

Invitation to tender

Attachment 2 – How to bid

**RM6284 Costs Lawyer Services 2**

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1. **How to make your bid**
   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.
   2. You may bid for one or more of the lots, ensure you read paragraph 3.1 of attachment 1.
   3. Your bid must be **entered into the eSourcing suite.** We can only accept bids that we receive through the eSourcing suite.

If you are bidding as a Consortium, please submit your bid in the name of the Lead member and follow the instructions when completing the Qualification envelope, including providing the name of the consortium in Section 2b of the Selection Questionnaire.

If you are bidding as a single entity on a Lot and as a Consortium on another Lot, you will need to set up an additional account in the eSourcing suite. Please submit your bids as follows:

* For your bid as a single entity, please submit your bid in the eSourcing suite in the name of your organisation.
* For your bid as a consortium, please create an additional account in the eSourcing suite in the name of your consortium

In both cases, when submitting your bid(s) please continue to follow the instructions when completing the Qualification envelope section 2b of the Selection Questionnaire.

* 1. Upload ONLY those attachments we have asked for. Do not upload any attachments we haven’t asked for.
  2. Make sure you answer every question.
  3. You must submit your bid before the bid submission deadline, in paragraph 5 “Timelines for the competition” in attachment 1 - About the framework.
  4. It will be our decision whether we will accept bids submitted after the bid submission deadline.
  5. You must regularly check for messages in the eSourcing suite throughout the competition. You must log on to the eSourcing suite and access your message inbox for this competition to check for messages.
  6. 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 6 “When and how to ask questions” in attachment 1 - About the framework.
  7. 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 will result in the rejection of your bid and your exclusion from this competition.

1. **Selection stage** 
   1. 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.
   2. 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 and 3 of the Selection Questionnaire (qualification envelope) for themselves.
   3. 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 and 3 Selection Questionnaire (qualification envelope) for themselves.
   4. 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.
   5. You must ensure you read the instructions for the Attachment 2b (applicable to each lot) carefully and ensure that you allow plenty of time to send to your Contract Customer, for them to complete and return to you
   6. It is essential that you clearly and unambiguously fall within the scope of the requirement for each lot you are bidding for, as set out in Framework Schedule 1 (Specification) and fully comply with the instructions contained within Attachment 2b Certificate of Technical and Professional Ability (COTPA) - Contract Example Template.
   7. Remember CCS may contact the Contract Customer to verify the information provided in your Attachment 2b(s), if the Contract Customer cannot or will not verify the information or fails to respond to a verification request from CCS, your bid may be rejected and you may be excluded from the competition. We will tell you why your bid has been excluded
2. **Selection process**
   1. After the bid submission deadline, we will check all bids to make sure we have received everything we have asked for.
   2. We may ask you to clarify information you provide, if that is necessary. Don’t forget to check for messages in the eSourcing suite throughout the competition. It is your responsibility to ensure you can log on to the eSourcing suite and access your message inbox for this competition to check for messages.
   3. 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.
   4. 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 theevaluation guidance.
3. **Selection criteria**
   1. We may exclude you from the competition at the selection stage if:
      * 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 9 of Attachment 1 About the framework, or not followed the instructions given in this ITT pack.
   2. If we exclude you from the competition we will tell you and explain why.
4. **Selection questionnaire** 
   1. Please refer to Attachment 2a Selection questionnaire. Remember you must complete the questionnaire online in the eSourcing suite (qualification envelope).
5. **Award stage** 
   1. If you have successfully passed the selection stage, you will proceed to the award stage.
   2. We have tried to make our award stage as simple as possible, whilst achieving the best possible commercial outcomes.
   3. Your bid must deliver what our buyers need, at the best possible price you can give.
   4. 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 5 ‘Timelines for the competition’ and paragraph 6 ‘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 award quality questions.

1. **Award criteria** 
   1. The Award Stage consists of a quality evaluation (see paragraph 9 of this document) and a price evaluation (see paragraph 11 of this document).
   2. The award of this framework will be on the basis of the ‘Most Economically Advantageous Tender’ (MEAT).
   3. The weighting are as follows:

* Social Value is 10%;
* quality evaluation is 70%;
* price evaluation is 20%.

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| **Quality weighting per Lot** | **Social Value – All Lots** | **Lot 1** | **Lot 2** | **Lot 3** |
| 10% | 70% | 70% | 70% |
| **Price weighting per Lot** | N/a | 20% | 20% | 20% |

1. **Award process**
   1. What YOU need to do

* answer the quality questions section A, B, C and section D of the quality questionnaire in the eSourcing suite in the technical envelope.
* Complete the Pricing Matrix at Attachment 3, for each of the lot(s) for which you are bidding.
* Upload your completed pricing matrix into the eSourcing suite in the commercial envelope to question PQ1.
  1. What **WE** will do at the award stage

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| 1. | **Compliance Check**  First, we will do a check to make sure that you completed the pricing matrix in line with our instructions. |
| 2. | **Quality Evaluation**  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. Each evaluator will give a mark and a reason for their mark for each question they are assessing. Each evaluator will enter their marks and reasons into the eSourcing suite. |
| 3. | **Consensus**  Once the evaluators have independently assessed your answers to the questions we will arrange for the evaluators to meet and we will facilitate the discussion. At this consensus meeting, the evaluators will discuss the quality of your answers 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 question. These final marks will be used to calculate your quality score for each lot you have bid for. |
| 4. | **Quality Threshold**  If you have received a zero for any of the quality questions, 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.  Refer to tables at paragraph 9 for an example of how your **quality** score for each lot will be calculated. |
| 5. | **Evaluate Pricing**  We will then give your pricing to the price evaluation panel, who are different evaluators from those who assessed your quality responses.  They will calculate your price score using the evaluation criteria in paragraph 11.2 – Price Evaluation. |
| 6. | Final Score  Your quality score will be added to your price score, to create your final score as illustrated in paragraph 12 Final decision to award. |
| 7. | **Award**  Awards will be made to the successful bidders following the standstill period, subject to contract. |

1. **Quality Evaluation**

Section A Question 2.1 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.

