

Learning 2020 Market Engagement September 2019 questions and answers

Summary

The Civil Service HR (CSHR) Project Team hosted a conference call on 11 September to provide an update on the Learning 2020 Project. Suppliers were asked to submit their questions through SLIDO during the call and the answers below summarise the main points raised.

1. Do you know the timescales for each LOT being put out to tender?

- Our timeframe is subject to a number of sign-off points, and we are aiming to publish the tender in mid-November 2019. We will advise as soon as we have confirmation on the dates. Every lot will be published at the same time and bidders will have the same timescale for completing their bids.

2. How do I network with other suppliers who are interested in the Learning 2020 tender?

- Email Supplier supplierengagement.enquiries@cabinetoffice.gov.uk with your contact details to confirm that you are willing to have your details shared with other suppliers who have expressed interest in Learning 2020. When you have provided your consent, we will share the distribution list.

3. Are you able to share volumes or expected value by lots?

- We will share volume trends and the rationale behind our assumptions in the tender bid pack for Civil Service requirements. Based on our analysis of historical take up data for each element of the current and previous centralised learning provision and our projection of how future demand will shape requirements in the Civil Service, we estimate that the value for each Lot over the four year period will be:
 - Lot 1 - £110m
 - Lot 2 - £44m
 - Lot 4 - £100m
 - Lot 5 - £31m

4. How long will the bidders have to put together their bids and will there be a further opportunity to ask questions once the ITT is published?

- Our plan is to allow one month for bidders to prepare and submit their bids and within this timeline there will be a two week period to ask any clarification questions. Further details will be provided in the Tender pack.

5. How will we find out who are the 'named' key sub contractors as this will let us know with whom we can collaborate? When will this information be published?

- We will announce winning bidders and publish contracts in line with Public Procurement Regulations. The appointment process will be transparent to all participants. Our plan is for the framework to be awarded in early 2020.

6. Which terms and conditions will be used as the basis of any contract?

- We are planning to use the CCS public sector contract terms and conditions.

7. Do you anticipate that the draft specification, which was circulated earlier in the consultation, will have changed significantly, when it is published on OJEU?

- The final specification is largely based on the draft specification shared during the consultation period. Where there have been amendments, this has been as a result of further insight and consultation.

8. How will you assess the quality score?

- Lots 1, 2 and 3 will be assessed on a 70/30 quality/ price ratio; Lots 4, 5, and 6 will be assessed on a 80/20 quality/ price ratio. To proceed to the pricing stage of the evaluation bidders must reach a minimum quality threshold of the total quality marks available. Further details will be included in the Tender pack.

9. Can bidders who are based outside the UK bid for the Learning 2020 contract?

- Companies who meet the essential criteria are encouraged to bid. It will be up to the individual company to determine in the first place if they meet the essential criteria.

10. Will you accept prices in the bids that are conditional on volume thresholds met?

- The tender pack will include a clear description of the decision making processes for both quality and pricing.

11. Will it be possible for us to speak to the government team running the Civil Service Learning interface so that we can better understand how to integrate our offering into the wider learning offer?

- The ITT documents will list the technical requirements for working with the Civil Service Learning platform. It will not be possible to meet with the team who deliver the Civil Service Learning platform as part of the selection process.

12. We've understood that the minimum unit for which we can tender is one lot. If as an SME we can only fulfill part of a lot, should we still submit individually, or should we submit as a consortium that can meet all the requirements of a lot?

- To be successful in winning one of the lots, you must be able to deliver the totality of the lot, but you may participate in the submission of multi-lot bids through taking one or both of the following options: work with other legal entities to form a consortium; and/ or bid with named Key Subcontractors to

deliver parts of the requirements. This applies whether you are bidding as a single legal entity, or as a consortium. Full details will be included in the tender documents.

