NATIONAL INSTITUTE FOR HEALTH

AND CARE EXCELLENCE

**NICE Knowledge Resources Framework Agreement**

**Invitation to Tender**

 **Document 01\_** **Invitation to Tender**

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**Contents**

[1. Glossary 4](#_Toc182221449)

[2. Invitation to Tender Pack 5](#_Toc182221450)

[3. Contract Details 6](#_Toc182221451)

[4. Procurement Timetable 6](#_Toc182221452)

[5. Aims 8](#_Toc182221453)

[6. Scope 9](#_Toc182221454)

[7. Background to the Healthcare Purchasing Landscape 14](#_Toc182221455)

[8. Framework Specification 19](#_Toc182221456)

[9. Lots 20](#_Toc182221457)

[10. Terms and Conditions 21](#_Toc182221458)

[11. Pricing Structures & Cost Efficiencies 23](#_Toc182221459)

[12. ITT Instructions: General 27](#_Toc182221460)

[13. ITT Instructions: “02\_Bidders’ Response Document” 28](#_Toc182221461)

[14. Non-Compliance and/or Disqualification 32](#_Toc182221462)

[15. Terms and Conditions Queries 32](#_Toc182221463)

[16. Queries about the Procurement 33](#_Toc182221464)

[17. NICE’s Named Point of Contact 34](#_Toc182221465)

[18. Bidders Named Point of Contact 34](#_Toc182221466)

[19. Risk 34](#_Toc182221467)

[20. Additional Information 34](#_Toc182221468)

[21. Freedom of Information 35](#_Toc182221469)

[22. Procurement Transparency 35](#_Toc182221470)

[23. Tender Evaluation 36](#_Toc182221471)

# SECTION ONE: INTRODUCTION TO THE PROCUREMENT

1. Glossary

For the purposes of this ITT the following terms shall be used:

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| --- | --- |
| “Agent” | a supplier who acts on the Purchasing Authority’s behalf; an organisation or intermediary which does not own the intellectual property rights (IPR) to the Goods or Licensed Materials provided. For the purpose of this tender, a bookseller will also be defined as an Agent; |
| “Aggregator” | an organisation or intermediary which either owns the intellectual property rights (IPR), or a Licence to grant access to Intellectual Property for Authorised Users. For the purposes of this Framework, Aggregators are subject the same requirements as Publishers. |
| “Core Service Standards” | means, the expected standards and requirements for the service detailed in Annex 2 to the “04B\_ Call Off Terms & Conditions” document and set out in tab” 5.Core Standards “ to the “02\_ Bidders Response Document.” |
| “Knowledge Resources” | published health and social care related content such as books, journals, databases, clinical decision support resources, evidence summaries and topics, in either or a combination of, print, digital and multimedia formats; |
| “Publisher” | an entity which owns the intellectual property rights (IPR) to the Licensed Materials. For the purposes of this Framework, Publishers are subject the same requirements as Aggregators. |

1. Invitation to Tender Pack

The following ten (10) files included in the Invitation to Tender pack:

* 01\_ Invitation to Tender (ITT) Document.
Provides the Bidder with instructions to tendering, details of the process stage by stage, submission guidance for Bidders response and evaluation procedures.
* 02\_ Bidders Response Document.
Provides the Bidder with all the tender requirements and questions for response for all Lots. Bidders’ responses to the ITT must be provided in this document as requested.
* 02A\_Bidders Response Document: Purchasing Models Template.
Provides a template with all requirements and questions for response about the purchasing models offered by the Bidder for each Lot.
* 03\_ Terms and Conditions of Contract for NICE Knowledge Resources Framework Agreement. The terms of Agreement between NICE and the supplier under which this Contract will be awarded.
* 03A\_Annex THREE (A) Framework SLAs. Sets out the Framework Service Level Agreements (SLAs) for appointed suppliers.
* 03B\_ Annex THREE (B) Framework Monthly Spend Report. This template must be used by suppliers to report sales and purchasing data monthly.
* 04A\_ Call Off Order Form. The form to completed by Purchasing Authorities and the supplier at the point of purchase with the relevant Licence / Agreement.
* 04B\_ Call Off Terms & Conditions. The terms of Agreement between Purchasing Authorities and the supplier to be used at the point of purchase with the relevant Licence / Agreement.
* 05\_Health & Social Care (HSCC) Content Licence. Sets out the licensing, usage and supply terms for digital Knowledge Resource(s) purchases.
* 06\_Forms requiring Signature. Forms that must be completed and signed by bidders and submitted as part of the bid. Provided in this ITT pack as a zip file.

This “01\_ Invitation to Tender (ITT)” document provides the Bidder with instructions and guidance on the tender submission and should be read prior to any other document in the Invitation to Tender (ITT) pack.

There are three sections to this “01\_ Invitation to Tender (ITT)” document:

* + 1. Section One: Introduction to the Procurement.
		2. Section Two: Background to the Procurement.
		3. Section Three: ITT Instructions.
1. Contract Details

|  |  |
| --- | --- |
| Contract | NICE Knowledge Resources Framework Agreement |
| Contract Duration | 36 months with options to extend for a period no greater than 12-month thereafter |
| Contract Commences | 01 June 2025 |
| OJEU Procedure:  | Open |

On 12th November 2024 a PIN notice was published on Find a Tender inviting potential suppliers to tender (ITT) for the NICE Knowledge Resources Framework Agreement (the Framework) with NICE in its capacity as the Contracting Authority.

On receipt of final offers from Bidders in response to the final ITT NICE will evaluate each response using the Evaluation Methodology set out in section 23.

The evaluation will form the basis of NICE’s decision to proceed to Contract Award.

