



Department
for Education


Guidance

Construction framework handbook 2021

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Introduction

The purpose of this handbook is primarily to provide framework users with advice on how to access and use the 2021 construction framework, and how to conduct a local competition to select a contractor. This document will also be of use to contractors so that they will understand what is expected of them through the local competition process.

The 2021 construction framework was procured under the Restricted Procedure pursuant to the Public Contracts Regulations 2015 (the Regulations). The DfE will periodically review, and reserves the right to, update this guidance, including, without limitation, procurement routes, processes, and associated timelines, subject to the requirements of the Regulations as amended or updated from time to time.

This guidance document has been developed to enable framework users to operate the 2021 construction framework effectively and efficiently.

How to access the 2021 construction framework

The construction framework is available to local authorities, schools, academies,

FE colleges, universities, and other public bodies which provide educational and ancillary community facilities in England. The construction framework may also be used by other contracting authorities for the purposes of delivering their requirements in terms of wider publicly funded non-education buildings in England.

For a full list of public bodies which may access the framework please contact the DfE framework team at dfeconstructionframework.2021@education.gov.uk.

For all school schemes, regardless of the identity of the framework user, this handbook, the local competition documentation, and the requirements set out herein apply in full unless otherwise agreed by DfE framework team.

Framework users procuring schemes involving other educational facilities not defined as a school may adapt the output specification when producing their employer's requirements, but must follow the procurement route, and award options and criteria, as detailed in this handbook, and with reference to Appendix A.

See also [Framework contract forms](#).

For publicly funded non-education buildings, the framework user may use their own specification to suit their requirements and may use an alternative form of contract (with approval of DfE) as set out in [Framework contract forms](#). However, the framework user must follow the procurement route and award options and criteria as detailed in this handbook with reference to Appendix A as applicable (unless otherwise agreed with the DfE framework team).

Access to the construction framework is governed by DfE and all framework users must sign an access agreement.

There is no charge to use the construction framework (or any charges paid by framework members).

Standard framework documents and further instructions on process will be made available to framework users following signature of the access agreement.

Framework structure

The 2021 construction framework has 4 different procurement routes as described below:

- option A1 – cost led design and build competition: this is only available to be used on the high value band (HVB) of the construction framework, and will be the default option for single and batched schemes
- option A2 – cost led 2-stage design and build: this is only available for use on the high value band of the construction framework, with agreement of the

framework manager, and can be used for single and batched schemes

- option A3 – 2-stage design and build: this is only available to be used on the mid (MVB) and low value bands (LVB) of the construction framework, and can be used for single or batched schemes
- option B - construct only: This will be available across all value bands of the construction framework.

Each procurement route will have 2 award options as described below:

- local competition: contractors in the lot will be invited to compete for the scheme or batch of schemes
- direct award: a single contractor is invited to submit a proposal to deliver a single scheme

The direct award process (after the first 12 months) is based on a selection process linked to the construction framework key performance indicators.

Framework overview

Value band	Number of lots	Anticipated scheme value range **	Procurement route options ***	Award options **	Batching options
High	2	DfE core: £12m plus. Extended: Down to £10m.	Option A1: Cost led design and build competition. Option A2: Cost led 2-stage design and build. Option B: construct only.	Local competition or direct award.	Batching available when using local competition.
Mid	8	DfE core: £6.0m to £12m. Extended: down to £5m. Up to £16m.	Option A3: 2-stage design and build. Option B: construct only.	Local competition or direct award	Batching available when using local competition.
Low	12	DfE core: £0.5m to £6.0m. Extended: Up to £7m	Option A3: 2-stage design and build. Option B: construct only	Local competition or direct award	Batching available when using local competition.

** Schemes which fall within the 'core' values in the table will normally be awarded through that value band. However, a framework user may, with DfE agreement, award contracts within the extended value range within that value band. This right will provide some flexibility for allocation within the lots and value bands according to capacity and volume of actual pipeline of schemes. On a scheme specific basis, where there have been no tenders, no suitable tenders, no requests to participate or no suitable requests to participate in a local competition within the relevant lot under a value band, the core values noted above will not apply and the framework user may, with DfE agreement, award the scheme via the next most appropriate value band. Where such circumstances apply to a scheme under a mid value band, the DfE will have regard to the value of the scheme and any other relevant circumstances in determining whether to award through either the low value band or high value band.

*** DfE may pilot or develop other procurement route options as provided for in the framework agreement and in accordance with the regulations during the period of the construction framework, having regard to its policy, pipeline and government or cabinet office guidance.

