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| FURTHER COMPETITION  LEGAL SERVICES FRAMEWORK – FURTHER COMPETITION  BUILDING SAFETY FUND LEGAL ADVISOR |
| June 2020 v0.1 |

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# PART A – FURTHER COMPETITION INFORMATION

• This section provides information on the required Services Contract.

• Suppliers are required to **READ THIS SECTION** carefully to understand Home England’s requirements.

• This Section **DOES NOT** need to be returned with your completed Bid.

# 1 Introduction

This Further Competition document has been issued by the Authority in connection with a competitive procurement procedure. “Authority” means Homes England (the name adopted by the Homes and Communities Agency) or anyone acting on behalf of Homes England that is seeking to invite suitable Suppliers to participate in this procurement process.

“You”/ “Your” or “Supplier” means the body completing this Further Competition **i.e. the legal entity seeking to provide the required Service and responsible for the information provided.** The ‘Supplier’ is intended to cover any economic operator as defined by the Public Contract Regulations 2015 and could be a registered company; charitable organisation; Voluntary Community and Social Enterprise (VCSE); Special Purpose Vehicle; or other form of entity.

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# 2 Procurement Process

This Further Competition is provided on the same basis to 3 Suppliers on the framework and takes the form of a Further Competition.

No information contained in this Further Competition or in any communication made between Homes England and any Supplier in connection with this Further Competition exercise, shall be relied upon as constituting a contract, agreement or representation that any contract shall be offered in accordance with this Further Competition. Homes England reserves the right to cancel the process at any time.

Under no circumstances shall Homes England incur any liability in respect of this Further Competition or any supporting documentation. Homes England will not reimburse the costs incurred by Suppliers in connection with the preparation and submission of their response to this Further Competition.

Direct or indirect canvassing of any Ministers, public sector employee or agent by any potential bidder concerning this requirement, or any attempt to procure information from any of the above concerning this Further Competition may result in disqualification of the Supplier from consideration for this requirement.

The submissions are to be evaluated against the following pre-determined award criteria.

Part A, Section 14 Evaluation Criteria, sets out the evaluation criteria and scoring methodology on which this Further Competition exercise will be evaluated. Suppliers should refer to this information throughout the completion of ‘Part B: Documents to be Returned’. The Contract will be awarded on the basis of the most economically advantageous tender.

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| **Evaluation Factor** | **Weighting** |
| Price | 40% |
| Quality | 60% |

Please note that Homes England does not bind itself to accept any tender and no expense by a person submitting a tender will be paid for.

## 2.1 Procurement Queries

All requests for further information in respect of the contract must be sent using ProContract. No approach of any kind should be made to any other person within, or associated with, Homes England.

Suppliers should specify in their clarification questions if they wish the clarification to be considered as confidential between themselves and Homes England. Homes England will consider any such request and will either respond on a confidential basis or give the Supplier the right to withdraw the clarification question. If the Supplier does not elect to withdraw the question and Homes England considers any clarification question to be of material significance, both the question and the response will be communicated, in a suitably anonymous form, to all prospective Suppliers who have responded.

All responses received and any communication from Suppliers will be treated in confidence but will be subject to the above.

**Please note all communications during the Further Competition period will be via the ProContract website all bidders that have registered their interest for the Procurement will receive a direct email notification from ProContract on any updates via the suppliers registered email address. It is the Suppliers responsibility to check the ProContract website for any updates to the Procurement process. No claim on the grounds of lack of knowledge of the above-mentioned item will be entertained.**

## 2.2 Submission of Tender

Please refer to the ProContract Portal Advert for the **Deadline for Tender Submission.**

The completed Tender **MUST** be returned using the ProContract Portal, no hard or paper copy’s will be accepted. Suppliers **MUST** ensure that suitable provision is made to ensure that the submission is made on time.

# 3 Instructions and Information

## 3.1 General Information

Suppliers are invited to complete all parts of the enclosed Part B: Documents to be Returned and submit, together with any requested supporting information, by the due date for return.

Submissions must not be accompanied by statements that could be construed as rendering the Submission equivocal and/or placing it on a different footing from other Submissions. Only Submissions submitted without qualification strictly in accordance with the Further Competition documents issued (or subsequently amended by Homes England) will be accepted for consideration. Homes England’s decision on whether, or not, a Submission is acceptable will be final.

