

**TMTii 20 – Technology Operations Centre (TOC)**  
**Business Strategy Support**

**Secondary Competition Questions and Answers**

*Version 5 – 12/09/17*

Our Ref	Date Received	Document Reference	Question and Answer	Date Released
			<p><b><u>Highways England Statement</u></b></p> <p>Dear suppliers</p> <p>Whilst you are considering whether to tender for this opportunity, we wish to draw your attention to clause 2.13.8 of the Scope.</p> <p>"The Consultant accepts that in Providing the Services, there are various restrictions on what related contracts they can tender for, in accordance with the Employer's procurement policy located at <a href="https://www.gov.uk/government/organisations/highwaysengland/about/procurement">https://www.gov.uk/government/organisations/highwaysengland/about/procurement</a>. As to avoid a conflict of interest, the Consultant accepts that they are prohibited from tendering for any Employer opportunities which aim to deploy Technology Operations Centre services and infrastructure on a commercial scale."</p> <p>Our intention of this clause is that TMTii 20 is intended to be an independent assurer and technical advisor. In order to guarantee impartiality, the successful tenderer would not be able to provide equipment or services on other TOC related projects (Such as TTOC)</p>	25/08/17
1	21/08/17	Staff Rate Card	<p><b><u>Question:</u></b></p> <p>We would kindly request that the rate card for this opportunity is amended to reflect previous TMTii Highways England Lot 12 rate cards whereby we are only to provide a hourly or daily fee rate as per the industry norm under a framework. Some justification:</p> <p>A. The provided staff rate card requires supplies to provide the cost base for our staff to derive an All-In-Rate-per-Hour. We deem that this level of financial information is not required and has not been the approach under previous TMTii Highways England Lot 12 tenders. Please note that all suppliers have already been through a financial assessment to be awarded a place on the Framework and we all have agreed fee rates which can be discounted if required under secondary competition. In addition, this</p>	

			<p>information is commercially sensitive and we are not at liberty to divulge this level of company information;</p> <p>B. The role references between worksheets 'Staff Rates Table' and 'Highways England Role Rates' are not the same;</p> <p>C. Clause 33, bullet point 5, states 'Duplicate any price in the staff rate card'. Where we have roles that are at the same grade and level within our TMTii rate card we may provide the same rate. This would render our proposal non-compliant to this bullet point. Please confirm that this bullet point is an error and not relevant to the consultancy task.</p>	
			<p><b><u>Answer:</u></b></p> <p>The staff rate card is the standard rate card in the format required across Highways England contracts for provision of this type of service. It is there to enable full validation of the rates submitted and to substantiate your Hourly and daily rate. Therefore this is the format that suppliers tendering for Highways England's contracts are required to populate.</p> <p>The information is held securely within restricted Highways England and has been submitted in this format by numerous suppliers.</p>	01/09/17
2	23/08/17	Scope Annex G	<p><b><u>Question:</u></b></p> <p>Annex G (Initial Task Order Timings) of the Scope document shows a "TOC Contract Award" milestone occurring in May 2018. Does this assume a procurement for the contract has already been run and a contractor notified? If so, how does HE envisage the timings of this working given its intention to generate business case and procurement strategy documentation until the same month?</p>	
			<p><b><u>Answer:</u></b></p> <p><b><u>Tender Amendment 1 – TA1</u></b></p> <p>This milestone is estimated and has now been changed to Jul 2018 accounting for time constraints.</p> <p>Please see revised TMTii 20 – Scope (v2)</p>	25/08/17
3	23/08/17	Scope Clause 3.1	<p><b><u>Question:</u></b></p> <p>3.1 (Common Requirements) of the Scope document references collaboration via the Employer's cloud based project management tools. Please can HE provide more details of the tools on offer and how it intends to manage collaboration through these on an ongoing basis?</p>	