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.

Each of the quality questions, in section B, C, and D of the quality questionnaire will be independently assessed by our evaluation panel.

When the consensus meeting has taken place and the final mark for each question has been agreed by the evaluators, your final mark for each question will be multiplied by that questions weighting to calculate your weighted mark for that question.

Each weighted mark for each question for each lot you have submitted a bid for will then be added together to calculate your quality score.

Please see tables A and B below for an example of how your quality score will be calculated.

Table A – Lot 1 and/ or Lot 3

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| --- | --- | --- | --- | --- | --- |
| **Question** | | **Question Weighting** | **Maximum mark available** | **Your final mark** | **Your weighted mark** |
| 2.2 | Social Value (All Lots) | 10% | 100 | 100 | 10.00 |
| 2.3 | Skilled Resources (Lot 1 and/ or Lot 3) | 10% | 100 | 25 | 2.50 |
| 2.4 | Budgeting (Lot 1 and/ or Lot 3) | 30% | 100 | 50 | 15.00 |
| 2.5 | Costs at conclusion (Lot 1 and/ or Lot 3) | 30% | 100 | 100 | 30.00 |
| **Quality score** | | | | | **57.50** |

Table B – Lot 2 only

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| --- | --- | --- | --- | --- | --- |
| **Question** | | **Question Weighting** | **Maximum mark available** | **Your final mark** | **Your weighted mark** |
| 2.2 | Social Value (All Lots) | 10% | 100 | 100 | 10.00 |
| 2.3 | Skilled Resources (Lot 2 only) | 10% | 100 | 75 | 7.50 |
| 2.6 | Budgeting (Lot 2 only) | 30% | 100 | 50 | 15.00 |
| 2.7 | Costs at conclusion (Lot 2 only) | 30% | 100 | 100 | 30.00 |
| **Quality score** | | | | | **62.50** |

1. **Award quality questionnaire**
   1. The quality questionnaire is split into four sections:

* Section A – Mandatory Service Requirements questions
* Section B – Social Value (All Lots) and Skilled Resources (All Lots)
* Section C – Lot 1 and/ or Lot 3 Specific questions
* Section D – Lot 2 only Specific questions
  1. A summary of all the questions in the quality questionnaire, along with the marking scheme, and weightings for each question is set out below:

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| **Question** | | **Marking scheme** |
| **Section A – Mandatory service requirements** | | |
| 2.1 | Compliance with Mandatory Service Requirements Framework Schedule 1: Specification | Pass/Fail |

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| **Question** | | **Marking scheme** | **Weighting %** |
| **Section B – Social Value Generic questions – (All Lots)** | | | |
| 2.2 | Social Value | 100/75/50/25/0 | 10% |

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| **Question** | | **Marking scheme** | **Weighting %** |
| **Section B – Skilled Resources Generic question –** **(All Lots)** | | | |
| 2.3 | Skilled Resources | 100/75/50/25/0 | 10% |

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| **Question** | | **Marking scheme** | **Weighting %** |
| **Section C – Lot 1 and/ or Lot 3 Specific questions** | | | |
| 2.4 | Budgeting | 100/75/50/25/0 | 30% |
| 2.5 | Costs at Conclusion | 100/75/50/25/0 | 30% |

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| **Question** | | **Marking scheme** | **Weighting %** |
| **Section D – Lot 2 Specific Questions** | | | |
| 2.6 | Budgeting | 100/75/50/25/0 | 30% |
| 2.7 | Costs at Conclusion | 100/75/50/25/0 | 30% |

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| **Section A – Mandatory service requirements (All Lots)** | |
| **2.1 Compliance with Framework Schedule 1 (Specification)** | |
| If you are awarded a framework contract, will you unreservedly deliver in full, all the mandatory service requirements as set out in Attachment 1a Framework Schedule 1 (Specification).  Please answer ‘Yes’ or ‘No’  **Yes -** You will unreservedly deliver in full all the mandatory service requirements applicable to the Lot(s) you are bidding for, as set out in Attachment 1a Framework Schedule 1 (Specification).  No **-** You will not, or cannot, deliver in full all the mandatory service requirements applicable to the Lot you are bidding for, as set out in Attachment 1a Framework Schedule 1 (Specification). | |
| **2.1 Response guidance**  This is a Pass/Fail question.  If you cannot or are unwilling to select ‘Yes’ to this question, you will be disqualified from further participation in this competition.  You are required to select either option YES, NO from the drop down list.  Providing a ‘Yes’ response means you will unreservedly deliver in full all the mandatory service requirements applicable to the lot you are bidding for, as set out in Attachment 1a - Framework Schedule 1 (Specification).  If you select ‘No’ (or do not answer the question) to indicate that you will not, or cannot, deliver in full all the mandatory service requirements applicable to the Lot you are bidding for, as set out in Attachment 1a - Framework Schedule 1 (Specification). you will be excluded from further participation in this competition. | |
| **Marking scheme** | **Evaluation guidance** |
| **Pass** | You have selected option ‘Yes’ confirming that you will unreservedly deliver in full all the mandatory service requirements applicable to the Lot you are bidding for, as set out in Attachment 1a - Framework Schedule 1 (Specification). |
| **Fail** | You have selected ‘No’ confirming that you will not, or cannot, deliver in full all the mandatory service requirements applicable to the Lot you are bidding for, as set out in Attachment 1a - Framework Schedule 1 (Specification).  OR  You have not selected either ‘Yes’ or ‘No’ |