The Supplier should check the Further Competition documentation for obvious errors and missing information. Should any such errors or omissions be discovered the Supplier must send a message via the messaging function on ProContract. No alteration may be made to any of the documents attached thereto without the written authorisation of Homes England. If any alterations are made, or if these instructions are not fully complied with, the Submission may be rejected.

Suppliers have been asked to include a single point of contact in their organisation for their response to the Tender Document. Homes England shall not be responsible for contacting the supplier through any route other than ProContract using the nominated contacts.

Suppliers should answer all questions as accurately and concisely as possible in the same order as the questions are presented. Where a question is not relevant to the Suppliers organisation, this should be indicated with an explanation.

Questions must be answered in English.

Failure to provide the required information, make a satisfactory response to the question, or supply documentation referred to in responses, within the specified timescales, may mean that the Submission is not further evaluated.

Suppliers must be explicit and comprehensive in their response to this Further Competition as this will be the single source of information on which responses will be evaluated.

Homes England expressly reserves the right to require Suppliers to provide additional information supplementing or clarifying any of the information provided in response to the requests set out in the Further Competition documents.

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# 4 Scope of Services

**Background**

In the March 2020 budget, the government announced that it will provide £1 billion in 2020 to 2021 to support the remediation of unsafe non-ACM (Aluminium Composite Material) external wall system on residential buildings 18 metres and over in *both the private and social housing sectors*. The fund is aimed at making sure tenants, leaseholders and residents living in buildings covered by the fund are safe and feel safe by remediating unsafe non-ACM external wall systems.

On the 26th May 2020 the government published the Building Safety Fund Prospectus ([The Prospectus for the Building Safety Fund for the Remediation of Non-ACM Cladding Systems](https://gbr01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.gov.uk%2Fguidance%2Fremediation-of-non-acm-buildings&data=02%7C01%7CHarleen.Rehncy%40communities.gov.uk%7Ccbc9e535256d46c63fb008d80172f8f5%7Cbf3468109c7d43dea87224a2ef3995a8%7C0%7C0%7C637260940603786304&sdata=hRwWpaaWhJnUHFVqdeUs6fDMgePceUXc8JxYt8FJVaI%3D&reserved=0)) and requested potential applicants to register for the fund, in advance of the full application process opening by the end of July 2020.

The fund will meet the cost of remediating non-ACM external wall systems where building owners (or other entities legally responsible for making buildings safe) are unable to do so. The fund is not intended to pay the costs of all buildings requiring remediation and will not pay for part claims where warranties are in place for a proportion of the cost. Funds will also not be paid to any applicant who started remediation work on site before 11/3/20 when this fund was announced.

The Ministry of Housing, Communities and Local Government (**MHCLG**) have commissioned Homes England (the Delivery Partner) to manage the application and payment process for the buildings that are outside of London, which is likely to be 200 - 250 buildings.

Homes England require the services of a legal advisor to carry out due diligence on applications for this fund. This work relates to the process once applications have completed the registration process and been approved for technical eligibility. Homes England, along with MHCLG and GLA (Greater London Authority) (who are administering the fund for buildings in London) are working together to design the funding process and an application portal.

The next application stage – via Homes England and its Advisors – launches on the 31st July 2020, so we are procuring advisors to be mobilised, trained and ready to deliver by that time.

The overall fund application process is split into stages as set out below. A draft document setting out the questions being asked of the applicants during the application process (Annex A) is attached along with a draft process flow chart which set out more detail about how this process is intended to work:

**1) Registration:**

Responsible Entities, being persons or organisations that are legally responsible for the repair, condition and safety of an eligible building, are currently being asked to register to the fund via MHCLG. This registration phase will confirm technical eligibility for the fund in principle, based on a technical assessment of the height of the building and an assessment of the non-ACM external wall system. The registration process will remain open until 31st July 2020. Once an application has completed this stage, and is in scope of the fund, Homes England will receive confirmation of this and access to information including the title number of the building (if the applicant knows this) and a red line plan for the building; the external wall system, cost of works, any related legal information already obtained and other technical data.

Homes England and its advisors do not have a role in this part of the process.

