



Crown  
Commercial  
Service

# Language Services

## Customer Guidance Notes RM1092



**Reference:** RM1092

**Start date:** 22 April 2016

**End date:** 21 April 2019

**OJEU contract notice:**  
[2015/S 207-375997](#)

**This guidance is not intended to provide specialised procurement, legal or other professional advice surrounding a particular procurement but to help you use the agreement. In cases where there is high risk, uncertainty or complexity, you are strongly advised to seek the advice from appropriate specialist procurement or legal personnel within your own organisation.**



# About CCS

## How to buy through this framework

These guidelines are a general recommendation of best practice to help you ensure fair competition when writing your specification.

- **What are your timescales?**

Consider how long it will take to write your specification and complete the further competition, and how much time the successful supplier will need tender and set up the service.

- **Should you aggregate your requirements?**

When you carry out a further competition all capable suppliers (e.g. all suppliers on lot 1 or all suppliers on one of either lot 2, 4 or 5) must be invited to participate. Consider whether you can combine smaller requirements, either across your team or over a longer period of time; and ask suppliers to respond to your overall requirement as that may help you get best value.

- **How much should you test the bidders?**

Remember to be proportionate with the size and complexity of your requirements. If you have a non-complex or low value requirement consider the amount of time the suppliers will have to spend preparing their submission, and the amount of time you will need to assess the responses.

## Does your requirement include sensitive or confidential information?

If so, you may wish to protect the information from being released into the public domain. The confidentiality clauses in place within the call-off documentation do not apply until an agreement is signed with the successful agency.

Therefore, you can choose to include an additional layer of confidentiality during the further competition phase, by using a Non-Disclosure Agreement (NDA).

You will need to put your own NDA or confidentiality agreement in place, so speak to your procurement or commercial team as they may already have a template.

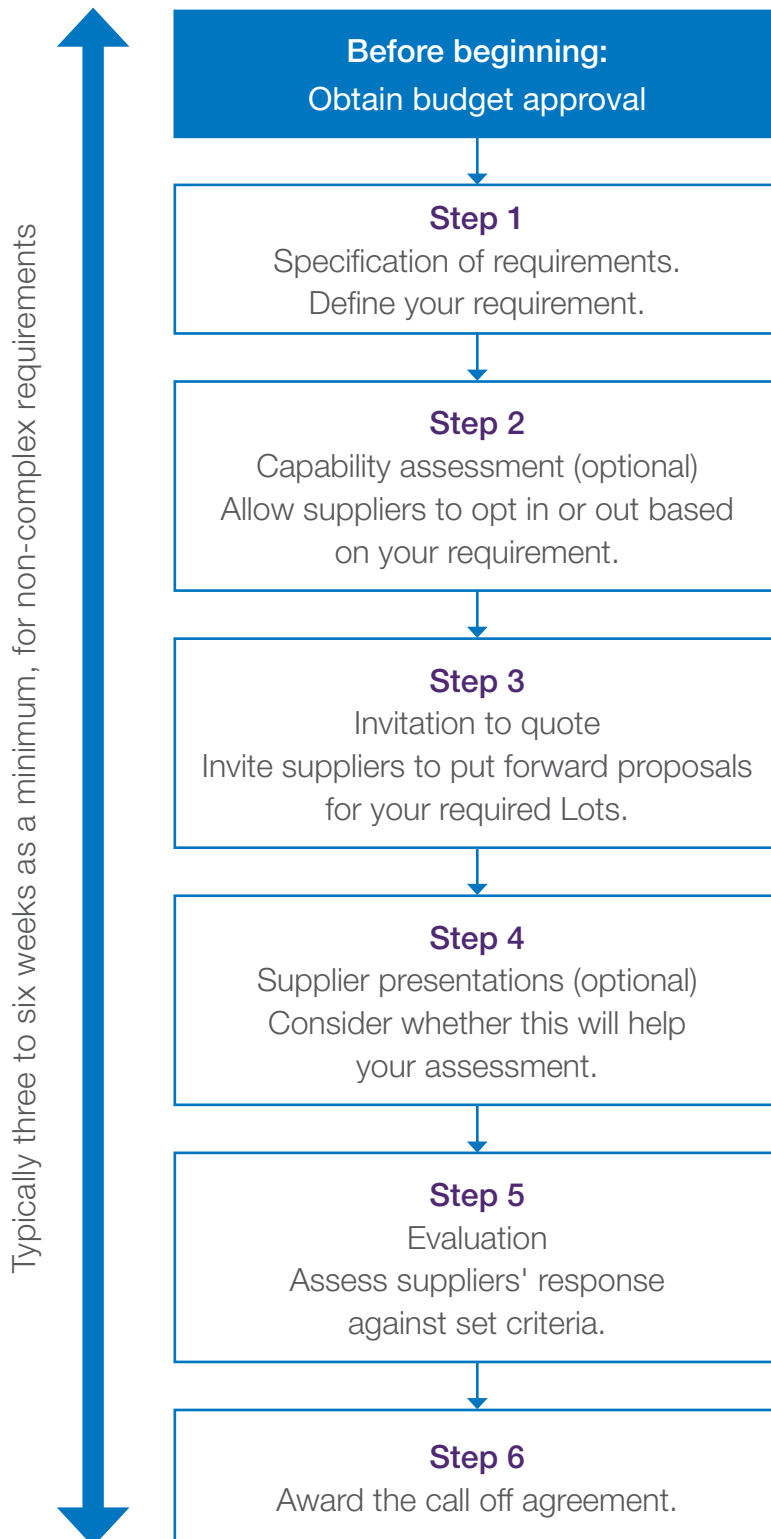
If you issue an NDA, we would recommend that all competing agencies sign and return it before you issue any further documentation.

