



Mini Competition

**Mini Competition against an existing Framework Agreement (MC) on behalf of
Department for Business, Energy and Industrial Strategy (BEIS)**

Subject UK SBS Design of competition regimes: international comparisons

Sourcing reference number CR18065 Lot 5

Table of Contents

Section	Content
1	<u>About UK Shared Business Services Ltd.</u>
2	<u>About our Customer</u>
3	<u>Working with UK Shared Business Services Ltd.</u>
4	<u>Specification</u>
5	<u>Evaluation of Bids</u>
6	<u>Evaluation questionnaire</u>
7	<u>General Information</u>
Appendix	N/A

Section 1 – About UK Shared Business Services

Putting the business into shared services

UK Shared Business Services Ltd (UK SBS) brings a commercial attitude to the public sector; helping our customers improve efficiency, generate savings and modernise.

It is our vision to become the leading provider for our customers of shared business services in the UK public sector, continuously reducing cost and improving quality of business services for Government and the public sector.

Our broad range of expert services is shared by our customers. This allows our customers the freedom to focus resources on core activities; innovating and transforming their own organisations.

Core services include Procurement, Finance, Grants Admissions, Human Resources, Payroll, ISS, and Property Asset Management all underpinned by our Service Delivery and Contact Centre teams.

UK SBS is a people rather than task focused business. It's what makes us different to the traditional transactional shared services centre. What is more, being a not-for-profit organisation owned by its customers, UK SBS' goals are aligned with the public sector and delivering best value for the UK taxpayer.

UK Shared Business Services Ltd changed its name from RCUK Shared Services Centre Ltd in March 2013.

Our Customers

Growing from a foundation of supporting the Research Councils, 2012/13 saw Business Innovation and Skills (BIS) transition their procurement to UK SBS and Crown Commercial Service (CCS – previously Government Procurement Service) agree a Memorandum of Understanding with UK SBS to deliver two major procurement categories (construction and research) across Government.

UK SBS currently manages £700m expenditure for its Customers.

Our Customers who have access to our services and Contracts are detailed [here](#).

Section 2 – About Our Customer

Department for Business, Energy and Industrial Strategy (BEIS)

The Department for Business, Energy and Industrial Strategy brings together responsibilities for business, industrial strategy, science, innovation, energy, and climate change, merging the functions of the former BIS and DECC.

BEIS is responsible for:

- developing and delivering a comprehensive industrial strategy and leading the government's relationship with business
- ensuring that the country has secure energy supplies that are reliable, affordable and clean
- ensuring the UK remains at the leading edge of science, research and innovation
- tackling climate change

BEIS is a ministerial department, supported by 47 agencies and public bodies.

Section 3 - Working with UK Shared Business Services Ltd.

In this section you will find details of your Procurement contact point and the timescales relating to this opportunity.

Section 3 – Contact details		
3.1	Customer Name and address	Department for Business, Energy and Industrial Strategy 1 Victoria Street , London, SW1H 0ET
3.2	Buyer name	Victoria Clewer
3.3	Buyer contact details	Research@uksbs.co.uk
3.4	Maximum value of the Opportunity	£50,000.00 excluding VAT
3.5	Process for the submission of clarifications and Bids	<p>All correspondence shall be submitted within the Emptoris e-sourcing tool. Guidance Notes to support the use of Emptoris is available here.</p> <p>Please note submission of a Bid to any email address including the Buyer <u>will</u> result in the Bid <u>not</u> being considered.</p>

Section 3 - Timescales		
3.6	Date of Issue of Mini Competition to all Bidders	Thursday, 10 th May 2018
3.7	Latest date/time Mini Competition clarification questions should be received through Emptoris messaging system	Wednesday, 16 th May 2018 14:00
3.8	Latest date/time Mini Competition clarification answers should be sent to all potential Bidders by the Buyer through Emptoris	Thursday, 17 th May 2018
3.9	Latest date/time Mini Competition Bid shall be submitted through Emptoris	Monday, 21 st May 2018 14:00
3.10	Anticipated rejection of unsuccessful Bids date	Thursday, 31 st May 2018
3.11	Anticipated Award Date	Thursday 31 st May 2018
3.12	Anticipated Call Off Contract Start Date	Monday, 4 th June 2018