1. Procurement Timetable

The estimated timetable for the remainder of this procurement is as follows:

|  |  |
| --- | --- |
|  **Stage** | **Date** |
| Issue Contract Notice and ITT pack | 12th November 2024 |
| Expression of Interest deadline | By 5pm 03rd December 2024  |
| Bidder clarifications deadline |  By 5pm 13th December 2024 |
| Final Responses to Bidder clarifications | By 5pm 07th January 2025 |
| Tender Responses deadline | By 12pm 13th January 2025 |
| Tender Evaluation | 14th January – 21st March 2025 |
| Winning Bidders Notified and Losing Bidders Debriefed | w/c 24th March 2025 |
| Alcatel Period (10 days) | End 04th April 2025 |
| Contract Award  | w/c 07th April 2025 |
| Contract Signing |  w/c 07th April 2025 |
| Contract Commences | 01st June 2025 |

**Note: NICE reserves the right to change the timetable at its discretion.**

# SECTION TWO: BACKGROUND TO THE PROCUREMENT

1. Aims

NICE is seeking to establish a Framework Agreement on behalf of NHS England (NHSE), which:

* + 1. supports the purchase of healthcare related print and electronic Knowledge Resources by NHS, health and social care organisations in the UK. Clinicians and staff within these organisations need these resources to support their practice, research and education;
		2. identifies the suppliers of published healthcare Knowledge Resources and related services that will meet the needs of eligible NHS and healthcare related Purchasing Authorities and Beneficiaries throughout England, Wales, Scotland and Northern Ireland;
		3. provides a range of Knowledge Resource categories;
		4. contains a breadth of supplier type i.e., direct publishers, Agents and other intermediaries e.g. booksellers.

The Framework Agreement will list the suppliers from whom the NHS and its partners can purchase with confidence and without the need for full competitive tendering. Appointed suppliers to the Framework will:

* + 1. meet specified content, technical and service requirements.
		2. use pricing models appropriate for the NHS;
		3. adhere to the Terms & Conditions required by the NHS;
		4. add value for Purchasing Authorities.

Benefits expected from the procurement:

* + 1. For the NHS and its partners:
* Better value for money.
* Improved compliance with technical and service standards.
* Reduced duplication of procurement effort.
* Opportunity for buy-in, ‘top-up’ and joint purchasing between different NHS organisations and between NHS organisations and partner organisations.
* Simplification of the procurement process.
	+ 1. For suppliers:
* Greater clarity about NHS requirements.
* The opportunity to be included in a list of appointed Framework suppliers which will be promoted to the NHS and its partners.
* A reduced need to respond to full tenders. However, there will be a need for appointed suppliers to respond to Invitations to Quote (ITQ) as relevant in response to Purchasing Authorities requirements.
* Efficiency of sale to the NHS.
* Cross selling opportunities across the Framework.
1. Scope

The Knowledge Resources that can be purchased through the Framework Agreement will be:

* + 1. **Print Journals**: a journal is a scholarly publication containing articles written by researchers, professors and other experts. Journals focus on a specific discipline or field of study. Unlike newspapers and magazines, journals are intended for an academic or technical audience, not general readers. Also known as periodicals, print journals are published as physical hard copies.
		2. **Electronic Journals:** digital or electronic versions of Print Journals. Also known as journals, e-Journals or electronic serials that are published in electronic format(s) including HTML and PDF. Electronic Journals may be offered as single titles, named collections, or bespoke collections of titles and will often include additional content such as articles ahead of print, early access, e-pub ahead of print, in press, in process or online early. Access to Electronic Journals may also include a range of features including but not limited to table of contents alerts, access to news items, CME / CPD and learning opportunities. Electronic Journals can be purchased in-perpetuity (content paid for available to the subscribing organisation indefinitely) or Access only (access for the term of the subscription only.
		3. **Print Books**: books published as physical hard copies including textbooks and monographs.
		4. **Electronic Books**: digital or electronic versions of Print Books. Also known as eBooks, e-books that are published in electronic format(s) including but not limited to HTML, PDF and ePub. Electronic Books may be offered as single titles, named collections or bespoke collections of titles and will often include additional functionality such as 'search within'. Electronic Books are available through a range of purchase or subscription based models with a range of licencing options.
		5. **Databases**: searchable online collections of structured information to support healthcare practice, learning, teaching and research to include:
			1. Bibliographic Databases: An organised and searchable collection of structured information or data available electronically that references published written works including but not limited to journals, newspapers, conference proceedings, dissertations, reports, government and legal publications and books.
			2. Full Text Databases: The same as a Bibliographic Database with the inclusion of full text Electronic Journals and Electronic Books licensed for inclusion in the database.
			3. Citation Databases: The same as a Bibliographic Database with the addition of allowing searching by cited references, enabling you to find, check and track citation data year-by-year, navigating forward and backward through the literature related to a topic.
		6. **Evidence Summaries:** referential, digital, clinical decision support resources that provide knowledge summaries as Topics. Designed to provide health professionals with comprehensive evidence, clinical decision support and “actionable knowledge” to: support decision-making at the point of care e.g. at the bedside, in the ward, in the clinic, and in community settings, including the patient’s or carer’s home; and to support education and learning before, during and after the patient consultation. Such resources may include a full text component(s) e.g. ejournals, journal articles, eBooks, alongside the Topics. For the purposes of the Framework such resources providing a full text component(s) are known as “Evidence Summaries with Full Text”.
		7. **Continuing Medical Education (CME) Resources**: evidence-based online learning platforms specifically designed to help healthcare professionals enhance their knowledge and support their ongoing professional development. They offer interactive, peer-reviewed medical and healthcare related course modules or reflective practice opportunities that enable healthcare staff to earn CME points and/or track CME/Continuous Professional Development (CPD) activity..
		8. **Digital Anatomy Reference (DAR) Resources**: encompass online platforms, which can be interactive, designed to aid healthcare staff in their clinical practice, research, continuous learning, and professional development. Additionally, they can be used for patient education purposes. The resources provided include both content and multimedia materials e.g. 2D, 3D and interactive images and models, CT and MRI scans, animations, videos, augmented and virtual reality options. Primary focus is anatomy and physiology.

It is expected that some Purchasing Authorities will be interested in using value added processing and service options related to the Knowledge Resources purchased through the Framework. Such additional services may include (but are not limited to):

* shelf-ready print books servicing compatible with a Purchasing Authority’s library management system;
* journals subscription management and consolidation services.

