
- you have broken any of the competition rules in paragraph 10 of Attachment 1 - About the framework, or not followed the instructions given in this ITT pack

If we exclude you from the competition we will tell you and explain why.

### 5. Award stage part 1

If you have successfully passed the selection stage, you will proceed to Award stage part 1, which will comprise of:

- an evaluation of Bidders' responses to the quality questionnaire in the eSourcing suite ("Part 1 Quality Evaluation"); and
- an evaluation of the values tendered in Attachment 3 – Pricing Matrix ("Part 1 Price Evaluation").

5.1 Award stage part 1

Quality weighting		Price weighting
Social Value	Quality	
10%	70%	20%

5.2 When completing your bid, you must:

- read through the entire ITT pack specifically Framework Schedule 1 (Specification) carefully, and read more than once
- read each question, the response guidance, marking scheme and evaluation criteria
- read the contract terms
- if you are unsure, ask questions before the clarification questions deadline. See paragraph 6 'Timelines for the competition' and paragraph 7 'When and how to ask questions' in Attachment 1 - About the framework document
- allow plenty of time to complete your responses; it always takes longer than you think to submit
- your prices should be in line with the service level you offer in response to the quality questions in Award stage part 1

5.3 What **YOU** need to do:

- answer the quality questions in sections A, B, C and D of the quality questionnaire in the eSourcing suite (technical envelope).
- complete the Pricing Matrix (Attachment 3).
- upload your completed Pricing Matrix to question PQ1 in the eSourcing suite (commercial envelope).

5.4 What **WE** will do at Award stage part 1:

1.	<p><b>Compliance Check</b></p> <p>First, we will do a check to make sure that you completed the pricing matrix in line with our instructions.</p>
2.	<p><b>Quality Evaluation</b></p> <p>We will give your responses to our evaluation panel. Each evaluator will independently assess your responses to the quality questions using the response guidance and the evaluation criteria for the question/key area and the related component parts. Each evaluator will give a mark for each question/key area and a reason for their mark. Each evaluator will enter their marks and reasons into the eSourcing suite.</p>
3.	<p><b>Consensus</b></p> <p>Once the evaluators have independently assessed your responses to each question/key area, we will arrange for the evaluators to meet and we will facilitate the discussion. At the consensus meetings, the evaluators will discuss the quality of your answers to each question/key area and discuss their marks and reasons for that mark. The discussion will continue until they reach a consensus regarding the mark, and the reason for the mark. These marks will be used to calculate your Part 1 Quality Score.</p>
4.	<p><b>Quality Threshold</b></p> <p>If you have received a zero for question B1 and/or B2 we will reject your bid and you will be excluded from the competition. We will tell you that your bid has been excluded from the competition and why.</p> <p>If you have received a zero for any of the key areas in questions C1, C2 and D1 or if you have not met a Part 1 Quality Score of <b>40.00</b> (minimum quality score), we will reject your bid and you will be excluded from the competition. We will tell you that your bid has been excluded from the competition and why.</p> <p>Refer to tables provided at paragraph 5.5.8 for an example of how your Part 1 Quality Score will be calculated.</p>

5.	<p>Price Evaluation</p> <p>We will then give your pricing to the price evaluation panel, who are different evaluators from those who assessed your quality responses.</p> <p>They will calculate your Part 1 Price Score using the evaluation process in paragraph 7 (Part 1 Price Evaluation).</p>
6.	<p>Part 1 Total Score</p> <p>Your Part 1 Quality Score will be added to your Part 1 Price Score, to create your Part 1 Total Score as illustrated in paragraph 8.1</p>

## 5.5 How we will evaluate Part 1 Quality Score

- 5.5.1 Question A1 in section A of the quality questionnaire is a mandatory question and will be evaluated Pass / Fail. If you answer 'no' to this question we will reject your bid and you will be excluded from the competition. We will tell you that your bid has been excluded and why.
- 5.5.2 Each question must be answered in its own right. You must not answer any of the questions by cross referencing other questions or other materials for example reports or information located on your website.
- 5.5.3 Each of the quality questions in section B, C and D of the quality questionnaire will be independently assessed by our evaluation panel.
- 5.5.4 Questions B1 and B2, when the consensus meeting has taken place and the final mark for the question has been agreed by the evaluators, your final mark for each question will be multiplied by the question weighting to calculate your weighted mark for that question.
- 5.5.5 Questions C1, C2 and D1, when the consensus meeting has taken place and the final mark for each key area of the question has been agreed by the evaluators, your final mark for each key area of the question will be multiplied by that key area weighting to calculate your weighted mark for the key area of that question.
- 5.5.6 Each weighted mark for question B1 and B2 and each key area of the questions C1, C2 and D1, will then be added together to calculate your Part 1 Quality Score.
- 5.5.7 Please see table A overleaf for an example of how your Part 1 Quality Score will be calculated.



5.5.8 Table A - Please see the illustrative example below.

Question and key areas		Question Weighting (%)	Marking scheme	Maximum mark available	Example final mark	Your weighted mark
QB1 and QB2 [10%]						
QB1	Social value	5.5%	100/75/50/25/0	100	100	5.50
QB2	Social value	4.5%	100/75/50/25/0	100	50	2.25
QC1 - Case study 1 [25%]						
1	Delivery of legal quality	15%	100/75/50/25/0	100	50	7.50
2	Strategic input	10%	100/75/50/25/0	100	50	5.00
QC2 – Case study 2 [25%]						
1	Delivery of legal quality	15%	100/75/50/25/0	100	100	15.00
2	Strategic input	10%	100/75/50/25/0	100	50	5.00
QD1 – Hypothetical case study [20%]						
1	Resourcing	6%	100/75/50/25/0	100	50	3.00
2	Resilience / hybrid model of working	10%	100/75/50/25/0	100	100	10.00
3	Continuous improvement	4%	100/75/50/25/0	100	75	3.00
Part 1 Quality Score out of 80 (minimum quality score 40)						56.25

## 6. Part 1 quality evaluation

The part 1 quality questionnaire is split into the following sections:

- Section A – mandatory question
- Section B – social value questions
- Section C – questions on case studies to demonstrate past experience
- Section D – hypothetical case study to demonstrate future ways of working

The quality questionnaire for Award Stage part 1, along with the marking scheme for each key area of the question is set out below:

Section A – Mandatory scored question	
A1 Compliance with Framework Schedule 1 (Specification)	
<p>If you are awarded a Framework Contract, will you unreservedly deliver in full all the mandatory service requirements, as set out in Framework Schedule 1</p> <p>Please answer '<b>Yes</b>' or '<b>No</b>'.</p> <p><b>Yes</b> - You will unreservedly deliver in full all the mandatory service requirements as set out in Framework Schedule 1 (Specification).</p> <p><b>No</b> - You will not, or cannot, deliver in full all the mandatory service requirements as set out in Framework Schedule 1 (Specification).</p>	
<p>A1 Response guidance</p> <p>This is a Pass/Fail question.</p> <p>If you cannot or are unwilling to select '<b>Yes</b>' to this question, you will be disqualified from further participation in this competition.</p> <p>You are required to select either option <b>YES, NO</b> from the dropdown list.</p> <p>Providing a 'Yes' response means you will unreservedly deliver in full all the mandatory service requirements as set out in Framework Schedule 1 (Specification).</p> <p>If you select '<b>No</b>' (or do not answer the question) to indicate that you will not, or cannot, deliver in full all the mandatory service requirements as set out in Framework Schedule 1 (Specification) you will be excluded from further participation in this competition.</p>	
Marking scheme	Evaluation guidance
Pass	You have selected option ' <b>Yes</b> ' confirming that you will unreservedly deliver in full all the mandatory service requirements for as set out in Framework Schedule 1 (Specification).

Fail	You have selected 'No' confirming that you will not, or cannot, deliver in full all the mandatory service requirements as set out in Framework Schedule 1 (Specification).
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Section B – Social value questions

B1 Equal opportunity and diversity

**Requirement**

CCS requires Bidders to demonstrate an understanding of and measures to tackle inequality and to improve diversity with respect to women and Under-Represented Groups in employment, skills and pay in the Contract Workforce.

