

CCS Social Value 21 October 2020 questions and answers	
Question	Answers
Can you provide further guidance on the Living Wage and social value given the public procurement regulations caselaw on this area?	<p>A distinction needs to be made between minimum wage (legally required) and living wage (voluntarily paid). Joint schedule 5 of the CCS Public Sector Contract states that 'the supplier shall ensure that that all wages and benefits paid for a standard working week meet, at a minimum, national legal standards in the country of employment.'</p> <p>To include living wage in an agreement would require customers' willingness to absorb any resulting extra costs. From a CCS point of view we would probably only consider making it a compulsory condition of getting onto framework if we were confident that the customer base would support it at call-off.</p> <p>We would recommend that customers considering including it at call-off under a CCS should seek their own legal advice, bearing in mind that it may not be enforceable under the terms of the original framework agreement.</p>
It's not just Central government is it, eg. arm's length bodies (ALB) or non departmental public bodies (NDPB)?	PPN 06/20 applies to all Central Government Departments, their Executive Agencies and Non Departmental Public Bodies, with effect from date of publication, The social value model should be applied to all new procurements from 1 January 2021.
Can you please confirm again the requirement for central government to implement social value in tenders and when it comes into effect?▼	
Can we add social value criteria on framework competitions even if social value wasn't part of the original framework competition? As long as we invite all framework suppliers, is it OK?	<p>CCS won't be retrospectively applying the new model (and PPN 6/20 doesn't require it).</p> <p>Some existing framework specifications may make reference to requirements which could fall under social value themes such as generating local employment, and these could form the basis of a call-off requirement where the link is clear. (CCS has asked framework managers to check existing agreements for relevant terms).</p> <p>There may also be commercial agreements which include specific clauses that that fall under the umbrella of social value (e.g., sustainability, meeting certain environmental targets, equalities and diversity duties, preventing modern slavery etc).</p> <p>Where existing specifications and clauses do not facilitate social value there are two possible ways forward, although both depend on the voluntary co-operation of a supplier</p> <p>Continuous improvement may provide an avenue for including social value in a commercial agreement where it is not otherwise specified. A customer at call-off may ask a supplier to include a social value element as part of a method statement or delivery plan.</p> <p>Many suppliers may be willing to work with this kind of co-operative approach provided social value requests are reasonable and proportionate.</p> <p>It is important to note that social value cannot simply be added as a contract term if it is not already there. Also it is important to be clear that voluntary and co-operative approaches are not enforceable under the terms of a framework agreement. Where an authority wants to specify social value in a call-off contract, and where it is not referred to as part of the original framework competition, they must seek their own legal advice before doing so. Any additional requirements outside the scope of a framework contract may incur additional costs and risks.</p>
Does the minimum weighting of 10% for social value apply to further competitions under a framework as well the tender to establish the framework?	We expect it may, but will await the publication of Cabinet Office's supplementary evaluation guidance to understand what it says.
When will further guidance for departments be available?	This is currently being reviewed by Cabinet Office Legal. Publication is expected end November - early December 2020.
Is the 10% scoring allocation an overall - i.e. not part of the quality portion of the scoring? The statement would seem so, just want the clarity.	The PPN states that this should be a minimum weighting of 10% of the total score.

What training courses are available please?	Easily accessible and engaging introductory training is available by register with the Government Commercial College and taking the 'Social Value for Commercial Success' e-learning course . The Cabinet Office Domestic Policy Team have been providing tailored sessions for departments - these may continue once the guidance is published.
Is the vehicle rental framework live?	Yes. See RM6013 Public Sector Vehicle Hire Solutions, https://www.crowncommercial.gov.uk/agreements/RM6013
Interested in the community benefits, would it be possible to see what questions were asked under your pilot for this area?	Community benefits were not evaluated at framework level, as this would be specific to the individual customer requirements and therefore would be more appropriate to test at call off.
Are there any best practice forums, or communities of practice that non departmental public bodies (NDPB) can join to ensure we are at the forefront of best practice for social value?	CCS is involved in a number of communities of practice on a regional basis, which we would encourage you to join. We would also suggest the National Social Value Task Force .