The Framework Agreement does not provide for the purchase of:

* health technologies tools and medical devices that integrate with individual health records at a local level, or clinical decision support resources aimed at medical devices and tools rather than published healthcare content;
* knowledge related technical products or services such as (but not limited to): Resource Discovery Systems (RDS) and associated services e.g. A-Z Finders, link resolvers, workflow solutions, Horizon Scanning products, reference management software/products, examination software/products and A-Z Finders;
* eLearning resources typically used by health and care students to support their learning or examinations; eLearning and CPD resources not related or focused specifically on health and care professions or specialisms; resources that support with examination and revision, statistical analysis.

All Knowledge Resources supplied under this Framework MUST be health and social care related content. Subject and topic areas are numerous within this field and include (but not limited to):

* Allied Health.
* Anatomy.
* Biomedical Sciences.
* Clinical Practice.
* Complementary Medicine.
* Dentistry.
* Environmental Health.
* Health administration & management including but not limited to informatics, digital, human resources, finance, business management, change management, equality and diversity, healthcare facilities & estates.
* Healthcare Policy.
* Mental Health & Wellbeing.
* Medicine.
* Nursing.
* Nutritional Sciences.
* Optometry.
* Pharmacology.
* Pharmacy and Medicines Information.
* Psychiatry / Psychology.
* Public Health.
* Sociology and Social Care.
* Surgery.

The principal Purchasing Authorities from the Framework Agreement are likely to be NHS organisations across the UK. Other organisations involved in the provision of NHS commissioned healthcare or NHS commissioned education may opt to purchase from the Framework, either individually or in combination with other organisations providing similar services. Those organisations will be defined as the Beneficiaries to the Framework Agreement .

It is essential that all digital Knowledge Resources can be accessed via the national Access Identify & Management (AIMS) service “NHS OpenAthens” authentication. The Open Athens service is provided by JISC and is currently the national AIMS used in England, Scotland, Wales and N.Ireland.

(Note: Further information about OpenAthens is available from JISC at: [Joining the OpenAthens federation](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fdocs.openathens.net%2Fproviders%2Fjoining-the-openathens-federation&data=05%7C02%7CCelestine.Johnston%40nice.org.uk%7Ced3f430e2156432836f908dcf2a94e49%7C6030f479b342472da5dd740ff7538de9%7C0%7C0%7C638652056194888728%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=debzqxCTgSqnwN5CWn9boKT%2F8X5ovh%2BIPGjE3CERK9c%3D&reserved=0) (https://docs.openathens.net/providers/joining-the-openathens-federation)).

* + 1. Bidders are required to be members of the OpenAthens federation and separate 1-2-1 SAML connections for digital Knowledge Resources purchased under this Framework will not be acceptable.
		2. Bidders must comply with:
			1. the [Technical recommendations](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fdocs.openathens.net%2Fproviders%2Ftechnical-recommendations&data=05%7C02%7CCelestine.Johnston%40nice.org.uk%7C6969892b5c1746434c4408dcf34f172c%7C6030f479b342472da5dd740ff7538de9%7C0%7C0%7C638652768254712573%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=BJtxHuTYRVYZseAuDpZnBgEbicrUUI9Yyj6pDVN5j8c%3D&reserved=0) provided by Jisc for OpenAthens; and
			2. The Core Service Standards set out in the “Call Off Order Terms & Conditions” Annex TWO.
		3. In order to be appointed to this Framework, Bidders must note and agree to the NHS Eligibility Criteria in England for digital Knowledge Resources at: <https://www.nice.org.uk/about/what-we-do/evidence-services/journals-and-databases/openathens/openathens-eligibility>.

		This defines the eligible persons who are entitled to have NHS OpenAthens accounts in England and can access digital Knowledge Resources funded by NHSE and purchased at a national level. For all other purchasing levels made through the Framework in England, eligibility will consist of the eligible persons as listed within geographically or organisationally-defined areas.
		4. Other partner organisations and Beneficiaries in England and the other UK nations will have their own specific eligibility requirements which will be set out under relevant individual Invitations to Quote when buying from this Framework.

1. Background to the Healthcare Purchasing Landscape

# England

Procurement of Knowledge Resources across the NHS in England is most likely to take place on a national and local basis:

* + 1. nationally - by a Department of Health and Social Care (DHSC) Arm’s Length Body (ALB), for the whole NHS workforce in England, and/or for that body’s own workforce. **NHS England** (NHSE) is the DHSC Arm’s Length Body most likely to procure or commission the procurement of Knowledge Resources nationally by NICE on behalf of the whole NHS workforce in England.

		NHSE is keen to encourage a transition to national and centrally coordinated collaborative procurement, in order to increase equity of access to Knowledge Resources AND cut the time spent locally on resource procurement and management;
		2. locally - by an NHS-funded library service, for the workforce of the organisation(s) they serve. There are currently 171 NHS-funded library services in England. The majority are hosted by acute or mental health NHS Trusts, some are hosted by Higher Education Institutions.

		A list of library services in each HEE region can be searched at: https://www.hlisd.org/libraries/search (note this will also include healthcare library and information services which are not NHS-funded).;
		3. locally – by individual NHS or healthcare related national organisations e.g., Royal Colleges, NICE, UK Health Security Agency. Eligible users for the Knowledge Resources purchased may be organisationally defined or extended further.

# Wales

Purchasing of Knowledge Resources takes place at a local or national level:

* + 1. Nationally - the NHS Wales e Library procures and manages the national digital resources and systems for [NHS Wales and its eligible users including Social Care](https://elh.nhs.wales/about-us/authorised-users/). It works closely with its strategic partners and stakeholders to establish requirements and follows strict procurement guidelines.

		Digital Health and Care Wales (DHCW), a Special Health Authority (SHA) delivers digital services which meet both the ambitions of Welsh Government and the health and care needs of the people of Wales, including the NHS Wales e Library.
		2. Locally – NHS Wales Library and Knowledge Services based in Health Boards or Trusts procure print and digital resources for staff (employees, contract holders, volunteers) and students on placement in their organisations.

		Seven (07) Health Boards are responsible for delivering all healthcare services (primary, acute and tertiary level) within their geographical area, services for users in their areas, as well as three (03) NHS Trusts in Wales with an all-Wales focus. These are the Welsh Ambulance Services Trust (WAST) for emergency services, Velindre University NHS Trust offering specialist services in cancer care and a range of national support services and Public Health Wales. Each Health Board / Trust (apart from WAST) has a library and/or information service, with physical libraries at each of the main hospitals.

