**NATIONAL INSTITUTE FOR HEALTH AND CARE EXCELLENCE**

Clinical Knowledge Summaries: an Evidence Based Resource for Primary Care

Tender Submission  
Instructions and Guidance

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1. Introduction
   1. On 31/05/2022 NICE released the Contract Notice on Find a Tender and Contracts Finder, inviting expressions of interest from Potential Providers of an Evidence Based Resource for Primary Care who are invited to submit a formal offer in response to this Invitation to Tender.
2. Contract Details

Contract: Clinical Knowledge Summaries

Contract Duration: 36 months with options to extend for

2 x 12-month period

Contract Commences: 6th September 2022

Implementation Commences: 4th November 2022

Service Commences: 8th April 2023

Procedure: Open Procedure

1. Contract Value
   1. The total budget is £441,000 (excluding VAT) per annum (years 2023-24, 2024-25, 2025-26). Total 3-year budget is £1,323,000. Submissions exceeding this value will not be accepted. The contract term is three (3) years from 8th April 2023 to 7th April 2026), with options to extend for additional 2x12-month periods (8th April 2026 to 7th April 2028) at £441,000 (excluding VAT) per annum, total 24-month extension £882,000.
   2. Where implementation costs are relevant, NICE will pay implementation costs in April 2023 on full acceptance and delivery of the implementation phase. Implementation costs need to be covered in the year 1 budget (2023-2024).
      1. Suppliers will be fully aware of the changing structural and financial climate in which the NHS is now operating and the impact that this will inevitably have on future NHS budgets for purchasing.
2. Invitation to Tender Pack
   1. The following documents are included in the Invitation to Tender pack:

**01\_Tender Submission Instructions and Guidance**

Provides the Supplier with instructions to tendering, submission guidance and evaluation procedures

**02\_Statement of Requirements -** Outlines the requirements of NICE for the provision of the Service

**03\_Tender Response Document -** The response document of the Suppliers formal offer.

**04\_CKS guidance development process assessment form -** The response document of the Suppliers NICE Accreditation/Self-Assessment.

**05\_Pricing a Schedule Response Document -** Breakdown of costs and final pricing offer

**06\_Supplier Vetting Questionnaire Response Document (SVQ) -** Details the Suppliers company details, structure and experience.

**07\_Mandatory and Discretionary Exclusions Response Document -** Details the requirements of the formal Suppliers company checks

**08\_Terms and Conditions of Contract -** The terms on which this contract will be awarded and the service provided throughout the full life cycle of the contract

**09\_ T&Cs\_SLAs KPIs and Reporting Template**

**10\_Forms requiring signatures**

* Confidentiality Agreement
* Conflicts of Interest
* Form of Offer
* Redaction Requests
* Terms and Conditions Queries
* TUPE Non-Disclosure Agreement

1. Instructions and Guidance

Supplier Invitation to Tender

* + 1. Submission of final offers to this ITT shall be in accordance with Section 9.
    2. On receipt of final offers from Suppliers in response to this ITT, NICE will evaluate each response using the Evaluation Methodology set out in section 15.
    3. The evaluation will form the basis of NICE’s decision to proceed to interview or Contract Award. Should NICE deem that interviews are required prior to finalising its decision to proceed to awarding the contract, the following procedure will be followed (15.5 below).

Short-listed Suppliers for Interview

* + 1. NICE envisages that a number of Suppliers could be selected to attend a further interview post the tender evaluation. The shortlist for interview will be determined by the evaluation procedure, applying the criteria as described in section 15 of this document. Suppliers must ensure they are available to attend the interviews on the dates stated below.
    2. The evaluation methodology applied to such interviews is detailed in section 15.

|  |  |  |
| --- | --- | --- |
| DATE | TIME | LOCATION |
| 27 July 2022 | 9 – 5pm | Virtual by Zoom |

Procurement Timetable

* + 1. The estimated timetable for the remainder of this procurement is as follows:

|  |  |
| --- | --- |
| **Stage** | **Date** |
| Issue final ITT documentation | 31st May 2022 |
| Expression of Interests & Signed TUPE NDA | 5pm - 17th June 2022 |
| Deadline for bidder questions | 5pm - 17th June 2022 |
| NICE final response to questions deadline | 27th June 2022 |
| **Tender Responses** | **5pm - 5th July 2022** |
| Tender Evaluation | 6th – 20th July 2022 |
| Notify shortlisted Suppliers of Interview (if required) | 20th July 2022 |
| Interviews | 27th July 2022 |
| Preferred Bidder Notice and Losing Suppliers Debriefed | 29th July 2022 |
| Alcatel Period (10 days) | 30th July – midnight 9th August 2022 |
| Contract Award | 10th August 2022 |
| Contract drafting and signing | 11th August – 6th September 2022 |
| TUPE | 11th August 2022 – 3rd November 2022 |
| Contract commences | 4th November 2022 |
| Implementation commences | 4th November 2022 |
| Service commences | 8th April 2023 |