In my experience, I have been challenged twice by legal firms, who have suggested that requesting social value as part of the procurement process somehow means we breach the Bribery Act? How can we effectively counteract these sorts of claims?	Social Value is not about "asking for favours" in exchange for awarding a contract, more about setting the expectation of all bidding suppliers to go "above and beyond" the core delivery of services, to deliver an additional benefit, be that to the local community, the environment, or otherwise. The key here may be in evaluating suppliers on the merits of their approach to delivering social value alongside your requirement, rather than comparing supplier's offering under social value and awarding more marks to the supplier offering the most in terms of monetary value being delivered. We expect that the Cabinet Office guidance will provide more detail on this when it is published. There is also the broader requirement enshrined in public procurement regulations that evaluation criteria should be transparent.
Can you explain how operationally a contracting body can deliver social value through our frameworks? i.e. at call-off stage	This question has been partly answered in questions 7 and 11 above. However, in it's developing practice CCS intends to make sure that a customer will be able to see a 'golden thread' at call-off that runs right through the contract encompassing framework evaluation, specification, compliance and performance management. We aim to make it straightforward for a customer to be able to include relevant, reasonable and proportionate social value by being able to make a reasonable requirement of a supplier which the supplier will be prepared to meet.
I was wondering if you had specific business to business contact leads or whether discussions are held at category level?	CCS has a business development team which is set up with contacts for each region and sector who can help co-ordinate conversations across multiple categories, however for the most detailed conversations around social value and how it applies to individual agreements, this would need to be with the relevant category team. Contact our Customer Service Centre for further details (Telephone: 0345 410 2222 Email: info@crownccommercial.gov.uk)
Also interested in how the 10 to 20% was split against the 5 areas for social value?	<p>The split was dependent on the relevance of each element to each individual lot - so for example:</p> <p>For Lots 1, 4, 5, 6 & 8, the question on Fair and Inclusive Employment Practices was weighted at 10% of the quality score, and the question on Environmental Sustainability was weighted at 15% of the quality score - a combined total of 15% of the total overall score. Diverse supply chains was included as part of a broader question on Supply Chain management, weighted at 25% of the quality score (15% of total score).</p> <p>For Lots 2, 3 & 7, the question on Fair and Inclusive Employment Practices was weighted at 5% of the quality score, and the question on Environmental Sustainability was weighted at 15% of the quality score - a combined total of 12% of the total overall score. Diverse supply chains was included as part of a broader question on Supply Chain management, weighted at 20% of the quality score (12% of total score).</p> <p>For all lots, suppliers were asked a question "for information only" on Safe and Secure Supply Chains, to give us a benchmark of where the suppliers were up to with regards to known slavery issues in the supply chain, which we could use as a basis for constructive conversations about improving this.</p> <p>Community benefits wasn't tested at framework level as this is more relevant to individual call offs.</p>

<p>Please could you clarify the Vehicle Hire evaluation approach in the award questionnaire - I think benchmarking was mentioned, but also that it was scored and responses were assessed - was this pass/fail, or scores such as 25/50/75 etc?▼</p>	<p>See above. The scoring for evaluated questions was 0/25/50/75/100.</p>
<p>Could you please confirm how mandatory the model is? The Procurement Policy Note (PPN) states that "social value should be explicitly evaluated in all central government procurement, where the requirements are related and proportionate to the subject-matter of the contract". Does the latter end of this sentence mean departments have freedom to not ask about social value at all in procurements?</p>	<p>Our understanding of this is that all above threshold procurements must evaluate for social value, but that this should be done in a way which is proportionate and relevant to the contract. At present we're not aware of any exceptions process. That said, if your procurement falls below threshold - why not seek to include it if possible? We will await the publication of the Cabinet Office guidance for more information on how it applies and/or any exceptions.</p>
<p>Does the PPN 20/06 only cover over OJEU threshold procurements or ALL procurements, irrespective of value?</p>	
<p>PPN 20/06 says social value must be explicitly evaluated where the requirements are related and proportionate. So this means it won't be in all government contracts?▼</p>	
<p>Can we link social value outcomes (and performance by suppliers) on a contract to payments via CCS framework agreements?</p>	<p>In terms of managing performance of the contract and/or performance related payments, this is dependent on what the individual agreement T&Cs state. For example there may be some provision under Service Levels and Service Credits, or there may be penalties/termination clauses built in but this is on an agreement-by-agreement basis.</p>
<p>In terms of ensuring that the supplier performs to the key performance indicators (KPIs) set out , what timelines are set to ensure compliance before termination?</p>	
<p>Would we be able to have a list of social values by category?</p>	<p>At present we would recommend contacting the team covering a particular category. We recognise this could be a useful to customers although we think we will be in a better position to consider it once the requirements of PPN 6/20 have been active for a while.</p>