			<p><b><u>Answer:</u></b></p> <p>At present the TOC Project administrates and utilises JIRA Software for the purposes of project planning alongside Confluence to publish our customer facing project page and HipChat for messaging. Access can be provided at no cost to the consultant and can be used alongside Skype and other platforms. JIRA is the core tool, TOC is based on a basic agile Kanban style board and we intend to utilise this platform to continually plan a review project tasks and therefore it would be beneficial for the consultant to join us.</p>	25/08/17
4	23/08/17	RfQ	<p><b><u>Question:</u></b></p> <p>We note that the scoring weighting appears to be such that Health and Safety has an overall marking similar to that of the main quality question (5.2) of 20 marks. Whilst we appreciate that health and safety will need to be woven into the TOC procedures, overall this is very much a consultancy exercise and be desktop based. Thus, we would like to understand the rationale for this weighting and if Highways England are in agreement with our interpretation that the allocation of marks is redistributed to emphasise the questions in 5.0 Quality.</p>	
			<p><b><u>Answer:</u></b></p> <p><b><u>Tender Amendment 1 – TA1</u></b></p> <p>The RFQ has been amended to better reflect our priorities. The multiplier applied to 5.1 has increased from 1.5 to 2. 5.2 is unchanged.</p> <p>Please see revised TMTii 20 – RfQ (v2)</p>	25/08/17
5	23/08/17	Scope 2.13.8	<p><b><u>Question:</u></b></p> <p>Can Highways England confirm if the successful tenderer would be precluded from being able to tender for the delivery of the TOC services, which this task will help to support the procurement off? If not, are there any specific measures that would need to be implemented to prevent any future conflict of interests?</p>	
			<p><b><u>Answer:</u></b></p> <p>Please see answer to Q6</p>	25/08/17

6	23/08/17	Scope 2.13.8	<p><b><u>Question:</u></b></p> <p>Can you please confirm that your message of 22nd August regarding the scope of Clause 2.13.8 will not preclude the successful tenderer providing services outside of the scope of TOC related projects, but may have a linkage to the TOC?</p> <p>This might include support to contractors providing roadside technologies and technology related services to other parts of Highways England that may interface with the TOC.</p>	
			<p><b><u>Answer:</u></b></p> <p>Clause 2.13.8 only relates to contracts directly required as part of the full TOC Delivery business case in order to prevent any conflict of interests. This does not preclude the tenderer from providing any other contracts that may have TOC links but are not directly part of the delivery. Business Change in terms of embedding Tools for the TOC Systems and process change are expected to remain the main elements of TOC Delivery</p>	25/08/17
7	23/08/17	Staff Rate Card	<p><b><u>Question:</u></b></p> <p>The original TMTii Framework asked consultants to provide a rate card against certain SFIA Levels and various different workstreams. Subsequent opportunities under the Framework have followed the same formula in that consultants were asked to provide rates under the same criteria as the main Framework. Can you please clarify the need to provide individuals cost of people details and also a breakdown of Business Overheads, Office Overheads and Profit percentage as this wasn't a requirement of the main TMTii Framework opportunity?</p>	
			<p><b><u>Answer:</u></b></p> <p>See Q1</p>	01/09/17
8	23/08/17	Staff Rate Card	<p><b><u>Question:</u></b></p> <p>The original TMTii Framework opportunity consultants were only asked to price rates up SFIA Level 5, under this opportunity we are being asked for staff rates for SFIA levels 6 and 7. Can you confirm that we can provide new rates for SFIA levels 6 &amp; 7 as agreed in previous Highways England TMTii procurements under Lot 12?</p>	
			<p><b><u>Answer:</u></b></p> <p>If you have not provided SFIA levels 6&amp;7 yes you need to provide these rates for this project.</p>	01/09/17