13. Will design of new learning solutions be undertaken only in Lot 4?

- The purpose of Lot 4 is to provide the Civil Service with access targeted design service to develop and deliver department or profession-specific learning interventions not already met in Lot 1, 2 or Lot 3. Examples include: department-specific transformation programme; support for a newly established profession; department initiative to build managers ability to engage for their teams; support for an established academy.
- The purpose of Lot 1 is to provide the Service integrator and deliver the cross Civil Service Curriculum. When new cross-Civil Service development requirements are identified, this will be commissioned through Lot 1. In addition, as part of continuous improvement, the Curriculum will need to be updated to reflect changing business requirements and this will necessitate additional design work in Lot 1.

14. Does a DPS and/or a multi-vendor framework feature anywhere in the overall solution sought by the Civil Service? If so, where and how do you envisage this operating? What is your preferred Commercial model for the services, does it differ by lot and will you be allowing bidders to consider alternative commercial models which may provide additional value?

- This is a multi lot Framework Agreement (details at para. 20 below), which will create a dynamic and agile multi-vendor marketplace creating opportunities for 3rd party providers either through primes, consortia and or subcontracting arrangements and this is for bidders to determine in prescribing the optimum solution to meet our requirements.
- The commercial model for the services will be set out in the tender documents and the delivery of this may vary by lot depending on the successful bid responses.

15. How is the quality of provision across the various lots going to be governed and managed for consistency?

- We will publish the Service Level Agreements in the tender documentation and there will be a robust governance process implemented to scrutinise performance.

16. Post award in delivery, how will work be farmed out between Lots where there is overlap between Lot scope? How will the risk of creating duplication of learning content in the different lots be avoided?

- Whilst the model is designed to minimise opportunities for overlap and duplication, we recognise that this is a scenario that may emerge. We are therefore developing a new governance model for when the Learning 2020 solution goes live to manage any issues that emerge. Both the Civil Service and suppliers will be represented within the model.

17. Post award in delivery, will the winner of Lot 4 be able to decline to take on work which is within scope of contract?

- We would expect the supplier and their supply chain to have the capability, flexibility and capacity to deliver all in-scope work requests.

18. What tests have you used to assess that the 'model is commercially viable'?

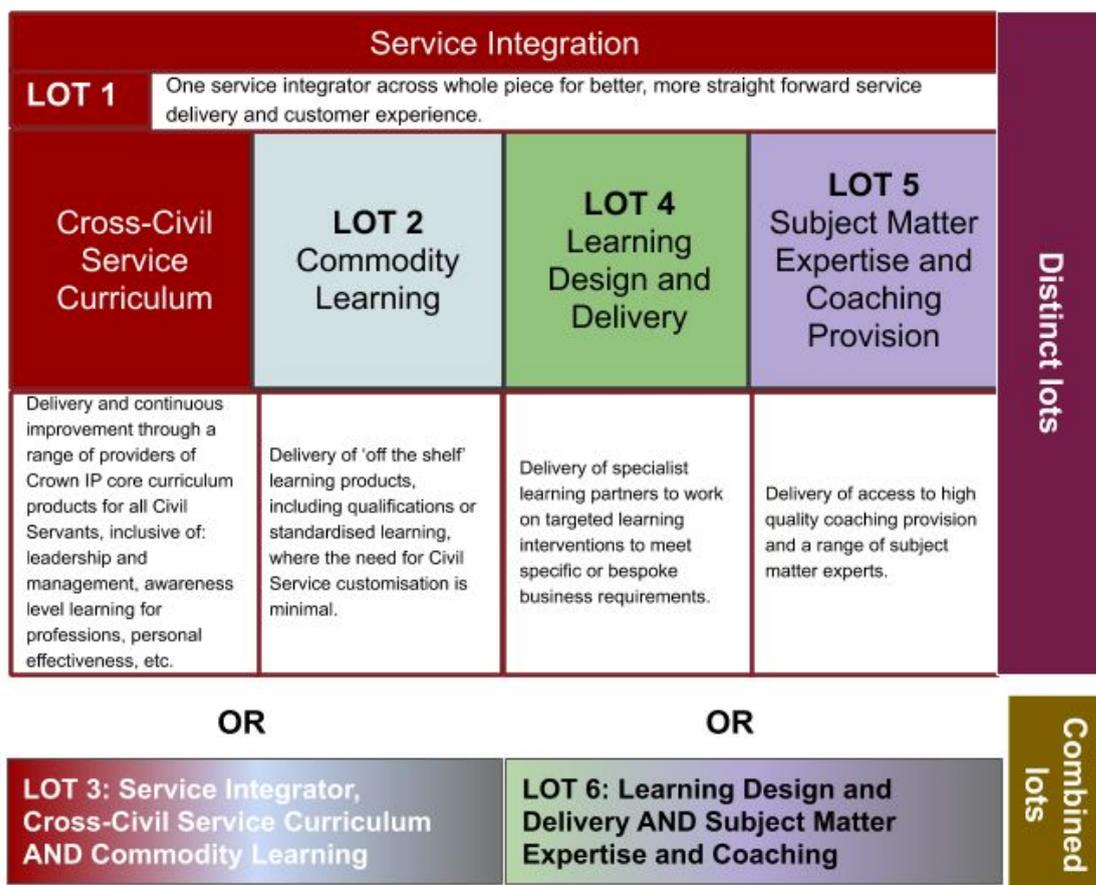
- We have undertaken several rounds of market engagement over 2019 to gauge the marketplaces' views on our requirements. The market engagement events were advertised via the CCS website. The information harnessed through these sessions provide us with confidence that the model is viable.