1. Suppliers Instructions
   1. This section sets out the general instructions for the submission of the tender / final offer from the Suppliers in response to this ITT. These instructions must be followed and adhered to. Any deviation from these instructions may result in your tender being rejected.
   2. Bidders must provide an Expression of Interest (EOI) to this tender. Bidders must email [**sharon.martin@nice.org.uk**](mailto:sharon.martin@nice.org.uk) with a statement of interest in this tender no later than **17:00 (5:00pm) UK time on 17th June 2022**. Failure to EOI may result in your tender being rejected.
   3. **Bidders must provide a signed NDA for TUPE data**. Bidders must email [**sharon.martin@nice.org.uk**](mailto:sharon.martin@nice.org.uk) with the signed NDA no later than **17:00 (5:00pm) UK time on 17th June 2022**. On receipt of a signed NDA, NICE will provide the bidder with the confidential TUPE data.
   4. The tender submission offer must be returned no later than **17:00 (5.00pm) UK time on 5th July 2022.**
   5. All **tender submission and final offers** must be written in English and to be submitted electronically by email in a Microsoft word format to: [contract.bids@nice.org.uk](mailto:contract.bids@nice.org.uk). **Please use as the subject title: NICE CKS\_[company name]**
   6. All responses must be referenced as detailed in the final ITT for ease of evaluation.
   7. All offers must be submitted in GBP sterling and must be exclusive of Value Added Tax (VAT).
   8. Suppliers should answer all questions as accurately and concisely as possible in the same order as the questions are presented. Where a question is not relevant to the Supplier, this should be indicated, with an explanation.
   9. Suppliers must be explicit and comprehensive in their responses to this ITT as this will be the single source of information on which responses will be scored and ranked. Suppliers are advised neither to make any assumptions about their past or current supplier relationships with NICE, nor to assume that such prior business relationships will be taken into account in the evaluation procedure.
   10. NICE reserves the right at any time:
       1. to issue amendments or modifications to the documents contained in the Invitation to Tender pack during the tender;
       2. to not bind itself to accept the lowest or any offer and reserves the right to accept an offer either in whole or in part, each item being for this purpose treated as offered separately;
       3. to purchase the most cost effective and economically advantageous offer from this tender and does not bind itself to the cheapest price or the overall winner of the scoring evaluation that may result from this procurement;
       4. to terminate this procurement at any time;
       5. to require Suppliers to provide additional information supplementing or clarifying any of the information provided in response to the requests set out in this ITT. NICE may seek independent financial and market advice to validate information declared, or to assist in the evaluation.
   11. NICE will not be liable for any cost incurred in relation to any part of this procurement activity throughout its lifecycle to close, including any costs or expenses incurred by any Supplier or the Supplier's Team or any other person in resource time, preparation of responses, attendance of meeting, or any other cost that the Supplier may incur.
   12. Costs shall be fixed for the duration of the contract and not subject to change, unless agreed in writing by both NICE and the Contractor.
   13. The costing spreadsheet of your offer must be transparent to NICE and not be password protected or have any part of the model hidden. All costs breakdowns must be shown within your response and provided in GBP sterling.

Non Compliance and/or disqualification

* + 1. NICE expressly reserves the right to reject any proposal that:
* does not meet any minimum requirement in the tender;
* does not follow the instruction to tender guidance;
* is incomplete, or does not provide either an answer to any question or a reasonable explanation of why an answer to any question has been omitted;
* refuses to adhere to the Terms and Conditions of Contract.
  + 1. NICE reserves the right to reject or disqualify a Supplier and/or the members of the Supplier’s Team where:
* the Supplier and/or the members of the Supplier’s Team are unable to satisfy the terms of Article 45 of Directive 2004/18/EC and/or Regulation 23 of the Public Contracts Regulations 2015 at any stage during the Procedure;
* the Supplier and/or the members of the Supplier’s Team are guilty of material misrepresentation or false statement in relation to its application and/or the process; and
* the Supplier and/or the members of the Supplier’s Team contravene any of the terms and conditions of this ITT and/or any Associated Documents.