** DfE anticipates that the majority of schemes will be awarded by mini-competition (save for schemes under the low value band with a value of less than £1m, which will be subject to direct award unless the framework user considers that a mini-competition is appropriate). Framework users may, with DfE agreement, only use direct award in limited circumstances, including (but not limited to) the following:

- any of the grounds contained in Regulation 32 of the regulations apply
- the framework user considers that direct award is otherwise necessary or appropriate in the circumstances (for example but not limited to grounds of urgency)

In the first 12 months of the construction framework, DfE shall use the contractor's tender response evaluation score to determine its position in the direct award rankings (for example so as to allow awards under a taxi rank approach).

From the second year of the construction framework, the DfE shall review the direct award rankings every 6 months. The contractor's position in the direct award rankings shall be determined by its achievement of the targets set for certain key performance indicators as set out in Schedule 1 Part B of the framework agreement.

A contractor's direct award ranking shall be reduced for a 6 month period by:

- 10% for any failure to report on 1 or more key performance indicator relating to Health and Safety at the frequency required by DfE
- 5% for failure to comply with the terms of Schedule 8
- 5% from the second year of the construction framework for any failure to

achieve the key performance indicator target for reporting at the frequency required by the DfE

The DfE is entitled to amend the deduction caps at any point during the construction framework.

Further information on the performance regime can be provided on request.

Regional Structure

Identifying the regional lot

Once you have selected the value band, you can identify the regional lot based on the location of the scheme – see appendix B.

High value band – regional structure

- North
- South

Medium value band – regional structure

- North East and Yorkshire
- East Midlands
- West Midlands
- North West
- East of England
- London
- South East
- South West

Low value band – regional structure

- North East
- Yorkshire and the Humber
- East Midlands
- West Midlands
- North West
- East of England A
- East of England B
- London
- South East A
- South East B

- South West A
- South West B

Selecting a procurement route

Framework users should follow the guidance below to select a procurement route.

Single scheme or batched?

Firstly, the framework user must decide whether the procurement is for a single scheme or a batch of 2 or more schemes.

Procurement batches will operate as described below:

- design and build schemes can be grouped into batches and competed under local competition (batching is not available for construct only or direct award, see [Selecting a procurement option](#))
- batches will be formed of sample schemes/schools and Futures scheme/schools
- sample schools will be completed in local competition in accordance with the process for the relevant procurement route. The selected panel member (SPM) of the sample school can, at a later date, be invited by the framework user to submit proposals to deliver the future schools - this process is governed by the future schools agreement.
- the total size and value of a batch will, wherever possible, be consistent with the capacity of the contractors within the Lot. The DfE anticipates that the value band in which batches are awarded will normally be determined by the average value of the Schemes in the batch and / or geography when determining which value band will be used to procure the batch. For example, a batch of 3 Schemes at an average value of £9 million will normally be awarded through the mid value band.
- the framework user may, in its discretion, offer framework members the opportunity to reduce their design and other fees based upon a batch of 3 or more, schools
- framework managers can advise if procuring using batches would be suitable for the scheme, and on the formation of viable and attractive batches

Selecting a value band

Secondly, the framework user should select the most appropriate value band for

the procurement. This is determined by the value of the scheme(s) and average value of any batch.

Users are expected to select the lowest permitted value band for their scheme or batch.

If a procurement has failed within a value band, an adjacent band may be able to be extended to accommodate the scheme or batch. Please contact a framework manager to discuss.

High value band

Procurement option (see [Selecting a procurement option](#)):

- option A1: cost-led design and build competition
- option A2: cost-led 2-stage design and build
- option B: construct only (single schemes only)

Award option (see [Selecting an award option](#)):

- competition: yes
- direct award: option A2 only

Mid value band

Procurement option (see [Selecting a procurement option](#)):

- option A3: 2-stage design and build
- option B: construct only (single schemes only)

Award option (see [Selecting an award option](#)):

- competition: yes
- direct award: single schemes only

Low value band

Procurement option (see [Selecting a procurement option](#)):

- option A3: 2-stage design and build
- option B: construction only (single schemes only)

Award option (see [Selecting an award option](#)):

- competition: yes
- direct award: single schemes only

Identifying the regional lot

Once the value band is selected, the framework user can identify the regional lot based on the location of the scheme - see Appendix C.

Selecting a procurement option

The next step is for the framework user to choose a preferred procurement option from those available.

1. Option A1 – Cost-led design and build competition

This option can be chosen for schemes or batches of schemes which fall into the high value band only. This option is available when the framework user has carried out an initial feasibility study and the contractor is required to develop the design from RIBA plan of work (PoW) Stage 2 onwards. The process will involve Client Engagement Meetings (CEMs) prior to an ITT submission, normally involving a maximum of 2 shortlisted contractors.