**2) First stage application - Legal Eligibility and Pre-Tender Support**

The applicant will then be invited to register their application via Homes England’s portal. At this stage Homes England will check legal eligibility of three things:

1. that the applicant is the Responsible Entity who has the legal responsibility for carrying out the remediation work and the legal right to recharge leaseholders for this work.
2. that there is at least one residential leaseholder who is responsible for paying service charges for the remediation work
3. that the title structure confirms the link between the Responsible Entity and the residential leaseholder

In undertaking this diligence, the legal advisor will be responsible for identifying the title structure (based on a title number if known or the address of the building) and will obtain a single residential lease. The applicant will not be asked to provide leases or title structures in order to save time but these may not be available. The diligence is intended to be completed at pace, and with as little interaction with the applicant as possible, but where this is needed it should be focussed and fast – initially via Homes England. Pragmatic solutions to difficult issues that arise are expected to be provided quickly, in a way that balances risk and pace.   
  
Three levels of diligence have been identified to be undertaken at this first stage. These are extremely important to ensure MHCLG/Homes England is protecting the exchequer, complying with policies and procedures and demonstrating an intent to comply with Managing Public Money. The three levels are as set out below, along with an estimate of the percentage of applications expected at each level:

*Level I: Basic Due Diligence – circa 20% of applications*

These are routine checks simply designed to confirm existing information often limited in detecting and preventing a host of fraudulent activity. It typically consists of checking and confirming self-certified Applicant details, for example legal structure and ownership at the Land Registry or any ownership issues (e.g. administration) at Companies House. All applications will start with these basic checks and only if queries remain would they require further diligence. The legal advisor will work with Homes England at this stage and is not expected to have any interaction with the applicant.

L*evel II: Enhanced Due Diligence - circa 60% of applications*

Supplementing Level I with a deeper screening of other publicly available information if an Applicant’s details are not straight forward. This could involve further investigation, including requesting some information from the applicant or checking information with them, or asking for a view on a situation from other colleagues in order to gain a clear understanding of eligibility. At this level, this interaction with applicants should be relatively limited, with most contact managed via Homes England.

If questions still remain, the situation may further investigation and should be moved into level III.

*Level III: Deep Dive Due Diligence - circa 20% of applications*

This level of check will be required for applications that do not fit the normal fund rules and need a bespoke solution to be identified. For example, where there are dual responsible entities, or where the tribunal is due to make a decision on who manages a building. The legal advisor will need to work pragmatically with the delivery partner, applicant and applicant’s legal representative plus MHCLG to find an acceptable solution to the position, within a reasonable timeframe that meets MHCLG risk appetite.

Due Diligence reports should clearly explain how the evidence has resulted in a clear recommendation and any outstanding issues that have not yet been resolved, and what actions remain to be taken (and who by). In a very small number of exceptions, it may not be possible for the applicant to clearly pass all three tests, and MHCLG may need to make a decision about how to proceed on that basis.

The legal advisors will need to agree with Homes England when to move to the next level of diligence, so that clear records can be kept of numbers of applications in each level, for fee payment purposes.

A due diligence report for each building will be produced for Homes England following completion of the eligibility checks. This will confirm the result of the diligence and confirmation of eligibility. Advisors will not be expected to report until a clear way forward has been identified. These are likely to be:  
  
- reject the application as it does not – and cannot - pass the eligibility check

- approve the application as it passes the eligibility check

- the applicant fails on a test that it cannot pass but where an alternative solution is proposed to MHCLG to consider and determine. This will be done in agreement with Homes England and MHCLG. This will require communications between the legal advisor, Homes England and potentially MHCLG.

Alongside this diligence during first stage applications, the legal advisor will also need to:

* Check Trust Fund deeds related to the account into which MHCLG will pay funding. Applicants are required to provide a CMA certificate or Trust Fund deed for checking (a template for the latter is provided). It is not expected that the legal advisor will check the CMA Certificate. Note this check is not required on Registered Providers.
* Respond to state aid queries for Homes England or the applicant throughout the process. These are likely to be addressed via Homes England but on occasion may require discussions with an applicant or their legal representative.
* Respond to queries on the funding agreement, collateral warranties, and duty of care deeds. A Services of General Economic Interest (SGEI) agreement is also required with registered providers of housing where they own individual units within a private sector block, and you may also need to respond to issues arising on this. The aim is to ensure there are no outstanding issues on these prior to the applicant submitting their second stage application

**3) Second stage application - full costs and works**

One the applicant has tendered the work and has final scope and cost of works, they will submit a second stage application – full costs and works.

During this phase, the legal advisor will need to undertake an assessment of the impact of state aid on the application. These checks include:

- reviewing the state aid declarations received from undertakings to see if any have already received state aid

- undertaking calculations of state aid grant per leaseholder, using the service charge percentages provided by the applicant

- advising on any deductions to grant funding where an economic entity has submitted a state aid declaration and has or will exceed the state aid de minimis threshold

A summary report, per building, detailing the number of state aid declarations received, any issues arising and the impact on grant funding claimed will be required from the legal advisor at the end of this process.