## The call-off process

The agreement sets out the ordering process (sometimes referred to as 'call-off') with a framework agreement supplier. You must run a further competition before you can place an order (call-off).

The diagram below sets out the process to follow:

Fig 1.



# Step 1:

## Develop Specification of Requirements (brief)

The Specification of Requirements sets out a full and accurate statement of what is required and forms part of the documentation that is sent out to all suppliers when inviting them to quote.

The Specification of Requirements has three main aims:

- To communicate to potential suppliers what you require
- To provide a clear and transparent evaluation criteria for proposals to be measured against.
- Ensure that open competition is achieved.

A good specification should include a clear and concise description of what is required and highlight features that are essential. When developing your specification of requirements you should consider the following areas and include this information within the final document:

- a. Statement of requirements
- b. Identify the best contracting arrangement to use
- c. Project timescales
- d. Equality Impact Assessment
- e. Pricing
- f. Competition timescales
- g. Evaluation criteria and weightings
- h. Evaluation Process
- i. Additional terms and conditions (optional)  
further information on each of these elements is provided below.

### a. Statement of requirements

Before beginning a further competition you need to have a clear and concise description of the products/services that you wish to purchase. Developing a comprehensive statement of requirement (often referred to as a 'brief') at the outset of the project is essential to ensuring overall success in the procurement.

### b. Identify the best contracting arrangement to use

First of all identify the lot(s) which best fit your requirement using the specification and general overview of each lot on the website. We can provide you with guidance but the final decision must be yours.

### c. Project timescales

The Specification of Requirements should clearly present planned timescales for the project, including (where necessary) all known equipment or lead times. This will allow suppliers to consider potential time constraints and factor these into their proposals. You should start with your delivery date, and work your way back, making note of how long each stage of the process will take.

### d. Equality Impact Assessment (EIA)

We have carried out an EIA at the framework level, but because of the many different requirements customers have, an in depth EIA should be carried, by yourself, at call-off level.

When creating an EIA you, and ultimately your supplier(s), must take account of the following, but not limited to and where relevant:

- United Nations Convention on the Rights of Persons with Disabilities 2006
- Care Act 2014
- Health and Social Care Act 2012
- EU Directive 2010/64/EU
- Mental Health Act 1983 Code of Practice
- Human Rights Act 1998
- European Convention for the Protection of Human Rights and Fundamental and Freedoms 1950
- United Nations Convention on the Rights of the Child 1989
- Equality Act 2010
- Data Protection Act 2003

### e. Pricing

#### Grade day rates

Maximum grade hourly/day rates for linguists have been evaluated and agreed with each supplier. These prices are the maximum rates based on an 8 hour working day (excluding breaks) or an hourly rate. Written translation/transcription/ancillary services are priced per unit of delivery. Telephone and video are priced per minute. Rate cards and unit costs can be found in our [eSourcing tool](#) and can be used as pricing models for your further competition and as a benchmark for pricing.