9	30/08/17	Scope	<p><b><u>Question:</u></b></p> <p>Can HE confirm whether it has an existing Business Case that needs to be re-validated and “finalised” or whether the contractor will be starting from a blank page?</p>	
			<p><b><u>Answer:</u></b></p> <p>The consultant/contractor will be starting from a blank page. Section 3.2 of the Scope, TO2 Technology Operations Centre (TOC) Delivery Business Case, states, “The <i>Consultant</i> will produce the final business case for delivery using the <i>Employers</i> current business case template” any reference to templates or guidance is only to aid structuring and highlight areas that must be covered.</p>	01/09/17
10	30/08/17	RfQ/Scope	<p><b><u>Question:</u></b></p> <p>The Call-off Award date in Annex A of the RFQ states 15.11.17; however a number of the task orders are due to commence in October. Please can HE confirm the correct dates respectively.</p>	
			<p><b><u>Answer:</u></b></p> <p><b><u>Tender Amendment 2 – TA2</u></b></p> <p>The Scope has been updated. Section 3.2 has new task order expected durations all subsequent task orders are aligned with new dates, Annex G has an amended timeline. 15<sup>th</sup> Nov 2017 is the assumed award date all subsequent activities are based on this assumption. Should contract award be earlier or later than expected, dates should be adjusted accordingly. Task order duration will remain the same.</p> <p>Please see revised TMTii 20 – Scope (v3)</p>	01/09/17
11	31/08/17	Call Off Agreement	<p><b><u>Question:</u></b></p> <p>Noting Highway’s England’s potential requirement for a PCG (Clauses Z49, Z50 and Z51) and given the size and strength of our company we suggest that a PCG is unnecessary. Can you please confirm that a PCG will not be required?</p>	

			<p><b><u>Answer:</u></b></p> <p>Highways England is not asking for a PCG to be provided with the quotation submission.</p> <p>Highways England might need to request a PCG, either during assessment, or during the life of the contract with the successful Supplier.</p> <p>An example of why we might ask for one could be due to a change in ownership of the Supplier and/ or a change of the Supplier's financial circumstances.</p>	01/09/17
12	31/08/17	Call Off Agreement	<p><b><u>Question:</u></b></p> <p>We may be requested to execute a Form of Novation. Clause Z4.3 states the Form of novation is set out in the Scope but we would need to see the full agreement. Could you please provide so we may review</p>	
			<p><b><u>Answer:</u></b></p> <p>The full novation agreement is available in the scope</p>	01/09/17
13	31/08/17	Call Off Agreement	<p><b><u>Question:</u></b></p> <p>Clause Z48 suggests we grant the Employer a license to use ALL of our intellectual property rights (whether connected to the Contract or not) and this obligation is also stepped down to see that any subcontractor must allow a licence for ALL of its intellectual property rights. Can you please clarify.</p>	
			<p><b><u>Answer:</u></b></p> <p>The use of Clause Z48 for TMTii 20 is to ensure that all outputs of this contract will belong to Highways England and not the contractor or subcontractor.</p>	01/09/17
14	01/09/17	Staff Rate Card	<p><b><u>Question:</u></b></p> <p>The Staff Rate Card template supplied with your tender documentation prescribes SFIA grade mix for the delivery of the services which contains roles only at SFIA Grade 5 and above. Having reviewed the scope of the Task Orders described in the ITT, our experience shows that a broader blend of grades from across the SFIA bands would be more appropriate to the delivery of the outcomes you have specified as well as more cost effective. Can an alternative grade mix be provided to enable the full range of grade prices to be assessed?</p>	

