



# How to procure your solution using a DfE Framework Agreement

## Running a mini-competition

A mini-competition is a shortened tendering procedure designed to facilitate a call-off (award of a contract) under a Framework Agreement. In these circumstances it is not necessary to conduct a full EU Directive procedure as long as certain rules are followed.

The purpose of a mini-competition is to select which of the approved Framework suppliers is able to meet your particular needs and provide best value for money. It is not about undertaking a full re-tender, or seeking for the suppliers to “re-qualify” areas already covered in the Framework Agreement, they have already demonstrated these capabilities.

These are the processes required to effectively run a mini competition:

- Identify your organisational needs, possibly producing a SoR.
- Assess likely costs and agree budgets/funding.
- Undertake ‘market soundings’ if desired. Under the Framework rules it is possible to research the market via suppliers as long as this does not distort fair competition
- Issue a Capability Assessment (Expression of Interest) if required.
- Issue an invitation to tender (ITT) to all capable suppliers on the framework.
- Allow sufficient time for response
- Issue clarifications to all bidders where requested.
- Evaluate the tenders
- Choose the most economically advantageous tender
- Notify (and debrief where requested) unsuccessful suppliers
- Apply a standstill period – this is an optional step (whereby the intention to award is communicated to suppliers and a period, normally 10 days, is allowed to enable unsuccessful suppliers to challenge the decision) and may be applied at the discretion of the customer
- Award the contract

## Description of stages

### Identifying Needs

It is important to ensure that you have identified your educational needs and the functional outputs that you require your products or services to deliver. An excellent method of understanding requirements is to ask for input from the main users of these systems within the organisation e.g. head, admin staff, teachers, students. This information can then inform

a clear description that can be refined to form your statement of requirements. Also bear in mind the suitability and capability of your present IT infrastructure to support your requirements.

In some cases, external resources may be useful in defining educational, technical and procurement needs. Input at the start of the procurement process may significantly increase the chances of a successful outcome.

These may be pulled together into a 'Statement of Requirements' document (SoR) (also see '[Developing a Statement of Requirements](#)').

## **Assessing Costs**

A good benchmark for any school is to compare current costs with the cost of any new systems or services. For example you should calculate the cost of your existing ICT infrastructure prior to re-procurement (including the cost of change) to enable you to assess future benefits and efficiencies achieved.

Estimated costs should be assessed and budgets for the procurement should be agreed. At this stage it is not possible to accurately determine costs, but it is important for all parties that a reasonably accurate estimate of likely expenditure is produced.

Investigating the possibility of joint procurement is normally good practice and often results in significant cost benefits.

## **Undertake 'market soundings' (optional)**

Under a framework agreement customers may take 'market soundings' prior to any formal mini-competition process. As there are no restrictions on the form of these market soundings - they can be in the form of enquiries in writing, face to face meetings, etc - this provides the opportunity for dialogue with framework suppliers early in the process.

If a customer decides through these initial market soundings that the solutions available under the framework appear to be suitable for its needs, then a mini-competition with all of the Framework suppliers that are 'capable of performing the proposed contract' should be commenced. This is undertaken using the standard mini-competition process.

Where a market sounding process is undertaken, it is important to document the process and the outcomes of the dialogue. This can be used at a later point to show a transparent process has been completed and no bias is shown to any particular supplier.

## **Issue a capability assessment sometimes called an Expression of Interest (Eoi)**

Procurement law states that those customers using the Framework to award contracts must invite all Framework suppliers capable of performing the contract to submit a tender for each specific contract to be awarded. The aim of the legislation is to ensure that competition between framework suppliers remains fair and open at all times.

As there are a number of suppliers on the respective frameworks and schools may wish to get a better understanding of the level of interest in their business then they may issue an Eoi.

An Eoi gives an overview of the school requirements and will generally include items such as school size, extent to required products and services, the proposed duration of the contract and the Eoi response date.

The DfE have provided a **model document** to help you to do this.

Any interested suppliers will respond by the date set and should then be included at the ITT stage. Any suppliers not responding can be omitted from the rest of the procurement.