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| **Section B – Social Value (All Lots) Generic question** | |
| **2.2 Requirement:**  CCS requires the Supplier to adopt a positive stance on delivering community benefits and fair work practices throughout the life of this Framework.  You are required to describe the measures your organisation will take over the lifetime of this Framework, in the key policy area of reducing workforce inequality. | |
| **2.2 Response guidance**  **All bidders must answer this question.**  **You must insert your response into the text fields in the eSourcing suite.**  In order to satisfy the requirement, and the question associated with the requirement, your response must demonstrate:   * how you will identify and tackle inequality in employment, skills and pay in the workforce (including gender pay gap), how this will be measured and how you will seek improvements throughout the duration of the Framework. * support in-work progression to help people, specifically those from disadvantaged or minority groups, to move into higher paid work by developing new skills relevant to the contract. * how working conditions promote an inclusive working environment and promote retention and progression, including how this will be measured and how you will seek improvements throughout the duration of the Framework; and * your process to increase the representation of disabled people in the workforce.   Your response should be limited to, and focused on the requirement, the response guidance and the evaluation criteria. You should refrain from making generalised statements, using acronyms which are not defined, and providing information not relevant to the topic.  Please attend to layout, spelling, punctuation and grammar, as this will assist evaluators if attention is paid to these.  Maximum character count – 4,000 characters including spaces and punctuation.  You must not exceed the character count within the eSourcing suite. Your response must include spaces between words. No attachments are permitted; and 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, each box has a character count of 2,000 characters. | |
| **Marking Scheme 100/75/50/25/0** | |
| **Marking scheme** | **Evaluation criteria** |
| **100 – Excellent** | The response is relevant to the question.  Full and excellent evidence has been provided to clearly and unambiguously demonstrate the requirement and the related response guidance.  The response provides a high level of confidence and demonstrates an exceptional level of knowledge and provides outstanding evidence of how the bidder would reduce workforce inequality through fair practices. |
| **75 – Good** | The response is relevant to the question.  Good evidence has been provided to demonstrate the requirement and the related response guidance.  The response provides a good level of confidence and demonstrates a good level of knowledge and provides good evidence how the bidder would reduce workforce inequality through fair practices. |
| **50 – Satisfactory** | The response is relevant to the question.  Satisfactory evidence has been provided to demonstrate most of the requirement and the related response guidance.  The response provides an adequate level of confidence and demonstrates an acceptable level of knowledge and provides satisfactory evidence of how to reduce workforce inequality through fair practices. |
| **25 – Minimal or Partial evidence provided** | The response is relevant to the question.  Minimal or partial evidence has been provided to demonstrate some but not all of the requirement and the related response guidance.  The response provides a low level of confidence and demonstrates a low level of knowledge and/or provides little evidence of how to reduce workforce inequality through fair practices. |
| **0 – No confidence OR No response provided** | The response is not relevant to the question.  No relevant evidence has been provided to demonstrate the requirement and the related response guidance.  The response provides no confidence and demonstrates little or no evidence that the bidder will reduce workforce inequality through fair practices.  OR  No response provided. |

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| **Section B – Skilled Resources (All Lots) Generic question** | |
| **2.3 Requirement:**  CCS requires you to demonstrate how you will maintain adequate resourcing and quality for the client, when faced with a sudden exodus of supplier staff. | |
| **2.3 Response guidance**  **All bidders must answer this question.**  **You must insert your response into the text fields in the eSourcing suite.**  In order to satisfy the requirement, and the question associated with the requirement, you must demonstrate how you will maintain consistent levels of service, including how service levels will be monitored and the processes you will have in place to manage shortages in skilled resource, including the following criteria:   * Demonstrate your contingency plan and the resource you can call upon in the event of a sudden exodus of supplier staff. * Demonstrate how you will resource and reallocate the appropriate grade mix of staff for the cases/ projects to ensure consistent quality and minimisation of charges for the client. * demonstrate how you will develop staff in areas where you have identified a skills shortage * demonstrate how you will monitor and manage shortages in skilled resource   Your response should be limited to, and focused on the requirement, the response guidance and the evaluation criteria. You should refrain from making generalised statements, using acronyms which are not defined, and providing information not relevant to the topic.  Please attend to layout, spelling, punctuation and grammar, as this will assist evaluators if attention is paid to these.  Maximum character count – 4,000 characters including spaces and punctuation.  You must not exceed the character count within the eSourcing 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, each box has a character count of 2,000 characters. | |
| **Marking Scheme 100/75/50/25/0** | |
| **Marking scheme** | **Evaluation criteria** |
| **100 – Excellent** | The response is relevant to the question.  Full and excellent evidence has been provided to clearly and unambiguously demonstrate the requirement, and the related response guidance.  The response provides a high level of confidence and demonstrates an exceptional level of knowledge and provides outstanding evidence and understanding of how the bidder will maintain adequate resourcing and quality for the client, when faced with a sudden exodus of supplier staff. |
| **75 – Good** | The response is relevant to the question.  Good evidence has been provided to demonstrate the requirement, and the related response guidance.  The response provides a good level of confidence and demonstrates a good level of knowledge and provides good evidence and understanding of how the bidder will maintain adequate resourcing and quality for the client, when faced with a sudden exodus of supplier staff. |
| **50 – Satisfactory** | The response is relevant to the question.  Satisfactory evidence has been provided to demonstrate most of the requirement and the related response guidance.  The response provides an adequate level of confidence and demonstrates an acceptable level of knowledge and provides satisfactory evidence and understanding of how the bidder will maintain adequate resourcing and quality for the client, when faced with a sudden exodus of supplier staff. |
| **25 – Minimal or Partial evidence provided** | The response is relevant to the question.  Minimal or partial evidence has been provided to demonstrate some but not all of the requirement and the related response guidance.  The response provides a low level of confidence and demonstrates a low level of knowledge and/or provides little evidence of how the bidder will maintain adequate resourcing and quality for the client, when faced with a sudden exodus of supplier staff. |
| **0 – No confidence OR No response provided** | The response is not relevant to the question.  No relevant evidence has been provided to demonstrate the requirement and the related response guidance.  The response provides no confidence and demonstrates little or no evidence of how the bidder will maintain adequate resourcing and quality for the client, when faced with a sudden exodus of supplier staff.  OR  No response provided. |