Established as a Special Health Authority in 2018 Health Education and Improvement Wales (HEIW) commissions and delivers education and training for a wide range of health professional groups including medical, dental, nursing, midwifery, allied health professions and healthcare sciences. Students from these groups have placements in hospitals across Wales. This organisation does not have a library service but has its information needs supported by Cardiff & Vale University Health Board library and knowledge service

Digital Health and Care Wales was established as a Special Health Authority in 2021 as outlined above. As with HEIW, the SHA does not have a library service but has its information needs, including the purchase of some print material met by the NHS Wales e-Library team.

# Scotland

NHS Education for Scotland (NES) provides a national digital library service to meet the needs of health and social care staff across Scotland for practice, education and research.

NES is the centralised purchasing body on behalf of NHSScotland and social care across Scotland as a whole. NES is an education and training body and a national health board within NHS Scotland. We are responsible for developing and delivering healthcare education and training for the NHS, health and social care sector and other public bodies. We have a Scotland-wide role in undergraduate, postgraduate and continuing professional development. NES plays an important role in improving the health of the population and reducing health inequalities in our communities. By attracting people to careers in health and social care, we can create jobs and boost the economy. Our work programmes ensure that those who work in health, social care and social work are skilled, confident, and motivated to continually improve outcomes for people. We promote and uphold human rights through our education and training and provide challenge where these are not being upheld. We recognise the challenges being experienced across the health and social care sector as Scotland's population ages and we recover from the impact of the pandemic. The need to balance increased and changing health and social care needs alongside the availability of workforce and finance means it has never been more important to find new ways of supporting staff wellbeing, working in local communities, and to innovate, using technology, data, information and intelligence to find better solutions. Please visit Our Strategy 2023-26 for further information

Health services are delivered through fourteen (14) territorial NHS Boards. NHS Boards are responsible for the provision and management of the whole range of health services in an area including Hospitals and General Practice. E.g. NHS Greater Glasgow and Clyde, NHS Orkney. Scotland has in addition a further 8 national boards/ organisations e.g. Healthcare Improvement Scotland, NHS Education for Scotland, Public Health Scotland

Bidders should note that NES are purchasing on behalf of NHSScotland as one (01) organisation and not the 14 health boards, 7 special health boards, 1 public health body and partner organisations that this represents.

The bulk of eligible users of electronic Knowledge Resources are NHS staff:

* + 1. eligible users to be included in any access arrangements should include: NHSScotland employees and contractors, social services partners in all sectors, undergraduate and postgraduate students studying, training or working with health and social care, and the Higher Education staff who support those students;
		2. other user groups which must be enabled to access digital library services to support the policy imperative of integrated public services and multi-agency working include: Scottish Government; Local Authority staff (with social services) working in partnership with the NHSS or social services; staff in hospices, prisons, armed forces and emergency services; members of Scottish Royal Colleges; voluntary organisations working in partnership with health and social services; undergraduate and postgraduate students who undergo placements or training with the NHS and social care; researchers working with the NHS; participants in courses provided by NHSScotland; members of the public supporting provision of health and care services and engaging in self-management or self-directed support; retired NHS staff. Library staff in Higher and Further Education, in public libraries and other community information centres should also be entitled to access these resources to support the needs of eligible library users and walk-in access for the public.

# Northern Ireland

Queens University are contracted by the DHSC to provide library services for and Health and Social Care Services across the whole of Northern Ireland. There are five (05) Trusts with currently c.13,500 active users of the health and social care Knowledge Resources purchased.

Developing Landscape

NICE supports the principles of open access for the NHS. A[nalysis by Information Power in 2020](https://urlsand.esvalabs.com/?u=https%3A%2F%2Fopenresearch.nihr.ac.uk%2Fdocuments%2F1-22&e=9f250c40&h=90d9d44c&f=y&p=y) showed that around 70% of research papers published by NHS authors were open access. However, a great deal of valuable research, good practice and organisational knowledge is not open access.  Over the lifetime of the Framework, NICE will work with NHS England (NHSE) to support a strategic approach to Open Access across the NHS, facilitating further discussions on this area between Key Stakeholders and Publishers appointed to the Framework and feeding into an NHS Open Access strategy e.g. review what data is available about NHS authors submissions or APCs, reporting processes for this data.

During this Framework lifetime, and as part of the contract management review process, NICE will monitor developments in Artificial Intelligence (AI). In particular the use of AI in Knowledge Resources supplied through this Framework, as well as permitted and prohibited usage of AI on the Knowledge Resources purchased under this Framework.

1. Framework Specification

The chart below summarizes the overall structure of the Framework.

Chart A: Framework Structure Model

#

The Framework will enable purchasers to either call off the defined Knowledge Resource(s) and any associated services or run a mini-competition between competing suppliers on the Framework within the same Lot or run a mini-competition to select a supplier for a set Term contract.

A mini competition is defined as a further competition of those suppliers on the Framework capable of meeting the Purchasing Authorities’ particular requirement. The Purchasing Authority invites those suppliers that provide the Knowledge Resource(s) and any associated services required to quote. Award is made to the Most Economically Advantageous Offer (MEAT), on the basis of the award criteria, or lowest cost.

A direct award is where a purchaser places a direct Order with a single supplier, without the need to ask for quotes or mini competition. The Knowledge Resource(s) and any associated services offered by any supplier must be fully defined and all information must be available for the purchaser to view and compare against other suppliers offering the same Knowledge Resource(s) and any associated services.

Clauses 9: Lots and clauses 10: Terms and Conditions of this “01\_ Invitation to Tender (ITT) Document” below set out further details of the Framework specification including the requirements expected from Bidders in their response to this ITT.

1. Lots

Bidders may apply for one or more Lots as relevant to the Knowledge Resource(s) they wish to supply under this Framework.

Purchasing options available for Knowledge Resources are Lot dependent.

Bidders can bid for one or more Lots.

The Framework consists of eight (08) Lots:

* + 1. LOT 1 Sole supplier - direct award: the Sole supplier Lot shall be used to purchase Knowledge Resources that can only be provided by one supplier. A list of sole supplied Knowledge Resources by supplier will be made available on the Framework Website.