The pricing evaluation must be aligned to the agreement pricing structure, but be specific to your requirements. Suppliers must not exceed the maximum framework agreement rates.

For information on how to do access the eSourcing tool please see the [user guidance](#).

Framework Agreement Schedule 2 provides details of the roles that have been priced at framework agreement level. The quoted price breakdowns you request from suppliers must be based on the units used in the framework rates. You can include additional information about the expectations/ deliverables for each role.

All prices submitted by suppliers should not exceed the maximum rates quoted on the rate cards (unless higher specification has been requested for quality and/or security). If the rates you are quoted exceed these prices please contact the category team at [languageservices@crownccommercial.gov.uk](mailto:languageservices@crownccommercial.gov.uk)

#### Production/other costs

Suppliers are contractually obliged to provide a full and transparent cost breakdown of all aspects of the products and services to be provided,

We recommend that you design a pricing schedule that best fits the cost structure of the overall requirement. The pricing schedule should allow simple price evaluation in an open and fair way.

### Note:

Suppliers are be entitled to recover their travel and subsistence (T&S) costs (outside a 5 mile radius) and should be charged according to your current rates. Travel time cannot be claimed unless previously agreed when making the order.

**f. Competition timescales**

The project timescales must allow sufficient time for potential suppliers to respond.

A reasonable period would be 3-6 weeks, with 3 weeks as the minimum allowed.

The timing should allow a period for clarification questions, where suppliers can ask questions relating to the brief.

The table below is an example of the stages for which outline timescales should be provided to suppliers:

Brief published	Insert date
Clarification question and answer period	Insert start date – insert end date
Response deadline	Insert date
Evaluation	Insert start date – insert end date
Presentation dates (optional) - see step 4	Insert start date – insert end date
Suppliers notified of outcome	Insert date
Contract awarded (after standstill period)	Insert date

**Note:**

In order to support a fair and transparent process all questions and answers during the clarification question and answer period should be recorded and must be shared with ALL bidding suppliers in a written format. It is not advised to hold individual meetings with suppliers once the procurement process has begun; this increases the risk of disadvantaging suppliers as the process is no longer transparent or equal.

These timescales should be clearly set out within the Specification of Requirements.

**g. Evaluation criteria and weightings**

All suppliers have already been evaluated based upon Most Economically Advantageous Tender (MEAT) criteria at a high level. This took account of suppliers’ scores for both quality and price. Your evaluation should focus on a supplier's’ capability and cost in relation to your specific requirement.

Questions such as financial standing, business continuity and previous experience have already been evaluated at agreement level and should not be re-assessed.

The evaluation weightings you will use should be issued upfront and follow what was set out in the agreement:

<b>All Lots</b>	
<b>Quality</b>	70%
<b>Price</b>	30%
<b>Total</b>	<b>100%</b>

**You can vary the ranges by +/- 15% i.e. up to 85% quality/15% price or 55% quality/45% price.**

You must identify your quality criteria for the evaluation; think about the key quality criteria you want to assess and apportion it the highest weighting. It is up to you to decide the overall criteria using the ranges provided. The total percentage of quality and price must be 100%.

You may wish to seek your own internal procurement, communications, or legal advice when selecting the overall criteria and percentage weightings.

**Tip:**

Consider whether the quality criteria you are setting needs to be tested at this stage – has it already been tested by CCS, or is it something that we monitor as part of supplier management (such as financial standing)?



The questions you require suppliers to respond to should also be determined at this stage, although they do not need to be included within the specification of requirements (SoR) document. They should be issued as part of the Request for Proposal (RFP). All questions should be forward looking and not based on previous experience (e.g. “how do you propose to deliver...” instead of “how have you delivered...”) and must allow for an objective assessment. Your SoR should be used to develop the questions in the RFP.