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| **Section C – Budgeting Lot 1 and/ or Lot 3** | |
| **2.4 Requirement:**  CCS requires you to demonstrate your organisation’s negotiation skills, and ability to reduce the level of the Claimant’s budgeted costs. | |
| **2.4 Response guidance**  **All bidders must answer this question if bidding for Lot 1 and/ or Lot 3.**  **You must insert your response into the text fields in the eSourcing suite.**  You are required to demonstrate the steps you would take to negotiate and reduce the level of Claimant’s budgeted costs on the hypothetical case below:   * You have been instructed by the 1st Defendant to negotiate budgets ahead of a costs and case management conference (CCMC). The pleaded value of the case is not more than £300,000 but the 1st Defendant has issued Part 20 proceedings against a 3rd Party, who has been added as a 2nd Defendant. * Claimant has prepared one budget which totals £265,514 and the following assumptions have been made: Leading Counsel instructed in light of the Part 20 claim, three experts per party, Claimant has four witnesses, Defendant has two. Claimant requires two pre-trial conferences and a four day trial with each expert to attend for three of the days. * 1st Defendant’s budget against the Claimant totals £136,381 and the following assumptions have been made: Junior counsel, two experts per party, Claimant has two witnesses, Defendant has two. Defendant requires one conference and a two day trial with each expert attending for one of these days. * No budget has been received from the 2nd Defendant.   The key outcomes required are to:   * identify key areas of Claimant’s budget on which to negotiate * Identify and reduce potential costs for the 1st Defendant   Your response must include:   * How you would ensure you have considered the relevant information. * How you would review and reduce the level of Claimant’s budgeted costs. * Steps you would take to negotiate. * Other steps you would take re the 2nd Defendant.   Your response should be limited to, and focused on the requirement, hypothetical case, key outcomes, the response guidance and the evaluation criteria. You should refrain from making generalised statements, using acronyms which are not defined, and providing information not relevant to the topic.  Please attend to layout, spelling, punctuation and grammar, as this will assist evaluators if attention is paid to these.  Maximum character count – 4,000 characters including spaces and punctuation.  You must not exceed the character count within the eSourcing suite. Your response must include spaces between words. No attachments are permitted; and 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, each box has a character count of 2,000 characters. | |
| **Marking Scheme 100/75/50/25/0** | |
| **Marking scheme** | **Evaluation criteria** |
| **100 – Excellent** | The response is relevant to the question.  Full and excellent evidence has been provided to clearly and unambiguously demonstrate the requirement, hypothetical case, the key outcomes, and the related response guidance.  The response provides a high level of confidence and demonstrates an exceptional level of knowledge and provides outstanding evidence of negotiation skills and how the bidder would reduce the 1st Defendant’s liability for costs.  The response provides an outstanding level of information to demonstrate that the bidder has an excellent understanding of identifying key areas of claimant’s budget on which to negotiate. |
| **75 – Good** | The response is relevant to the question.  Good evidence has been provided to demonstrate the requirement, hypothetical case, the key outcomes, and the related response guidance.  The response provides a good level of confidence and demonstrates suitable level of knowledge and provides good evidence of negotiation skills and how the bidder would reduce the 1st Defendant’s liability for costs.  The response provides a good level of information provided to suitably demonstrate that the bidder has a good understanding of identifying key areas of claimant’s budget on which to negotiate. |
| **50 – Satisfactory** | The response is relevant to the question.  Satisfactory evidence has been provided to demonstrate most of the requirement, hypothetical case, the key outcomes, and the related response guidance.  The response provides an adequate level of confidence and demonstrates an acceptable level of knowledge and provides satisfactory evidence of negotiation skills and how the bidder would reduce the 1st Defendant’s liability for costs.  The response provides an adequate level of information provided to demonstrate that the bidder has a satisfactory understanding of identifying key areas of claimant’s budget on which to negotiate. |
| **25 – Minimal or Partial evidence provided** | The response is relevant to the question.  Minimal or partial evidence has been provided to demonstrate some but not all of the requirement, hypothetical case, the key outcomes, and the related response guidance.  The response provides a low level of confidence and demonstrates a low level of knowledge and/or provides little evidence of negotiation skills and how the bidder would reduce the 1st Defendant’s liability for costs.  The response only provides a minimal or partial information to demonstrate the bidder’s understanding of identifying key areas of claimant’s budget on which to negotiate. |
| **0 – No confidence OR No response provided** | The response is not relevant to the question.  No relevant evidence has been provided to demonstrate the requirement, hypothetical case, the key outcomes, and the related response guidance.  The response provides no confidence that the bidder has any negotiation skills nor does it demonstrate how the bidder would reduce the 1st Defendant’s liability for costs.  The response provides no confidence in the bidders understanding of identifying key areas of claimant’s budget on which to negotiate.  OR  No response provided. |