<p>Main question is how social value will be included within existing frameworks such as Digital Outcomes and Specialists (DOS). Does DOS 5 take this into account and if so would it form part of cultural fit and similarly for other invitation to tenders (ITT), is there a specific section for social value or would just make it part of the technical criteria?</p>	<p>PPN 6/20 states that 'The social value model should be applied to all new procurements from 1 January 2021. There is no requirement to retrofit social value in legacy commercial arrangements. It will be a matter for category teams to decide how to apply social value criteria within the design of their commercial agreements and provide guidance to customers on how this can be applied at call off.</p> <p>We recommend speaking to the DOS category team for further details via our Customer Service Centre info@crownccommercial.gov.uk</p>
<p>Will the tracking of social value delivery be manual - i.e. sending of reports by the supplier to the contract management team for that contract - or will there be the use of some sort of online portal?</p>	<p>We will await the publication of full Cabinet Office guidance on this, but we aim to enable impact reporting at call off level for customers to assist them in capturing value delivered through their agreements.</p>
<p>I am currently undertaking a ITT not via a framework. Can I approach a social value champion at CCS for some guidance on incorporating social value in the evaluation and questions?</p>	<p>The Social Value champions are an internal knowledge and best practice sharing group within CCS, and are not intended to support external customers. If you want to speak to someone from the CCS Commercial Policy team around this subject further, please email info@crownccommercial.gov.uk</p>
<p>I work in the charity sector but am looking to incorporate sooner rather than later and we are teting shortly with a small building project. Any business cases in this area would be great</p>	<p>If you want to speak to someone from the CCS Commercial Policy team around this subject further, please email info@crownccommercial.gov.uk</p>
<p>You mentioned the sustainable development goals, i'd be interested to hear about any thinking you have in relation to these and your procurement processes. Can you also please elaborate on the guidance being made available in November?</p>	<p>The sustainable development goals are a high level set of guiding principles that have emerged from co-operation between states. They are invaluable in helping to create a sense of mission and setting the broad context within which implementation capabilities and appropriate skills are applied. However, the SDGs rely on the dedication and professional skills of procurement practitioners in order that they can create tangible benefits and outcomes. Please refer to question 9 regarding the publication of guidance relating to PPN 6/20.</p>

<p>Also will the social value portal be utilised? I know local government use this fairly routinely for their procurements but will central government?</p>	<p>Useful resources to support the application of social value are becoming more readily available. However we recommend that organisations in scope of PPN 6/20 should in the first instance be guided by the full Cabinet Office guidance when it is published.</p>
<p>We found that when we incorporated social value Themes Outcomes and Measures (TOMS) into our quality section the contractors didn't understand what we were expecting. Is your training ever going to extend to Major Principal Contractors or is this down to us as a client to do?▼</p>	<p>Cabinet Office are considering what options there are for rolling out awareness and training beyond central government practitioners, which may include suppliers and industry bodies. However from a CCS perspective we anticipate that on a procurement-by-procurement basis this will be addressed by supplier and market engagement.</p>
<p>Do you think that the social value agenda will be impacted by the current COVID-19 situation? How would you say this can be overcome to keep it in focus?</p>	<p>The inclusion of Covid-19 recovery is stated as a top-line priority in PPN 6/20. We expect public bodies to want to use social value in helping us bounce back from the impact of the pandemic - be that the social impact, the economic impact, or otherwise. The PPN quite clearly states that evaluation should be relevant and proportionate, and this is in recognition of the risk of creating additional barriers to businesses in the name of including social value - which would be counter-productive.</p> <p>As long as careful market engagement is carried out, to ensure proportionality and relevance to the subject of the contract, and gain buy-in from the market, this shouldn't create barriers, but instead presents a fantastic opportunity to deliver real and positive impacts on a number of levels.</p>
<p>For the call-off social value evaluation question, and the option for a 'Supplier Proposal' question response, is there a risk of this method repeating what was evaluated at the framework evaluation stage, or is the idea that you pick a particular theme from the framework's social value statement and ask for their response only to that, or link their response explicitly to the call-off requirement? (in the vehicle hire framework)</p>	<p>At framework level, we anticipate that the questions will test the supplier organisation - its approach and culture around identifying delivering social value opportunities under the broad priority themes outlined in the specification.</p> <p>At call-off level, the customer would drill down to the specific priorities for them, and the specific delivery of goods/services under that call off, and ask the suppliers to propose options for that specific requirement.</p> <p>This means that while there is a similarity in themes between the framework and call off evaluation, they are different questions, with different requirements for response.</p>