

## **1. PURPOSE**

- 1.1. This Market Engagement Exercise (MEE) seeks information in preparation for a competition to procure the provision of a Competence Assessment and Moderation Process for the Office of the Immigration Service Commissioner / Home Office.
- 1.2. The purpose of this MEE is to provide the market (from herein referred to as “Suppliers”) with early sight of the Authority’s requirements, and to seek feedback from Suppliers in order to:
  - 1.1.1. Determine a Tender List for the Invitation to Tender (ITT);
  - 1.1.2. help refine the requirements;
  - 1.1.3. understand the capability and appetite of Suppliers to deliver the requirements, and the possible risks involved; and
  - 1.1.4. shape the commercial approach accordingly.
- 1.3. The Authority shall maintain commercial confidentiality of all information received from Suppliers during the MEE, and shall maintain the principals of transparency, fairness and equality at all times.
- 1.4. Suppliers are reminded that, as the procurement itself will be conducted as an “Open Non-OJEU” competition, any Supplier may respond to this MEE.
- 1.5. Dependent upon the level of interest a downselection stage may be needed. This will be carried out in accordance with the standard Supplier Selection process.
- 1.6. Suppliers are reminded that this document and all related information shared by the Authority in relation to this MEE should not be used for any other purposes.

## **2. INTRODUCTION**

- 2.1. The OISC regulates immigration advisers, ensuring they are fit and competent and act in the best interest of their clients.
- 2.2. We were set up under the Immigration and Asylum Act 1999. Under this act the Nationality, Immigration and Asylum Act 2002 and the Immigration Act 2014 we have powers to:
  - 2.2.1. limit or vary levels of work advisers may undertake;
  - 2.2.2. lay a disciplinary charge against a regulated adviser;
  - 2.2.3. apply for a restraining order or an injunction;
  - 2.2.4. prosecute for illegally providing immigration advice and/or services;
  - 2.2.5. prosecute for illegally advertising immigration advice and/or services;
  - 2.2.6. enter an adviser’s premises;
  - 2.2.7. seize an adviser’s records.

## **3. OUR RESPONSIBILITIES**

- 3.1. Our main duties are to:
  - 3.1.1. publish a code of standards and other guidance for immigration advisers;

- 3.1.2. maintain a register of regulated advisers;
- 3.1.3. refuse entry to or cancel advisers who don't keep to our required standards of good practice, and discipline, restrain or prosecute as appropriate;
- 3.1.4. maintain oversight of the designated professional bodies in Scotland and Northern Ireland with this duty.
- 3.2. OISC does not provide immigration advice or recommend or endorse any specific immigration adviser.

## **4. OUR PRIORITIES**

We aim to:

- 4.1. To ensure that advisers who enter the OISC's scheme, or move to a higher OISC advice level demonstrate they are fit and competent to do so.
- 4.2. require regulated advisers to take more responsibility for ensuring their continued fitness and competence
- 4.3. identify and take enforcement action against persons and organisations acting improperly
- 4.4. continue our efforts to spread good practice throughout the sector
- 4.5. seek to raise further OISC's profile and influence
- 4.6. maintain motivated and dedicated staff equipped to do the job

## **5. OUTLINE PROJECT OUTCOMES REQUIRED**

- 5.1. Since July 2013, the Office of the Immigration Services Commissioner (OISC) has had in place a competence assessment process that is meeting its requirements.
- 5.2. The purpose of this procurement is to continue to test those applying to become regulated by using an external supplier to produce and mark competence assessment questions at all three Levels of immigration advice.
- 5.3. As a Public Sector body, the Authority is required to achieve and demonstrate value for money in the execution of its functions and operational delivery, which includes provision of these Services.

## **6. SERVICE OUTPUTS/DELIVERABLES**

The OISC requires the provider to deliver the following:

- Supply, maintain and refresh a bank of level 1 multiple choice questions to test applicants at Level 1 in Immigration
- Provide 20 multiple choice questions for each Level 1 testing session
- Provide a minimum of 12 scenario-based questions annually that will test a level 1 adviser's ability to analyse a client's case and communicate effectively in written English
- Provide up to a minimum of 4 scenario-based questions annually that will test the competence of Level 2 applicants in Asylum and Protection

- Provide a minimum of 4 scenario-based questions annually that will test the competence of Level 2 applicants in Immigration
- Provide up to a minimum of 4 scenario-based questions annually that will test the competence of Level 3 applicants in Asylum and Protection
- Provide a minimum of 4 scenario-based questions annually that will test the competence of Level 3 applicants in Immigration
- Mark each assessment as to whether the person has passed or failed and communicate that decision by email, together with the person's score to the OISC and the applicant
- The supplier must demonstrate a commitment to equality and diversity.
- We would expect Level 1 question papers to be supplied to the OISC at least 10 working days prior to each assessment session and Level 2/3 papers 15 working days prior.
- The production of comprehensive resource documents as a free tool for candidates to refer to during their assessments and the responsibility in updating these documents at least biannually
- It is important for the OISC to receive the accurate outcome of assessments quickly. It is open to suppliers to propose timescales, but, as a guideline, the OISC would be looking to know the outcome of each level 1 assessment within 10 working days and for each level 2 and 3 assessment within 15 working days of the supplier receiving the answer sheets.