3.13	Anticipated Call Off Contract End Date	Friday, 31 st August 2018
3.14	Bid Validity Period	60 Working Days
3.15	Framework and Lot the procurement should be based on	BIS Research & Evaluation Framework CR150025 LOT 5

Section 4 – Specification

BACKGROUND

Background to the Requirement

The Department for Business, Energy and Industrial Strategy (BEIS) is responsible for the general direction of competition policy in the United Kingdom and for the governance and performance framework of the UK competition regime.

The UK competition regime

The UK competition regime consists of the Competition and Markets Authority (CMA) and eight sector regulators¹. In addition, the Competition Appeal Tribunal (CAT) is the specialist judicial body that functions as the initial appeal body in competition cases.

The CMA is the primary competition body in the UK. It is a non-ministerial government body² with a statutory duty to “promote competition, both within and outside the United Kingdom, for the benefit of consumers”. Its responsibilities are to investigate mergers, anti-competitive agreements, abuses of dominance; conduct studies and investigations to explore concerns with competition in particular markets; bring criminal proceedings against individuals who are members of cartels and work with sector regulators to enforce competition law and promote competition in regulated sectors.

The principal functions of the CAT are to hear appeals in respect of decisions made under the Competition Act 1998³ (CA98) by the CMA and sector regulators; hear claims for damages and other monetary claims under CA98 and review decisions made by the Secretary of State and CMA in respect of merger and market references or possible references under the Enterprise Act 2002 (EA02)⁴.

2011-14 reform of the competition regime

In 2011, BEIS’ predecessor, the Department for Business, Innovation and Skills (BIS) consulted on options for reforming the competition regime⁵, and introduced significant changes to the regime through the Enterprise and Regulatory Reform Act 2013 (ERRA)⁶. The changes came in to force in April 2014. The most significant was the creation of a single authority – the CMA – to replace the Office of Fair Trading (OFT) and Competition Commission (CC). Other changes made in ERRA affected the timescales and investigatory powers in merger cases and market investigations and powers to introduce interim measures in merger cases. Antitrust enforcement was strengthened by giving the CMA greater powers to require individuals to answer questions, greater powers to use civil

¹ The Civil Aviation Authority (CAA), NHS Improvement, The Office of Rail and Road (ORR), The Office of Communications (Ofcom), The Gas and Electricity Markets Authority (Ofgem), The Water Services Regulation Authority (Ofwat), The Financial Conduct Authority (FCA), The Payment Systems Regulator (PSR).

² The CMA’s performance framework is set by BEIS, with HM Treasury providing funding.

³ <http://www.legislation.gov.uk/ukpga/1998/41/contents>

⁴ <https://www.legislation.gov.uk/ukpga/2002/40/contents>

⁵ BIS (2011): *A competition regime for growth: options for reform*
<https://www.gov.uk/government/consultations/a-competition-regime-for-growth-a-consultation-on-options-for-reform>

⁶ <http://www.legislation.gov.uk/ukpga/2013/24/contents>

financial penalties and a requirement for sector regulators to consider whether competition enforcement powers are more appropriate before using their license enforcement powers.

The 2011 consultation considered the merits of maintaining an 'administrative' model of antitrust enforcement as used by the European Commission and many European countries, compared to moving to a 'prosecutorial' model as used in the USA, Australia, Canada and Ireland. In an administrative model, the competition authority investigates a case and adjudicates on decisions itself, with decisions being subject to appeal in the courts. In a prosecutorial model, the competition authority investigates a case and prosecutes the case in front of a court which will adjudicate.

