

**Invitation to Tender**

for the

**Provision of Virtual Data Rooms**

**– 4NLC**

**(Reference 4NL011)**

|  |  |  |  |
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**SECTION 1: Tender Particulars**

## This document briefly describes The Gambling Commission’s requirements and the tendering

## process to be followed. This document also sets out details on the form and content of the

## bids which are required, the proposed timetable, and other administrative arrangements for

## the tendering process.

## Please contact Darren Jacobs (djacobs@gamblingcommission.gov.uk) if you are in any

## doubt as to what is required.

* 1. **Procurement timetable**

## The timetable below may be changed by the Gambling Commission at any time. Changes to

## any of the dates will be made in accordance with the applicable procurement law. You will be

## informed of any timetable changes.

| **ACTIVITY** | **DATES & TIMES** |
| --- | --- |
| Further Competition (Mini Tender released) | **18th October 2019** |
| Clarification Question period closes (“Tender Clarifications Deadline”) | **23rd October 2019** |
| Deadline for the publication of responses to Tender Clarification questions | **24th October 2019** |
| Deadline for submission of Tenders to The Gambling Commission (“**Tender Submission Deadline**”) | **25th October 2019 Midday** |
| Evaluation Process Completed | **28th October 2019** |
| The Tenderer presentations (May not be needed) | **29th October 2019** |
| Issue intention to award letter | **30th October 2019** |
| Proposed Award Date of Contract | **30th October 2019** |
| Expected execution (signature) date for Contract(s) | **31st October 2019** |

**SECTION 2: Introduction and Scope of the Requirement**

The Gambling Commission was set up under the Gambling Act 2005 to regulate commercial gambling in Great Britain. The Gambling Act 2005 came fully into force on 1 September 2007.

We are an independent non-departmental public body (NDPB) sponsored by the Department for Culture, Media and Sport (DCMS).

We have over 350 employees, mostly based in Birmingham. This includes over 40 home workers working across Great Britain.

Our work is funded by fees, paid by the operators that we license.

The last lottery licence was awarded in 2007 by the National Lottery Commission, which merged with the Gambling Commission in 2012.

The 4th National Lottery Competition (4NLCC) Programme is mobilising a programme team to deliver the new licence by 2023 when the 3rd licence expires. The Programme is a temporary structure within the Gambling Commission and as such, the number of additional expert resources requried to deliver the project would not warrant a permanent workforce. In addition, the specialist knowledge and skills required relating to various specialist skills would be extremely difficult to obtain through normal recruitment processes, especially for non-permanent roles.

**2.1 Alterations to Tender**

At any time prior to the deadline for the receipt of bids, The Gambling Commission may modify the tender documents. Any such amendment will be notified in writing or by email to all prospective Tenderer’s who have received the tender documents. You should acknowledge that the amendments have been received. In order to give you reasonable time in which to take the amendment into account in preparing your bid, The Gambling Commission may, at its discretion, extend the deadline for the receipt of the tender, notwithstanding that all UK legal requirements will be complied with.

None of the tender document formats and wording may be altered by the Tenderer. Any modification that the Tenderer may consider necessary is to be detailed in a separate covering letter accompanying the tender. Tenderers are responsible for ensuring that they have completed the tender fully and accurately and that prices quoted are arithmetically correct. Any amendments/corrections made by the Tenderer on their bid should be initialled by them.

**2.2 Receipt of Tenders**

The bids must be received electronically to The Gambling Commission, at the following address shown **djacobs@gamblingcommission.gov.uk,** no later than **Midday on the 25th October 2019**. Those received before that date will be retained, unopened, until the aforementioned date. Please ensure that your tender is delivered no later than the appointed time on the due date as bids submitted after this time will not be considered.

**2.3 Acceptance of Tenders**

By issuing this invitation The Gambling Commission does not bind itself to accept the lowest price of any tender. It also reserves the right not to award a contract or to offer more than one contract.

**2.4 Costs of Bidding**

Tenderers shall bear all their own costs and expenses incurred in the preparation and submission of their bids and The Gambling Commission bear no responsibility or liability for those costs, regardless of the outcome in relation to individual bids.

**2.5 Bid Prices**

The Gambling Commission expects that the prices/rates quoted for the services shall be fixed for the duration of the contract and not subject to any variation unless such is called for in the tender documents.