Journal collections are included in this Lot but not individual journals - only those journal collections that are available through one supplier are included i.e. not collections that can be supplied by both and Agent and a Publisher.

Note: suppliers of a sole supplier product in this Lot may also be appointed in other relevant Lots on the Framework e.g. a unique database may also be appointed to LOT 5: Databases. **Suppliers of sole supplied Knowledge Resources are strongly encouraged to bid for ALL other relevant Lots as well as Lot 1.**

* + 1. LOT 2 Print Books: there are two purchasing options in this Lot:

Mini competition for each purchase; OR

Mini competition to select a supplier for a set Term contract. This will allow purchasers to make direct call offs from the successful supplier for the contract Term implemented.

* + 1. LOT 3 eBooks: there are two purchasing options in this Lot:

Mini competition for each purchase; OR

Mini competition to select a supplier for a set Term contract. This will allow purchasers to make direct call offs from the successful supplier for the contract Term implemented.

* + 1. LOT 4 Print and eJournals: there are two purchasing options in this Lot:

Mini competition for each purchase; OR

Mini competition to select a supplier for a set Term contract. This will allow purchasers to make direct call offs from the successful supplier for the contract Term implemented.

* + 1. LOT 5 Databases: purchasing options will be mini competition or direct award (for sole supplied Knowledge Resources), dependent on the Knowledge Resource title being published.
		2. LOT 6 Evidence Summaries: purchasing options will be mini competition or direct award (for sole supplied Knowledge Resources), dependent on the Knowledge Resource title being published.
		3. LOT 7 CME Resources: – purchasing options will be mini competition or direct award (for sole supplied Knowledge Resources), dependent on the Knowledge Resource title being published.
		4. LOT 8 DAR Resources: – purchasing options will be mini competition or direct award (for sole supplied Knowledge Resources), dependent on the Knowledge Resource title being published.
1. Terms and Conditions

The Framework terms comprise of the following separate contractual documents:

* + 1. “03\_Terms and Conditions of Contract for Knowledge Resources Framework Agreement” and related annexes, for use between NICE and each appointed supplier.
		2. “04A\_Call Off Order Form” and document “04B\_Call Off Terms & Conditions”. Together these form the Call Off contract. To be used at the point of purchase between the Purchasing Authority and the appointed supplier(s).
		3. “05\_Health & Social Care Content (HSCC) Licence” to be used for purchases of digital Knowledge Resources from the Framework. Sets out the licensing, usage and supply terms for digital Knowledge Resource(s) purchases.
		4. Purchasing Authorities include additional terms for licensing and service requirements where negotiated with the Purchasing Authority in Annex SIX: Additional Terms to the “04A\_Call Off Order Form” dependent on local purchasing requirements e.g. technical requirements such as a database API specification, ability to integrate content into national or local Resource Discovery Systems (RDS). Any additional terms set out in Annex SIX to the “04A\_Call Off Order Form” must not conflict with the terms set out in the Framework as per clauses 2: Overriding Provisions to the “04B\_Call Off Terms & Conditions”.
		5. Where a Purchasing Authority uses the “05\_Health & Social Care Content (HSCC) Licence” for their purchase of digital Knowledge Resources through an Agent terms for additional service requirements can be added to the HSCC Licence in Annex SIX: Additional Terms to the “04A\_Call Off Order Form” dependent on local purchasing requirements e.g. technical requirements such as a database API specification, ability to integrate content into national or local Resource Discovery Systems (RDS). Any additional terms set out in Annex SIX to the “04A\_Call Off Order Form” must not conflict with the terms set out in the Framework as per clauses 2: Overriding Provisions to the “04B\_Call Off Terms & Conditions”.

In order to be appointed to the Framework it is essential that potential suppliers agree and comply with the following terms (please refer to section 15)**:**

* + 1. “03\_Terms and Conditions of Contract for NICE Knowledge Resources Framework Agreement”;
		2. “04A\_Call Off Order Form”;
		3. “04B\_Call Off Terms & Conditions”.
		4. “05\_Health & Social Care Content (HSCC) Licence” (excluding Agents).
1. Pricing Structures & Cost Efficiencies

The Framework aims to offer a range of flexible, fit for purpose purchasing models for each Lot over the lifetime of the Framework which:

* + 1. enable Purchasing Authorities to purchase Knowledge Resources as individual call offs direct from a single supplier AND / OR to carry out a mini competition between suppliers;
		2. offer the best value and lowest cost to Purchasing Authorities;
		3. drive and support the opportunity for equity of access to Knowledge Resources;
		4. support the potential for:
* national purchasing, with realistic pricing for national procurement including of specialist resources which are only of interest to a proportion of the workforce;
* local purchasing;
* centrally brokered purchasing for multiple organisations;
* collaborative purchasing by multiple organisations, with clear and transparent pricing models for centrally coordinated collaborative purchasing which encourage multiple library services to purchase Knowledge Resources.

Consortia could comprise of:
* NHS authorities and / or Trusts in England;
* NHS authorities and / or Trusts in England in combination with one or more Universities, local authorities, or independent sector organisations’;
* NHS authorities and / or Trusts in England in combination with NHS organisations in Wales or Northern Ireland;
* NHS authorities and / or Trusts in England in combination with other national bodies working in health and social care;
* Other combinations of the above.
	+ 1. offer clear discounts and incentives for all levels of purchasing.

Bidders are encouraged to use pricing methodologies to reflect the likely actual user base in the purchasing models offered under this procurement. NICE’s preference is for staffing data to be used by Bidders to inform their pricing methodologies, in particular to consider the:

* + 1. number of staff in the staff groups likely to find the Knowledge Resource(s) relevant;
		2. number of staff registered for OpenAthens accounts.

		Bidders should note that the use of bed count as a pricing methodology is NOT considered a realistic indicator of Knowledge Resource usage. Any purchasing models offered based on bed counts must demonstrate that the bed count model, as opposed to other types of pricing models, does offer the lowest cost and best value.