Contract Workforce means all grades of Supplier Staff who will work under this Framework Contract if the Bidder is successful in the competition.

Remember defined terms can be found in Framework Schedule 1 (Specification) and Joint Schedule 1 (Definitions) - Attachment 8 Framework contract documents.

**B1 Response guidance**

Describe your existing and planned activities to tackle inequality and to improve diversity with respect to women and Under-Represented Groups in employment, skills and pay in the Contract Workforce.

Your response must include:

(a) a description of your existing and planned activities to tackle inequality and to improve diversity, and explanation of how your activities support these aims. Relevant examples of activities **may include** the illustrative examples provided below (i) to (ix).

Illustrative examples:

- i. inclusive and accessible recruitment, retention and promotion practices;
- ii. promoting an inclusive working environment;
- iii. actions to ensure the Contract Workforce at all levels proportionately reflects a diverse society;
- iv. transparency in pay, reward and promotion processes;
- v. positive action schemes to address under-representation and inequalities in promotion, including in particular pay grades;
- vi. flexible working arrangements available for all which do not result in Staff being penalised;

- vii. measures to support in-work progression to facilitate moves into higher paid work by developing new skills relevant to the contract;
- viii. collection and publication of information about recruitment, retention and promotion; and
- ix. regular equal pay audits.

- (b) how you will raise awareness or increase the influence of staff and clients of these issues, such as through engagement, co-design and creation of initiatives, training and education and partnering and collaborating
- (c) how you will monitor, measure and report on the activities and their impact
- (d) how you will seek feedback and look to improve in this area

Whilst there will be no marks given to layout, spelling, punctuation and grammar, it will assist evaluators if attention is paid to these areas and you address each of the component parts in this response guidance in the order they are listed above and highlight which component part you are responding to.

Maximum character count – 8,000 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><b>A VERY GOOD ANSWER</b></p> <p>The response is comprehensive, unambiguous, and fully demonstrates your understanding of and measures to <b>tackle inequality and to improve diversity</b> with respect to <b>women and Under-Represented Groups</b> in <b>employment, skills and pay</b> in the Contract Workforce.</p> <p>Full and relevant evidence has been provided to clearly demonstrate the requirement and the related component parts (a to d) have been satisfied.</p> <p>The response provides a high level of confidence that your existing and planned activities will <b>tackle inequality and improve diversity</b> with respect to <b>women and Under-Represented Groups</b> in <b>employment, skills and pay</b> in the Contract Workforce.</p>
75	<p><b>A GOOD ANSWER</b></p> <p>The response is sufficiently detailed to demonstrate your understanding of and measures to <b>tackle inequality and to improve</b></p>

	<p><b>diversity</b> with respect to <b>women and Under-Represented Groups</b> in <b>employment, skills and pay</b> in the Contract Workforce.</p> <p>Sufficient evidence has been provided to demonstrate the requirement and the related component parts (a to d) of the response guidance.</p> <p>The response provides a good level of confidence that that your existing and planned activities will <b>tackle inequality and improve diversity</b> with respect to <b>women and Under-Represented Groups</b> in <b>employment, skills and pay</b> in the Contract Workforce.</p>
50	<p><b>A SATISFACTORY ANSWER</b></p> <p>The response demonstrates a satisfactory understanding of and provides some measures to <b>tackle inequality and to improve diversity</b> with respect to <b>women and Under-Represented Groups</b> in <b>employment, skills and pay</b> in the Contract Workforce, however it is not sufficiently detailed and/or does not include sufficient explanation.</p> <p>Whilst some evidence has been provided it does not sufficiently demonstrate the requirement and all of the related component parts (a to d) of the response guidance.</p> <p>The response provides an adequate level of confidence that your existing and planned activities will <b>tackle inequality and improve diversity</b> with respect to <b>women and Under-Represented Groups</b> in <b>employment, skills and pay</b> in the Contract Workforce.</p>
25	<p><b>A BELOW STANDARD ANSWER</b></p> <p>The response only partially demonstrates your understanding of and provides limited measures to <b>tackle inequality and to improve diversity</b> with respect to <b>women and Under-Represented Groups</b> in <b>employment, skills and pay</b> in the Contract Workforce.</p> <p>The response addresses some of the related component parts (a to d) but not all, and there is a significant lack of detail.</p> <p>Whilst some evidence has been provided it does not sufficiently demonstrate all of the related component parts (a to d) of the response guidance.</p> <p>There is a lack of detail and/or lack of explanation and/or ambiguity in the response which provides a low level of confidence that your existing and planned activities will <b>tackle inequality and improve diversity</b> with respect to <b>women and Under-Represented Groups</b> in <b>employment, skills and pay</b> in the Contract Workforce.</p>
0	<p><b>A POOR ANSWER</b></p> <p>The response has not demonstrated your understanding of and provided no measures to <b>tackle inequality and to improve</b></p>

	<p><b>diversity</b> with respect to <b>women and Under-Represented Groups</b> in <b>employment, skills and pay</b> in the Contract Workforce.</p> <p>The response has not addressed the related component parts (a to d) of the response guidance.</p> <p>The response provides no confidence that your existing and planned activities will <b>tackle inequality and improve diversity</b> with respect to <b>women and Under-Represented Groups</b> in <b>employment, skills and pay</b> in the Contract Workforce.</p> <p>OR</p> <p>No response provided.</p> <p><b>If you receive a zero, we will reject your bid and you will be excluded from the competition.</b></p>
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<p>Response guidance questions B1.1 to B1.4</p> <p>The information will be used to populate the definitions of Under-Represented Groups Threshold, Gender Balance Threshold, Under-Represented Groups Improvements and Gender Balance Improvements in the Framework Award Form.</p> <p>You are required to provide the information for the following Grade Bands:</p> <ul style="list-style-type: none"> <li>a) Grade Band 1 and 2</li> <li>b) Grade Band 3 and 4</li> <li>c) Grade Bands 5, 6 and 7</li> </ul> <p>Description of the Grade Bands can be found in the table at paragraph 5.1.4 of Framework Schedule 1 (Specification).</p> <p>The responses to questions B1.1 to B1.4 is for information only. However, failure to provide the required information for each Social Value Measure may result in your bid being deemed non-compliant and excluded from the competition.</p>	
<p><b>B1.1 - Under-Represented Groups Threshold by Grade Band</b></p> <p>Please provide a percentage representing the proportion of billed hours over the previous 12 months recorded by fee earners for the grade bands from Under-Represented Groups (other than women) employed by the Bidder in teams which may service the Core Specialisms and Non-Core Specialisms (this will be the Under-Represented Groups Threshold).</p> <ul style="list-style-type: none"> <li>a) Grade Band 1 and 2</li> <li>b) Grade Band 3 and 4</li> <li>c) Grade Band 5, 6 and 7</li> </ul>	

**B1.2 Under-Represented Groups Improvements by Grade Band**

Please provide a percentage improvement commitment on the Under-Represented Groups Threshold by Grade Band during the term of the Framework Contract (this will be the Under-Represented Groups Improvements).

- a) Grade Band 1 and 2
- b) Grade Band 3 and 4
- c) Grade Bands 5, 6 and 7

**B1.3 Gender Balance Threshold by Grade Band**

Please provide a percentage representing the proportion of billed hours over the previous 12 months recorded by women by Grade Band employed by the Bidder in teams which may service the Core Specialisms and Non-Core Specialisms (this will be the Gender Balance Threshold).

- a) Grade Band 1 and 2
- b) Grade Band 3 and 4
- c) Grade Bands 5, 6 and 7

**B1.4 Gender Balance Improvements by Grade Band**

Please provide a percentage improvement commitment on the Gender Balance Threshold by Grade Band during the term of the Framework Contract (this will be the Gender Balance Improvements).

- a) Grade Band 1 and 2
- b) Grade Band 3 and 4
- c) Grade Bands 5, 6 and 7

## B2 Wellbeing

### Requirement

CCS requires Bidders to demonstrate an understanding of and measures to support health and wellbeing, including physical and mental health and wellbeing, in the Contract Workforce.

Contract Workforce means all grades of Supplier Staff who will work under this Framework Contract if the Bidder is successful in the competition.