**2.6 Conflict of Interest**

The Tenderer for any service where a conflict of interest may exist or arise must inform The Gambling Commission and submit proposals for avoiding such conflicts. This is particularly important where the conflict is likely to result in bias in the execution of the service.

**2.7 Documentation**

The Tenderer is expected to examine all instructions, forms, terms and specifications in the Invitation to Tender documents and check they are complete in all respects. Tenderers are requested to answer all the questions raised in the tender document and in the order laid out.

**2.8 Variants and Qualifications**

The Gambling Commission particularly welcomes any innovative ideas and suggestions relating to the specifications that provides added value, reduces The Gambling Commission’s costs and/or improve the levels of service. The consideration of such factors is, however, dependent on it being accompanied by a fully compliant and priced bid. Any such alternatives will be considered within the evaluation criteria shown in section five.

The Gambling Commission reserves the right to discuss, confidentially, any aspect of your Tender with you to clarify matters.

**2.9 Agreement**

You are further advised that nothing herein or in any other communication made between The Gambling Commission and any other party, or any part thereof, shall be taken as constituting a contract, agreement or representation between The Gambling Commission and any other party (save for a formal award of contract made in writing) nor shall they be taken as constituting a contract, agreement or representation that a contract shall be offered in accordance herewith or not at all.

**2.10 Confidentiality**

The Tenderer shall treat these documents and the information contained within as private and confidential. You must not disclose your bid prices, or even an approximation, prior to the deadline for receipt of the bids except in confidence to an insurance company or broker requiring such in connection with the bid. You must not try to obtain any information about competitors’ bids or proposed bids nor make any arrangement with anyone else about whether or not they should bid.

**2.11 Submission of Tenders**

Tenderers are required to submit 1 soft copy via e-mail to:

djacobs@gamblingcommission.gov.uk

**All offers, and associated documents must arrive at the above address no later than Midday on the 25th October 2019.**

Late bids or bids submitted by FAX **will not** be accepted.

**2.12 Questions**

Any questions or correspondence relating to the tender or the submission of bids should be submitted via email, quoting the tender reference number, to Darren Jacobs

djacobs@gamblingcommission.gov.uk

Tenderers should be aware that The Gambling Commission has a policy of equality of information in the bidding process. This means that questions posed, and the answers given will be distributed to all The Tenderers before the closing date; the source of the questions will not be identified.

Questions **cannot** be asked by Tenderers after **midday on the 23rd October 2019.**

**2.13 Contract Award Criteria**

The contract will be awarded on the basis of the criteria shown in section five. Although value for money is a crucial factor in determining the success of the tender, all factors will be taken in to consideration including (but not limited to):

* Conflicts of Interest
* Staffing, Flexibility and Responsiveness
* Overall Solution for 4NLC
* Innovation and Added Value / Outcomes
* Contract Delivery
* Insurance and professional indemnity

**2.14 Bona-fide tendering certificate**

Tenderers are required to complete and return the bona-fide tendering certificate.

**2.15 Tender Information**

Information supplied to Tenderers by The Gambling Commission (whether in the invitation or otherwise) is given only for general guidance in the preparation of the tender. Tenderers must satisfy themselves by their own investigation and no responsibility is accepted by The Gambling Commission for any loss or damage of whatever kind and howsoever caused arising from the use by tenderers of such information.

**2.16 Notification of Award**

The Gambling Commission will notify acceptance in writing to the successful Tenderer that they have been accepted and will notify each unsuccessful Tenderer as soon as is reasonably practical.

**2.17 Sustainability**

The Gambling Commission is committed to managing its own sustainability impacts and to using the most environmentally and socially responsible goods and services and expects all its contractors and suppliers to do the same.

**2.18 Freedom of Information Act**

The Gambling Commission is committed to meeting its legal responsibilities under the Freedom of Information Act 2000. Accordingly, all information submitted to The Gambling Commission, as a public body, may need to be disclosed by The Gambling Commission in response to a request under the Act. We may also decide to include certain information in the publication scheme which we maintain under the Act. If you consider that any of the information included in your tender is commercially sensitive, please identify it and explain (in broad terms) what harm may result from disclosure if a request is received, and the time period applicable to that sensitivity. You should be aware that, even where you have indicated that information is commercially sensitive, we may be required to disclose it under the Act if a request is received. Please also note that the receipt of any material marked ‘confidential’ or equivalent by The Gambling Commission should not be taken to mean that The Gambling Commission accepts any duty of confidence by that marking. If a request is received, we may also be required to disclose details of unsuccessful tenders.