The approach chosen in the 2011-14 reforms involved embedding an 'enhanced administrative' system, focusing on improving the speed of the process, robustness of decision making and addressing perceptions of 'confirmation bias'⁷ in the administrative system. The Government gave careful consideration to moving to a prosecutorial approach but opted not to pursue a fundamental change to the system at the time⁸.

Further reforms to the regime

Further reforms to the competition regime were made in the Consumer Rights Act 2015⁹ (which enhanced the role of the CAT and strengthened aspects around private actions for damages) and the Small Business, Enterprise and Employment Act 2015¹⁰ (which introduced a power for the CMA to comment on government proposals that could have an adverse effect on competition).

Review of the competition regime

The Government has a statutory duty to carry out a five-year review of certain aspects of ERRA which relate to changes to the competition regime and is currently undertaking work to evaluate the effectiveness of the changes.

To support the review, BEIS would like to understand better the institutional approaches to competition enforcement in other countries, the advantages and disadvantages of particular approaches and whether aspects of other approaches could improve the UK competition regime.

Previous international comparison work was undertaken by the Department for Trade and Industry, which commissioned peer reviews of the position of the UK relative to leading international economies in April 2001, May 2004 and March 2007¹¹. These reviews looked

⁷ E.g. that investigators are more likely to selectively search for and give more weight to evidence that confirms their prior belief, e.g. that a party is guilty

⁸ BIS (2012) *Growth, Competition and the Competition Regime: Government Response to Consultation*
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/192722/12-512-growth-and-competition-regime-government-response.pdf

⁹ <http://www.legislation.gov.uk/ukpga/2015/15/contents>

¹⁰ <http://www.legislation.gov.uk/ukpga/2015/26/contents>

¹¹ See KPMG (2007) *Peer Review of Competition Policy*

to benchmark the performance of the UK regime against its peers but did not provide detailed analysis of the features of other competition regimes.

Impact of the research

This research project will contribute to an extensive evidence gathering exercise used to inform the competition law review currently being undertaken by BEIS.

AIMS AND OBJECTIVES

Objectives

The objectives of the research are to improve our understanding of how national competition regimes around the world vary in their methods of competition enforcement. Specifically, the differences in characteristics and performance of different competition regimes and whether aspects of international best practice could be applied successfully to the UK regime.

The broad research questions to consider would be:

- What are the main features of institutional design that distinguish competition regimes from each other?
 - How can these features be characterised in a 'typology'?
- How do different regimes provide fairness and appropriate safeguards for all parties?
 - How do they separate between investigators¹² and decision makers¹³ and what are the arrangements around governance and accountability for decision makers?
 - What scope do parties have to challenge decisions?
- What design features are associated with effective delivery of competition policy?
 - Could these design features 'map across' to a UK context or are the reasons for their success based around the national context of their home country?
 - Could any of these features help to deliver competition policy outcomes in the UK?

The main focus should be on antitrust enforcement and merger control, but findings related to other activities undertaken by competition institutions, such as advocacy or market investigations, would also be of interest. We are aware that the UK is unique in its choice to conduct market investigations and therefore it would be advantageous to understand why other countries do not do this.

The research should follow a two-stage approach: a high-level review of features and performance of competition regimes across a broad set of countries, and a 'deep-dive' focusing on more in-depth review of a subset of countries (see 'methodology' below).

¹² Such as case investigators – the people responsible for gathering evidence and putting together a case

¹³ Those adjudicating on the case – such as a court in a prosecutorial system, or the case decision groups / panels in CMA antitrust / merger cases

The main output of the research should be a report that would be suitable for publication by BEIS on the gov.uk website, following BEIS requirements for publication styles and accessibility.

SUGGESTED METHODOLOGY

Part 1: Literature review

Desk-based review of the literature on competition regimes and comparison between systems.