Remember defined terms can be found in Framework Schedule 1 (Specification) and Joint Schedule 1 (Definitions) - Attachment 8 Framework contract documents.

### B2 Response guidance

Describe your existing and planned activities to support health and wellbeing, including physical and mental health and wellbeing, in the Contract Workforce.

Your response must include:

- (a) a description of your existing and planned activities to support health and wellbeing and explanation of how your activities support these aims. Relevant examples of activities **may include** the illustrative examples provided below (i) to (iii).

#### Illustrative examples

- i. implementing the Mental Health Standards with respect to the Contract Workforce;
  - ii. public reporting by the Supplier and its sub-contractors on the health and wellbeing of all Supplier Staff; and
  - iii. engagement plans to engage the Contract Workforce in deciding the most important issues to address.
- b) how you will raise awareness or increase the influence of staff, clients and any other stakeholders of these issues, such as through engagement, co-design and creation of initiatives, training and education and partnering and collaborating
  - c) how you will monitor, measure and report on the activities and their impact
  - d) how you will seek feedback and look to improve in this area.

Whilst there will be no marks given to layout, spelling, punctuation and grammar, it will assist evaluators if attention is paid to these areas and you address each of the



component parts in this response guidance in the order they are listed above and highlight which component part you are responding to.

Maximum character count – 8,000 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><b>A VERY GOOD ANSWER</b></p> <p>The response is comprehensive, unambiguous, and fully demonstrates your understanding of and measures to <b>support health and wellbeing, including physical and mental health and wellbeing</b> in the Contract Workforce.</p> <p>Full and relevant evidence has been provided to clearly demonstrate the requirement and the related component parts (a to d) have been satisfied.</p> <p>The response provides a high level of confidence that your existing and planned activities will <b>support health and wellbeing, including physical and mental health and wellbeing</b> in the Contract Workforce.</p>
75	<p><b>A GOOD ANSWER</b></p> <p>The response is sufficiently detailed to demonstrate your understanding of and measures to <b>support health and wellbeing, including physical and mental health and wellbeing</b> in the Contract Workforce.</p> <p>Sufficient evidence has been provided to demonstrate the requirement and the related component parts (a to d) of the response guidance.</p> <p>The response provides a good level of confidence that that your existing and planned activities will <b>support health and wellbeing, including physical and mental health and wellbeing</b> in the Contract Workforce.</p>
50	<p><b>A SATISFACTORY ANSWER</b></p> <p>The response demonstrates a satisfactory understanding of and provides some measures to <b>support health and wellbeing, including physical and mental health and wellbeing</b> in the Contract</p>

	<p>Workforce, however it is not sufficiently detailed and/or does not include sufficient explanation.</p> <p>Whilst some evidence has been provided it does not sufficiently demonstrate the requirement and all of the related component parts (a to d) of the response guidance.</p> <p>The response provides an adequate level of confidence that your existing and planned activities will <b>support health and wellbeing, including physical and mental health and wellbeing</b> in the Contract Workforce.</p>
<p>25</p>	<p><b>A BELOW STANDARD ANSWER</b></p> <p>The response only partially demonstrates your understanding of and provides limited measures will <b>support health and wellbeing, including physical and mental health and wellbeing</b> in the Contract Workforce.</p> <p>The response addresses some of the related component parts (a to d) but not all, and there is a significant lack of detail.</p> <p>Whilst some evidence has been provided it does not sufficiently demonstrate all of the related component parts (a to d) of the response guidance.</p> <p>There is a lack of detail and/or lack of explanation and/or ambiguity in the response which provides a low level of confidence that your existing and planned activities will <b>support health and wellbeing, including physical and mental health and wellbeing</b> in the Contract Workforce.</p>
<p>0</p>	<p><b>A POOR ANSWER</b></p> <p>The response has not demonstrated your understanding of and provided no measures <b>to support health and wellbeing, including physical and mental health and wellbeing</b> in the Contract Workforce.</p> <p>The response has not addressed the related component parts (a to d) of the response guidance.</p> <p>The response provides no confidence that your existing and planned activities will <b>support health and wellbeing, including physical and mental health and wellbeing</b> in the Contract Workforce.</p> <p>OR</p> <p>No response provided.</p> <p><b>If you receive a zero, we will reject your bid and you will be excluded from the competition.</b></p>

## Section C - Case studies (past experience) instructions

You must provide **two (2) different case studies** relating to high value, complex rail projects in Great Britain (including high speed rail projects and projects related to the Channel Tunnel) that you have been involved in that demonstrate your ability **to deliver** the Core Specialisms. You must use one Case Study for question C1 and a different Case Study for question C2.

Case studies must:

- i. involve two of the following Core Specialisms:
  - Rail Commercial Law
  - Public Procurement Law
  - Subsidy Law
- ii. across the two case studies you must cover all of the following Core Specialisms:
  - Rail Commercial Law
  - Public Procurement Law
  - Subsidy Law
- iii. **both case studies must** involve Regulatory Law and you must explain what the relevant legislation is
- iv. relate to the railway as defined in Section 67(1) of the Transport and Works Act 1992 and for the avoidance of doubt this does not include a tramway
- v. not be a rail financing project such as a depot financing, or a project for the development of railway land
- vi. have been delivered for a public sector client or be on a project delivered for the public sector
- vii. have been completed in the last five (5) years or where a project is still on-going have reached one or more significant milestones and the case study relates to those phases of the project

If the case studies do not meet the above requirements (i) to (vii) your bid may be deemed non-compliant.

### Section C

#### Question C1 – Case Study 1

##### C1 Requirement

CCS requires Bidders to demonstrate **how they delivered** the following two key areas and related component parts:

1. Delivery of legal quality, including component parts a (i, ii and iii) and b

2. Strategic input, including component part a (i and ii)

### **C1 Case Study 1 overview**

Please provide an overview of the scope, scale and complexity of Case Study 1.

You must clearly include in the overview:

- i. the two Core Specialisms from Rail Commercial Law, Public Procurement Law and Subsidy Law that are demonstrated in your case study
- ii. how the case study involves Regulatory Law and what the relevant legislation is
- iii. confirmation that the project has been delivered and completed within the last five (5) years or where a project is still on-going confirm the stage reached and the one or more significant milestones met
- iv. confirmation that the project has been delivered for a public sector client or is a project delivered for the public sector

Maximum character count – 2,000 characters including spaces and punctuation. This character count cannot be exceeded within the e-Sourcing Suite. Responses must include spaces between words.

Please note – the overview is not evaluated, but will provide context for the evaluation of the C1 key areas and related component parts. However, if you do not clearly provide the information required (i) to (iv) above in the overview, or your case study is not for a high value, complex rail project in Great Britain (including high speed rail projects and projects related to the Channel Tunnel) this will affect the mark awarded.

### **C1 Response guidance**

All Bidders must answer this question.

You must insert your response into the text fields in the eSourcing suite.

The marking scheme assesses your demonstration of **how you delivered** the project against the two key areas and related component parts set out below.

In order to satisfy the requirement, your response must address **how you have delivered** the following key areas and related component parts:

#### **1. Delivery of legal quality**

- a) how you delivered high quality, value for money legal advice:
  - i. that delivered against the client's objectives
  - ii. that took account of the client's and other relevant stakeholder's policy drivers
  - iii. in the context of wider issues and developments that were pertinent to the project

- b) how you ensured that lessons were learnt to drive continuous improvement in the service delivered by your firm during the project and more widely, to the extent appropriate, by your firm

**2. Strategic input**

- a) how you provided strategic legal input into the project, including:
- i. understanding the client’s strategic objectives, policies and priorities and those of other relevant stakeholders that were relevant to the project
  - ii. how you tailored your approach and advice to take these into account

Maximum character count – 10,000 characters including spaces and punctuation.

You must not exceed the character count within the e-Sourcing suite. Responses must include spaces between words. No attachments are permitted; any additional documents submitted will be ignored in the evaluation of this question.

You are required to insert your response to this question in the technical envelope in the applicable text boxes provided, C1.1, C1.2, C1.3, C1.4 and C1.5 each box has a character count of 2,000 characters.