**4) Funding agreement and payment**

Following the application being approved the legal advisor will finalise the funding agreement, engross and send it out with any associated documents for signature. These need to go to the applicant, then Homes England then MHCLG. At present three copies are sent out for signing in consecutive order, but we are considering counterpart signing.

A precedent funding agreement will be agreed by Homes England with MHCLG prior to the fund launch. It is not expected that the legal advisor inputs into this process. It is not expected that these documents will be negotiated on an applicant by applicant basis. However, experience has shown that in a small number of cases, the funding agreement does not fit an applicant’s circumstances and some amendment is required. This may also include negotiation with the applicant and their own representatives/legal advisors. Please allow for this to happen in 10% of cases.

The legal advisor will prepare state aid letters for each undertaking who completed a state aid declaration, advising them of the amount of state aid they have received in relation to this funding.

The legal advisor will manage all the legal documents required for contract close, and provide advice to Homes England, by exception to ensure all conditions precedent requirements have been received.  
  
**5) Practical completion**

At practical completion, a final analysis of the amount of funding is undertaken which may include increases or decreases against the original amount. In that case, the legal advisor may need to recalculate the state aid amounts per leaseholder and prepare final letters for sending to the individual leaseholders who signed a state aid declaration confirming the amount of state aid received in relation to the funding.

**Scale:**

It has been estimated that, for parts of England outside London, there are likely to be between 200 and 250 applicants in scope. Experience in managing the current Private Sector Cladding Remediation Fund has shown that changes to the number of eligible applicants is likely through the life of the project. This may mean a reduction or increase in work. Your tender should reflect the ability to up or downscale this work as required.   
  
Of these, it is estimated that only 5% or less would be RPs who are not subject to CMA and trust fund deed checks and will require an SGEI agreement.

**Delivering the work**

All staff will need to be able to carry out all their work virtually, and from home if required. This includes training on the process, meetings, access to portals and information etc. Work will need to be undertaking flexibly to allow for different working practices and environments across the various stakeholders.

The legal advisor will be required to use the TMS system, and Microsoft Teams.

**Scope of legal work required**

Home England are seeking to appoint a panel law firm to carry out the following actions:-

* 1. The Legal Advisor will undertake legal eligibility due diligence of each application, in accordance with the designed process - as outlined above - to confirm that the applicant is the Relevant Entity for the building and the leasehold interests related to the building meet the required criteria for this fund. This will involve a review of the legal title of the applicant and a review of one occupational lease.   
       
     On completing the checks, the Legal Advisor will produce a report for the Delivery Partner per application– in templated form, to be agreed – recommending to accept or reject an application.   
     A fixed fee per application is requested, by level of the checks being undertaken (I, II or III as set out above).

1. The legal advisor will provide advice and guidance to Homes England on state aid queries raised by the applicant and Homes England, as these arise.

Confirmation of an hourly rate and the related grade for this work is requested.

1. Once the applicant has submitted their full works and costs application, the legal advisor will need to calculate the amount of state aid for each undertaking who has completed a state aid declaration and identify whether the leaseholder is eligible for de minimis state aid and identify any state aid deductions over the de minimis level for leaseholders who have already received state aid in the preceding three year period.   
   A fixed fee per application is requested.
2. Once the application is approved, letters to each of these undertakings will need to be produced to advise of the amount of state aid they have been granted. This will need to be repeated at the end of the project if costs change.   
   A fixed fee per application is requested.
3. The legal advisor will need to work with Homes England to prepare the standard templated legal documents and resolve any queries on, to ensure that they are agreed by the applicant before the second stage application is submitted. These documents include:

- funding agreements

- SGEI funding agreement with RPs who own individual units within a privately owned block

- Collateral Warranties

- Duty of Care Deeds

Any changes to the standard documents need to be set out in a report to and signed off by MHCLG prior to agreement with the applicant.

The legal advisor will need to check Trust Fund deeds related to the account into which MHCLG will pay funding.

The legal adviser will also need to

- Undertake completion formalities (e.g. engrossing and procuring execution and completion of documents).

- All TMS Management issues.

- Provide completed original documents and electronic copies of all completed documents to Homes England’s Deeds Management.