The contractor should develop a high-level typology classification by which to characterise different features of various national competition regimes. This typology should cover a broad range of countries (as many as are treated in sufficient detail in the literature). This should be presented in the form of a summary grid with accompanying descriptive narrative. We have provided a suggested typology (see below) but the contractor can vary this according to relevant characteristics identified in the literature.

The contractor should also provide a review of the evidence found on the comparative performance of different competition regimes. This should also include a summary of the main performance metrics used.

Finally, the literature review should also draw out any conclusions on aspects of best practice from national competition authorities across those regimes which feature in the literature.

Suggested Typology

	Basic (lit review)	In-depth (case studies)
Independence / accountability	Authority within government departments or independent	Relationship between regime / government Ability for government to commission activity from authority Strategic steers or prioritisation principles Framework of accountability Performance reporting / monitoring ¹⁴

¹⁴ For example, the UK's CMA uses a "10 to 1" benefit:cost ratio to monitor its performance. Is there any evidence that various performance indicators are detrimental to effective enforcement through providing distortionary incentives.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/627060/cma-impact-assessment-2017.pdf

Remit / Institutional structure	Antitrust/merger control only or markets / advocacy function Single or multiple authorities Specialist competition tribunal / court	Separation of duties by institution of antitrust, mergers, consumer protection enforcement, advocacy, and pro-active research / market investigation
Legal framework		Balance of civil / criminal offences Role of private actions Scope for leniency
Decision-making process	Administrative or prosecutorial system If administrative: whether there is separation of case teams and decision-makers; whether decision- makers are independent or part of the investigating agency	Who are the decision makers – constitution of panels, experience, length of service. What sort of “walls” are there between case teams and decision makers and how are decision makers accountable.
Procedures/processes	Notification of mergers: voluntary / mandatory Statutory timescales	Thresholds for merger review Cost recovery Case procedures Ability to challenge process / rights of appeal
Toolkit of remedies and sanctions	Authority empowered to enforce directly / remedy by Order or rely on court judgements / recommendation to government	Extent of investigatory powers Ability to share information with other institutions Extent and size of administrative penalties / fines Ability to impose interim measures
Governance, resourcing and internal organisation	Resources	Board and leadership structure Resources (budgets, numbers of staff, relative skill sets) Internal structure / separation of duties
Futureproofing		How the regime is tackling the challenges of digital markets; tech platforms.

Part 2: Detailed case studies

Detailed comparison of between 4 and 5 competition regimes to better understand best practice and consider how well it could apply to the UK.

The contractor should carry out detailed case studies of between 4 to 5 national competition regimes. BEIS preference would be to include the USA, Germany and Switzerland as regimes of particular interest, plus one or two others of the contractor's choice. BEIS preference would be to focus on regimes in countries with similar levels of economic development and legal systems to the UK in order to discover findings more likely to be applicable to the UK context. Potential examples could be Australia, Ireland, Canada and Japan, but bidders can make a case for any alternative choice. At least one of the 4 or 5 case studies should be an example of a 'prosecutorial' model of antitrust enforcement. The choice of which countries to include in Part 2 should be agreed with BEIS at the inception meeting.

These case studies should build on the information taken from the literature review with desk research around how the regime operates, however they should supplement this through information gathered by speaking to individuals working in the competition regime as well as independent viewpoints around the advantages and disadvantages of the respective regime.

This part of the report should have a more detailed typology than that used in the literature review, that identifies nuances and differences between the regimes.

The report should also develop a performance framework for assessing best practice. Again we have provided a suggested template below but are happy for contractors to suggest appropriate variations. This could then be used to draw up a grid of subjective 'ratings' across each category by competition regime (e.g. a rating out of 5) in order to compare strengths and weaknesses of the regime.

Where aspects of best practice have been identified from the case studies, the report should consider the practicalities and merits of introducing these aspects in to the UK system, if they are not already present. This should include why they might not be able to be implemented in the UK and how government may need to make additional amendments to accommodate them if found to be particularly advantageous to effective competition enforcement. This will require the contractor to have a good knowledge of the UK competition regime. The contractor may find it helpful to discuss these aspects with individuals within the CMA, BEIS and independent UK competition experts.