Marking scheme for each key area:

Marking scheme	Evaluation guidance
100	<p><b>A VERY GOOD ANSWER</b></p> <p>The response is relevant to the requirement and is comprehensive, unambiguous, and fully demonstrates your ability to meet the key area and the related component parts of the response guidance.</p> <p>Full and relevant evidence has been provided to clearly demonstrate that the key area and the related component parts have been satisfied.</p> <p>The response provides a high level of confidence that the approach will meet the requirement for this key area and has a strong potential to exceed the requirement for the delivery of services.</p>
75	<p><b>A GOOD ANSWER</b></p> <p>The response is relevant to the requirement and is sufficiently detailed to demonstrate your ability to meet the key area and the related component parts of the response guidance.</p> <p>Sufficient evidence has been provided to demonstrate the key area and the related component parts of the response guidance.</p>

	<p>The response provides a good level of confidence that the approach will meet the requirement for this key area for the delivery of services.</p>
50	<p><b>A SATISFACTORY ANSWER</b></p> <p>The response is relevant to the requirement. Whilst the response addresses the key area and the related component parts, it is not sufficiently detailed and/or does not include sufficient explanation in some elements to fully demonstrate your ability to meet the key area and the related component parts of the response guidance.</p> <p>Whilst some evidence has been provided it does not sufficiently demonstrate the key area and all of the related component parts of the response guidance.</p> <p>The response including the examples provides an adequate level of confidence that the approach has the potential to meet the requirement for this key area for the delivery of services.</p>
25	<p><b>A BELOW STANDARD ANSWER</b></p> <p>The response is not fully relevant to or only partially addresses the requirement and/or the key area and the related component parts of the response guidance.</p> <p>The response addresses some of the key area and the related component parts but not all, and there is a significant lack of detail.</p> <p>Whilst some evidence has been provided it does not sufficiently demonstrate the key area and all of the related component parts of the response guidance.</p> <p>There is a lack of detail and/or lack of explanation and/or ambiguity in the response which provides a low level of confidence that the approach has the ability to meet the requirement for this key area for the delivery of services.</p>
0	<p><b>A POOR ANSWER</b></p> <p>The response is not relevant to the requirement and/or the key area and the related component parts and/or the response has satisfied very few to none of the requirements for the key area and the related component parts of the response guidance.</p> <p>No relevant evidence has been provided and/or the evidence does not satisfy the requirements for the key area and the related component parts.</p>

The response provides no confidence that the approach will meet the requirement for this key area for the delivery of services.

OR

No response provided.

**If you receive a zero, we will reject your bid and you will be excluded from the competition.**

## Question C2 – Case Study 2

### C2 Requirement

CCS requires Bidders to demonstrate **how they delivered** the following two key areas and related component parts:

1. Delivery of legal quality, including component parts a (i, ii and iii) and b
2. Strategic input, including component part a (i and ii)

### C2 Case Study 2 overview

Please provide an overview of the scope, scale and complexity of Case Study 2.

You must clearly include in the overview:

- i. the two Core Specialisms from Rail Commercial Law, Public Procurement Law and Subsidy Law that are demonstrated in your case study
- ii. how the case study involves Regulatory Law and what the relevant legislation is
- iii. confirmation that the project has been delivered and completed within the last five (5) years or where a project is still on-going confirm the stage reached and the one or more significant milestones met
- iv. confirmation that the project has been delivered for a public sector client or is a project delivered for the public sector

Maximum character count – 2,000 characters including spaces and punctuation. This character count cannot be exceeded within the e-Sourcing Suite. Responses must include spaces between words.

Please note – the overview is not evaluated, but will provide context for the evaluation of the C2 key areas and related component parts. However, if you do not clearly provide the information required (i) to (iv) above in the overview, or your case study is not for a high value, complex rail project in Great Britain (including high speed rail projects and projects related to the Channel Tunnel) this will affect the mark awarded.



## C2 Response guidance

All Bidders must answer this question.

You must insert your response into the text fields in the eSourcing suite.

The marking scheme assesses your demonstration of **how you delivered** the project against the two key areas and related component parts set out below.

In order to satisfy the requirement, your response must address **how you have delivered** the following key areas and related component parts:

### 1. *Delivery of legal quality*

- a) how you delivered high quality, value for money legal advice:
  - i. that delivered against the client's objectives
  - ii. that took account of the client's and other relevant stakeholder's policy drivers
  - iii. in the context of wider issues and developments that were pertinent to the project
- b) how you ensured that lessons were learnt to drive continuous improvement in the service delivered by your firm during the project and more widely to the extent appropriate by your firm

### 2. *Strategic input*

- a) how you provided strategic legal input into the project, including:
  - i. understanding the client's strategic objectives, policies and priorities and those of other relevant stakeholders that were relevant to the project
  - ii. how you tailored your approach and advice to take these into account

Maximum character count – 10,000 characters including spaces and punctuation.

You must not exceed the character count within the e-Sourcing suite. Responses must include spaces between words. No attachments are permitted; any additional documents submitted will be ignored in the evaluation of this question.

You are required to insert your response to this question in the technical envelope in the applicable text boxes provided, C2.1, C2.2, C2.3, C2.4 and C2.5 each box has a character count of 2,000 characters.

Marking scheme for each key area:

Marking scheme	Evaluation guidance
<b>100</b>	<b>A VERY GOOD ANSWER</b>



	<p>The response is relevant to the requirement and is comprehensive, unambiguous, and fully demonstrates your ability to meet the key area and the related component parts of the response guidance.</p> <p>Full and relevant evidence has been provided to clearly demonstrate that the key area and the related component parts have been satisfied.</p> <p>The response provides a high level of confidence that the approach will meet the requirement for this key area and has a strong potential to exceed the requirement for the delivery of services.</p>
75	<p><b>A GOOD ANSWER</b></p> <p>The response is relevant to the requirement and is sufficiently detailed to demonstrate your ability to meet the key area and the related component parts of the response guidance.</p> <p>Sufficient evidence has been provided to demonstrate the key area and the related component parts of the response guidance.</p> <p>The response provides a good level of confidence that the approach will meet the requirement for this key area for the delivery of services.</p>
50	<p><b>A SATISFACTORY ANSWER</b></p> <p>The response is relevant to the requirement. Whilst the response addresses the key area and the related component parts, it is not sufficiently detailed and/or does not include sufficient explanation in some elements to fully demonstrate your ability to meet the key area and the related component parts of the response guidance.</p> <p>Whilst some evidence has been provided it does not sufficiently demonstrate the key area and all of the related component parts of the response guidance.</p> <p>The response including the examples provides an adequate level of confidence that the approach has the potential to meet the requirement for this key area for the delivery of services.</p>
25	<p><b>A BELOW STANDARD ANSWER</b></p> <p>The response is not fully relevant to or only partially addresses the requirement and/or the key area and the related component parts of the response guidance.</p> <p>The response addresses some of the key area and the related component parts but not all, and there is a significant lack of detail.</p>

	<p>Whilst some evidence has been provided it does not sufficiently demonstrate the key area and all of the related component parts of the response guidance.</p> <p>There is a lack of detail and/or lack of explanation and/or ambiguity in the response which provides a low level of confidence that the approach has the ability to meet the requirement for this key area for the delivery of services.</p>
<b>0</b>	<p><b>A POOR ANSWER</b></p> <p>The response is not relevant to the requirement and/or the key area and the related component parts and/or the response has satisfied very few to none of the requirements for the key area and the related component parts of the response guidance.</p> <p>No relevant evidence has been provided and/or the evidence does not satisfy the requirements for the key area and the related component parts.</p> <p>The response provides no confidence that the approach will meet the requirement for this key area for the delivery of services.</p> <p>OR</p> <p>No response provided.</p> <p><b>If you receive a zero, we will reject your bid and you will be excluded from the competition.</b></p>

### Section D - Case Study (hypothetical) instructions

Your hypothetical case study must relate to a high value, complex railway infrastructure project in Great Britain to contract close that will enable you to demonstrate your ability **to work alongside DfT to deliver such a project in an effective and inclusive way** in line with the key areas in the response guidance below.