19. What is the expectation regarding intellectual property?

- The Contracting Authority will usually own the products required for delivery across the Civil Service (e.g. Crown IP), unless otherwise agreed.

20. Can you explain how the lotting bidding rules will work?

- a. We intend to go to market with six lots: four distinct lots and two combined lots, as set out in the diagram below. This strategy will provide the market flexibility in determining the best way to deliver the Civil Service's requirements and achieve optimal value for money.
- b. The approach is designed to give bidders the opportunity to bid in multiple areas, so as to open the market to more competition and encourage the formation of consortia that may not otherwise have been considered. This could add more commercial resilience and offer opportunities for SMEs to partner to deliver the service.



c. The maximum number of awards will be to four bidding entities across the four distinct lots; the minimum number will be two bidding entities across the two combined lots.

d. Bidding Approach

To maximise competition and opportunity for SMEs, bidders will be invited to bid for 1 or more, or all lots. **There will be no restrictions.**

Bidders can submit a bid as a single legal entity for all, or for any of the lots. Alternatively, bidders can participate in the submission of multi-lot bids through taking one or both of the following options:

- Work with other legal entities to form a consortium.
- Bid with named Key Subcontractors to deliver parts of the requirements. This applies whether they are bidding as a single legal entity, or as a consortium.

e. Involvement in Multiple Bids

If you are connected with another bid for the same requirement, we may make further enquiries. For example, where you submit a bid:

- in your own name and as a key subcontractor and/or a member of a consortium connected with a separate bid

- in your own name which is similar to a separate bid from another bidder within your group of companies.

This is so we can be sure that your involvement does not cause:

- potential or actual conflicts of interest
- supplier capacity problems
- restrictions or distortions in competition

We may require you to amend or withdraw all or part of your bid if, in our reasonable opinion, any of the above issues have arisen or may arise.

f. Framework Award Restrictions

The Civil Service has decided that a multi-supplier solution will deliver business requirements because this will increase competition and stimulate innovation. We have therefore developed the following principles to guide suppliers on what they can and cannot bid for.

The principles are based on the estimated volumes over the contract's four year duration and a bidder can be awarded a maximum of 55% of the contract's estimated value. This 55% can be either of the combined lots (Lot 3 or Lot 6), two single lots that do not exceed 55% of the estimated volume, or one single lot.