			<p><b><u>Answer:</u></b></p> <p><b><u>Updated Answer (since v2 of TQ sheet 01/09/17)</u></b></p> <p><b><u>Tender Amendment 3 – TA3</u></b>  We have now provided a new version of the Staff Rate Card which includes an additional three roles covering SFIA Levels 2-4 for assessment.</p> <p>Please see revised TMTii 20 – Staff Rate CardV2</p>	05/09/17
15	01/09/17	RfQ Para 53	<p><b><u>Question:</u></b></p> <p>Can you please confirm that the number of staff hours and grades specified in the Staff Rate Card template will be used to calculate a scenario price for the purposes of the Financial evaluation and that these prices will be scored in accordance with the method described in para 53 of your RFQ? We interpret para 53 as meaning that a price that is 110% of the lowest price submitted will score 90 marks overall, can you confirm that this is correct?</p>	
			<p><b><u>Answer:</u></b></p> <p>The staff hours in the Staff Rate Card will be used to calculate the financial score. Para 53 of RfQ sets out that the supplier with the lowest price will automatically score 100. Other supplier scores are then deducted 1 full point for each full percentage they over the cheapest price,</p>	01/09/17
16	01/09/17	RfQ Annex G	<p><b><u>Question:</u></b></p> <p>Can you please confirm the intended meaning of the ‘minimum period of availability’ in the final column of the table in Annex G (Key People Schedule) to the RFQ document? Does this refer to the availability of an individual from the point of submission of the tender? How will this information be evaluated?</p>	
			<p><b><u>Answer:</u></b></p> <p>The minimum period of availability will be from the contract award date, 15/11/17. The minimum period describes the minimum period of time that a key person will be available excluding unforeseen events. Continuity of key people will be a key part of a successful project. The Key People Schedule will be evaluated as part of the Quality Submission and in accordance with RFQ, Annex C, Table 1 Scoring Matrix.</p>	01/09/17

17	01/09/17	RfQ Annex D	<p><b><u>Question:</u></b></p> <p>How will the Risk Register requested as part of our tender submission be evaluated?</p>	
			<p><b><u>Answer:</u></b></p> <p>The submitted risk register will be evaluated as part of the Quality Submission and in accordance with RFQ, Annex C, Table 1 Scoring Matrix.</p>	01/09/17
18	01/09/17		<p><b><u>Question:</u></b></p> <p>Can you please confirm the location you will require the services to be delivered from?</p>	
			<p><b><u>Answer:</u></b></p> <p>Question assumption 1: Services provided by Consultant.</p> <p>The core location for the project will be Highways England's Temple Quay office. However, the use of cloud based project management tools (see answer to question 3) will allow the consultant to perform work remotely. Consultants will be required in person for certain meetings and events, the levels required will be agreed during Task Briefs.</p> <p>Question assumption 2: Services to be delivered by the TOC</p> <p>This will be for the consultant to determine, constrained by time, cost and quality.</p>	01/09/17
<p><b><u>Questions asked after the Tender Question Deadline (05/09/17 11:00)</u></b></p> <p><b>Note Highways England can't guarantee to answer these questions however will endeavour to do so</b></p>				
19	05/09/17	Staff Rate Card	<p><b><u>Question:</u></b></p> <p>Further to our earlier message regarding this subject for the avoidance of doubt we wish to clarify that this message was a follow on question relating to your responses to Questions 1 and 7.</p> <p>The main TMTii Framework did not have a requirement to provide business overhead, local office overhead and profit percentage, therefore we feel requesting this information via secondary tendering is a fundamental change from the contractual conditions consultants entered into under procurement rules set out in the original TMTii Framework RFQ.</p> <p>We therefore request Highways England provide an alternative pricing model which conforms to the</p>	

			<p>original procurement rules under the TMTii Framework. The pricing model for TMTii 17 Collaborative Traffic Management was in accordance with the TMTii framework – we therefore ask that this same model is adopted for this submission.</p> <p>If the pricing mechanism is to be fundamentally changed we respectfully ask that an extension of the submission date is provided to allow us to fully consider our commercial approach.</p>	
			<p><b><u>Answer:</u></b></p> <p>As stated in our answer to Q1 this Staff Rate Card is the correct version for this type of contract.</p> <p>We will not be using any previous iterations of the staff rate card</p> <p>Highways England requires the level of detail in order to carry out thorough and robust validation and sustainability checks. All submitted information is protected and will not be subject to any form of publication, so commercially sensitive data will be safe.</p>	08/09/17
20	06/09/17	PCG	<p><b><u>Question:</u></b></p> <p>Further to our previous question, can Highways England please confirm that they do not need a PCG at the outset and that the stated criteria (clauses Z49, Z50 and Z51) are the only scenarios where they might request one</p> <p>our governance process requires specific confirmation that: "the only scenarios whereby Highways England may request a PCG is in the event of change of ownership or financial distress".</p>	
			<p><b><u>Answer:</u></b></p> <p>We confirm that a PCG is not required at tender return as part of the supplier's submission. However Highways England can request a PCG of any company at any point thereafter (i.e. from tender return to the end of the contract if we require one) and are not limited to those circumstances scenarios above.</p>	08/09/17
21	06/09/17	Staff Rate Card	<p><b><u>Question:</u></b></p> <p>We note from Question 1 of the Q&amp;A that the supplier's question, item C, did not receive a response.</p> <p>Please can you confirm that it is acceptable to have a rate per SFIA level, rather than requiring a unique rate for each role listed?</p>	