2. Option A2 – cost-led 2-stage design and build

This option can be chosen for schemes or batches of schemes which fall into the high value band only. This option is available where the framework user has carried out an initial Feasibility Study and the contractor is required to develop the design from RIBA PoW Stage 2 onwards. The process will involve client engagement meetings (CEMs) with one shortlisted contractor. This option is to be used when undertaking a direct award procurement on the high value band.

3. Option A3 – 2-stage design and build

This option can be used for low value band and medium value band schemes or batches. This option is also available where the framework user has carried out an initial feasibility study and the contractor is required to develop the design from RIBA stage 2 onwards.

4. Option B – construct only

This option can be chosen for a single scheme on all value bands. This option is chosen where the framework user has designed a scheme up to RIBA PoW Stage 4 and takes design responsibility for the final design, except contractor designed works which will be determined on a scheme by scheme basis. This option is chosen for works which do not require early contractor involvement.

Selecting an award option

The final step in appointing a contractor is to choose an award option. This is based on one of the 2 following options which can be used for any scheme or

schemes regardless of the value, lot or procurement route.

Award option 1 – local competition

This is the preferred procurement option which should be considered first. All the contractors on the 2021 construction framework for the lot and value band in which the facility is to be built will be invited to submit their competitive tender for the Scheme. If a scheme is batched this option must be chosen.

Award option 2 – direct award

This option is available only with the approval of a DfE framework manager (save for low value band schemes with a value of less than £1m, which will be subject to direct award, unless the framework user considers that a local competition is appropriate). This option cannot be chosen for batched schemes. A single contractor is invited to submit a proposal to deliver a single Scheme. The direct award process for high and mid value band projects (after the first 12 months of the construction framework) will be based on selection linked to the key performance indicators.

On the low value band, where the scheme value is less than £1m, identification of a contractor will be based on bidders ranking as established on the basis of their tender ranking at the time of the award of their place on the construction framework, in the order of the tender score outcomes (for example, a taxi-rank approach).

Pipeline

Preceding each award option is a pipeline period of 4 weeks for local competition and 3 weeks for direct award.

Framework users must not advertise a scheme under any other framework or procurement route whilst it is present on the construction framework pipeline.

Stage 1: indicative information (during feasibility study stage):

- framework user completes scheme notification form (SNF) with available information and sets an indicative date of a month (for example, August 2022).
- framework user secures any necessary approval within their programme.
- framework user sends scheme notification form (SNF) to the framework management team via 2021cf.pipeline@education.gov.uk
- framework team publishes the pipeline to framework contractors (each Friday).
- framework user keeps the pipeline information up-to-date by notifying the framework management team.

Stage 2: precise information:

- framework user completes the feasibility study and secures approval within their programme
- framework user updates the SNF, the framework team sets a precise date to

issue a direct award EOI with at least 4 weeks' notice from the next pipeline issue date (Friday)

- framework user secures any necessary approval within their programme
- framework user sends scheme notification form (SNF) and feasibility study (minus appendices) to the framework management team via 2021cf.pipeline@education.gov.uk
- framework team confirms if a pipeline slot is available. The framework users can consult with the framework team in advance of step 2
- framework team publishes the pipeline to contractors (each Friday)
- framework user contacts highest ranked contractor to gauge interest in the scheme

Relevant framework documents:

- scheme notification form
- contractor contact details (sourced from DfE framework manager)
- framework direct award rankings (sourced from DfE framework manager)

Direct award procedure

Once a direct award scheme is approved (by a DfE framework manager) the scheme will be placed on the pipeline. The expression of interest (EOI) (comprising the feasibility study, cost plan and outline programme) will be issued to all panel members in the Lot and to which all eligible panel members will be required to indicate their interest in the Scheme within 5 days. On the advertised date for the commencement of the procurement, the framework User will issue the tender information (Invitation to Submit Proposal) associated with the procurement route to the highest ranking panel member who expressed an interest to submit a proposal.

- option A1 – this option is not available for direct award
- option A2 – the panel member will submit Invitation to Submit Proposal (ISP) documentation within a minimum of 2 weeks
- option A3 – the panel member will submit ISP documentation within 2 weeks
- option B – the panel member will submit documentation as required by the framework user

There is no limit to the amount of Schemes which a contractor can decline or accept whilst eligible for direct award.

