



**INVITATION TO TENDER (STAGE 1)**

**LEGISLATION CONTRACT**

**COMPETITIVE PROCEDURE WITH NEGOTIATION**

**CLOSING DATE FOR STAGE 1 TENDER RESPONSES – MAY 22<sup>ND</sup>, 2017**

## **1 PURPOSE**

- 1.1 The purpose of this Procurement Process is for The National Archives (TNA) to select a Supplier to deliver its Legislation Contract.
- 1.2 TNA intends to award the Contract for an initial period of three years, with options to extend for two further periods of up to twelve months each (3+1+1).
- 1.3 The appointed Supplier will operate, maintain and develop this world-leading, high-profile and authoritative service embracing the best cutting edge technology (covering [legislation.gov.uk](https://legislation.gov.uk), [publishing.legislation.gov.uk](https://publishing.legislation.gov.uk), [research.legislation.gov.uk](https://research.legislation.gov.uk), [editorial.legislation.gov.uk](https://editorial.legislation.gov.uk) and the linked data service). Service delivery must ensure portability and security of the platform, a strong commitment to open standards, service availability, accessibility, scalability and performance. New legislation must be published, accurately within prescribed timescales. There must be a commitment to future system enhancements and innovation.

## 2 BACKGROUND

2.1 Readily available, freely accessible, up-to-date legislation underpins the rule of law in the UK. It is at the heart of the business of government and supports commercial enterprise through enabling the re-use of legislation as open data.

2.2 Through the Legislation Contract, we deliver the following:

- A coherent, UK wide approach to managing the complexities of the statute book, through the provision of a unique, integrated multi-jurisdictional digital service, [legislation.gov.uk](https://legislation.gov.uk).
- A **publishing service** that is essential to the operation of the UK's Parliaments, Assemblies and Governments, ensuring legislation is correctly formatted, registered and published on [legislation.gov.uk](https://legislation.gov.uk) with a digital audit trail of actions, recording the provenance of the data, ensuring accountability through transparency.
- An **editorial service** that is essential in ensuring that legislative amendments are recorded, published and then applied to create new versions of the texts. The service is used by a wide range of expert users from across the commercial, academic and public sectors, as well as our in-house team of editors.
- A **research service** that provides the tools and data that researchers, academics and policy makers can use to understand how the statute book works as a whole system.
- **High quality open data** that is essential for commercial legal publishers and other data re-users, underpinning a range of legal products and services.
- The **print production** of official as enacted or as made legislation and associated documents – available to the UK's Parliaments, Assemblies and Governments, and the general public.

2.3 The re-letting of this Contract provides an exciting opportunity for the right Supplier. You will inherit well-established Cloud-hosted services and a world-leading technology platform. You will need to demonstrate that you have the skills and ability to operate and maintain these services to exceptionally high standards – they are business-critical services for UK's Parliaments, Assemblies and Governments. But we are also looking for a supplier that has an innovative and solutions-focused approach to business and service development – someone with the ability to develop and evolve services to meet new user needs, and emerging challenges, and the appetite to actively seek new revenue-generating opportunities arising from the marriage of high calibre, official legislation data and the high-profile legislation.gov.uk brand.

2.4 The National Archives will continue to provide strategic leadership and governance, and legislative, policy and editorial expertise.

2.5 For more information about the legislation services we provide, see [Appendix A](#).

### **3 THE PROCUREMENT PROCESS**

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

#### **4 HOW TO RESPOND**

- 4.1 Please submit your Stage 1 Response by **5pm (UK time) on May 22<sup>nd</sup>, 2017** to [procurement@nationalarchives.gsi.gov.uk](mailto:procurement@nationalarchives.gsi.gov.uk), providing the information specified in Section 5 of this Invitation to Tender document.
- 4.2 If you have any clarification questions related to your Stage 1 Response, please submit these to [procurement@nationalarchives.gsi.gov.uk](mailto:procurement@nationalarchives.gsi.gov.uk) by **5pm (UK time) on April 28<sup>th</sup>, 2017**.
- 4.3 Potential Suppliers should note that there are [grounds for mandatory exclusion](#) from being awarded government contracts. By submitting a Stage 1 Response you are self-certifying that none of these grounds apply to you or your organisation (or any other person who has powers of representation, decision or control in the organisation), or to any agents, affiliates or sub-contractors.

## 5 YOUR STAGE 1 RESPONSE

5.1 Stage 1 Responses must demonstrate your relevant experience, skills and capabilities for delivering the Legislation Contract, along with your initial, high level ideas for addressing TNA's requirements. It is for Potential Suppliers to determine what format their Stage 1 Responses should take; however, please ensure that within your Response you address as a minimum the following:

- **Category 1** - Tell us what relevant experience, skills and capabilities you have in the area of '*legislation.gov.uk Platform and Services*' - as described in **Appendix A** to this document - and what initial ideas you have for addressing this requirement for the Legislation Contract.
- **Category 2** - Tell us what relevant experience, skills and capabilities you have in the area of '*Cloud Hosting Management Services*' - as described in **Appendix A** to this document - and what initial ideas you have for addressing this requirement for the Legislation Contract.
- **Category 3** – Tell us what relevant experience, skills and capabilities you have in the area of '*Service Development and Innovation*' as described in **Appendix A** to this document – and what additional ideas you have for addressing this requirement for the Legislation Contract. Provide evidence of usability work you have carried out and how this impacted on the delivery of service, evidence of your capability to deliver innovative solutions, and evidence of your ability to work to the Technology Code of Practice, Service Standard, and practices set out in the Service Manual described in **Appendix A**.
- **Category 4** - Tell us what relevant experience, skills and capabilities you have in the area of '*New Business Development*' - as described in **Appendix A** to this document - and what initial ideas you have for addressing this requirement for the Legislation Contract. Provide evidence that you have the relevant skills and experience to actively seek new revenue-generating opportunities arising from the marriage of official legislation data, a highly skilled editorial team, and the high-profile legislation.gov.uk brand. Please also provide some evidenced examples of new business development you have undertaken.
- **Category 5** - Tell us what relevant experience, skills and capabilities you have in the area of '*Hardcopy (Print) Legislation Publication*' - as described in **Appendix A** to this document - and what initial ideas you have for addressing this requirement for the Legislation Contract.

## 6 EVALUATION CRITERIA

Stage 1 Responses will be evaluated using the following criteria:

CATEGORY	MAXIMUM AVAILABLE SCORE	WEIGHTING	MAXIMUM AVAILABLE WEIGHTED SCORE
<b>Category 1 – Legislation.gov.uk Platform and Services</b>	10	2	20
<b>Category 2 – Cloud Hosting Management Services</b>	10	1	10
<b>Category 3 – Service Development and Innovation</b>	10	1	10
<b>Category 4 – New Business Development</b>	10	1	10
<b>Category 5 – Hard Copy (Print) Legislation Publication</b>	10	1	10

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

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

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



## 7 PROCUREMENT TIMETABLE

The Procurement Timetable is as follows:

STAGE 1		
Ref.	Description	Date
1	Invitation to Tender is published in OJEU and on the Contracts Finder website	April 11 <sup>th</sup> , 2017
2	Deadline for Potential Suppliers to submit clarification questions to <a href="mailto:procurement@nationalarchives.gsi.gov.uk">procurement@nationalarchives.gsi.gov.uk</a>	April 28 <sup>th</sup> , 2017 (5PM)
3	Deadline for TNA to respond to clarification questions*	May 8 <sup>th</sup> , 2017
4	Deadline for Potential Suppliers to submit their Stage 1 Responses to <a href="mailto:procurement@nationalarchives.gsi.gov.uk">procurement@nationalarchives.gsi.gov.uk</a>	May 22 <sup>nd</sup> , 2017 (5PM)
5	TNA to evaluate Stage 1 Responses and to shortlist Potential Suppliers for Stage 2 of the Procurement Process	May 31 <sup>st</sup> , 2017
6	TNA to provide feedback to shortlisted Potential Suppliers	May 31 <sup>st</sup> , 2017
7	TNA to provide feedback to unsuccessful Potential Suppliers	May 31 <sup>st</sup> , 2017

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

STAGE 2		
Ref.	Description	Date
8	TNA to submit Stage 2 Documentation to shortlisted Potential Suppliers	June 1 <sup>st</sup> , 2017
9	Timebox for shortlisted Potential Suppliers to meet with TNA to test ideas, to negotiate, and to refine their Proposals	Month of June, 2017
10	Deadline for shortlisted Potential Suppliers to submit clarification questions to <a href="mailto:procurement@nationalarchives.gsi.gov.uk">procurement@nationalarchives.gsi.gov.uk</a>	June 23 <sup>rd</sup> , 2017
11	Deadline for TNA to respond to clarification questions**	July 7 <sup>th</sup> , 2017
12	Deadline for short-listed Potential Suppliers to submit their Stage 2 Proposals to <a href="mailto:procurement@nationalarchives.gsi.gov.uk">procurement@nationalarchives.gsi.gov.uk</a>	July 21 <sup>st</sup> , 2017
13	Timebox for short-listed Potential Suppliers to present their Stage 2 Proposals to selected TNA staff	w/c July 24 <sup>th</sup> , 2017
14	Deadline for TNA to evaluate Stage 2 Proposals and identify preferred Supplier	July 31 <sup>st</sup> , 2017
15	End of standstill period	August 10 <sup>th</sup> , 2017

16	Contract award	End-August, 2017
17	Contract and initial Service commencement date	By February 1 <sup>st</sup> , 2018

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

## **8 CONTRACT TERMS AND CONDITIONS**

- 8.1 The Legislation Contract Terms & Conditions shall be based on the Model Services Contract published [here](#).

## **9 TERMS OF PARTICIPATION**

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

## **10 TUPE**

- 10.1 TNA believes that some or all of the staff employed by the current Legislation Contract supplier may be covered by the provisions of the Transfer of Undertakings (Protection of Employment) Regulations (TUPE) following the award of this Contract. Further details will be supplied to those Potential Suppliers who are shortlisted for Stage 2 of the Procurement Process.