**2.19** **Data Protection**

From time to time the successful supplier may come into contact with personal data, the nature of which may be related to The Gambling Commission staff, it’s partners or customers, as such the successful supplier must comply with the Data Protection Act 2018 and any future revisions which come into force.

**SECTION 3: Form of Tender**

***3.1 FORM OF TENDER***

I . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . certify that I am a person duly authorised to sign tenders/quotations for and on behalf of:

. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

The Tenderer, having examined the Invitation to Tender and any other documents released by The Gambling Commission (or issued in support thereof) for the supply of Advice on and execution of specific corporate transactions, hereby offers to supply the Services in conformity with the said Conditions and to the reasonable satisfaction of The Gambling Commission 4NLC project.

The Tenderer also hereby warrants and undertakes to The Gambling Commission that:

• The accompanying information has been diligently prepared to conform to the instructions for The Tenderer

• The amount or approximate amount of the Tender has not been communicated to a person other than the person calling for Tenders

• We have not entered into any agreement with any other person that s/he shall refrain from tendering or as to the amount of any other tenders to be submitted

• We understand that the lowest Tender will not necessarily be accepted.

Authorised Signatory. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

Name in CAPITAL LETTERS. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

Address . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

Date . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

Phone No . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

Job Title . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

Email. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

***3.2 Bona fide tender certifications***

In recognition of the principle that the essence of selective tendering is that The Gambling Commission shall receive bona fide competitive tenders from all those tendering

WE CERTIFY THAT:

1. The Tender submitted herewith is a bona fide tender intended to be competitive.

2. We have not fixed or adjusted the pricing of the Tender under or in accordance with any agreement or arrangement with any other person.

3. We have not done and we undertake that we will not do at any time before the hour specified for the return of the Tender any of the following acts:

(a) Communicate to a person other than the person calling for this Tender the amount or approximate amount of the proposed Tender (except where the disclosure, in confidence, of the appropriate amount of the Tender was essential to obtain an insurance premium quotation required for the preparation of the Tender);

(b) Enter into any agreement with any other person that he shall refrain from tendering or as to the amount of any Tender to be submitted;

(c) Offer, pay, give or agree to give any sum of money or valuable consideration directly to any person doing or having done or causing or having caused to be done in relation to any other Tender or proposed Tender any act or thing of the sort described above; and

(d) Directly or indirectly canvassed or solicited any member, officer or employee of The Gambling Commission concerning the acceptance of any Form of Tender or directly or indirectly obtained or attempted to obtain information from any such employee, member or officer concerning any other Tenderer or Form of Tender submitted by any other Tenderer.

In this certificate:

a) “Person” includes any person and any body or association corporate or incorporate;

(b) “Any agreement or arrangement” includes any transaction of the sort described above, formal or informal and whether legally binding or not.

This Certificate is signed for on behalf of the Tenderer as follows:

Name of Tenderer . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

Name of person authorised by Tenderer to sign this tender . . . . . . . . . . . . . . . . . . . . .

Signature of authorised person . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

Date . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

**SECTION 4: Specification of Requirements**

|  |
| --- |
| Secure file sharing across any device, from any location |
| Manage Q&A engagement with each bidder. |
| Creating workspaces for teams or projects |
| Uploading and organising files and folders. |
| Two Factor authentication (2FA) |
| Full audit trail for Compliance |
| E-signature and document approvals |
| Integrated group chat and @mentions |
| Bulk data upload.   Extension to 4 above |
| Support during in life |
| VDR training |
| Onboarding support |
| Watermark documents. |

**Considerations in preparing your bid**

The national lottery is of great importance to the UK and generates significant funds for good causes (£1.6bn last year). If the 4th licence is not procured and the 3rd licence expires, this would have a hugely detrimental impact on the organisations which rely on these funds. Additionally, the reputational impact on the Gambling Commission and DCMS would likely be irrecoverable.

The duration of the contract has been determined by the likely phases of the competition process, which includes the build up to the competiton i.e. market engagement, competition and post-competiton i.e. transition of the new licence.

The licence competition is very high value/high profile and will likely attract media attention and therefore high levels of scruitiny. To counter this the programme is seeking to bring in high quality experts.

**Contract duration**

The contract will start on **31st October 2019**. The contract will run initially until December 2020 with the potential to extend for a further year in annual increments subject to satisfactory performance and agreement of fees. Please note: This contract will contain break clauses at 12 & 24 months.