Suggested performance framework

The literature should use the relevant performance data cited in the literature. For the in-depth case studies, potential methods for evaluating comparative performance could include:

- Volume of outputs
- Speed of resolving cases
- Quality of decision-making

- Any ex-post evaluation of interventions carried out, including of pro-active market investigation/remedies or consumer enforcement
- Burden on business of procedures
- Complexity of regime
- Stability of regime
- Business confidence in decisions

The number of comparators will be too small to make a meaningful “world ranking” but could enable comparison summarised in a grid that presents all the comparators plus the UK with subjective ratings out of 5 (for example), with accompanying narrative.

DELIVERABLES

The final output should be in the form of a report that would be suitable for publication by BEIS on the gov.uk website, following BEIS requirements for publication styles and accessibility.

The report should include the following:

Part 1:

- High-level typology classification of a broad range of different national competition regimes around the world with the classifications and examples presented in a summary grid with accompanying descriptive narrative.
- A summary of the main indicators used to measure the performance of competition regimes.
- A review of the evidence found on the comparative performance of different competition regimes.
- A list of conclusions drawn from the literature regarding areas of good practice among national competition regimes across the world.

Part 2:

- A detailed list of case studies on 4-5 different national competition authorities specifically including the USA, Germany and Switzerland but also including one or two others of the contractors choice with similar levels of economic development and legal systems to the UK.
- A performance framework (based on the model provided) which can be used to rank regimes.

A draft of the report should be delivered by close of play on Friday the 31st of August in order to receive comments from BEIS ahead of completion of the final report which should be delivered by Monday 17th of September.

BEIS would also like to invite the contractor to deliver a presentation to BEIS officials at the conclusion of the project, which should be delivered face-to-face using MS Powerpoint or equivalent. This will be a supporting output alongside the final report.

The contractor should give BEIS regular updates on project progress and a summary of general findings from the literature in Part 1 should be provided by **Friday 29th June** in

order to contribute to a BEIS internal competition review milestone in July. This will not be required to be in a formal, quality-assured document, but should outline the high-level conclusions around the typology classification and areas of good practice from relevant literature. This could be done for instance through an email summary with accompanying phone call.

Section 5 – Evaluation of Bids

The evaluation model below shall be used for this Mini Competition, which will be determined to two decimal places.

Where a question is 'for information only' it will not be scored.

To maintain a high degree of rigour in the evaluation of your bid, a process of moderation will be undertaken to ensure consistency by all evaluators.

After moderation the scores will be finalised by performing a calculation to identify (at question level) the mean average of all evaluators (Example – a question is scored by three evaluators and judged as scoring 5, 5 and 6. These scores will be added together and divided by the number of evaluators to produce the final score of 5.33 ($5+5+6=16 \div 3 = 5.33$))

Pass / fail criteria		
Questionnaire	Q No.	Question subject
Commercial	SEL3.11	Modern Slavery Act 2015
Commercial	SEL3.12	Cyber Essentials
Commercial	SEL3.13	General Data Protection Regulations (GDPR)
Commercial	FOI1.1	Freedom of Information Exemptions
Commercial	AW1.1	Form of Bid
Commercial	AW1.3	Certificate of Bona Fide Bid
Price	AW5.1	Maximum Budget
Price	AW5.5	E Invoicing
Price	AW5.6	Implementation of E-Invoicing
Quality	AW6.1	Compliance to the Specification
-	-	Invitation to Quote – received on time within e-sourcing tool

The Response Question and Answer Document must be used by all tenderers to answer the PROJ (Quality Questions). This should then be uploaded as an attachment to PROJ1.1. This is the only document assessors will evaluate; any other method used by bidders to answer questions will not be evaluated. Scoring shall be based on 0-100 scoring methodology (as outlined below). Each question has a page limit and this should be adhered to. Any additional content provided beyond this will not be considered or scored during the evaluation process

Scoring criteria

Evaluation Justification Statement

In consideration of this particular requirement UK SBS has decided to evaluate Potential Providers by adopting the weightings/scoring mechanism detailed within this Mini Competition. UK SBS considers these weightings to be in line with existing best practice for a requirement of this type.