<b>Section D</b>
<b>D1 – Ways of working: hypothetical case study</b>
<p><b>Requirement:</b></p> <p>CCS requires you to demonstrate <b>how you would</b> resource a project to provide legal advisory services to the Department for Transport under this Rail Legal Services Framework to support a GB high value, complex railway infrastructure project to contract close.</p>

For this requirement demonstrate **how you will** resource a project to provide legal advisory services under this Rail Legal Services Framework to support a GB high value, complex railway infrastructure project to contract close.

You are required to demonstrate this in the form of a **hypothetical case study** covering the requirement and the following 3 key areas and related component parts of the response guidance using your firm's expertise, working procedures and relevant experience.

1. Resourcing, including component parts a, b and c
2. Resilience / hybrid model of working, including component parts a, b, c and d
3. Continuous improvement, component part a

#### D1 Hypothetical Case Study overview

Please provide an overview your hypothetical Case Study for a high value, complex railway infrastructure project in Great Britain to contract close. Please select a Case Study that enables you to demonstrate your ability **to work alongside DfT to deliver such a project in an effective and inclusive way** in line with the key areas in the response guidance below.

Maximum character count – 2,000 characters including spaces and punctuation. This character count cannot be exceeded within the e-Sourcing Suite. Responses must include spaces between words.

Please note – the overview is not evaluated, but will provide context for the evaluation of the D1 key areas and related component parts. However, if the hypothetical case study is not for a high value, complex railway infrastructure project in Great Britain to contract close, that enables you to demonstrate your ability to work alongside DfT to deliver such a project in an effective and inclusive way, this will affect the mark awarded.

#### D1 Response guidance

All Bidders must answer this question.

You must insert your response into the eSourcing suite.

You are **advised to use examples** in your response to demonstrate **how you will satisfy the requirement**.

Please note that the marking scheme assesses **your future ability to deliver** the requirements.

In order to satisfy the requirement, your response must address the following key areas:

##### 1. **Resourcing**

- a) a viable, well-constructed resource plan demonstrating a suitable team structure for the project you have chosen with the right balance of skills and experience for that project. This plan should cover the activities (including the Core Specialisms that are relevant to your project) set out in Framework Schedule 1

(Specification). Your resource plan must be no longer than 2 pages of A4 (single sided) and submitted in pdf format

- b) the grades of resource intended to be used and rationale for your proposal
- c) how resources will be mobilised rapidly and effectively and maintained through the project lifecycle

**2. Resilience / hybrid model of working**

- a) how staff resilience and wellbeing will be managed assuming a hybrid (office and remote / home) way of working
- b) how diversity and inclusivity of staff (for example protection of different working patterns) will be ensured
- c) mechanisms for effective oversight across activities
- d) how you will assure the client that high quality and cost-effective legal support will be provided throughout the duration of the contract

**3. Continuous improvement**

- a) how you will maintain a focus on cost reduction, efficiency (including use of innovative technology) and improvement opportunities (including sharing knowledge) through the contract term

Maximum character count – 10,000 characters including spaces and punctuation.

You are required to upload your resource plan to question D1a in the technical envelope in pdf format. Name the file [D1\_ insertyourcompanyname].

You are required to insert your text response to this question in the technical envelope in the applicable text boxes provided, D1.1 to D1.5 each box has a character count of 2,000 characters.

You must not exceed the character count within the e-Sourcing suite. Responses must include spaces between words. No attachments additional to the requested resource plan are permitted; any additional documents submitted will be ignored in the evaluation of this question.

Marking scheme for each key area:

Marking scheme	Evaluation guidance
<b>100</b>	<p><b>A VERY GOOD ANSWER</b></p> <p>The response is relevant to the requirement and is comprehensive, unambiguous, and fully demonstrates your ability to meet the key area and the related component parts of the response guidance.</p>

	<p>Full and relevant evidence and examples have been provided to clearly demonstrate that the key area and the related component parts have been satisfied.</p> <p>The response including the examples provides a high level of confidence that the approach will meet the requirement for this key area and has a strong potential to exceed the requirement for the delivery of services.</p>
75	<p><b>A GOOD ANSWER</b></p> <p>The response is relevant to the requirement and is sufficiently detailed to demonstrate your ability to meet the key area and the related component parts of the response guidance.</p> <p>Sufficient evidence and examples have been provided to demonstrate the key area and the related component parts of the response guidance.</p> <p>The response including the examples provides a good level of confidence that the approach will meet the requirement for this key area for the delivery of services.</p>
50	<p><b>A SATISFACTORY ANSWER</b></p> <p>The response is relevant to the requirement. Whilst the response addresses the key area and the related component parts, it is not sufficiently detailed and/or does not include sufficient explanation in some elements to fully demonstrate your ability to meet the key area and the related component parts of the response guidance.</p> <p>Whilst some evidence and examples have been provided it does not sufficiently demonstrate the key area and all of the related component parts of the response guidance.</p> <p>The response including the examples provides an adequate level of confidence that the approach has the potential to meet the requirement for this key area for the delivery of services.</p>
25	<p><b>A BELOW STANDARD ANSWER</b></p> <p>The response is not fully relevant to or only partially addresses the requirement and/or the key area and the related component parts of the response guidance.</p> <p>The response and examples address some of the key area and the related component parts but not all, and there is a significant lack of detail.</p> <p>Whilst some evidence and examples have been provided it does not sufficiently demonstrate the key area and all of the related component parts of the response guidance.</p>

	<p>There is a lack of detail and/or lack of explanation and/or ambiguity in the response which provides a low level of confidence that the approach has the ability to meet the requirement for this key area for the delivery of services.</p>
<p><b>0</b></p>	<p><b>A POOR ANSWER</b></p> <p>The response is not relevant to the requirement and/or the key area and the related component parts and/or the response has satisfied very few to none of the requirements for the key area and the related component parts of the response guidance.</p> <p>No relevant examples have been provided and/or the examples provided do not satisfy the requirements for the key area and the related component parts.</p> <p>The response provides no confidence that the approach will meet the requirement for this key area for the delivery of services.</p> <p>OR</p> <p>No response provided.</p> <p><b>If you receive a zero, we will reject your bid and you will be excluded from the competition.</b></p>

## 7. Part 1 price evaluation

This paragraph contains information on how to complete the Pricing Matrix (Attachment 3) and the price evaluation process.

### 7.1 How to complete and submit your Part 1 Pricing Matrix:

You should read and understand the instructions in the Pricing Matrix, Framework Schedule 3 (Framework Prices), and in this paragraph, before submitting your Pricing Matrix.

Your price values must be sustainable in providing all of the mandatory requirements set out in Framework Schedule 1 (Specification) and include the following:

- Your operating overhead costs and profit.
- All costs incurred by the Bidder.
- Direct Labour Costs (the basic rate paid by the Bidder to its Staff including any premium time payment, fringe benefits and bonus payments) please refer to Framework Agreement Schedule 3: Framework Prices and Charging Structure;
- All costs of the Bidder's standard employee benefits (e.g. retirement funds, health and life assurances and any bonus schemes).
- All costs associated with holidays with pay, sickness leave with pay, customary and public holidays.
- All costs associated with recruitment, training and security vetting.
- All administration costs, including video conferencing, word processing services, on request typing, photocopying and provision of all legal documents, production of template documents e.g. on request redaction of commercially sensitive terms based on the final agreed documents.
- Time spent on a particular matter including attending meetings, correspondence, drafting, advising, emails, telephone calls, court hearings, and other secretarial and all other related administrative requirements.
- An insurance level sufficient to cover the Limit of Liability listed in Joint Schedule 3 (Insurance Requirements) of the Framework Contract.
- Payroll Burden (all costs of taxes and contributions imposed by law, or regulations e.g. employer's liability insurance, unemployment compensation, old age benefits, pensions and annuities and disability insurance).

All costs incurred by the Bidder must be calculated and charged through the price values submitted in your Pricing Matrix.

Your rates submitted must:

- exclude VAT;
- be inclusive of expenses/travel and subsistence and travel time;
- be in British pounds sterling; and
- be submitted up to two (2) decimal places and to the nearest £1

Zero or negative bids are not permitted.

You should also take into account our Management Charge of 1.5%, which shall be paid by you to us as set out in the Framework Award Form and Framework Schedule 5 (Management Charges and Information).

Cells that don't require any input are locked for editing.