1. Queries about the Procurement
   1. All requests for clarification or further information in respect of this procurement should be addressed to NICE’s named contact point (section 9) or discussed during the relevant dialogue meeting with the representatives of NICE. No approach of any kind in connection with this procurement should be made to any other person within, or associated with, NICE.
   2. NICE will ensure that all applicants receive equal treatment during this procurement and we will share all information requests and responses with all applicants.
   3. Any questions and answers will be collated and distributed by email to all the Suppliers throughout the tender period. The final clarification responses will be issued no less than 6 days prior to the tender submission deadline.
   4. Please note that that there will be no telephone or any informal or other kind of discussion between Suppliers and officers or directors of NICE after this document is dispatched other than the representative of NICE named in section 9.
   5. If NICE considers any question or request for clarification to be of material significance, both the question and the response will be communicated, in a suitably anonymous form to all Suppliers.
   6. All responses received and any communication from Suppliers will be treated in confidence but will be subject to paragraph 8.5.
2. Terms and Conditions queries
   1. Open procedure does not allow for negotiation of any terms of contract post contract award.
   2. Bidders must follow the process below in regards to any queries, clarifications or considerations regarding the terms and conditions of contract.
      1. Bidders may ask clarification questions regarding the terms and conditions of contract using the process described in section 9 above for clarification on understanding terms only.
      2. Bidders must not request changes to terms and conditions of contract using the process described in 9 above.
      3. Bidders are required to complete the form “Terms and Conditions Queries” and return this with the bid.
      4. NICE will assess all bidders Terms and Conditions queries. NICE will:
         1. inform bidders that no changes will be made to the Terms and Conditions; or
         2. make any changes it sees fit to the Terms and Conditions (at the sole discretion of NICE) and send these to all bidders.
      5. On receipt of any amended Terms and Conditions subject to 10.2.5, bidders will be given a date and time to which they must respond to nice with one of the following:
         1. We agree to the Terms and Conditions
         2. We do not agree with the Terms and Conditions and withdraw our bid.
3. NICE’s Named Point of Contact
   1. NICE’s named point of contact for this procurement is:

**Sharon Martin**

Procurement Officer  
National Institute for Health and Care Excellence  
Email: [sharon.martin@nice.org.uk](mailto:sharon.martin@nice.org.uk)

1. Suppliers Named Point of Contact
   1. Suppliers are asked to include a single point of contact in their organisation. NICE will not be responsible for contacting the Supplier through any route other than the nominated contact. The Supplier must therefore undertake to notify any changes relating to the contact promptly.
2. Additional Information
   1. NICE expressly reserves the right to require a Supplier to provide additional information supplementing or clarifying any of the information provided in response to the requests set out in the final ITT. NICE may seek independent financial and market advice to validate information declared, or to assist in the evaluation.
3. Freedom of Information
   1. In accordance with the obligations and duties placed upon public authorities by the Freedom of Information Act 2000 (“the FoIA”), all information submitted to NICE may be disclosed in response to a request made pursuant to the FoIA.
   2. In respect of any information submitted by a Potential Supplier that it considers to be commercially sensitive the Potential Supplier should:

* clearly identify such information as commercially sensitive;
* explain the potential implications of disclosure of such information; and
* provide an estimate of the period of time during which the Potential Supplier believes that such information will remain commercially sensitive.
  1. Please submit responses to 13.2 as an Annex with the completed tender offer.
  2. Where a Potential Supplier identifies information as commercially sensitive, NICE will endeavour to maintain confidentiality. Suppliers should note, however, that, even where information is identified as commercially sensitive, NICE might be required to disclose such information in accordance with the FoIA. Accordingly, NICE cannot guarantee that any information marked ‘commercially sensitive’ will not be disclosed.

