**NATIONAL INSTITUTE FOR HEALTH AND CARE EXCELLENCE**

Board effectiveness review

**Tender Specification and   
Submission Instructions and Guidance**

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1. Contract Details

Contract: Board effectiveness review

Contract Duration: 90 days

Contract Commences: 1 May 2023

Framework / Procedure: Open competition via contracts finder

1. NICE budget
   1. The budget for the review is up to £30k plus VAT.
2. Specification
   1. **Introduction**
      1. The National Institute for Health and Care Excellence (NICE) is a non-departmental public body established under the Health and Social Care Act 2012. We are an arms length body (ALB) of the Department of Health and Social Care (DHSC).
      2. Our role is to improve health and wellbeing by putting science and evidence at the heart of health and care decision making. We do this by:
         1. Providing independent assessment of a wide range of complex evidence to help commissioners, front-line practitioners, patients, carers, and citizens to take better informed decisions. These decisions may be about the care people receive, the safety of new procedures or the use of finite health and care resources.
         2. Working with those at the forefront of scientific advances and using our analytical skills, knowledge and expertise to identify, assess and develop timely recommendations for innovations that have a real and important impact on patients’ lives, on the delivery of health and care, and that represent good value for the system.
         3. Working with partners across the health and social care system to drive the uptake of effective and cost-effective new treatments and interventions to benefit the population as a whole and to improve and ensure equity of access to all members of society.
   2. **Background**
      1. Guidance issued by the [Cabinet Office](https://www.gov.uk/government/publications/arms-length-body-boards-guidance-on-reviews-and-appraisals/board-effectiveness-reviews-principles-and-resources-for-arms-length-bodies-and-sponsoring-departments) states that ALBs must undertake a board effectiveness review (BER) annually, with an externally facilitated BER every three years.
      2. NICE last commissioned an externally facilitated BER in 2016. Due to turnover in board positions between 2019 and 2021, the focus since then has been on a programme of board development and annual self-assessments.
      3. Given this, it is now timely to undertake an externally facilitated review and NICE therefore require a supplier to undertake a BER.
      4. The review must provide a robust but proportionate review of the board’s effectiveness in helping the organisation to deliver its strategy and purpose. It must be in line with guidance issued by the [Cabinet Office](https://www.gov.uk/government/publications/arms-length-body-boards-guidance-on-reviews-and-appraisals/board-effectiveness-reviews-principles-and-resources-for-arms-length-bodies-and-sponsoring-departments) and look beyond processes to consider behaviours, culture, relationships and outcomes.
      5. Information on the NICE board is available on the [website](https://www.nice.org.uk/about/who-we-are/board).
   3. **Terms of reference**
      1. The review should consider the board’s effectiveness in the following areas:

* How the board and its committees support the Accounting Officer in meeting the requirements set out within Managing Public Money.
* Clarity of, and leadership given to, NICE’s purpose, direction and values, and the overarching culture and tone set by the board.
* The quality of relationships between board members and its operation as a unitary board.
* How the board communicates with, and listens and responds to, its organisation and other stakeholders, in particular the DHSC as the sponsoring department.
* The composition of the board and its committees; including the balance of skills, experience, knowledge, and diversity (including diversity in its broadest sense, i.e. diversity of place).
* Processes for identifying, reviewing and managing risks.
* Succession and development plans.
* Quality and timing of papers and presentations to the board, including information used by the board to assess whether outcomes and KPIs are being achieved.
* Quality of discussions including whether the chairman ensures sufficient debate for major decisions or contentious issues, and encourages constructive challenge.
* Effectiveness of board committees, including their terms of reference, and how they are connected with the main board.
* How the board’s practices, relationships and cultural norms compare with other ALBs / best practices.
  + 1. The review should include:
* Feedback from board and executive team members and the board secretary
* Feedback from NICE’s sponsor team at the DHSC
* Observation of a public board meeting, an informal board seminar, and an audit & risk committee meeting
* Desktop review of relevant material (eg past board papers, terms of reference of board committees)
  + 1. Outputs from the review:
* Attendance at board seminar to present findings
* Report with actionable recommendations