Questionnaire	Q No.	Question subject	Maximum Marks
Price	AW5.2	Price	20%
Quality	PROJ1.1	Approach	40%
Quality	PROJ1.2	Staff to Deliver	10%
Quality	PROJ1.3	Understanding the Environment	20%
Quality	PROJ1.5	Risk Management	10%

Evaluation of criteria

Non-Price elements

Each question will be judged on a score from 0 to 100, which shall be subjected to a multiplier to reflect the percentage of the evaluation criteria allocated to that question.

Where an evaluation criterion is worth 20% then the 0-100 score achieved will be multiplied by 20.

Example if a Bidder scores 60 from the available 100 points this will equate to 12% by using the following calculation: Score/Total Points available multiplied by 20 ($60/100 \times 20 = 12$)

Where an evaluation criterion is worth 10% then the 0-100 score achieved will be multiplied by 10.

Example if a Bidder scores 60 from the available 100 points this will equate to 6% by using the following calculation: Score/Total Points available multiplied by 10 ($60/100 \times 10 = 6$)

The same logic will be applied to groups of questions which equate to a single evaluation criterion.

The 0-100 score shall be based on (unless otherwise stated within the question):

0	The Question is not answered or the response is completely unacceptable.
10	Extremely poor response – they have completely missed the point of the question.
20	Very poor response and not wholly acceptable. Requires major revision to the response to make it acceptable. Only partially answers the requirement, with major deficiencies and little relevant detail proposed.
40	Poor response only partially satisfying the selection question requirements with deficiencies apparent. Some useful evidence provided but response falls well short of expectations. Low probability of being a capable supplier.
60	Response is acceptable but remains basic and could have been expanded upon. Response is sufficient but does not inspire.
80	Good response which describes their capabilities in detail which provides high levels of assurance consistent with a quality provider. The response includes a full description of techniques and measurements currently employed.
100	Response is exceptional and clearly demonstrates they are capable of meeting the requirement. No significant weaknesses noted. The response is compelling in its description of techniques and measurements currently employed, providing full assurance consistent with a quality provider.

All questions will be scored based on the above mechanism. Please be aware that the final score returned may be different as there will be multiple evaluators and their individual scores after a moderation process will be averaged (mean) to determine your final score.

Example

Evaluator 1 scored your bid as 60

Evaluator 2 scored your bid as 60

Evaluator 3 scored your bid as 50

Evaluator 4 scored your bid as 50

Your final score will $(60+60+50+50) \div 4 = 55$

Price elements will be judged on the following criteria.

The lowest price for a response which meets the pass criteria shall score 100. All other bids shall be scored on a pro rata basis in relation to the lowest price. The score is then subject to a multiplier to reflect the percentage value of the price criterion.

For example - Bid 1 £100,000 scores 100,
 Bid 2 £120,000 differential of £20,000 or 20% remove 20% from price scores 80
 Bid 3 £150,000 differential £50,000 remove 50% from price scores 50.
 Bid 4 £175,000 differential £75,000 remove 75% from price scores 25.
 Bid 5 £200,000 differential £100,000 remove 100% from price scores 0.
 Bid 6 £300,000 differential £200,000 remove 100% from price scores 0.

Where the scoring criterion is worth 50% then the 0-100 score achieved will be multiplied by 50

In the example if a supplier scores 80 from the available 100 points this will equate to 40% by using the following calculation: Score/Total Points multiplied by 50 ($80/100 \times 50 = 40$)

The lowest score possible is 0 even if the price submitted is more than 100% greater than the lowest price.