Staffing data is preferred because:

* workforce data is a better indicator of an organisation’s likely use of any Knowledge Resource as it is the workforce that uses the content;
* all Knowledge Resources will have a limited number of actual users and will not be used by all potential users;
* budget restraints across the NHS means paying for access for a whole organisation to gain access to a Knowledge Resource for a small group of staff is prohibitive.

Examples to guide Bidders include:

* purchasing nursing resources nationally in Wales, which should be based on nurse workforce numbers not all NHS staff in Wales;
* pricing based on Total number of Full Time Equivalent (FTE) staff with an expectation that only x% of the total workforce will use the product;
* access made available to all eligible users but not priced by number of eligible users;
* where there is more than one hospital in a Health Board / Trust, pricing should not include the hospitals which have no relevance to the Knowledge Resource in question e.g. a psychiatric hospital within a Trust included for obstetrics journal pricing model; pricing for an ophthalmology journal should quote just for the “XX Eye Hospital” and not base price on all the hospitals in the “XX Eye Hospital” Trust.

Sources for workforce data are set out under the “Notes for Bidders” column G in each tab of the “02A\_Bidders Response Document: Purchasing Models Template” under requirement no.1. It is expected that Purchasing Authorities will provide staffing and workforce information in their Invitations to Quote (ITQ) in order to inform the quotations received from appointed suppliers to the Framework. Such sources may include (but not limited to):

* Full Time Equivalents (FTEs);
* number of staff registered for OpenAthens accounts;
* Open Athens Org IDs;
* Departments;
* specific clinical groups or user categories within the individual Purchasing Authorities.

NICE will only consider purchasing models as part of this procurement that are structured consistently to enable Purchasing Authorities to see, compare and take advantage of, offers that meet their individual requirements.

* + 1. Purchasing models offered must include a response to each requirement and target relevant to the Knowledge Resource(s) offered and Lot to be supplied under this Framework
		2. Requirements and targets for the Knowledge Resources offered are set out by Lot in the “02A\_Bidders Response Document: Purchasing Models Template”.
		3. Where the requirement / target is not relevant to the Knowledge Resource offered this must be clearly identified by the Bidder in their response as "NOT APPLICABLE" or “N/A”.
		4. Purchasing models will be accepted or rejected as deemed to fit with the Framework by NICE. All purchasing models offered must provide for all the essential Core Service Standards and associated requirements required for the Bidder’s appointment to the Framework.

Only the purchasing models agreed between NICE and the appointed supplier may be provided to Purchasing Authorities under the Framework. Amendments and additions to the agreed purchasing models can however be made throughout the Framework lifetime through the agreed variation process.

Bidders should be aware that there may be differences to how NHS and healthcare related organisations within the different UK nations purchase Knowledge Resources. Bidders should reflect their understanding of this in the purchasing models offered under this procurement. See clauses 7: Background to the Healthcare Purchasing Landscape of this “01\_ Invitation to Tender (ITT) Document” for further details to help guide the purchasing models offered under this procurement and their pricing methodologies.

Details of all purchasing models, including discounts and pricing policies, will be held on the NICE Share system. This is a gated system which only enables eligible purchasers to view the information held on the service.

# SECTION THREE: ITT INSTRUCTIONS

1. ITT Instructions: General

This section sets out the general instructions for the submission of the tender / final offer from Bidders in response to the final ITT. These instructions must be followed and adhered to. Any deviation from these instructions may result in your tender being rejected.

Bidders must provide an Expression of Interest (EOI) to this tender via the Atamis system no later than 17:00 UK time on the 03rd December 2024. Failure to provide an EOI may result in your tender being rejected.

The tender submission offer must be returned via the Atamis system no later than 12:00 UK time on 13th January 2025.

All tender submission and final offers must be written in English and submitted electronically via the Atamis system.

Unless specifically requested in this “01\_ Invitation to Tender (ITT)” document, no additional documentation or information provided will be considered as part of the Bidders’ response.

The following forms must be completed, signed and uploaded to the Atamis system in your bid response:

* + 1. Form of Offer.
		2. Redaction Requests.
		3. Competing Interests Form.
		4. Confidentiality Agreement Form.
		5. Terms & Conditions Comments Form.

Bidders are advised neither to make any assumptions about their past or current supplier relationships with NICE or the NHS, nor to assume that such prior business relationships will be considered in the evaluation procedure.

NICE reserves the right at any time:

* to award to the most economically advantageous offer of this tender and does not bind itself to the overall winner of the scoring evaluation that may result from this procurement;
* to terminate this procurement at any time;
* to require Bidders to provide additional information supplementing or clarifying any of the information provided in response to the requests set out in the final ITT. NICE may seek independent financial and market advice to validate information declared, or to assist in the evaluation.

NICE will not be liable for any cost incurred in relation to any part of this procurement activity throughout its lifecycle to close, including any costs or expenses incurred by any Bidder or the Bidders team or any other person in resource time, preparation of responses, attendance of meeting, or any other cost that the Participant may incur.

1. ITT Instructions: “02\_Bidders’ Response Document”

This section sets out the instructions for the submission of responses by Bidders to the “02\_Bidders Response Document”. These instructions must be followed and adhered to. Any deviation from these instructions may result in your tender being rejected.

The “02\_Bidders Response Document” sets out requirements and / or questions for Bidders’ response in seven (07) worksheets or tabs. Each worksheet must be completed by the Bidder as set out in the “02\_Instructions Table” in this clause 13: ITT Instructions: “02\_Bidders’ Response Document”.

Bidders must complete tab “5.Core Standards” requirements questions dependent on whether they wish to supply Knowledge Resources as a Publisher / Aggregator or as an Agent. Any Bidder that wishes to be considered for both Publisher / Aggregator and Agent supply must provide a response to all types of supply that they wish to offer under this Framework.

The Bidder must provide a response to all questions where requested as set out in the tab “6.Framework Compliance” worksheet.

The Bidder must provide a response to all questions where requested as set out in the tab “7. Social Value Questions” worksheet.