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| **Section C – Costs at Conclusion Lot 1 and/ or Lot 3** | |
| **2.5 Requirement:**  CCS requires you to demonstrate your process for analysing the risks of proceeding to a detailed assessment versus accepting the Claimant’s offer, including the supervision procedure prior to the advice being communicated to your client. | |
| **2.5 Response guidance**  **All bidders must answer this question if bidding for Lot 1 and/ or Lot 3.**  **You must insert your response into the text fields in the eSourcing suite.**  You are required to demonstrate the process for analysing the risks of proceeding to a detailed assessment versus accepting the Claimant’s offer, including the supervision procedure prior to the advice being communicated to your client on the hypothetical case below:   * The Defendant’s budget was agreed before the CCMC and approved at £152,381. The Claimant’s budget was approved at the CCMC at £246,713. * The case culminated in a 2-day trial at which costs were reserved. * Following written submissions regarding conduct and offers, the Claimant was awarded their costs on the standard basis, with the exception of the trial preparation and trial phase which were awarded on the indemnity basis. * The Claimant served a Notice of Commencement of the Assessment with a Bill of Costs totalling £313,500 * The parties have negotiated but cannot reach an agreement. The Claimant’s last offer was £295,000, Defendant’s was £250,000. * The case is therefore listed for a detailed assessment.   The key outcomes required are to:  ● demonstrate that you have considered all of the available options to minimise the risk to the client  ● ensure cost reduction to achieve a beneficial commercial outcome for the client  Your response must include:  ● Your process for analysing the risks of proceeding to a detailed assessment versus accepting the Claimant’s offer, including the supervision procedure prior to the advice being communicated to your client.  ● Your process for maintaining knowledge regarding precedents and lessons learned, and communicating these both internally and to the client.  Your response should be limited to, and focused on the requirement, key outcomes, the response guidance and the evaluation criteria. You should refrain from making generalised statements, using acronyms which are not defined, and providing information not relevant to the topic.  Please attend to layout, spelling, punctuation and grammar, as this will assist evaluators if attention is paid to these.  Maximum character count – 4,000 characters including spaces and punctuation.  You must not exceed the character count within the eSourcing 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, each box has a character count of 2,000 characters. | |
| **Marking Scheme 100/75/50/25/0** | |
| **Marking scheme** | **Evaluation criteria** |
| **100 – Excellent** | The response is relevant to the question.  Full and excellent evidence has been provided to clearly and unambiguously demonstrate the requirement, the key outcomes, and the related response guidance.  The response provides a high level of confidence and demonstrates an exceptional level of knowledge and provides outstanding evidence of how the bidder would analyse the risks of proceeding to a detailed assessment, or consideration of this versus accepting the Claimant’s offer.  The response provides an outstanding level of information to comprehensively demonstrate that the bidder has the required skills to analyse the risks of proceeding to a detailed assessment, and a supervision procedure prior to the advice being communicated to your client and of knowledge management. |
| **75 – Good** | The response is relevant to the question.  Good evidence has been provided to demonstrate the requirement, the key outcomes, and the related response guidance.  The response provides a good level of confidence and demonstrates a good level of knowledge and provides good evidence of how the bidder would analyse the risks of proceeding to a detailed assessment, or consideration of this versus accepting the Claimant’s offer.  The response provides a good level of information provided to suitably demonstrate that the bidder has skills to analyse the risks of proceeding to a detailed assessment, and a supervision procedure prior to the advice being communicated to your  client and of knowledge management. |
| **50 – Satisfactory** | The response is relevant to the question.  Satisfactory evidence has been provided to demonstrate most of the requirement, the key outcomes, and the related response guidance.  The response provides an adequate level of confidence and demonstrates an acceptable level of knowledge and provides Satisfactory evidence of how the bidder would analyse the risks of proceeding to a detailed assessment, or consideration of this versus accepting the Claimant’s offer.  The response provides an adequate level of information provided to demonstrate that the bidder is able to analyse the risks of proceeding to a detailed assessment, and/or a supervision procedure prior to the advice being communicated to your client, or of knowledge management. |
| **25 – Minimal or Partial evidence provided** | The response is relevant to the question.  Minimal or partial evidence has been provided to demonstrate some but not all of the requirement, the key outcomes, and the related response guidance.  The response provides a low level of confidence and demonstrates a low level of knowledge and/or provides little evidence of how the bidder would analyse the risks of proceeding to a detailed assessment, and/or consideration of this versus accepting the Claimant’s offer.  The response provides minimal or partial information to demonstrate that the bidder has the skills to analyse the risks of proceeding to a detailed assessment, and/or a supervision procedure prior to the advice being communicated to your client and/or of knowledge management. |
| **0 – No confidence OR No response provided** | The response is not relevant to the question.  No relevant evidence has been provided to demonstrate the requirement, the key outcomes, and the related response guidance.  The response provides no confidence and does not demonstrate any knowledge or evidence that the bidder has any skills for analysing the risks of proceeding to a detailed assessment, or consideration of this versus accepting the Claimant’s offer.  The response did not include any evidence of the supervision procedure prior to the advice being communicated to your client, or of knowledge management.  OR  No response provided. |