## 7. COMMERCIAL APPROACH

- 7.1. The Authority currently anticipates, but does not commit to, applying the following commercial approach to satisfy these requirements:
- 7.1.1. Procuring a contract for a term of 2 years to start no later than January 1<sup>st</sup> 2021;
- 7.1.2. Notwithstanding the impacts of COVID-19, the estimated value of the contract is expected to be in the region of **an annual value of £58,000 but** (ex VAT), and therefore potentially **£116,000** over the contract term. Note that this is an indicative value for information only, and not a budget figure. The Authority expects to receive optimum value for money proposals as part of any subsequent competitive procurement exercise.
- 7.2. The detailed timescale for the project is still being developed, however it is anticipated that a procurement competition will formally commence in Q3 2020, with contract award and any mobilisation period in Q4 2020.
- 7.3. The Authority is keen to obtain feedback from Suppliers on the specific areas listed in the table below.
- 7.4. Please express your interest in participating in this Procurement exercise and provide feedback by email to **andy.nunney@homeoffice.gov.uk by 12:00 GMT on 27th July 2020** (the "Response Deadline").
- 7.5. Please limit your responses to one A4 page per Question and please avoid submitting any generic sales material.

<p>Do you envisage that your organisation would be willing and able to provide a competitive bid for the requirement as currently described?</p> <p>Please provide supporting rationale for your answer, including identification of any particular opportunities / barriers / issues that the Authority should consider.</p> <p>Please ensure your response is directly relevant to the operational requirements and proposed commercial approach described. Please do not provide a simple 'sales pitch'.</p>
<p>Please provide feedback on any specific commercial and / or operational approaches that you believe would support successful fulfilment of these requirements, without impacting value for money.</p>
<p>What considerations and / or minimum allowances should the Authority take into account with regards project timescales, including:</p> <ul style="list-style-type: none"> <li>a) Tender submission period (i.e. from ITT publication to tender response deadline?</li> <li>b) Mobilisation period (i.e. from contract award to full service commencement)?</li> <li>c) COVID-19 impacts.</li> </ul>
<p>In line with commercial best practice and the recommendations of the Governments Outsourcing Playbook 2, the Authority places a high priority on ensuring long-term business continuity. As such, Suppliers may be required provide relevant assurances regarding the financial health of their organisation and any key supply chain partners used to deliver the service, including but not limited to:</p> <ul style="list-style-type: none"> <li>a) Financial guarantees (e.g. Parent Company Guarantee)</li> <li>b) Comprehensive, contract-specific business continuity / resolution plans, and periodic evidence of successful plan testing.</li> <li>c) Regular, pro-active and transparent reporting on corporate financial health.</li> </ul> <p>Please indicate whether your organisation would be willing / able to comply with such requirements and provide any supporting comments.</p>
<p>Please provide any other feedback you feel would assist in preparing for a potential procurement exercise.</p>

## 8. QUESTIONS AND CLARIFICATIONS

- 8.1. Suppliers may raise questions or seek clarification regarding any aspect of this MEE document at any time prior to the Response Deadline. Questions must be submitted by email to [andy.nunney@homeoffice.gov.uk](mailto:andy.nunney@homeoffice.gov.uk) only.
- 8.2. The Authority does not commit to responding to any questions or communications received in respect of the MEE. However, where the Authority is able to respond, it shall ensure that all Suppliers have equal access to information regarding this MEE exercise, by publishing a consolidated "Questions and Answers" document prior to the response deadline.
- 8.3. Responses to questions will not identify the originator of the question or contain any commercially confidential information.
- 8.4. If a Supplier wishes to ask a question or seek clarification without the question and answer being revealed, then the Supplier must state this in their email and provide its justification for withholding the question and any response. If the

Authority does not consider that there is sufficient justification for withholding the question and the corresponding response, the Supplier will be invited to decide whether:

8.4.1. the question/clarification and the response should in fact be published;

or

8.4.2. it wishes to withdraw the question/clarification.

## **9. GENERAL CONDITIONS**

- 9.1. This MEE will allow a Tender List for this Procurement exercise to be determined.
- 9.2. This MEE will help the Authority to refine the requirements and to understand the potential level of interest in the delivering the requirements. It will also aid Supplier's understanding of the requirements in advance of the formal competitive procurement exercise.
- 9.3. The Authority reserves the right to change any information contained within this MEE at any time, and Suppliers rely upon it entirely at their own risk.
- 9.4. The Authority reserves the right not to proceed with a competitive procurement exercise after this MEE or to award any contract.
- 9.5. Any and all costs associated with the production of such a response to this MEE must be borne by the Supplier.
- 9.6. The Authority expects that all responses to this MEE will be provided by Suppliers in good faith to the best of their ability in the light of information available at the time of their response.