You must also describe how the price assessment (also known as the commercial assessment) will be conducted. For example, you may wish to award the full price weighting to the lowest-priced provider and the subsequent bids could receive a decreased score based on the differential in their pricing. It is up to you to determine how the price assessment will be conducted but it must be made clear to suppliers in the documentation.

If you plan to hold supplier presentations, this process should also be outlined in your tender documentation (see step 4: Supplier Presentations).

## **g. Evaluation Process**

In preparation of the evaluation stage, you should document the process you intend to follow (i.e. who will undertake the evaluation, when this will be carried out, how the ultimate decision to award a call off agreement will be made). This will ensure there is a robust audit trail in place, helping to secure fairness and transparency and reducing the risk of challenge.

The evaluation procedure must be defined prior to the issue of the RFP and should include a documented record of:

- 1.** The criteria against which you will assess the responses.
- 2.** The scores that you will apply to assess how far compliance with each criteria has been achieved.
- 3.** Where appropriate, the weighting methodology which will ensure there is a balance in overall scores that reflects the relative importance of each criteria you are using.
- 4.** The overall basis for determining (based on the criteria, scores and weighting) which supplier response is the most economically advantageous offering. Normally this is the response with the highest overall mark.
- 5.** An indicative timetable for each stage in the further competition process.

It is important to ensure that at all stages of the process you can demonstrate it is being conducted in a fair and transparent manner to all suppliers on the lot(s) you wish to use.

#### **h. Additional terms and conditions required**

You can include additional terms and conditions to the call-off contract, if required. Special terms may be used to clarify, define or redefine existing terms. The application of special terms is subject to the following:

- Special terms may be proposed only by the customer (not the supplier)
- Agreement to special terms may be sought only under the further competition procedure
- Special terms must not be used to substantially alter the framework terms and conditions
- Special terms must be notified in advance to all suppliers involved in the RFP.

#### **Note:**

Changes to the standard terms and conditions may lead to increased costs and lengthen the timescale for the call-off competition, as suppliers will need to assess the implications of the changes. You should therefore only use special terms that are specific to requirements when they are essential.

## Step 2:

### Capability Assessment (optional)

A capability assessment allows you to gauge the appetite for your project, particularly for more complex requirements, and assess whether you have allowed sufficient time for suppliers to respond.

To comply with current procurement regulations you must invite all suppliers within the lot(s) to respond; however, you may find it beneficial to conduct a capability assessment first.

By completing a capability assessment and providing a concise summary of the requirements and the timescales for the project you will be able to ensure that suppliers:

- understand the requirement
- agree that what you are asking for is achievable
- are aware of price expectations
- understand the timescales involved and the necessary resource
- can make an informed decision on whether or not to opt out of the opportunity

The capability assessment can be conducted via our [eSourcing tool](#).

Following the capability assessment you must invite all suppliers who have not opted out to respond to the further competition.

# Step 3:

## Invitation to Quote

You will now have all your documentation ready to issue a request for proposal (RFP).

This begins the formal competitive stage of the further competition procedure.

To ensure compliance with current procurement regulations, you must issue the RFP to ALL capable suppliers within the lot(s), unless suppliers have previously deselected themselves at the capability assessment stage (where this stage has been used).

Details of the procurement process, timeline, award criteria and evaluation procedure must be published to all capable suppliers at the same time the RFP is published.

Your RFP should ask suppliers to provide a response in which they demonstrate how they intend to meet your requirements as set out in the statement of requirements (brief). You will use this information to evaluate which supplier has the most economically advantageous offering and should be awarded a call-off contract.

### Note:

The further competition ordering procedure must not be used to establish a 'mini framework arrangement' that sits beneath the overarching Language Services agreement (i.e. you may not use a further competition to set up a shortlist of appointed suppliers who you might then approach directly for ad hoc requirements).

During the clarification period, if suppliers ask any questions you must make sure that you treat all potential suppliers fairly and equally without discrimination. You must anonymise any questions received, making sure that you do not reveal the identity of the originator, or reveal any potentially commercially sensitive information relating to the originator. You must provide an appropriate response and issue both the question and answer to all participating suppliers, releasing this information to all suppliers at the same time, to ensure fairness and transparency. You may also consider a face to face briefing for the suppliers.