Section 6 – Evaluation questionnaire

Bidders should note that the evaluation questionnaire is located within the **e-sourcing questionnaire**.

Guidance on completion of the questionnaire is available at <http://www.ukpbs.co.uk/services/procure/Pages/supplier.aspx>

PLEASE NOTE THE QUESTIONS ARE NOT NUMBERED SEQUENTIALLY

Section 7 – General Information

What makes a good bid – some simple do's 😊

DO:

- 7.1 Do comply with Procurement document instructions. Failure to do so may lead to disqualification.
- 7.2 Do provide the Bid on time, and in the required format. Remember that the date/time given for a response is the last date that it can be accepted; we are legally bound to disqualify late submissions.
- 7.3 Do ensure you have read all the training materials to utilise e-sourcing tool prior to responding to this Bid. If you send your Bid by email or post it will be rejected.
- 7.4 Do use Microsoft Word, PowerPoint Excel 97-03 or compatible formats, or PDF unless agreed in writing by the Buyer. If you use another file format without our written permission we may reject your Bid.
- 7.5 Do ensure you utilise the Emptoris messaging system to raise any clarifications to our Mini Competition. You should note that typically we will release the answer to the question to all bidders and where we suspect the question contains confidential information we may modify the content of the question to protect the anonymity of the Bidder or their proposed solution
- 7.6 Do answer the question, it is not enough simply to cross-reference to a 'policy', web page or another part of your Bid, the evaluation team have limited time to assess bids and if they can't find the answer, they can't score it.
- 7.7 Do consider who your customer is and what they want – a generic answer does not necessarily meet every customer's needs.
- 7.8 Do reference your documents correctly, specifically where supporting documentation is requested e.g. referencing the question/s they apply to.
- 7.9 Do provide clear and concise contact details; telephone numbers, e-mails and fax details.
- 7.10 Do complete all questions in the questionnaire or we may reject your Bid.
- 7.11 Do check and recheck your Bid before dispatch.

What makes a good bid – some simple do not's 🙅

DO NOT

- 7.12 Do not cut and paste from a previous document and forget to change the previous details such as the previous buyer's name.
- 7.13 Do not attach 'glossy' brochures that have not been requested, they will not be read unless we have asked for them. Only send what has been requested and only send supplementary information if we have offered the opportunity so to do.
- 7.14 Do not share the Procurement documents, they are confidential and should not be shared with anyone without the Buyers written permission.
- 7.15 Do not seek to influence the procurement process by requesting meetings or contacting UK SBS or the Customer to discuss your Bid. If your Bid requires clarification the Buyer will contact you.
- 7.16 Do not contact any UK SBS staff or Customer staff without the Buyers written permission or we may reject your Bid.
- 7.17 Do not collude to fix or adjust the price or withdraw your Bid with another Party as we will reject your Bid.
- 7.18 Do not offer UK SBS or Customer staff any inducement or we will reject your Bid.
- 7.19 Do not seek changes to the Bid after responses have been submitted and the deadline for Bids to be submitted has passed.
- 7.20 Do not cross reference answers to external websites or other parts of your Bid, the cross references and website links will not be considered.
- 7.21 Do not exceed word counts, the additional words will not be considered.
- 7.22 Do not make your Bid conditional on acceptance of your own Terms of Contract, as your Bid will be rejected.