Should the panel member fail to provide an acceptable proposal, the framework User has the right to decline the proposal – subject to the approval of a DfE framework manager – and approach the next highest ranking panel member who has expressed an interest in the Scheme. This process may, if that panel member fails to provide an acceptable proposal continue to the next highest ranking panel

member, and so on.

Local competition timescales

The sections below and Appendix A contain indicative timescales for local competition.

Framework contract forms

School schemes

All schemes involving a pre-construction stage will be awarded using the standard DfE Pre-Construction Services Agreement.

High value band schemes are awarded using the following scheme contracts with standard DfE amendments:

- Joint Contracts Tribunal (JCT) design and build contract
- JCT standard building contract with / without quantities

Medium and low value band Schemes are awarded using the following Scheme Contracts with standard DfE amendments:

- JCT design and build
- JCT intermediate works with / without contractor design
- JCT minor works with / without contractor design

Framework users may only modify such scheme contracts in accordance with the footnotes and other guidance issued by DfE from time to time. Framework users may, with the agreement of DfE, utilise alternative standard form pricing options, including target cost and open book and determine the extent of early supplier involvement appropriate to their Scheme.

Framework users must use the DfE Employer's Requirements for School Schemes.

Other educational facilities (for example, further education and higher education)

Framework users are expected to use the scheme contracts set out above for schemes in procurement of other educational facilities. However, framework users may choose whether and the extent to which the DfE standard amendments are

applicable to their scheme. Framework users may adapt the DfE Employer's Requirements where necessary in respect of such schemes.

Other schemes

Other government departments, their agencies, arm's length bodies and non-departmental bodies, and (with the agreement of DfE) other framework users, may, in support of non-school schemes, use the following forms of contract(s):

- JCT 2016 suite of contracts (with or without DfE or framework user modified terms)
- NEC 3 or NEC 4 suite of contracts (with or without DfE or framework user modified terms)
- a model form alliance contract (for a number of batched schemes), with or without another form of contract as set out above
- an integrated scheme insurance model

For the avoidance of doubt, framework users may use their own employer's requirements and specification in place of the output specification for non-educational buildings.

Information management

Previously known as BIM Level 2 until the end of 2018, BIM is now defined by the UK BIM framework comprising the BS EN ISO 19650 series of standards and remaining parts of BS/PAS 1192 suite of standards.

See [UK BIM framework – BIM Standards, Guides and Resources](#) which includes BS EN ISO 19650.

BIM Level 2 Standards will continue for existing projects under the previous standards and using the existing DfE Exchange Information Requirements documents. For new frameworks including 2021 construction framework BS EN ISO 19650 and UK BIM framework will apply.

The DfE information management suite of documents comprise the following parts:

1. information protocol
2. DfE exchange information requirements
3. DfE detailed exchange information requirements
4. project information methods, production and procedures
5. project information standard

The aim is to standardise approaches to defining information requirements, generating, classifying and data exchange for the benefit of all those involved in

any part of an asset's lifecycle.

Glossary of terms

Term	Meaning
2021 construction framework or construction framework	The construction framework under which this handbook operates.
Access agreement	An agreement between the authority and a framework user enabling use of the construction framework by that framework user.
Award options	The options available to framework members in procuring a scheme under the construction framework and in accordance with the processes set out in this handbook.
Batch or batches	A group of schemes which are subject to a single local competition, consisting of: a sample scheme which will form the basis of a local competition and in respect of which a scheme contract will be awarded, and; one or more further identified future schemes in respect of each of which a future schools agreement will be awarded.
BIM protocol	As defined in the scheme contract.
Client engagement meetings (CEMs)	Meetings that help inform and develop the contractor's design, as set out in the timeline appended to this handbook. These meetings are typically attended by, but not limited to, the framework user (including any of their advisors), end user, the contractor and members of its design team (and other parties deemed necessary by the framework user).
Construction framework handbook or Local competition guidance or handbook	This document.
Construct only	Where the framework user has designed a scheme up to RIBA PoW Stage 4 and takes design responsibility for the final design,

except works designed by the contractor which will be determined on a scheme by scheme basis. This option is chosen for works which do not require early contractor involvement.