## **Developing Evaluation Criteria and Scoring Methodology**

After developing your SoR then the other compulsory part of the initial process is to address how you will test the supplier on their capabilities via questions and how you will then weight and score their answers. Along with the SoR this is the other most important task in the procurement process to ensure that you get the supplier most able to meet your requirements.

Many areas have been covered as part of the Framework assessment, however you are free to revisit these areas if you require further assurances, or, more commonly, you will focus your questioning on key aspects which will delivery your local requirements and achieve best value for money. Cost should be scored highly at the mini-competition stage as this was not a key criterion used during the Framework competition process.

## **Issue an invitation to tender (ITT)**

The ITT documentation should clearly state your requirements whilst being concise and covering all of your important areas. More detailed advice on developing your statement of requirements (SoR) may be found in the 'Developing a Statement of Requirements' document. As well as your SoR, it is normal to ask for case studies, references from satisfied clients and other relevant information that will help you select a supplier.

The ITT would normally be issued electronically and there are a number of proprietary tools available to run a procurement or you can simply use an excel log for monitoring/managing the procurement. DfE has provided **an exemplar log** for you reference (NB. Some establishments prefer to use the term invitation to quote (ITQ) rather than ITT, these two terms can be taken to mean the same document.)

Some of the areas to cover within the ITT are:

- Suppliers should be requested to include case studies to demonstrate how their solutions has introduced change in similar organisations and made a positive impact on learners.
- Service levels should be an important part of the discussion around the suppliers' offering, particularly if the solution is complex and facilitates complex organisational change over a period of time.
- Suppliers should be invited to demonstrate how to get the best from their solution.
- You may wish to shortlist a number of suppliers to allow them to present additional features over and above the core requirements of the Framework. If this is the case, this should be stated at the outset of the ITT process.
- You may need to invite suppliers to provide basic support to allow you to fully evaluate all possible ways the solution can be configured.

The mini-competition stage considers the merits of the eligible tenders in order to assess which tender is the most economically advantageous. When issuing an ITT under a mini-competition, you must make sure that detailed award evaluation criteria, sub-criteria, scoring schemes and weightings are made available to bidders.

As part of issuing the ITT you must also advise all suppliers of the evaluation criteria including scoring and weighting for each section. This will ensure a transparent, legal, process.

## **Allow sufficient time for response**

Your ITT will give the time and date on which you expect to receive completed tenders. When determining this date, please consider that suppliers will need adequate time to understand the requirements, ask clarification questions and prepare a meaningful, costed proposal on how they can meet those requirements. A challenge could be made if unreasonably short time is given as this could be seen as preventing competition.

## **Issue clarifications to all bidders**

If your requirement is complex and/or likely to require any clarification, you should allow a period of time for bidders to ask questions during the mini competition and for answers to be prepared. Although questions are received from individual suppliers responses must be posted to all suppliers on the Framework (but with the identity of the questioner withheld), or the reduced supplier list if an EoI has been used.

Do not underestimate the time needed to do this, even relatively straightforward projects may need clarification on points of detail once the bidders have seen the documents. Reasonable time should also be allowed for suppliers to complete their response using the clarification information they have received.

## **Evaluation of suppliers**

When evaluating responses, you should:

- ensure fair and equal treatment of all bidders
- ensure that the evaluation methodology is transparent
- keep records confidential, secure and auditable
- be aware that disclosure under the Freedom of Information Act (FOI) may be requested and granted.

It is important to take sufficient time reviewing each supplier's submission before an informed decision can be made regarding a solution. In particular, priority should be given to ensuring that suppliers focus on education and meeting your particular needs.

Approved framework suppliers have all been successfully verified against certain basic standards via the evaluation process. However, you may wish to consider whether an updated financial check is necessary, as although the Department runs periodic financial checks throughout the framework term a change in circumstances may occur at any time. In the same way, customers should satisfy themselves that their particular requirements are covered by that particular supplier. As with all Framework Agreements, a range of suppliers and solutions are available and all suppliers may not offer all components of all solutions.