**TENDER DOCUMENTATION**

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**SECTION 5.5:** ADDITIONAL INFORMATION REQUIRED…………………………………….20

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**SECTION 5: Tender Proposal**

In submitting your tender, we are looking for details as to how you will deliver the contract, and you will need to provide sufficient detail for us to understand how your proposal will work and specifically how you would achieve the stated outcomes within this specification.

Your tender submission should be brief and to the point, answering the questions and providing the documentation requested in the attached sections.

**5.1 Evaluation Methodology**

This document provides an overview of the methodology which will be adopted by The Gambling Commission to evaluate the Tenderers responses to each question set out within this Tender. This document also sets out the marking scheme which will apply.

The following information has been provided in relation to each question (where applicable);

**Weighting** – highlights the relative importance of the question

**Guidance** – sets out information for the Tenderer to consider

**Marking Scheme** – details the marks available during evaluation

The defined terms used in the Tender document shall apply to this document.

**5.1.1 Overview**

This event is broken down into the following documents:

|  |  |
| --- | --- |
| Document Reference | Document Title |
| 1 | COMPANY DETAILS |
| 2 | CONFLICTS OF INTEREST |
| 3 | STAFFING FLEXIBILITY & RESPONSIVNESS |
| 4 | OVERALL SOLUTION |
| 5 | INNOVATION, ADDED VALUE / OUTCOMES |
| 6 | CONTRACT DELIVERY |
| 7 | PRICE |

**5.1.2** **Quality Evaluation Process**

Each response to questions within the Quality/Service Delivery Questionnaire(s) will be marked in accordance with the table below:

|  |  |
| --- | --- |
| Mark | Comment |
| 0 | Failed to provide confidence that the proposal will meet the requirements. An unacceptable response with serious reservations. |
| 25 | A Poor response with reservations. The response lacks convincing detail with risk that the proposal will not be successful in meeting all the requirements. |
| 50 | Meets the requirements – the response generally meets the requirements but lacks sufficient detail to warrant a higher mark. |
| 75 | A Good response that meets the requirements with good supporting evidence. Demonstrates good understanding. |
| 100 | An Excellent comprehensive response that meets the requirements. Indicates an excellent response with detailed supporting evidence and no weaknesses resulting in a high level of confidence. |

Each mark achieved will be multiplied by the corresponding weighting to provide an overall question score.

When the score for each question has been determined they will be added together to provide an overall score for the Quality Evaluation (“Quality Score”).

**5.1.3 Price Evaluation Process**

Prices submitted by The Tenderers’ will be evaluated in accordance with the following process.

The Tenderers’ are required to [submit a price for each Bid Field] or [provide a completed pricing schedule against the ‘Price’ Questionnaire].

The Tenderer with the lowest price shall be awarded the Maximum Score Available. The remaining Tenderers shall be awarded a percentage of the Maximum Score Available equal to their price, relative to the lowest price submitted.

The calculation used is the following:

Lowest Price Tendered x Maximum Score Available

Tender price

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **The Tenderer** | **Price Submitted** | **Score Calculation** | **Maximum Score Available** | **Score Awarded** |
| The Tenderer A | £1,000 | £1,000 / £1,000 x 100 | 100 | 100 |
| The Tenderer B | £2,000 | £1,000 / £2,000 x 100 | 100 | 50 |
| The Tenderer C | £2,500 | £1,000 / £2,500 x 100 | 100 | 40 |

The Quality Score will be added to the Price Score to determine the final score for each The Tenderer (“Final Score”).

Presentations for the short-listed The Tenderer will be marked separately on the day of presentation. Scoring will be communicated prior to the presentation day.

**TENDER RESPONSE**

|  |
| --- |
| **5.2 Company Details** |
|  |

|  |
| --- |
| **Full name of company** |
|  |
| **Trading Name (If different from above)** |
|  |
| **Postal Address** |
|  |
| **Contact in respect of this Tender** |
|  |
| **Telephone number and email address** |
|  |

**5.3 Conflicts of Interest**

The following question ‘Pass/Fail’ acts as a doorway for progression to the following stages of the evaluation. The Tenderers are strongly advised to read and understand the specific guidance provided before responding.