Full details of all the purchasing models the Bidder wishes to offer under this procurement must be provided in the “02A\_Bidders Response Document: Purchasing Models Template” for each Lot that the Bidder wishes to be considered for. The purchasing models offered must:

* + 1. include a response to each requirement and target relevant to the Knowledge Resource(s) to be offered under this Framework. Where the requirement / target is not relevant to the Knowledge Resource offered this must be clearly identified by the Bidder in their response as "NOT APPLICABLE or N/A".
		2. provide a response to requirement number 1: "Pricing methodology used in purchasing model reflects the potential user base, i.e. the size and nature of the potential users of the knowledge resource(s) to be purchased (All digital Knowledge Resources only).

Purchasing models will be accepted or rejected by NICE as deemed fit.

Bidders should note that if appointed to the Framework, the details provided in their responses to the requirements and associated targets in the “02A\_Bidders Response Document: Purchasing Models Template” will be set out in the guidance and information provided on the NICE website to support Framework purchasing.

# 02\_Instructions Table

|  |  |
| --- | --- |
| **Tab / Worksheet** | **Instructions for Completion** |
| **1. ContentTO BE COMPLETED BY ALL BIDDERS** |
| **Questions 1 – 2** | Select Yes or No from drop down box in column D. |
| **Question 3** | Select Yes or No for each Lot in column C from drop down box in columns D and / or E to indicate the Knowledge Resource(s) and type of supply included in your bid. |
| **2. Mandatory and Discretionary ExclusionsTO BE COMPLETED BY ALL BIDDERS** |
| **Questions 1 – 34** | Select Yes or No from drop down box in column D. |
| **Question 35** | Provide full details if applicable in column D. |
| **3. Discretionary ExclusionsTO BE COMPLETED BY ALL BIDDERS** |
| **Questions 1 – 13** | Select Yes or No from drop down box in column D. |
| **Question 14** | Provide full details if applicable in column D. |
| **4. Company StandingTO BE COMPLETED BY ALL BIDDERS** |
| **Questions 1 – 7, 18 - 21** | Select Yes or No from drop down box in column C**.** |
| **Questions 8 – 17, 22 – 23** | Provide full details requested in column C. |
| **Question 24** | Please provide the last three years of audited accounts for your organisation and a current Balance Sheet. If your organisation is a Small, Medium Enterprise (SME) and you do not have audited accounts, please provide 3 years of balance sheets. |
| **5.Core Standards tab (Core Service Standards & Service Requirements)TO BE COMPLETED BY ALL BIDDERS**  |
| **Questions 1 – 89** **Responses to ESSENTIAL requirements MUST be Full compliance to pass.** | For **ESSENTIAL** requirements:Select Full compliance, Not met, or N/A from drop down box in column K. Provide a brief statement in column L of your offering against the targetFor **DESIRABLE** requirements:Select Full compliance, Partial compliance, Not met, or N/A from drop down box in column K. Provide a brief statement in column L of your offering against the target **Bidders should note that they must be able to provide all Essential requirements set out by the contract commencement date.** |
| **6.Framework ComplianceTO BE COMPLETED BY ALL BIDDERS** |
| **Questions 3 - 6** | Bidders must provide a response as requested in column K if relevant to the Knowledge Resource(s) you wish to supply under this Framework. |
| **7. Social Value QuestionsTO BE COMPLETED BY ALL BIDDERS** |
| **Questions 1 - 4** | Bidders must provide a response as requested in column F to the questions set out in column E. |
| **02A\_Bidders Response Document: Purchasing Models Template.TO BE COMPLETED BY ALL BIDDERS** |
| **Requirements 1 – 32** | Ensure that a response has been provided in the “02A\_Bidders Response Document: Purchasing Models Template**”** for each Lot as relevant to the Knowledge Resource(s) that you wish to supply under this Framework. Bidders must provide a brief statement in column H "Bidders Response" of their offer against the Target (column F).Where column E "Knowledge Resource" states "Bidder to advise" please state the Knowledge Resource(s) that applies. If the requirement does not apply to the Knowledge Resource(s) you are providing please mark your response as N/A in this column E "Knowledge Resource".Where a requirement is greyed out and marked "NOT USED" in column H "Bidders Response", the Bidder is not expected to provide a response.A worksheet may need to be duplicated if you are offering more than one purchasing model within that Lot. |

1. Non-Compliance and/or Disqualification

NICE expressly reserves the right to reject any proposal that:

* + 1. marks the Essential requirements in the “02\_Bidders Response Document” as not met;
		2. does not accept the final versions of the “03\_Terms and Conditions of Contract for NICE Knowledge Resources Framework Agreement”, the “04A\_ Call Off Order Form” and the “4B\_ Call Off Terms & Conditions” and relevant annexes. Please refer to section 15. Terms and Conditions Queries;
		3. does not follow the instruction to tender guidance;
		4. is incomplete or does not provide either an answer to any question or a reasonable explanation of why an answer to any question has been omitted.

NICE reserves the right to reject or disqualify a Participant and/or the members of the Participant’s Team where:

* + 1. the Participant and/or the members of the Participant’s Team are unable to satisfy the terms of Public Contract Regulations 2014 at any stage during the tender;
		2. the Bidders and/or the members of the Bidders Team are guilty of material misrepresentation or false statement in relation to its application and/or the process; and
		3. the Bidders and/or the members of the Bidders Team contravene any of the terms and conditions of this ITT and/or any associated documents.
1. Terms and Conditions Queries

Open procedure does not allow for negotiation of any terms of contract post contract award.

Bidders must follow the process below in regards to any queries, clarifications or considerations regarding the terms and conditions of contract.

* + 1. Bidders may ask clarification questions regarding the terms and conditions of contract using the process described in clauses 16. “Queries about the Procurement” for clarification on understanding terms only.
		2. Bidders must not request changes to the terms and conditions of contract using the process described in clauses 16.
		3. Bidders are required to complete the form “Terms and Conditions Queries” and return this with the bid.
		4. Bidders must acknowledge and understand that:
			1. many suppliers may be bidding for this contract;
			2. the terms and conditions of contract are Framework terms and must be standard terms for all suppliers awarded to the Framework.
		5. NICE will assess all Bidders Terms and Conditions queries. NICE will:
			1. inform Bidders if no changes will be made to the Terms and Conditions; or
			2. make any changes it sees fit to the Terms and Conditions (at the sole discretion of NICE) and send these to all Bidders.
		6. On receipt of any amended Terms and Conditions subject to 15.2.5, Bidders will be given a date and time to which they must respond to NICE with one of the following:
			1. “We agree to the Terms and Conditions”.
			2. “We do not agree with the Terms and Conditions and withdraw our bid”.
1. Queries about the Procurement

All requests for clarification or further information in respect of this procurement should be submitted via the Atamis system.