Proposals must remain confidential until the response deadline has expired.

The RFP can be published and suppliers invited to tender via the [eSourcing tool](#). The eSourcing tool is designed to give an auditable approach to this formal stage of the further competition process. It enables you to:

- Respond to supplier clarification questions
- Track bid responses
- Send reminders to bidders
- Communicate to successful and unsuccessful suppliers
- Provide feedback to all parties

For information on how to do this, please refer to the [eSourcing tool user guidance](#).

# Step 4:

## Supplier Presentations (optional)

For complex or very high-value requirements, presentations can be held with all the participating suppliers to offer a platform for any questions you have, in a clear and transparent environment.

Consider the costs to suppliers of preparing pitch presentations, and the costs to you of hosting and evaluating a series of pitches. How do these compare to the value that pitches might add to your further competition process?

The pitch provides the opportunity for face to face dialogue with suppliers as an extension of the evaluation process. Pitches also present an opportunity for you to meet the operational team proposed for the contract, and ask them any specific questions relating to services offered.

Pitches must have clear evaluation criteria, just like a series of written questions would and these should be made known to the suppliers as part of the RFP documentation.

# Step 5:

## Evaluation

After the closing date you will need to evaluate each compliant supplier response in accordance with the evaluation criteria and procedure published in the RFP documentation.

Standard evaluation procedures should always be followed. All information provided by suppliers in their responses must be kept in a secure, locked place, with access strictly controlled and monitored. Our eSourcing tool offers this functionality. For information on how to do this please refer to the [user guidance](#).

It is recommended that, as a minimum, a team of three evaluators should review the responses to support a fair consensus. Responses should not be discussed outside of the evaluation team and pricing information should be treated as commercially sensitive.

You must ensure that you maintain a fully documented audit trail of the results and final award decision, which will be useful for providing feedback to unsuccessful suppliers.

**Tip:** The eSourcing tool can provide an audit trail for your further competition process.

This table provides a high-level example of a scoring matrix that could be used during the evaluation process.

Evaluation Sections	Weighting	Score	Evaluator Comments
<b>1. Technical capability:</b> You may wish to specify a word count if it is a written response	25%		
<b>2. Project Management:</b> You may wish to specify a word count if it is a written response	25%		
<b>3. Relationship Management:</b> You may wish to specify a word count if it is a written response	10%		
<b>4. Price</b> you may wish to issue the rate card model for the agreement	30%		

You should define the appropriate scoring bands to be applied and the questions or sub-criteria that will fall under each headline criterion. Evaluator comments should be objective and link back to the scoring criteria. This information can be used when feeding back the outcome to suppliers.

If a supplier indicates that a material change in its circumstances has taken place since the original framework agreement evaluation, then this may signal that they are no longer fit to participate for your particular procurement. In these circumstances the evaluation board will need to carefully consider whether to exclude the supplier from the procurement process, or to continue, provided that any risks can be mitigated. We should be notified of such instances

# Step 6:

## Award

Following completion of the evaluation process and any required internal approval you can now notify all participating suppliers of the outcome of the RFP.

You should provide written feedback to all participating suppliers, including a full breakdown of their scores against the stated evaluation criteria.

You should consider allowing a standstill period (of 10 days) before awarding the agreement to allow suppliers to request feedback, where necessary.

If you have issued your RFP via our eSourcing tool you can use the system to issue this feedback and manage any clarification questions.


You can now award a call-off contract to the successful supplier.



# Help and advice


If you would like help deciding which service or buying option will best meet your specific needs please get in touch with our category experts:

 **Email: [languageservices@crowcommercial.gov.uk](mailto:languageservices@crowcommercial.gov.uk)**

 **Call: 0345 410 2222**

If you need general advice about using CCS please contact our helpdesk:

 **Email: [info@crowcommercial.gov.uk](mailto:info@crowcommercial.gov.uk)**

 **Call: 0345 410 2222**

 **Visit: [www.gov.uk/ccs](http://www.gov.uk/ccs)**

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