You must not alter, amend or change the format or layout of the Pricing Matrix in any way. You must not insert or attach any notes or comments into any of the worksheets.

Any alteration, amendment, change or addition will be disregarded by CCS and your Pricing Matrix may be deemed non-compliant.

You should have read and understood the information on TUPE in paragraph 9 of Attachment 1 – About the framework. You are reminded that it is your responsibility to take your own advice and consider whether TUPE is likely to apply at the Call-Off Stage and to act accordingly. You are encouraged to carry out your own due diligence exercise on the application of TUPE when completing your Pricing Matrix.

In the event that you are successful in this procurement the values inserted into the Pricing Matrix will be incorporated into Framework Schedule 3 (Framework Prices). Refer to Framework Schedule 3 (Framework Prices) and Framework Schedule 7 (Call-Off Award Procedure).

The rates submitted in Table 1 of the Rate Card tab will be the maximum rates payable under this Framework and any Call-Off Contract.

The prices already set out in the blue cells of Table 1 of the Rate Card tab will be the maximum rates payable under this Framework and any Call-Off Contract, in accordance with Framework Schedule 3 (Framework Prices).

You must download the Pricing Matrix (Attachment 3) and complete. You must input prices (£) into the cells shaded yellow in the Pricing Matrix, in accordance with the instructions provided. The prices submitted in the yellow cells will be used in the price evaluation and as such, failure to insert an applicable price may result in your bid being excluded from this competition.

You must input your organisation's name in the cell shaded green.



You are required to complete, upload and return your completed Pricing Matrix to us via the eSourcing suite, by the deadline set out in paragraph 6 (“Timelines for the competition”) of Attachment 1 – About the framework.

When uploading your Part 1 Pricing Matrix to question PQ1 in the technical envelope, you must rename the attachment as follows:  
[price\_insertyourcompanyname]

## 7.2 Price Evaluation process

This is how we will evaluate your Pricing:

We will check you have completed all the yellow cells.

Failure to insert an applicable price (£) may result in your bid being deemed not compliant and excluded from this competition.

The Part 1 Price Evaluation is worth 20%.

The Price Evaluation will be undertaken separately to the Quality Evaluation process.

### **Table 1 - Hourly Rates**

A definition for each of the Grades can be found in the tab titled ‘Grade Structure’ in Attachment 3.

You must ensure that the value for each Grade is in ascending order (i.e. the price for the next Grade is equal to or exceeds the price of the previous more junior Grade e.g. Grade 1 must be higher than or equal to Grade 2).

Maximum Hourly Rates for Trainee and Paralegal are fixed.

We will evaluate the price submitted for each Grade by comparing it against all prices submitted by other Bidders for the applicable Grade.

The Bidder who submits the lowest Hourly Rate for each Grade in the Pricing Matrix will receive 100% of the maximum score available for the applicable Grade, as detailed in the table below.

The maximum number of marks available for each Grade, are as follows:

Grade	Weighting (%)	Maximum Marks Available
1 Partner	25%	25.00
2 Legal Director / Counsel (or equivalent)	25%	25.00
3 Senior Solicitor, Senior Associate	25%	25.00
4 Solicitor, Associate	15%	15.00

5	NQ Solicitor / Associate, Junior Solicitor / Associate	10%	10.00
6	Trainee	N/A	N/A
7	Paralegal / Legal Assistant	N/A	N/A
Total		100%	100.00

Where two or more Bidders submit an equal lowest Hourly Rate for the same Grade, then these Bidders will each achieve 100% of the maximum score available for the applicable Grade.

All other Bidders who submitted an Hourly Rate for each Grade, will each receive a percentage of the maximum score available relative to the lowest Hourly Rate submitted for the Grade.

Example

For the Grade Senior Solicitor / Senior Associate, Bidder A submitted an Hourly Rate of £300.00.

The lowest Hourly Rate submitted by any Bidder for the Grade Senior Solicitor / Senior Associate, was Bidder B, who submitted £268.00.

Bidder C however, also submitted an equal lowest Hourly Rate of £268.00. Therefore, both Bidder B and Bidder C each receive 100% of the maximum marks available for the Grade Senior Solicitor / Senior Associate (25 marks).

The following calculation will be applied to all other submissions:

$$\text{Mark} = \frac{\text{Lowest tendered Hourly Rate}}{\text{Bidders tendered Hourly Rate}} \times \text{maximum mark available}$$

Using the above formula, the calculation for Bidder A for the Grade Senior Solicitor / Senior Associate is as follows:

$$\text{Mark} = \frac{268.00}{300.00} \times 25 = 22.33$$

## How we will calculate each Bidders Part 1 Price Score

First, we will calculate each Bidder's Hourly Rate Mark by adding together the marks awarded for each Hourly Rate.

Example:

Threshold	Maximum mark	Bidder mark for Grade
Partner	25.00	15.50
Legal Director / Counsel (or equivalent)	25.00	16.50
Senior Solicitor, Senior Associate	25.00	20.00
Solicitor, Associate	15.00	12.00
NQ Solicitor/Associate, Junior Solicitor/Associate	10.00	10.00
<b>Bidders Hourly Rate Mark</b>		<b>74.00</b>

We will then multiple the Bidder's Hourly Rates by the price weighting (20%) to calculate the Bidders Part 1 Price Score .

The calculation we will use is as follows

Bidders Part 1 Price Score	=	Bidders Hourly Rates Mark	x	20% Price weighting
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### Example

Bidders Part 1 Price Score	=	74.00	x	20%
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Bidders Part 1 Price Score = 14.80

### 7.3 Abnormally low tenders

Where we consider any of the Hourly Rates or Volume Discounts you have submitted to have no correlation with the quality of your offer or to be abnormally low, we will ask you to explain the price(s) you have submitted (as required in regulation 69 of the Regulations).

If your explanation is not acceptable, we will reject your bid and exclude you from this competition, we will inform you if your bid has been excluded and why.

## 8. Process of selection of bids to proceed from Award stage part 1 to Award stage part 2

### 8.1 How we will calculate your Part 1 Total Score

We will add your Part 1 Quality Score to your Part 1 Price Score to calculate your Part 1 Total Score.

Example:

Bidder	Part 1 Quality Score	Part 1 Price Score	Part 1 Total Score
	(Maximum score available 80)	(Maximum score available 20)	(Maximum score available 100)
Bidder A	65.25	15.00	80.25
Bidder B	50.25	15.00	65.25
Bidder C	50.00	16.00	66.00

For the purposes of determining which Bidders will be invited to Award stage part 2, CCS will rank all Bidders from the highest “**Part 1 Total Score**”. Bidders ranked 1st to 12th will be invited to participate via the eSourcing suite.

CCS reserves the right to invite less Bidders to Award stage part 2 where less than 12 Bidders are considered to have successfully met the Part 1 Award Stage criteria set out in this document.

Bidders ranked in 13th position onwards will be excluded from this procurement. Bidders will be notified accordingly via the eSourcing suite.

Where there are two or more Bidders who have tied scores and are placed in last position 12th, CCS will apply a tie breaker and the Bidder who obtained the highest ‘Part 1 Quality Score’ will be taken through to Award stage part 2.

In the event that there are still two or more Bidders who have tied scores following the tie break process outlined above, then CCS will use the ‘Bidders Part 1 Price Score’ awarded in the Part 1 Price Evaluation. The Bidder with the highest ‘Part 1 Price Score’ will be taken through to Award stage part 2.

Where two or more Bidders have tied scores and are in any position except for the last position, the number of Bidders will fill the positions immediately following the position that they have tied for. For instance, where two Bidders are tied in the 5th position they will occupy that 5th position as well as the 6th position respectively for the purpose of calculating the top 12 Bidders.