1. Your Proposal
   1. Please respond to the following questions using the refence number below:
      1. **Method statement: (45%) – 1000 words maximum**
         1. Please outline how you intend to deliver the review including the method for seeking feedback from the board and stakeholders (including for example the number of interviews to be held). (30%)
         2. Please outline what you see as the risks to successful completion of the review and your approach to mitigating these. (5%)
         3. Please outline your quality assurance processes that will ensure the work is completed to the required standard and adds value to NICE. (10%)
      2. **Capability and expertise: (30%) – 1000 words maximum**
         1. Please provide 2 case studies of board effectiveness reviews undertaken with a similar scope for bodies like NICE. (10% for each case study)
         2. Please outline the expertise and experience of the individuals who will manage and undertake the work. (10%)
      3. **Financial evaluation: (25%)** Please provide a breakdown of your fixed price (excluding VAT) for this work.
2. Instructions and Guidance

Supplier Invitation to Tender

* + 1. Submission of final offers to this ITT shall be in accordance with Section 7.
    2. On receipt of final offers from Suppliers in response to this ITT, NICE will evaluate each response using the Evaluation Methodology set out in section 14.
    3. The evaluation will form the basis of NICE’s decision to proceed to interview or Contract Award. Should NICE deem that interviews are required prior to finalising its decision to proceed to awarding the contract, the following procedure will be followed (14.5 below).

Short-listed Suppliers for Interview

* + 1. NICE envisages that a number of Suppliers could be selected to attend a further interview post the tender evaluation. The shortlist for interview will be determined by the evaluation procedure, applying the criteria as described in section 14 of this document. Suppliers must ensure they are available to attend the interviews on the dates stated below.
    2. The evaluation methodology applied to such interviews is detailed in section 14.

|  |  |
| --- | --- |
| DATE | LOCATION |
| 14/4/23 | Virtually (via Zoom mtg) |

Procurement Timetable

* + 1. The estimated timetable for the remainder of this procurement is as follows:

|  |  |
| --- | --- |
| **Stage** | **Date** |
| Issue final ITT documentation | 24 February 2023 |
| Expression of Interests | 10 March 2023 |
| Deadline for bidder questions | 24 February to 10 March, last questions to be received by 17.00 on 10 March |
| NICE final response to questions deadline | 15 March 2023 |
| **Tender Responses** | **22 March 2023** |
| Tender Evaluation | 23 - 24 March 2023 |
| Notify shortlisted Suppliers of Interview (if required) | 28 March 2023 |
| Interviews | 14 April 2023 |
| Preferred Bidder Notice and Losing Suppliers Debriefed | 17 April 2023 |
| Alcatel Period (10 days) | 17-27 April 2023 |
| Contract Award | 28 April 2023 |
| Contract drafting and signing | 17-28 April 2023 |
| Contract Commences | 1 May 2023 |
| Observation of audit and risk committee | 3 May 2023 |
| Observation of board seminar and public board meeting | 17 May 2023 |
| Provision of final report | 13 July 2023 |
| Attendance at board seminar to present findings | 19 July 2023 |