			<p><b><u>Answer:</u></b></p> <p>No, the individual's rate should reflect his actual SFIA role and a blended role is not acceptable.</p>	08/09/17
22	06/09/17	Staff Rate Card	<p><b><u>Question:</u></b></p> <p>With regards to the Staff Rate Card, we note that the information for the assessed amount is pulled through from the 'Highways England Role Rates' tab, thus the 'Staff Rates Table' tab seems superfluous. Please can you confirm this is the case and suppliers do not need to populate this?</p>	
			<p><b><u>Answer:</u></b></p> <p>Yes we can confirm that the 'Staff Rates Table' tab is not required and will be removed to avoid confusion.</p>	08/09/17
23	06/09/17	Staff Rate Card	<p><b><u>Question:</u></b></p> <p>We note that the Roles listed in the 'Highways England Role Rates' don't align with those in the Key People Schedule (Annex G) of the RfQ, should they?</p>	
			<p><b><u>Answer:</u></b></p> <p>The Key People schedule contains the roles that are believed to be critical to the success of the contract therefore not all roles are required to be on there. If you wish to add any further Key People to the list you are free to do so.</p>	08/09/17
24	06/09/17	Staff Rate Card	<p><b><u>Question:</u></b></p> <p>On the 'Assessed Amount' tab of the Staff Rate Card there are a couple of errors with the formulas on Row 12, in columns D, E and F where they are taking data from a blank row on 'Highways England Role Rates' (Row 21, instead of 22). Please can you either correct this and reissue, or inform all suppliers of the required corrections?</p>	
			<p><b><u>Answer:</u></b></p> <p><b><u>Tender Amendment 4 – TA4</u></b></p> <p>The issue has been corrected in the reissued card.</p> <p>Please see amended TMTii 20 – Staff Rate Card (V3)</p>	08/09/17

			Note we shall also grant a short 24 hour extension to allow suppliers time to carry over items to the updated staff rate card. Therefore the new tender return date is 13/09/17 14:00	
25	07/09/17	Scope 2.13.8	<p><b><u>Question:</u></b></p> <p>Following the opening statement within the TQ, we would note that at no time during the tender period for T-TOC (TMTii 07) did Highways England advise that putting forward a submission would be precluded from other TOC related opportunities, such as this one – TMTii 20. We firmly believe that it is possible to provide impartial advice to Highways England for both projects without causing conflict, and would take measures to ensure this occurs. Thus, could Highways England please reconsider its position in this regard or limit this to only prime contractors for T-TOC, rather than any members forming a consortium. Finally could Highways England advise when it expects to advise on award of T-TOC.</p>	
			<p><b><u>Answer:</u></b></p> <p><b><u>Updated Answer (since v4 of TQ sheet 08/09/17)</u></b></p> <p>Our principle is that consultants specifying requirements for a service can therefore not bid for delivery of the service. In terms of TMTii 20 – the exclusion applies to the TMTii 20 contractor separately bidding for a future service which the TMTii 20 contractor has specified under this contract.</p> <p>As previously noted it is expected that delivery of the Technology Operations Centre will be based around business change rather than new services.</p> <p>However TMTii 20 bidders are still excluded from being the TMTii 07 Tools for the TOC contractor or vice versa as we believe the projects are too closely linked. This would create management issues for Highways England with potential problems elsewhere in the supply chain if the same supplier were involved in both.</p>	12/09/17