The Gambling Commission reserves the right to challenge any information provided in response to the questions and may request further information in support of any statements made therein.

|  |  |  |  |
| --- | --- | --- | --- |
| **CONFLICTS OF INTEREST** | | | |
| **GUIDANCE** | **Question 1** is a ‘Yes/No’ question and will dictate whether or not question 2 needs to be answered.  **Question 2** is a Pass / Fail question. The Tenderers are required to provide details of how the identified conflict will be mitigated. The Gambling Commission will review the mitigation in line with the perceived conflict of interest, to determine what level of risk this poses to them. Therefore, if The Tenderer cannot or is unwilling to suitably demonstrate that they have suitable safeguards to mitigate any risk then their Tender will be deemed non-compliant and [may / will] be rejected. | | |
| **Question Number** | **Question** | **Max Score** | **Weighting (%)** |
| **1** | Please confirm whether you have any potential, actual or perceived conflicts of interest that may by relevant to this requirement. | None | N/A |
| **2** | We require that any potential, actual or perceived conflicts of interest in respect of this ITT are identified in writing and that companies outline what safeguards would be put in place to mitigate the risk of actual or perceived conflicts arising during the delivery of these services. | Pass/Fail | N/A |

**Your Response can be a statement under the ‘Heading’ - Conflict of Interest.**

**5.4 Contract Price and Bid Details**

The Tenderer is invited to submit their fixed fee proposal for the Advice on and execution of specific corporate transactions together with rates by staff group for comparison. This should be based on the availability to The Gambling Commission of the staff in the performance of duties to the levels, standards, requirements and quality specified in this document.

The costs quoted should take in to account the full requirements of the specification including consumables, travel and all other expenses in delivering the service as specified.

Price accounts for **30%** of the overall tender evaluation criteria

|  |  |
| --- | --- |
| **Activity** | **Fixed Fee £** |
|  | **£** |
|  | **£** |
|  | **£** |
|  | **£** |
|  | **£** |
|  | **£** |
|  | **£** |

**N.B.** If there are any areas or elements of work that your firm wishes to exclude from the fixed fee arrangement then such excluded areas or elements of work must be specified and full details of your additional fees with charge rates for such work must be set out comprehensively below.

**Please also provide hourly rates for the purpose of comparison**

|  |  |
| --- | --- |
| Staff Grade | Rate per Hour £ |
| Partner | £ |
| Manager | £ |
| Other Staff (Please specify) | £ |
| Other Staff (Please specify) | £ |
| Other Staff (Please specify) | £ |

**Please provide an estimate of the number of days/half days that you expect to expend in the first year of the appointment:**

|  |  |
| --- | --- |
| Staff Grade | Rate per Hour £ |
| Partner | **X Days** |
| Manager | **X Days** |
| Other Staff (Please specify) | **X Days** |
| **Total Number of Days** | **X Days** |

|  |  |
| --- | --- |
| Price | **£** |
| Overall Total Price for this project | **£** |

|  |  |
| --- | --- |
| **Staffing Flexibility & Responsiveness** | **Weighting** |
| Please also provide details of the key staff identified to work with the Gambling Commission to deliver the required services, please also include your response to any issues | **5%** |

|  |  |
| --- | --- |
| **Overall Solution** | **Weighting** |
| From reading the specification please provide your solution for Virtual Data Rooms | **55%** |

|  |  |
| --- | --- |
| **Innovation Added Value / Outcomes** | **Weighting** |
| Are you able to demonstrate any measurable successes in previous contracts?    Over the period of the contract please indicate what efficiencies and improvements you may be able to deliver and how you will be proactive in assisting the Gambling Commission 4NLC project.  Please identify any added value which you could offer. This could include, for example, suggestions of risk management techniques based on latest technology, sponsorship opportunities or examples of best practice / benchmarking | **5%** |

|  |  |
| --- | --- |
| **Contract Delivery** | **Weighting** |
| Please describe how you would propose to work with Gambling Commission to deliver the service required including:    • details of how you will meet the service requirements.    • samples of the types of performance management tools you use to monitor your performance with your clients and detail who receives this information, how it is acted upon and how improvements are fed back to clients    • a copy of your proposed Service Level Agreement as a separate document within your Tender.    • details of how you would aim to ensure continuity of staff involved in this project (particularly at a senior level) | **5%** |

* 1. **Additional Information Required**

No weighting is provided to the following items but failure to supply information may result in the rejection of your bid:

* Public and Employer’s Liability Certificate
* Professional Indemnity Certificate