## 9. Award stage part 2

9.1 If you ranked 1st to 12th at Award stage part 1 (as detailed above) you will proceed to the Award stage part 2.

9.2 Award stage part 2 will comprise of:

- An evaluation of the Interview Presentation (“Part 2 Quality Evaluation”)
- An evaluation of the best and final offer tendered in the Pricing Matrix (“Part 2 Price Evaluation”)

9.3 Part 2 Award

Quality weighting		Price weighting
Social Value	Quality	
10%	70%	20%

9.4 What **YOU** need to do:

- Complete an Interview Presentation with senior panel evaluators, as detailed in Annex 1 of this document
- Complete the Pricing Matrix (Attachment 3) with your best and final offer and send to us via the eSourcing suite messaging system

9.5 What **WE** will do at Award stage part 2

1.	<p><b>Quality Evaluation</b></p> <p>A panel of evaluators, appropriate senior representatives from DfT and other relevant bodies (“Panel Evaluator”) will independently assess your responses to the Interview Presentation questions using each of the evaluation criteria of the Interview Presentation detailed in paragraph 10. Each Panel Evaluator will give a mark and a reason for their mark for each criteria of the Interview Presentation they are assessing.</p>
2.	<p><b>Consensus</b></p> <p>Once the evaluators have independently assessed your responses to each of the criteria in the Interview Presentation, we will arrange for the evaluators to meet and we will facilitate the discussion. At the consensus meetings, the evaluators will discuss the quality of your answers for each criteria and discuss their marks and reasons for that mark. The discussion will continue until they reach a consensus regarding the mark, and a reason for that mark, for each criteria of the Interview Presentation . These final marks will be used to calculate your Part 2 Quality Score.</p>
3.	<p><b>Quality Threshold</b></p> <p>If you have received a mark of 25 or less for one or more of criteria in the Interview Presentation, we will reject your bid and you will be excluded from the competition. We will tell you that your bid has been excluded from the competition and why.</p> <p>Refer to the table provided at paragraph 10.3 for an example of how your <b>Part 2 Quality Score</b> will be calculated.</p>
4.	<p><b>Compliance Check</b></p> <p>We will do a check to make sure that you have resubmitted your best and final offer Pricing Matrix in line with our instructions.</p>
5.	<p><b>Price Evaluation</b></p> <p>We will then give your Part 2 Pricing Matrix (best and final offer) to the price evaluation panel, who are different evaluators from those who assessed your Interview Presentations.</p> <p>They will calculate your <b>Part 2 Price Score</b> using the evaluation process in paragraph 11 – Part 2 Price evaluation.</p>

6.	<p><b>Final Score</b></p> <p>Your Part 2 Quality Score will be added to your Part 2 Price Score to create your <b>Final Score</b> as illustrated in paragraph 12.1 – Final decision to Award.</p>
7.	<p><b>Award</b></p> <p>Awards will be made to the successful Bidders following the standstill period, subject to contract.</p>

## 10. Part 2 quality evaluation

The Part 2 Quality Score weighting is 80%, which is broken down as follows:

Part 2 Quality Score	
Interview Presentation Criteria	35%
Award stage part 1 Social Value (B1 and B2)	10%
Award stage part 1 C1, C2 and D1	35%

### 10.1 Interview Presentation (35%)

The Interview Presentation will comprise of the Bidders' Representatives:

- presenting your response to the presentation question
- answering Evaluation Panel members' questions in relation to the Interview Presentation Criteria

All information in relation to the Interview Presentation is provided in Annex 1 of this document. No additional information will be issued to Bidders.

The Interview Presentation will be weighted 35% of the Part 2 Quality Score.

The four (4) Interview Presentation Criteria and weightings are detailed in Table A.

Table A - Interview Presentation Criteria and weightings		
Interview Presentation Criteria		Weighting
1	Specialist legal knowledge within the rail context, including the identification of risks and issues relevant to the rail environment	15%

2	Understanding of current and future challenges and opportunities facing the rail sector within a legal context	5%
3	Market knowledge of the rail sector	5%
4	Strategic insight into the rail sector, including the potential impact(s) on industry stakeholders	10%

The Scoring Scheme set out in Table B below will be used by the Panel Evaluators to score the quality of the responses provided by the Bidder's Representatives in relation to the Bidder's presentation and questions asked against each of the Interview Presentation Criteria in Table A.

Table B –Scoring Scheme		
Mark	Classification	Definition
100	Outstanding demonstration	<p>The presentation and responses to questions are comprehensive, unambiguous, and fully demonstrates your ability to meet the Interview Presentation Criteria.</p> <p>Full and relevant evidence has been provided to demonstrate an exceptional knowledge and insight of the GB rail sector in relation to the Interview Presentation Criteria. Evidence was provided in a clear and succinct manner.</p> <p>Outstanding level of relevant information and insight provided to support and demonstrate that the Bidder will be able to provide the Framework Deliverables.</p>
75	Good/substantial demonstration	<p>The presentation and responses to questions provide substantial detail to demonstrate your ability to meet the Interview Presentation Criteria.</p> <p>Evidence has been provided to demonstrate a substantial level of knowledge and insight of the GB rail sector in relation to the Interview Presentation Criteria. Evidence was provided in a clear and succinct manner.</p> <p>Substantial level of relevant information and insight to support and demonstrate that the Bidder will be able to provide the Framework Deliverables.</p>



50	Acceptable / satisfactory demonstration	<p>The presentation and responses to questions provide an acceptable level of detail to demonstrate your ability to meet the Interview Presentation Criteria.</p> <p>Satisfactory evidence has been provided to demonstrate an acceptable level of knowledge and insight of the GB rail sector in relation to the Interview Presentation Criteria. Evidence was communicated in a satisfactory manner.</p> <p>Acceptable level of relevant information and insight provided to support and demonstrate that the Bidder will be able to provide the Framework Deliverables.</p>
25	Partial / minimal demonstration	<p>The presentation and responses to questions provide a limited detail to demonstrate your ability to meet the Interview Presentation Criteria.</p> <p>Limited evidence provided which demonstrates a minimal/partial level of knowledge and insight of the GB rail sector in relation to the Interview Presentation Criteria. Evidence provided was not delivered in a clear, succinct manor.</p> <p>Minimal/partial level of relevant information and insight provided to support and demonstrate that the Bidder will be able to provide the Framework Deliverables.</p> <p><b>If you receive a 25, we will reject your bid and you will be excluded from the competition.</b></p>
0	Not demonstrated	<p>The presentation and responses to questions lacked detail/ failed to demonstrate your ability to meet the Interview Presentation Criteria.</p> <p>Evidence provided demonstrated no or a lack of basic knowledge and insight of the GB rail sector in relation to the Interview Presentation Criteria. Evidence provided was not delivered in a clear, succinct manor.</p> <p>A clear failure to provide information and insight to support and demonstrate that the Bidder will be able to provide the Framework Deliverables.</p> <p><b>If you receive a zero, we will reject your bid and you will be excluded from the competition.</b></p>

		<b>If you receive a zero, we will reject your bid and you will be excluded from the competition.</b>
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10.1.1 When the consensus meeting has taken place, and the final mark for each of the Interview Presentation Criteria has been agreed by the evaluators, your final mark for each Interview Presentation Criteria will be multiplied by the criteria's weighting to calculate your weighted mark for the criteria.

10.1.2 Each weighted mark for each of the Interview Presentation Criteria, will then be added together to calculate your Interview Presentation Quality Score.

10.1.3 Presentation question

Bidders invited to Stage 2 are required to submit a presentation in response to the following question:

<b>Presentation question</b>
<ol style="list-style-type: none"> <li>1. What do you see as the main legal risks and issues concerning rail in Great Britain in the next five (5) years and how do you see them impacting HMG?</li> <li>2. What are the main challenges facing government and the DfT's arm's length bodies involved in rail in this space?</li> </ol>
<p><b>Response guidance</b></p> <p>Responses should, as a minimum, address what you perceive as the main legal risks and issues concerning rail in Great Britain in the next five (5) years and how do you see them impacting HMG and what you perceive as the main challenges facing government in this space, clearly demonstrating your knowledge of the rail sector.</p> <p>Drawing on your knowledge and experience within rail, you should be able to outline the potential impact and associated mitigations of the main legal risks and issues you have identified and demonstrate your associated arguments and rationale for such assertions.</p> <p>Your response should be limited and focused on the question posed. No marks will be given to layout, spelling, punctuation or visual effect of the slides included in the presentation.</p> <p>When preparing your presentation, you should take account of the Interview Presentation Criteria and Scoring Scheme.</p>

There is no limit on the number of slides but Bidders should be aware that, during the Interview Presentation, 25 minutes will be allocated for the presentation. Any slides not presented in the time allocated will not be taken into account for the purposes of the evaluation.