Cost led design and build	An unqualified commitment to delivering the scheme within the budget set by the framework user, with reference to the pricing guidance, where the framework user has carried out an initial feasibility study and the contractor is required to develop the design from RIBA Stage 2 onwards. This will be assessed as a pass or fail criterion for high value band procurements.
DfE framework team	The team that is responsible for the management and operation of the 2017 construction framework and the 2021 construction framework dfconstructionframework.2021@education.gov.uk
DfE Funding Level	Build rate (adjusted for Building Cost Information Service (BCIS) tender price index (TPI) and location factor), the DfE percentage funding for fees, and DfE rates for ICT and furniture, fixtures and equipment (FFE) that are combined with the externals and abnormal cost to calculate the DfE funding available for a scheme.
Direct award	the process of directly awarding a scheme contract to a framework member in accordance with the processes set out in the construction framework 2021 handbook.
Employer's requirements	As defined in the scheme contract(s)
Exchange information requirements	As defined in the BIM protocol
Feasibility study	A briefing document, prepared by the framework user, which includes a control option (design) and estimate to RIBA PoW Stage 1
Framework agreement	The agreement between panel members and the DfE entered into at framework award.
Framework manager	A member of the DfE capital or framework team who is responsible for management of the construction framework.
Framework member(s), panel member(s) or contractors	The bidders who successfully tendered for the construction framework and entered into the framework agreement and a member of the panel of contractors appointed to each lot.
Framework	The bodies which are eligible to use the construction framework,

users	local competitions and enter into the pre-construction services agreement and suite of scheme contracts as set out in the contract notice to procure the framework issued to the official journal of the European Union, reference 2020/S 252-638043 published 28 December 2020.
Future schemes or future schools	Any schemes or schools falling under a future schools agreement.
Future schools agreement	An agreement falling under the scheme contracts which governs the procurement of future schemes within a batch.
Future schools notice	A written notice from the employer to the contractor requiring the contractor to provide a future school scheme proposal in the form set out in schedule 2 of the future schools agreement as may be updated from time to time by DfE.
High value band	The high scheme value range set out under the framework structure section and appendix C of this handbook.
Invitation to tender (ITT) or Invitation to submit proposal (ISP)	An invitation to tender for a scheme issued in accordance with the local competition by a framework user.
Key performance indicators (KPIs)	The performance indicators as set out in the framework agreement.
Local competition	The process of selection by a framework user of a panel member from the construction framework to carry out a scheme as set out in accordance with this handbook
Lots	The regional lots set out within Appendix C of this document.
Low value band	The low scheme value range set out under the framework structure section and Appendix C of this handbook.
Medium value band or Mid-value band	The medium scheme value range set out under the framework structure section and Appendix C of this handbook.

Output specification or Spec 21	The documents forming part of the employer's requirements to which schemes will be delivered.
Panel	The panel of contractors appointed or to be appointed by DfE to each lot of the construction framework.
PCSA	The pre-construction services agreement for each scheme in a form approved by DfE.
Preliminary invitation to tender (PITT)	A preliminary invitation to tender for a scheme issued in accordance with the local competition by a framework user.
Pricing guidance	Appendix I to this document.
Pricing proposal	The schedules relating to cost, as issued at local competition stage and to be provided by the panel member during the pre-construction period.
Principal building sub-contractors	As defined in the scheme contract(s).
Professional team	The architects, structural and civil engineers, mechanical and electrical engineers, acoustic engineers and any other design consultants whom the contractor intends to use in the delivery of the design of schemes.
Sample scheme	A scheme within a batch forming the basis of a call-off under a local competition
Scheme (collectively termed as schemes)	A construction scheme for new or refurbished schools, and other educational buildings (including colleges and university buildings), together with community facilities or public buildings which are ancillary to such education facilities or form part of the development on the same site to be delivered under a separate scheme contract or construction schemes relating to wider publicly funded non-education buildings.
Scheme contracts	The contract for the delivery of a scheme, in one of the forms approved by DfE.
School	Any primary, secondary, special educational needs (SEN) schools (including UTCs, free schools and academies), pupil referral units, and any early years provision.
Scheme	(a) All drawings, reports, documents, plans, software, formulae,

data	calculations and other data relating to the carrying out of the works that are used by or on behalf of the contractor or its professional team or principal building sub-contractors and any sub-contractor or supplier of the contractor. (b) Any other materials, documents or data acquired, brought into existence or used in relation to the works.
Selected panel member (SPM)	The successful bidder selected via a local competition or direct award process.
2-stage design and build	A procurement that does not include a preliminary tender shortlisting exercise of panel members at local competition in appointing an SPM, where the framework user has carried out an initial feasibility study and the contractor is required to develop the design from RIBA stage 2 onwards.
Value band	A low, medium or high value band as the case may be in relation to the relevant value band as set out in the framework agreement and as described in this handbook.
Works	All of the works (including any works necessary for obtaining access to any sites) and design to be undertaken in accordance with any scheme contract entered into by the framework user and the panel member and as more particularly defined in the scheme contract.

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