|  |  |
| --- | --- |
| **Section D – Budgeting Lot 2 only** | |
| **2.6 Requirement:**  ~~Please outline 2 cases where your organisation has maximised the benefits of costs budgeting for your defendant clients, and for each case, outline what impact has this had on the claimant market.~~  CCS requires you to demonstrate how using your previous costs cases experience, your organisation will maximise the benefits of costs budgeting for your defendant clients, and outline what impact this will have on the claimant market.  **The key outcomes required are to identify:**   * Your negotiation skills; * Your ability to identify key areas of Claimant’s budget on which to negotiate; * Your ability to identify and reduce excessive or duplicated costs; * Ability to utilise learning from cases to inform your case handling market insight strategies. | |
| **2.6 Response guidance**  **All bidders must answer this question if bidding for lot 2.**  **You must insert your response into the text fields in the eSourcing suite.**  **Your response should include but not be limited to:**   * Your strategic approach to managing costs budgeting and reducing the level of the Claimant’s budgeted costs; * How your market insight strategies have been bolstered since the introduction of costs budgeting.   Your response should be limited to, and focused on the requirement, key outcomes, the response guidance and the evaluation criteria. You should refrain from making generalised statements, using acronyms which are not defined, and providing information not relevant to the topic.  Please attend to layout, spelling, punctuation and grammar, as this will assist evaluators if attention is paid to these.  Maximum character count – 4,000 characters including spaces and punctuation.  You must not exceed the character count within the eSourcing 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, each box has a character count of 2,000 characters. | |
| **Marking Scheme 100/75/50/25/0** | |
| **Marking scheme** | **Evaluation criteria** |
| **100 – Excellent** | The response is relevant to the question.  Full and excellent evidence has been provided to clearly and unambiguously demonstrate the requirement, the key outcomes, and the related response guidance.  The response provides a high level of confidence and demonstrates an exceptional level of knowledge and provides outstanding evidence ofnegotiation skills and market insight strategies, and how you would reduce the level of Claimant’s budgeted costs.  Outstanding level of information provided to support and comprehensively demonstrates that the bidder has an ability to utilise learning from cases to inform their case handling market insight strategies. |
| **75 – Good** | The response is relevant to the question.  Good evidence has been provided to demonstrate the requirement, the key outcomes, and the related response guidance.  The response provides a good level of confidence and demonstrates a suitable level of knowledge and provides good evidence of negotiation skills and market insight strategies, and how you would reduce the level of Claimant’s budgeted costs.  The response provides a good level of information provided to support and demonstrate that the bidder has an ability to utilise learning from cases to inform their case handling market insight strategies. |
| **50 – Satisfactory** | The response is relevant to the question.  Satisfactory evidence has been provided to demonstrate most of the requirement, the key outcomes, and the related response guidance.  The response provides adequate level of confidence and demonstrates an acceptable level of evidence of negotiation skillsand market insight strategiesand how you would reduce the level of Claimant’s budgeted costs.  The response provides an adequate level of information provided to support and demonstrate that the bidder has an ability to utilise learning from cases to inform their case handling market insight strategies. |
| **25 – Minimal or Partial evidence provided** | The response is relevant to the question.  Minimal or partial evidence has been provided to demonstrate some but not all of the requirement, the key outcomes, and the related response guidance.  The response provides a low level of confidence and demonstrates a low level of knowledge and/or provides little evidence of negotiation skills and market insight strategies and how you would reduce the level of Claimant’s budgeted costs.  The response only provides a minimal or partial information to support and demonstrate that the bidder has an ability to utilise learning from cases to inform their case handling market insight strategies. |
| **0 – No confidence OR No response provided** | The response is not relevant to the question.  No relevant evidence has been provided to demonstrate the requirement, the key outcomes, and the related response guidance.  The response provides no confidence and does not demonstrate any knowledge or evidence of the budgeting process, negotiation and market insight strategies and how you would reduce the level of Claimant’s budgeted costs.  OR  No response provided. |