The table below shows the different options:

- those that are viable because they are 55%, or less, of the total contract award, are highlighted in green; and
- those that are not viable, because they are more than 55% of the total contract award, are highlighted in red. Despite this, suppliers may bid for more than 55% of the total expected contract award, but they cannot win more than 55% of the total contract award.

Option	Total contract %	Lot 1 (40%)	Lot 2 (15%)	Lot 3 (55%)	Lot 4 (34%)	Lot 5 (11%)	Lot 6 (45%)	Comment
1	55%	Yes	Yes					Bid is ok as it is not more than 55%
2	51%	Yes				Yes		
3	49%		Yes		Yes			
4	26%		Yes			Yes		
5	55%		Yes					
6	45%				Yes	Yes		
7	45%						Yes	
8	40%	Yes						

9	15%		Yes					
10	34%				Yes			
11	11%					Yes		
12	74%	Yes			Yes			Bid is over 55% and whilst supplier can submit bids for both lots, it cannot win.
13	66%			Yes		Yes		
14	60%		Yes				Yes	
15	100%	Yes	Yes		Yes	Yes		
16	100%			Yes			Yes	

Based on the bids received and the outcome of the evaluation it is also possible that bidders could be awarded a single lot.

g. Bidding Rules

- i) To establish the lowest overall cost to provide the deliverables for Her Majesty's Government, we will determine the winning bidder to be awarded a contract for Lot 1 or Lot 3 in the first instance. If the winning bidder has submitted bids for the other lots, then these will be removed from the competition with the exception of the winning Lot 1 bidder submission for Lot 5, which will be evaluated.
- ii) After recognising the above, and in the event bidders submit more than 2 winning bids, then they will be requested to state their order of preference for awards as part of the bidding process.
- iii) A quality score threshold will be set and bidders who do not meet this will be removed from the competition.
- iv) If two or more bidders have the same final scores (quality + price), the bidder with the highest quality score will be ranked 1st.

h. Evaluation approach

- i) The quality criteria will be the same across the distinct and relevant combined lots (e.g. Lots 1 and 3, and Lot 3), and the successful bidders' final scores (quality and price) in each of the distinct lots will be compared with the final score of the winning bidder in each of the relevant combined lots to determine the overall winning bid.
- ii) The highest ranked scores in Lot 1 and 2 will be added together and compared with the highest ranked score in Lot 3 to determine the overall winner(s).
- iii) The highest ranked scores in Lot 4 and 5 will be added together and compared with the highest ranked score in Lot 6 to determine the overall winner(s).

iv) This approach could result in awards in the distinct lots, or combined lots or a mix of both.

There will be a clear description in the Tender Bid Pack of the lotting model, the options for bidders, the bidding rules and evaluation approach, including worked examples so as to support transparency.

15. What are the exclusivity rules?

- The Civil Service's goal, in bringing this requirement to market, is to ensure that the Civil Service has access to the best quality, most appropriate learning. We recognise that many suppliers have IP which is unique and valuable, and which can be used to increase the capability of Civil Servants and through this bidding process, we want to be able to access your IP.
- Telling a potential partner that if they do not bid with you now then they will not be allowed to work with you at a later date is contrary to the strategic goals of the project and contrary to public procurement principles. It is potentially an abuse of market position.
- It also runs the risk of undermining your credibility – if a supplier is determined to have the best or most appropriate products to meet our needs, it is conceivable a prime supplier could be asked to work with that third party. If conversations in the pre bidding and bidding stage are challenging it could undermine your ability to work in partnership later.
- We also want to emphasise that we are not suggesting or prescribing a bidder approach, this is for you to determine. If working in a consortia works best for you in terms of meeting our needs or delivering the required services, then you should consider this option. If bidding on your own works best for you then you could follow that route.

DOCUMENT ENDS