1. Suppliers Instructions
   1. This section sets out the general instructions for the submission of the tender / final offer from the Suppliers in response to this ITT. These instructions must be followed and adhered to. Any deviation from these instructions may result in your tender being rejected.
   2. The opportunity will be available on the DHSC Atamis eTendering System. Select this link to access and register your organisation to the Atamis system <https://health-family.force.com/s/Welcome>, if you have not already done so.  
      To find this opportunity in the eTendering system, select "Find Opportunities" and then search by project number C137031 or title. Once you have found the Opportunity, press the 'Register Interest' button to register your interest. This will make the project to appear on 'My proposals and quotes'. From there you can review documents, send clarification messages, submit the response, or decline to respond, if you decide not to participate in the opportunity. For full details on the instruction to tender and terms of participations please refer to the Invitation to Tender document.
   3. Bidders must use the Atamis system to raise any questions relating to this procurement (see section 8) no later than **17:00 (5:00pm) UK time on 10 March 2023**.
   4. The tender submission offer must be returned no later than **17:00 (5.00pm) UK time on 22 March 2023**
   5. All **tender submission and final offers** must be written in English and to be submitted electronically by email in a Microsoft word format via the Atamis system
   6. All responses must be referenced as detailed in the final ITT for ease of evaluation.
   7. All offers must be submitted in GBP sterling and must be exclusive of Value Added Tax (VAT).
   8. Suppliers should answer all questions as accurately and concisely as possible in the same order as the questions are presented. Where a question is not relevant to the Supplier, this should be indicated, with an explanation.
   9. Suppliers must be explicit and comprehensive in their responses to this ITT as this will be the single source of information on which responses will be scored and ranked. Suppliers are advised neither to make any assumptions about their past or current supplier relationships with NICE, nor to assume that such prior business relationships will be taken into account in the evaluation procedure.
   10. NICE reserves the right at any time:
       1. to issue amendments or modifications to the documents contained in the Invitation to Tender pack during the tender;
       2. to not bind itself to accept the lowest or any offer and reserves the right to accept an offer either in whole or in part, each item being for this purpose treated as offered separately;
       3. to purchase the most cost effective and economically advantageous offer from this tender and does not bind itself to the cheapest price or the overall winner of the scoring evaluation that may result from this procurement;
       4. to terminate this procurement at any time;
       5. to require Suppliers to provide additional information supplementing or clarifying any of the information provided in response to the requests set out in this ITT. NICE may seek independent financial and market advice to validate information declared, or to assist in the evaluation.
   11. 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 Supplier or the Supplier's Team or any other person in resource time, preparation of responses, attendance of meeting, or any other cost that the Supplier may incur.
   12. Costs shall be fixed for the duration of the contract and not subject to change, unless agreed in writing by both NICE and the Contractor.
   13. The costing spreadsheet of your offer must be transparent to NICE and not be password protected or have any part of the model hidden. All costs breakdowns must be shown within your response and provided in GBP sterling.

Non Compliance and/or disqualification

* + 1. NICE expressly reserves the right to reject any proposal that:
* does not meet any minimum requirement in the tender;
* does not follow the instruction to tender guidance;
* 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;
* refuses to adhere to the Terms and Conditions of Contract.
  + 1. NICE reserves the right to reject or disqualify a Supplier and/or the members of the Supplier’s Team where:
* the Supplier and/or the members of the Supplier’s Team are unable to satisfy the terms of Article 45 of Directive 2004/18/EC and/or Regulation 23 of the Public Contracts Regulations 2015 at any stage during the Procedure;
* the Supplier and/or the members of the Supplier’s Team are guilty of material misrepresentation or false statement in relation to its application and/or the process; and
* the Supplier and/or the members of the Supplier’s Team contravene any of the terms and conditions of this ITT and/or any Associated Documents.

1. Queries about the Procurement
   1. All requests for clarification or further information in respect of this procurement should be addressed to NICE’s named contact point (section 9) via the Atamis messaging system. No approach of any kind in connection with this procurement should be made to any other person within, or associated with NICE.
   2. NICE will ensure that all applicants receive equal treatment during this procurement and we will share all information requests and responses with all applicants.
   3. Any questions and answers will be collated and distributed by email to all the Suppliers throughout the tender period. The final clarification responses will be issued no less than 6 days prior to the tender submission deadline.
   4. Please note that that there will be no telephone or any informal or other kind of discussion between Suppliers and officers or directors of NICE after this document is dispatched other than the representative of NICE named in section 9.
   5. 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 Suppliers.
   6. All responses received and any communication from Suppliers will be treated in confidence but will be subject to paragraph 8.5.
2. NICE’s Named Point of Contact
   1. NICE’s named point of contact for this procurement is:

Barney Wilkinson

Procurement Manager  
National Institute for Health and Care Excellence  
Level 1A City Tower  
Piccadilly Plaza  
Manchester  
M1 4BD

Email: [barney.wilkinson@nice.org.uk](mailto:barney.wilkinson@nice.org.uk)

1. Suppliers Named Point of Contact
   1. Suppliers are asked to include a single point of contact in their organisation. NICE will not be responsible for contacting the Supplier through any route other than the nominated contact. The Supplier must therefore undertake to notify any changes relating to the contact promptly.
2. Additional Information
   1. NICE expressly reserves the right to require a Supplier 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.
3. Freedom of Information
   1. 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.
   2. 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.
  1. Please submit responses to 13.2 as an Annex with the completed tender offer.
  2. Where a Potential Supplier identifies information as commercially sensitive, NICE will endeavour to maintain confidentiality. Suppliers should note, however, that, even where information is identified as commercially sensitive, NICE might 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
   1. In light of the need for greater transparency, Suppliers 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 supplier and NICE will be published in its entirety.
   2. 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. Suppliers 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 current Public Contracts Regulations 2015 and the UK governments Transparency Agenda. Please do not hesitate to contact us if you require clarity upon this point.
   3. Please complete Annex 4 - Redaction Requests of the ITT, to notify NICE of any sections of the tender you regard as Commercial in Confidence.
2. Tender Evaluation and Selection Criteria

Evaluation

* + 1. NICE will review all tenders to ensure they are fully compliant with these instructions. Any non-compliant bid may be rejected
    2. The underlying principle of ITT evaluation will be based on the Most Economically Advantageous Tender that meets NICE’s requirements.
    3. The Evaluation Methodology set out in this section will be used to evaluate the Suppliers’ submission/offer to this Invitation to Tender (ITT).
    4. Bidders should note that cost is a factor in this procurement and represents 20% of the overall score.

Cost Evaluation

* + 1. The cost will be evaluated using the following formula:

Lowest Price / Suppliers Price X 25 (the weighting)

Criteria and Scoring Guide

* + 1. Each evaluator will independently evaluate each tender submitted and use the following guide to score each criterion. The scores of all evaluators per criterion will then be averaged and weighting applied to give an adjusted score. All clarifications required by NICE will be incorporated into the final evaluation.

|  |  |
| --- | --- |
| **Score** | **Guide** |
| -5 | The point is omitted |
| 0 | The point is mentioned but not explained |
| 1 | Not acceptable |
| 2 | The point is possibly acceptable |
| 3 | The point is acceptable |
| 4 | The point is well made and acceptable |
| 5 | Exceeds Expectations / Best |

Criteria

|  |  |
| --- | --- |
| **Selection Criteria** | **Weighting** |
| Method statement | 45% |
| Capability and expertise | 30% |
| Financial evaluation | 25% |

Short Listed Suppliers for Interview and Evaluation

* + 1. NICE may choose to shortlist a bidder or Suppliers to present to the evaluation panel and clarify any outstanding areas or their proposal where NICE may have concerns or further questions. However, if no further concerns or questions are raised, NICE reserves the right to proceed to Contract Award.
    2. Each bidder interviewed will be re-scored independently of the tender response, based on their responses in the interview alone and re-ranked against each of the others bidders that were shortlisted for interview. This evaluation will have no bearing on the evaluation that resulted in the bidder being shortlisted to interview or not. Suppliers not invited to interview will be notified at the same time as shortlisted Suppliers.
    3. The scoring guide and criteria in 14.4 above will be used to score the interviewed bidder, however the weightings will not be applied, the composite score of the interview panel will form the basis of award. The interview will be in direct relation to the outstanding areas of the Suppliers proposal.
    4. Shortlisted Suppliers will be notified of the evaluation process on invitation to interview.