|  |  |
| --- | --- |
| **Section D – Costs at conclusion Lot 2 only** | |
| **2.7 Requirement:**  In the management of clinical negligence costs cases, please outline your strategy on achieving claimant costs savings while also delivering a reduction in time to resolution and avoidance of formal processes wherever possible.  **The key outcomes required are to demonstrate:**   * How you balance costs savings with reduced time to resolution and cost reduction to achieve a beneficial commercial outcome for the client; * How you maintain an effective negotiating position within the market, whilst following the above strategy; * How you supervise your case handlers to ensure competing strategies are considered and the best advice is provided to the client to advise of risks and to achieve the best outcome; * How you ensure your client gets the best value for money. | |
| **2.7 Response guidance**  **All bidders must answer this question if bidding for Lot 2.**  **You must insert your response into the text fields in the eSourcing suite.**  Your approach to delivering the following strategies and demonstrate how they impact each other (positively or negatively):   * Reduction in time to resolution; * Avoidance of formal processes wherever possible i.e. detailed assessment; * Driving down claimant costs.   You can draw upon examples in support of your response.  Responses should be limited to, and focused on the requirement, key outcomes, the response guidance and the evaluation criteria. Bidders should refrain from making generalised statements, using acronyms which are not defined, and providing information not relevant to the topic.  Whilst there will be no marks given to layout, spelling, punctuation and grammar, it will assist evaluators if attention is paid to these.  Address each of the component parts in the order they are listed in this response guidance. State which part you are responding to.  Maximum character count – 4,000 characters including spaces and punctuation.  You must not exceed the character count within the eSourcing 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, each box has a character count of 2,000 characters. | |
| **Marking Scheme 100/75/50/25/0** | |
| **Marking scheme** | **Evaluation criteria** |
| **100 – Excellent** | The response is relevant to the question.  Full and excellent evidence has been provided to clearly and unambiguously demonstrate the requirement, the key outcomes, and the related response guidance.  The response provides a high level of confidence and demonstrates an exceptional level of knowledge and provides outstanding evidence of your strategy on achieving claimant costs savings while also delivering a reduction in time to resolution and avoidance of formal processes wherever possible in the management of clinical negligence costs cases.  The response provides an outstanding level of information to comprehensively demonstrate the bidders approach to delivering the strategies in the response guidance and how they impact each other (positively or negatively). |
| **75 – Good** | The response is relevant to the question.  Good evidence has been provided to demonstrate the requirement, the key outcomes, and the related response guidance.  The response provides a good level of confidence and demonstrates a suitable level of knowledge and provides good evidence of your strategy on achieving claimant costs savings while also delivering a reduction in time to resolution and avoidance of formal processes wherever possible in the management of clinical negligence costs cases.  The response provides a good level of information provided to suitably demonstrate the bidders approach to delivering the strategies in the response guidance and how they impact each other (positively or negatively). |
| **50 – Satisfactory** | The response is relevant to the question.  Satisfactory evidence has been provided to demonstrate most of the requirement, the key outcomes, and the related response guidance.  The response provides an adequate level of confidence and demonstrates an acceptable level of knowledge and provides satisfactory evidence of your strategy on achieving claimant costs savings while also delivering a reduction in time to resolution and avoidance of formal processes wherever possible in the management of clinical negligence costs cases.  The response provides an adequate level of information provided to demonstrate the bidder’s approach to delivering the strategies in the response guidance and how they impact each other (positively or negatively). |
| **25 – Minimal or Partial evidence provided** | The response is relevant to the question.  Minimal or partial evidence has been provided to demonstrate some but not all of the requirement, the key outcomes, and the related response guidance.  The response provides a low level of confidence and demonstrates a low level of knowledge and/or provides little evidence of your strategy on achieving claimant costs savings while also delivering a reduction in time to resolution and avoidance of formal processes wherever possible in the management of clinical negligence costs cases.  The response only provides a minimal or partial information to demonstrate the bidder’s approach to delivering the strategies in the response guidance and how they impact each other (positively or negatively). |
| **0 – No confidence OR No response provided** | The response is not relevant to the question.  No relevant evidence has been provided to demonstrate the requirement, the key outcomes, and the related response guidance.  The response provides no confidence and does not demonstrate any knowledge or evidence of your strategy on achieving claimant costs savings while also delivering a reduction in time to resolution and avoidance of formal processes wherever possible in the management of clinical negligence costs cases.  The response provides no relevant information to demonstrate the bidder’s approach to delivering the strategies in the response guidance and how they impact each other (positively or negatively).  OR  No response provided. |

1. **Price evaluation**

This paragraph contains information on how to complete the Attachment 3 –

Pricing matrix and the price evaluation process.

1. 1. How to complete your pricing matrix:

Read and understand the instructions within Attachment 3 – Pricing Matrix, and in this paragraph, before submitting your prices.

Your prices must be sustainable and include your operating overhead costs and profit.

You should also take into account our management charge of 1% which shall be paid by you to us, as set out in the Framework Award form

You should have read and understood the information on TUPE in paragraph 8 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 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.

Your prices submitted must:

* + exclude VAT.
  + be inclusive of expenses/travel and subsistence
  + be in British pounds sterling, up to the nearest two decimal places
  + include all associated costs referred to in the instructions tab of Attachment 3 – Pricing Matrix.

Pricing will be based on:

* + hourly rate

Please refer to the grade definitions as set out in Attachment 3 – Pricing Matrix.

Zero or negative bids will not be allowed. We will investigate where we consider your bid to be abnormally low.

The prices submitted will be the maximum payable under this framework. Prices may be lowered at the call-off stage. Refer to Framework Schedule 3 –Framework Prices.

You must download the Attachment 3 – Pricing matrix and complete for the lot(s) you are submitting a bid for.

You must provide a price, where one has been requested, in the cells highlighted yellow and green.

Cells highlighted yellow will be evaluated. Green cells will be for information only.

Failure to complete a Price where one has been requested in the yellow/ green cells for each lot you are bidding for, may deem your Bid non compliant.

When you have completed your pricing matrix, you must upload this into the eSourcing suite at question PQ1 in the commercial envelope. If you do not upload your pricing matrix your bid may be rejected from this competition.

Do not alter, amend or change the format or layout of the Pricing Matrix attachment 3.

* 1. Price evaluation process for all Lots

This is how we will evaluate your pricing:

We will check you have completed all the yellow cells for each lot you are bidding for.

Failure to insert an applicable price may result in your bid being deemed non-compliant and may be rejected from this competition. Remember zero or negative prices will not be accepted

The price evaluation will be undertaken separately to the quality evaluation process.

The maximum mark available for the Price Evaluation is 20.