1. Procurement Transparency
   1. In light of the need for greater transparency, Suppliers and those organisations looking to bid for public sector contracts should be aware that if they are awarded a contract for this work, the resulting contract between the supplier and NICE will be published in its entirety.
   2. In some circumstances, limited redactions will be made to some contracts before they are published in order to comply with existing law and for the protection of national security. Suppliers are asked to make any sections of their tender that they regard as Commercial in Confidence or subject to the non disclosure clauses of the FOIA or DPA clear within the submission documents. Please note that the total value (bottom line) of the agreement is required to be published under current Public Contracts Regulations 2015 and the UK governments Transparency Agenda. Please do not hesitate to contact us if you require clarity upon this point.
   3. Please complete Annex 4 - Redaction Requests of the ITT, to notify NICE of any sections of the tender you regard as Commercial in Confidence.
2. Tender Evaluation and Selection Criteria

Evaluation

* + 1. NICE will review all tenders to ensure they are fully compliant with these instructions. Any non-compliant bid may be rejected (see 7.14).
    2. The underlying principle of ITT evaluation will be based on the Most Economically Advantageous Tender that meets NICE’s requirements.
    3. The Evaluation Methodology set out in this section will be used to evaluate the Suppliers’ submission/offer to this Invitation to Tender (ITT).
    4. Bidders should note that cost is a factor in this procurement and represents 50% of the overall score.
    5. The tender submission will be evaluated in the following order:

|  |  |  |
| --- | --- | --- |
| **Stage 1** | Mandatory and Discretionary Exclusions Response Document | **Pass / Fail**  (if Pass, bidder will go to stage 2) |
| **Stage 2** | SVQ Response Document | **Pass / Fail**  (if Pass, bidder will go to stage 3) |
| **Stage 3** | Bidders Response Document to ITT | **Evaluation**  as described in 15.1, 15.2, 15.3 and 15.4 |
| **Stage 4** | Supplier interview (if required) | **Evaluation**  as described 15.5 |

Cost Evaluation

* + 1. The cost will be evaluated using the following formula:

Lowest Price / Suppliers Price X 50 (the weighting)

Criteria and Scoring Guide

* + 1. Each evaluator will independently evaluate each tender submitted and use the following guide to score each criterion. The scores of all evaluators per criterion will then be averaged and weighting applied to give an adjusted score. All clarifications required by NICE will be incorporated into the final evaluation.

|  |  |
| --- | --- |
| **Score** | **Guide** |
| -5 | The point is omitted |
| 0 | The point is mentioned but not explained |
| 1 | Not acceptable |
| 2 | The point is possibly acceptable |
| 3 | The point is acceptable |
| 4 | The point is well made and acceptable |
| 5 | Exceeds Expectations / Best |

Criteria and scoring

* + 1. The selection criteria that will be applied to this tender are:

|  |  |
| --- | --- |
| **Criteria** | **Weighting** |
| Topic Content | 7% |
| Topic Coverage | 9% |
| Content Delivery Mechanisms and Formats | 6% |
| Publication via NICE digital channels | 1% |
| Quality Assurance of Topic Content Creation | 10% |
| Quality Assurance of Topic Content Delivery and Presentation | 4% |
| User feedback and Enquiry Handling | 1% |
| Implementation and Project management | 7% |
| Key Performance Indicators and Contract and Service Management | 5% |
| Project Cost and value for money | 50% |

Short Listed Suppliers for Interview and Evaluation

* + 1. NICE may choose to shortlist a bidder or Suppliers to present to the evaluation panel and clarify any outstanding areas or their proposal where NICE may have concerns or further questions. However, if no further concerns or questions are raised, NICE reserves the right to proceed to Contract Award.
    2. Each bidder interviewed will be re-scored independently of the tender response, based on their responses in the interview alone and re-ranked against each of the others bidders that were shortlisted for interview. This evaluation will have no bearing on the evaluation that resulted in the bidder being shortlisted to interview or not. Suppliers not invited to interview will be notified at the same time as shortlisted Suppliers.
    3. The scoring guide and criteria in 15.4 above will be used to score the interviewed bidder, however the weightings will not be applied, the composite score of the interview panel will form the basis of award. The interview will be in direct relation to the outstanding areas of the Suppliers proposal.
    4. Shortlisted Suppliers will be notified of the evaluation process on invitation to interview.

1. Your Response Pack
   * 1. The following documents must be included in your response to this Invitation to Tender pack:
        1. Invitation to Tender Response Document
        2. CKS guidance development process assessment form
        3. Pricing Response Document
        4. Supplier Vetting Questionnaire Response Document (SVQ), (including all attachments required i.e. financial accounts, policies etc.)
        5. Mandatory and Discretionary Exclusions Response Document
        6. Forms requiring original signatures

* Form of Offer
* Confidentiality Agreement form
* Conflicts of Interest form
* Terms and Conditions queries form
* Redaction Requests form