Suppliers have already signed up to the Service Order Terms of the framework and these should not be subject to change when calling off services under the framework. Your particular requirements should be addressed within the schedules of the Service Order, with schedules being used as necessary.

In order to comply with EU regulations, purchasing authorities must use the same high level evaluation criteria in mini-competitions under this framework as were used during the initial

framework procurement. However you are free to weight the emphasis on criteria to suit local needs, even using a zero weighting in some areas if required. Publication of the weightings in your tender document against which you will evaluate suppliers' proposals should be clear and unambiguous.

According to procurement regulations, criteria such as a supplier's capability and experience are not to be used to evaluate at the mini-competition stage. The award of the Framework Agreement has already been made after evaluating these qualities.

EU regulations state that the contracting authority shall 'award each contract to the economic operator which has submitted the best tender on the basis of the award criteria specified in the contract documents based on the framework agreement'. This means that you can select the tender which gives you the best long-term value for money, which may not necessarily be the cheapest option, but the award must be consistent with the criteria and weightings you have used.

## **Awarding the contract**

### **Notify unsuccessful suppliers (debrief if requested)**

The unsuccessful suppliers may want to understand why their bid was not accepted. Providing good levels of information helps encourage competition and allows the suppliers to correct and improve their performance in any areas in which they were unsatisfactory.

The unsuccessful bidders should be notified that they have not been successful. The notification typically includes the criteria for the award of the contract, the name and scores of the winning bidder and the scores of the bidder receiving the notification. It will also briefly outline the reasons for the award decision, including the characteristics and relative advantages of the successful tender. The regulations require you to provide specific and individualised feedback to each bidder, and this may take the form of an e-mail, telephone conversation or face-to-face meeting. An exemplar notification document is included [here](#).

Some suppliers may request a more formal debrief, it is good practice to allow them this. It can be in the form of a formal face-to-face interview style or a brief telephone conversation. You should try to advise them in general terms where their bid fell short of the winning bid without going into too much specific detail.

### **Apply a Stand-Still period (optional)**

Although not strictly necessary it is good practice to elect to enter into a stand-still period (usually 10 days) to give provision for any potential supplier challenge of the decision. The stand-still period is a pause between the contract award decision and the formal award of the contract and is an optional procedure under the Framework. It is usually put in place to allow unsuccessful bidders to obtain more information on the award of the contract, and unsuccessful bidders can take appropriate action if they believe they have been treated unfairly. The period is also known as the 'Alcatel Period'.

### **Notify the successful supplier**

Customers should:

- notify the successful supplier formally
- receive a formal acceptance of your order
- begin the contract management process as early as possible. Further advice on how best to manage your contract and supplier can be found in [Manage Your Contract](#).

## Indicative Process Timescale

The following timescales (in weeks) are indicative and may vary with the complexity of the procurement. People are often surprised by the length of this process but it should be borne in mind that DfE frameworks are generally for more complex procurements and not for 'commodity' type purchases.

Produce Outline specification	2
Market Engagement/EoI	3
Full Specification	6
Develop Evaluation criteria	4
Produce Contract Management Plan incl. SLA/KPI	2
Place Tender/receive responses	4
Evaluate Tender Responses	4
Standstill (Alcatel)	2
Award	
Total	27

### Notes:

- Market Engagement/EoI may not be necessary.
- Collating the Full Specification is entirely dependent upon complexity, level of data gathering and manpower available, it could take from 2-12 weeks, 6 weeks is a good indicative timescale.
- Placing the tender and receiving responses will be dependent upon the project complexity. This phase will include clarification questions from suppliers. A last date for clarifications should be set 1-2 weeks prior to the tender closure date to allow you to respond and the suppliers to include all answers in their proposals.
- Standstill period is not mandatory but is good practice.

Further advice on how to effectively procure your ICT solution may be requested from the Schools ICT support team at [schools.ictsupport@education.gsi.gov.uk](mailto:schools.ictsupport@education.gsi.gov.uk)