The pricing will be evaluated on the basis of a “Price Score” which will consist of marks awarded for each grade as below:

This table is applicable to Lot 1 and Lot 3

|  |  |
| --- | --- |
| **Supplier Personnel grade** | **Maximum Mark Available** |
| **Table 1 Hourly Rates – Routine Cases** | |
| 1 | 3.50 |
| 2 | 3.50 |
| 3 | 2.50 |
| 4 | 0.50 |
| **Table 2 Hourly Rates – Complex Cases** | |
| 1 | 3.50 |
| 2 | 3.50 |
| 3 | 2.50 |
| 4 | 0.50 |

This table is applicable to Lot 2 only

|  |  |
| --- | --- |
| **Supplier Personnel grade** | **Maximum Mark Available** |
| **Table 1 Hourly Rates – Routine Cases** | |
| 1 | 3.00 |
| 2 | 2.00 |
| 3 | 2.00 |
| 4 | 3.00 |
| **Table 2 Hourly Rates – Complex Cases** | |
| 1 | 3.00 |
| 2 | 2.00 |
| 3 | 2.00 |
| 4 | 3.00 |

The bidder with the lowest price in each grade will be awarded the maximum mark available for that grade.

All other bidders will get a mark relative to the lowest grade price.

The calculation we will use to evaluate your mark for each grade price is as follows:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Mark |  | Lowest Grade price |  | Maximum mark available for that grade price. |
| = |  | x |
|  | Bidders Grade price |  |

The illustrated example below is applicable for all grades in all lots:

Lot 1 Table 1 Hourly Rates – Routine Cases Grade 1 Price example

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Bidder A |  | Bidder B |  | Bidder C |
| Grade 1 price |  | Grade 1 price |  | Grade 1 price |
| £ 50.00 |  | £ 60.00 |  | £ 100.00 |

1. Bidder A has the lowest grade price of £50.00. Bidder A is awarded the maximum mark available for grade 1 price (Table 1 Hourly Rates – Routine Cases), which is 3.50.
2. Bidder B submits a grade price of £60.00. Bidder B is awarded the mark for grade 1 price (Table 1 Hourly Rates – Routine Cases) of 2.92.
3. Bidder C submits a grade price of £100.00. Bidder C is awarded the mark for grade 1 price (Table 1 Hourly Rates – Routine Cases) of 1.75.

Each bidders mark for all grades within that Lot will then be added together to calculate the Price Score.

See example below applicable to Lot 1 and Lot 3:

|  |
| --- |
| **Supplier Personnel grade** |
| **Table 1 Hourly Rates – Routine Cases** | **Bidder A** | **Bidder B** | **Bidder C** |
| 1 | 3.50 | 2.00 | 1.00 |
| 2 | 3.50 | 2.50 | 1.50 |
| 3 | 2.50 | 1.50 | 1.00 |
| 4 | 0.50 | 0.25 | 0.15 |
| **Table 2 Hourly Rates – Complex Cases** | **Bidder A** | **Bidder B** | **Bidder C** |
| 1 | 3.50 | 2.00 | 1.00 |
| 2 | 3.50 | 2.50 | 1.50 |
| 3 | 2.50 | 1.50 | 1.00 |
| 4 | 0.50 | 0.25 | 0.15 |
| **Price Score** | **20.00** | **12.50** | **7.30** |

See example below applicable to Lot 2:

|  |
| --- |
| **Supplier Personnel grade** |
| **Table 1 Hourly Rates – Routine Cases** | **Bidder A** | **Bidder B** | **Bidder C** |
| 1 | 3.00 | 2.00 | 1.00 |
| 2 | 2.00 | 1.50 | 1.00 |
| 3 | 2.00 | 1.50 | 1.00 |
| 4 | 3.00 | 2.00 | 1.00 |
| **Table 2 Hourly Rates – Complex Cases** | **Bidder A** | **Bidder B** | **Bidder C** |
| 1 | 3.00 | 2.00 | 1.00 |
| 2 | 2.00 | 1.50 | 1.00 |
| 3 | 2.00 | 1.50 | 1.00 |
| 4 | 3.00 | 2.00 | 1.00 |
| **Price Score** | **20.00** | **14.00** | **8.00** |

* 1. Abnormally low tenders

Where we consider any of the grade prices you have submitted to have no correlation with the quality of your offer or to be **abnormally low** or 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.

1. **Final decision to award**
   1. How we will calculate your final score

We will add your quality score to your price score to calculate your final score.

Example:

|  |  |  |  |
| --- | --- | --- | --- |
| Bidder | Quality score | 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 | 12.00 | 62.00 |

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 for Lot 1, Lot 2 and Lot 3 of this framework may increase where two (2) or more bidders have tied scores in last position only.

* 1. Reserved rights

We also reserve the right to award a framework to any bidders whose final score is within 1% of the last position.

Example for Lot 1:

The last position for lot 1 is 8th position.

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

The calculation we will use is:

Lot 1 - 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 lot 1 place on the framework.

* 1. Intention to award

You can submit a bid for one or more lots.

We will tell you if you have been successful or unsuccessful via the eSourcing suite. We will send an intention to award letter 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.

If during standstill we do receive a substantive challenge to our decision to award and the challenge is for a certain lot, we reserve the right to conclude a framework contract with successful bidders for the lot(s) that have not been challenged.

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.

* 1. 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.

If you have bid as a consortium, the conclusion of a framework contract is subject to the provision of due ‘certificates, statements and other means of proof’ from EACH member of the consortium.

This means:

● Employer’s (Compulsory) Liability Insurance = £5,000,000

● Public Liability Insurance = £1,000,000

● Professional Indemnity Insurance = £3,000,000

● valid Cyber Essentials Basic scheme certificate

You are required to send the documentary evidence of the above to no later than the date provided in the Intention to Award letter. Failure to do so may mean that we will withdraw our offer of a framework contract.