Some additional guidance notes

- 7.23 All enquiries with respect to access to the e-sourcing tool and problems with functionality within the tool may be submitted to Crown Commercial Service (CCS – previously Government Procurement Service), Telephone 0345 010 3503.
- 7.24 Bidders will be specifically advised where attachments are permissible to support a question response within the e-sourcing tool. Where they are not permissible any attachments submitted will not be considered.
- 7.25 Question numbering is not sequential and all questions which require submission are included in the Section 6 Evaluation Questionnaire.
- 7.26 Any Contract offered may not guarantee any volume of work or any exclusivity of supply.
- 7.27 We do not guarantee to award any Contract as a result of this procurement
- 7.28 All documents issued or received in relation to this procurement shall be the property of UK SBS.
- 7.29 We can amend any part of the procurement documents at any time prior to the latest date / time Bids shall be submitted through Emptoris.
- 7.30 If you are a Consortium you must provide details of the Consortiums structure.
- 7.31 Bidders will be expected to comply with the Freedom of Information Act 2000 or your Bid will be rejected.
- 7.32 Bidders should note the Government's transparency agenda requires your Bid and any Contract entered into to be published on a designated, publicly searchable web site. By submitting a response to this Mini Competition Bidders are agreeing that their Bid and Contract may be made public
- 7.33 Your bid will be valid for 60 days or your Bid will be rejected.
- 7.34 Bidders may only amend the Special terms if you can demonstrate there is a legal or statutory reason why you cannot accept them. If you request changes to the Contract and UK SBS fail to accept your legal or statutory reason is reasonably justified we may reject your Bid.
- 7.35 We will let you know the outcome of your Bid evaluation and where requested will provide a written debrief of the relative strengths and weaknesses of your Bid.
- 7.36 If you fail mandatory pass / fail criteria we will reject your Bid.
- 7.37 Bidders are required to use IE8, IE9, Chrome or Firefox in order to access the functionality of the Emptoris e-sourcing tool.

- 7.38 Bidders should note that if they are successful with their proposal UK SBS reserves the right to ask additional compliancy checks prior to the award of any Call Off Contract. In the event of a Bidder failing to meet one of the compliancy checks UK SBS may decline to proceed with the award of the Call Off Contract to the successful Bidder.
- 7.39 All timescales are set using a 24 hour clock and are based on British Summer Time or Greenwich Mean Time, depending on which applies at the point when Date and Time Bids shall be submitted through Emptoris
- 7.40 All Central Government Departments and their Executive Agencies and Non Departmental Public Bodies are subject to control and reporting within Government. In particular, they report to the Cabinet Office and HM Treasury for all expenditure. Further, the Cabinet Office has a cross-Government role delivering overall Government policy on public procurement - including ensuring value for money and related aspects of good procurement practice.

For these purposes, UK SBS may disclose within Government any of the Bidders documentation/information (including any that the Bidder considers to be confidential and/or commercially sensitive such as specific bid information) submitted by the Bidder to UK SBS during this Procurement. The information will not be disclosed outside Government. Bidders taking part in this Mini Competition consent to these terms as part of the competition process.

- 7.41 From 2nd April 2014 the Government is introducing its new Government Security Classifications (GSC) classification scheme to replace the current Government Protective Marking System (GPMS). A key aspect of this is the reduction in the number of security classifications used. All Bidders are encouraged to make themselves aware of the changes and identify any potential impacts in their Bid, as the protective marking and applicable protection of any material passed to, or generated by, you during the procurement process or pursuant to any Contract awarded to you as a result of this tender process will be subject to the new GSC from 2nd April 2014. The link below to the Gov.uk website provides information on the new GSC:

<https://www.gov.uk/government/publications/government-security-classifications>

UK SBS reserves the right to amend any security related term or condition of the draft contract accompanying this Mini Competition to reflect any changes introduced by the GSC. In particular where this Mini Competition is accompanied by any instructions on safeguarding classified information (e.g. a Security Aspects Letter) as a result of any changes stemming from the new GSC, whether in respect of the applicable protective marking scheme, specific protective markings given, the aspects to which any protective marking applies or otherwise. This may relate to the instructions on safeguarding classified information (e.g. a Security Aspects Letter) as they apply to the procurement as they apply to the procurement process and/or any contracts awarded to you as a result of the procurement process.

USEFUL INFORMATION LINKS

- [Emptoris Training Guide](#)
- [Emptoris e-sourcing tool](#)
- [Equalities Act introduction](#)
- [Bribery Act introduction](#)

- [Freedom of information Act](#)