Presentations cannot exceed 20MB in size.

10.1.4 You are required to submit your presentation via the eSourcing messaging system by the deadline in Attachment 1 – About the Framework paragraph 6, Timelines for the competition.

## 10.2 Part 1 Quality Evaluation (45%)

The marks awarded in the Part 1 Quality Evaluation will be carried forward to Part 2 as follows:

Question	Weighting
Social value	10.00%
C1	12.50%
C2	12.50%
D1	10.00%
<b>Total Weighted Marks carried forward From Part 1</b>	<b>45.00%</b>

Please see table below for an illustrative example of how the marks awarded in the Part 1 Quality Evaluation will be carried forward to Part 2.

Question and Key Area		Your final mark at Part 1 (max 100)	Weighting at Part 2 (%)	Your weighted mark at Part 2
B1	Social value	100	5.5%	5.50
B2	Social value	50	4.5%	2.25
QC1				
1	Delivery of legal quality	100	7.5%	7.50
2	Strategic input	50	5.0%	2.50
QC2				
1	Delivery of legal quality	100	7.5%	7.50
2	Strategic input	50	5.0%	2.50
QD1				
1	Resourcing	50	3.0%	1.50
2	Resilience / hybrid model of working	100	5.0%	5.00
3	Continuous improvement	75	2.0%	1.50
Part 1 marks carried forward to Part 2 (max 45)				35.75

### 10.3 Part 2 Quality Score

Please see the table below for an illustrative example of how your Part 2 Quality Score will be calculated.

Question	Question Weighting (%)	Maximum mark available	Your mark	Your weighted mark	
Total Marks carried forward From Part 1 Quality Evaluation					
45% weighting, sub-weighted into the following questions:					
B1	Social value	5.50%	See paragraph 10.7 above for calculations	5.50	
B2	Social value	4.50%		2.25	
C1	QC1	12.50%		10.00	
C2	QC2	12.50%		10.00	
D1	QD1	10.00%		8.00	
Interview Presentation Criteria					
35% weighting, sub-weighted into the following criteria:					
1	Criteria 1	15.00%	100	100	15.00
2	Criteria 2	5.00%	100	50	2.50
3	Criteria 3	5.00%	100	50	2.50
4	Criteria 4	10.00%	100	50	5.00
Part 2 Quality Score (max 80)					60.75

## 11. Part 2 price evaluation

This paragraph contains information on how to complete and resubmit your Part 2 Pricing Matrix.

You need to complete and submit Attachment 3 Pricing Matrix with your best and final offer.

You should read and understand the instructions in the Pricing Matrix, and in paragraph 7 of this document, before submitting your best and final offer price values (e.g. prices).

You are required to send your best and final offer via the eSourcing messaging system by the deadline in Attachment 1 – About the Framework paragraph 6 Timelines for the competition. Please title your message [your company name Stage 2 Price submission] and your completed Attachment 3 [your company name S2 Price].

We will use the same price evaluation process as detailed in paragraph 7 of this document to calculate your Stage 2 Price score.

## 12. Final decision to Award

### 12.1 How we will calculate your Final Score

We will add your Part 2 Quality Score to your Part 2 Price Score to calculate your Final Score.

Example:

Bidder	Part 2 Quality Score	Part 2 Price Score	Final Score
	(Maximum score available 80)	(Maximum score available 20)	(Maximum score available 100)
Bidder A	80.00	20.00	100.00
Bidder B	60.00	15.00	75.00
Bidder C	50.00	10.00	60.00

We will then rank all final scores from highest to lowest.

We will offer the number of Bidders a Framework Contract as set out in paragraph 3.1 of Attachment 1 – About the framework.

The maximum number of Bidders of this Framework may increase where two (2) or more Bidders have tied scores in last position only.

### 12.2 Reserved rights

We also reserve the right to award a Framework Contract to any Bidders whose final score is within 1% of the last position, the last position is 8th position.

Example:

If the Bidder in 8th place, last position has a final score of 60.00

The calculation we will use is:

8th place Bidders final score is 60.00

1% of 60.00 = 0.60

The calculation will be rounded to two decimal places in excel.

60.00 – 0.60 = 59.40

So, any Bidder whose final score is 59.40 or above will be awarded a place on the framework.

### 12.3 Intention to Award

We will tell you if you have been successful or unsuccessful via the eSourcing suite. We will send Intention to Award letters to all Bidders who are still in the competition i.e. who have not been excluded.

At this stage, a standstill period of ten (10) calendar days will start, the term standstill period is set out in regulation 87(2) of the Regulations. During this time, you can ask questions that relate to our decision to Award. We cannot provide advice to unsuccessful Bidders on the steps they should take and they should seek independent legal advice, if required.

Following the standstill period, and if there are no challenges to our decision, successful Bidders will be formally awarded a Framework Contract subject to signatures.

### 12.4 Framework Contract

You must sign and return the Framework Contract within 10 days of being asked. If you do not sign and return, we will withdraw our offer of a Framework Contract.

The conclusion of a Framework Contract is subject to the provision of due 'certificates, statements and other means of proof' where Bidders have, to this point, relied on self-certification.

This means:

Certification for your organisation of the following:

- Employer's (Compulsory) Liability Insurance - £10m
- Public Liability Insurance - £10m
- Professional Indemnity Insurance - £100m

Certification for your organisation, and consortia members and key subcontractors if applicable, the following:

- Cyber Essentials Plus Certificate or ISO 27001 as an accepted equivalent

Bidders awarded a place on this framework must submit their Prospectus to CCS in line with the instructions in the Prospectus Guidance at Framework Schedule 7.

## Annex 1 – Part 2 Interview Presentations

1. Any queries in relation to the Interview Presentations at Award stage part 2 must be raised by Bidders during the clarification period as set out in paragraph 6 of Attachment 1 – About the framework.
2. An invitation will be issued to the Bidders who are invited to take part in Award stage part 2.
3. We will confirm the exact date, time and format (face to face or virtual) of the Interview Presentations when we issue the invitations to the Interview Presentation, on the indicative date detailed in paragraph 6 of Attachment 1 – About the framework.
4. CCS reserves the right to deem late attendees non-compliant and the Bidder may be excluded from further participation in this procurement.
5. The Evaluation Panel at the Part 2 Interview Presentations will consist of appropriate senior representatives from DfT and other relevant bodies, also in attendance will be an Independent Chair and CCS representatives.
6. The Evaluation Panel will ask questions in accordance with the evaluation criteria, guidance and scoring set out in this document. The Interview Presentations will represent, 35% of the total 80 mark achievable by the Bidder in the Part 2 Quality evaluation.
7. Bidders must adhere to the following instructions when participating in a Part 2 Interview Presentation:
  - The Bidder shall present a maximum of five (5) representatives, from a range of disciplines, that are able to answer questions in relation to the Interview Presentation Criteria.
  - The Bidder shall be wholly responsible for its choice of representatives in relation to the requirement.
  - The Bidder should note, that the Interview Presentation is not an opportunity to market their organisations or attempt to overtly influence the Evaluation Panel in any such way.
  - It is mandatory that the Interview Presentations are conducted verbally, copies of the presentation slides will be permitted. However, any other presentation materials or handouts are **not** permitted.
8. The Interview Presentations will last 60 minutes, broken down as per the table overleaf. The Authority will notify Bidders when each time limit expires so that timings are adhered to and not exceeded.



<b>Part 2 Interview Presentation</b>	
Introduction by Chair, Panel members and Bidder representatives	5 minutes
Bidder's presentation of response to the presentation question	25 minutes
Evaluation Panel questions in relation to the Interview Presentation Criteria	25 minutes
Close to the meeting	5 minutes

9. Bidders may seek clarification regarding any question asked, but otherwise there will be no opportunity for Bidder's to ask questions during the Interview Presentations.
10. The evaluation of your Interview Presentation will be conducted and consensus checked in accordance with the published Interview Presentation Criteria and scoring scheme in this document.
11. When the Consensus Marking Procedure for the Interview Presentations has been completed, this will determine the mark awarded for the Interview Presentation.
12. No feedback will be provided on the day.