No approach of any kind in connection with this procurement should be made to any other person within or associated with NICE.

NICE will ensure that all applicants receive equal treatment during this procurement, and we will share all information requests and responses with all applicants.

Any questions and answers will be collated and distributed by the Atamis system to all the Bidders within 06 (six) days of receipt throughout the tender period.

Please note that that there will be no telephone or any informal or other kind of discussion between Bidders and officers or directors of NICE after this document is dispatched other than via the Atamis system.

If NICE considers any question or request for clarification to be of material significance, both the question and the response will be communicated, in a suitably anonymous form, to all Bidders who are invited to tender.

All responses received and any communication from Bidders will be treated in confidence but will be subject to paragraph 16.6.

1. NICE’s Named Point of Contact

NICE’s named point of contact for this procurement is Irene Walker, Procurement Manager. If you are having any issues with the Atamis system please contact Irene Walker at: irene.walker@nice.org.uk

1. Bidders Named Point of Contact

Bidders are asked to include a single point of contact in their organisation. NICE will not be responsible for contacting the Participant through any route other than the nominated contact. The Participant must therefore undertake to notify any changes relating to the contact promptly.

1. Risk

Organisations submitting a response to this ITT do so at their own financial risk. Organisations are not entitled to claim for any costs or expenses incurred in the preparation of their proposal, whether or not they are successful in obtaining an agreement.

1. Additional Information

NICE expressly reserves the right to require a Participant to provide additional information supplementing or clarifying any of the information provided in response to the requests set out in the final ITT. NICE may seek independent financial and market advice to validate information declared, or to assist in the evaluation.

1. Freedom of Information

In accordance with the obligations and duties placed upon public authorities by the Freedom of Information Act 2000 (“the FoIA”), all information submitted to NICE may be disclosed in response to a request made pursuant to the FoIA.

In respect of any information submitted by a potential supplier that it considers to be commercially sensitive the potential supplier should:

* clearly identify such information as commercially sensitive;
* explain the potential implications of disclosure of such information; and
* provide an estimate of the period of time during which the Potential supplier believes that such information will remain commercially sensitive.

Please submit responses to 21.2 as an annex with the completed tender offer.

Where a potential supplier identifies information as commercially sensitive, NICE will endeavour to maintain confidentiality. Bidders should note, however, that, even where information is identified as commercially sensitive, NICE may be required to disclose such information in accordance with the FoIA. Accordingly, NICE cannot guarantee that any information marked ‘commercially sensitive’ will not be disclosed.

1. Procurement Transparency

Bidders and those organisations looking to bid for public sector contracts should be aware that if they are awarded a contract for this work, the resulting contract between the Bidder and NICE will be published in its entirety and any contract placed under the Framework Agreement is also subject to the same transparency rules.

In some circumstances, limited redactions will be made to some contracts before they are published in order to comply with existing law and for the protection of national security. Bidders are asked to make any sections of their tender that they regard as Commercial in Confidence or subject to the non-disclosure clauses of the FOIA or DPA clear within the submission documents. Please note that the total value (bottom line) of the agreement is required to be published under the UK Transparency Agenda. Please do not hesitate to contact NICE if you require clarity upon this point.

Please complete the Redaction Requests Form which is in “06\_Forms Requiring Signature” of the ITT pack to notify NICE of any sections of the tender you regard as Commercial in Confidence.

1. Tender Evaluation

Bids will be evaluated using the following stages and evaluation criteria.

Any bids which do not pass Stages 1 – 4 will be deemed non- compliant and rejected from any further stages of evaluation.

|  |  |  |  |
| --- | --- | --- | --- |
| **Stage** | **Description** | **Explanation** | **Evaluation** |
| **Stage 1** | **Content**  | All Knowledge Resources MUST be healthcare related content. | **PASS / FAIL** |
| **Stage 1** | **Content** | All Knowledge Resources must be of the following categories only:(Print Journals / Electronic Journals / Print Books / Electronic Books / Databases / Evidence Summaries / CME Resources / DAR Resources) | **PASS / FAIL** |
| **Stage 2** | **Mandatory and Discretionary Exclusions** | Bidders must pass the Mandatory Exclusions and Discretionary Exclusions. | **PASS / FAIL** |
| **Stage 3** | **Company Standing** | Bidders must complete the Company Standing tab concerning their company structure and standing. | **PASS / FAIL** |
| **Stage 3** | **Company Financial Status** | Bidders must provide three (03) years of financial accounts or balance sheets. | **PASS / FAIL** |
| **Stage 3** | **Social Value** | Bidders must provide a response to all social value questions. | **PASS / FAIL** |
| **Stage 4** | **Acceptance of Terms & Conditions** | Bidders must accept the following terms:* The “Terms and Conditions of Contract for NICE Knowledge Resources Framework Agreement”.
* The “Call Off Order Form”.
* The “Call Off Terms & Conditions”.
* The “Health & Social Care Content (HSCC) Licence (except Agents).
 | **PASS / FAIL** |
| **BIDS THAT FAIL STAGES 1 - 4 WILL BE DEEMED AS NON-COMPLIANT AND REJECTED FROM ANY FURTHER STAGES OF EVALUATION** |
| **Stage 5** | **Core Service Requirements**  | Bidders must pass all the Essential requirements. | **PASS / FAIL** |
| **Stage 6** | **Pricing Structures & Cost Efficiencies** | All purchasing models offered by the Bidder must be set out using the “Pmodels response template” in the 02A\_Bidders Response Document: Purchasing Models Template”.Purchasing models will be accepted or rejected as deemed to fit with the Framework by NICE. | **PASS / FAIL** |
| **Stage 6** | **Compliance** | Bidders must pass all the Essential compliance requirements set out in tab 6.Framework Compliance to the 02\_ Bidders Response Document. | **PASS / FAIL** |