A fixed fee per application is requested, including 2 hrs negotiation time per application at an appropriate level (please state the level)

1. Although considerable work has been undertaken to design the application process, considering and mitigating risks where possible, it is likely that unforeseen circumstances will arise where the Homes England and Legal Advisor will need to work together to determine a solution, which is reported to MHCLG. At that stage, MHCLG may decide to change the process to reflect this situation, and the legal advisor will need to work with Homes England to ensure the process documents are updated accordingly.   
   Confirmation of an hourly rate and the related grade for this work is requested.

**Instructions**

This further competition is being progressed via ProContract. Clarification requests and submission must by ProContract. Submissions must be received by **the deadline shown on ProContract**.

Submissions must include an explanation of their approach and programme, summary of key risks, CVs of key staff and pricing information.

We require a capped fee for the Items described above in the scope. Firms cannot include any assumptions or caveats to their bids.

We require hourly rates for all items to be provided within the pricing schedule.

For all elements, firms must provide an analysis of time (hours, days or part thereof), grade of staff (including names as appropriate) and unit cost (whether daily or hourly rate).

The successful firm will be notified as soon as possible after the tender deadline and provided with the information audit responses.

**Evaluation**

The overall evaluation methodology will be price 40%; quality 60%.

Price submissions will be scored as follows:

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| Bidders Price Score = | Lowest Price | x | 40 |
| Bidders Price |

The lowest total price submitted will score the maximum 40%.

For evaluation purposes “Total Price” = the fixed price for items 1- 8 above ,

The quality evaluation will be completed in line with the methodology detailed in form B3 – Quality and scores allocated as appropriate.

Once the quality evaluation has been completed and scores allocated bidders will be invited to attend interviews for the purposes of understanding bidders quality submission in more detail and seek clarification where necessary. Bidders will be given the opportunity to present the key aspects of their proposals and be asked clarification questions by Homes England staff attending the interviews.

These interviews must be attended by the bidder’s staff who have been identified in their submission and will be delivering the services required by Homes England.

Following the interviews Homes England will revisit the quality scores based on the review of the written responses and reserves the right to update the scores in line with the quality evaluation criteria. Circumstances where the scores could change include responses provided during the interviews which conflict with or fail to corroborate the responses provided in the written submission.

**Important Dates**

TENDERS RETURNED BY noon on Tuesday 30th June 2020.

***A bidder’s day to allow questions will be held on Monday 22nd June 2020 at 2-3.30pm virtually via Microsoft teams. The sessions will be recorded and made available afterwards to all bidders.***

The interviews are scheduled to take place on the Thursday 2nd July 2020 at 10am, 11am and 12pm virtually via Microsoft teams. We will write to confirm this to you.

# 5 The Contract & Administration

The contract for this further competition will use the framework terms from the Homes England Legal Service Framework Lot 2. The submission of a Tender will denote the Suppliers acceptance of an undertaking to comply with the clauses contained in the procurement documentation.

# 6 Quality

A Quality Submission schedule has been provided with this Tender (Form B3), which must be **completed and returned** as part of the tender response.

# 7 Pricing

A pricing schedule has been provided with this Tender (Form B4) which must be completed and returned as part of the tender response. Suppliers are required to bring forward the total price to the Form of Tender contained within Form B5. No alteration may be made to the pricing schedule provided.

# 8 Transparency

This procurement and award of this Contract is subject to the transparency arrangements being adopted by the UK Government. These arrangements include the publication of Further Competition documentation issued by Homes England and the Contract between Homes England and Supplier. Tenderers should highlight any areas they consider commercially sensitive in order for Homes England to be able to honour our transparency obligations without undermining the Suppliers commercial interests. The contract value associated with the successful Submission and the name of the Supplier may be published. As part of the Governments Transparency Agenda, Homes England regularly makes available details of expenditure in excess of £250.00 by Supplier.

# 9 Freedom of Information

Suppliers are advised that Homes England is subject to the Freedom of Information Act 2000 ("The Act"). If a Supplier considers that any of the information provided as part of this procurement procedure should not be disclosed because of its commercial sensitivity, confidential or otherwise, they must, when providing this information, clearly identify the specific information they do not wish to be disclosed and clearly specify the reasons for its sensitivity. Homes England shall take such statements into consideration in the event that it receives a request pursuant to the Act which relates to the information provided by the interested party. Please note, it is insufficient to include a statement of confidentiality encompassing all the information provided in the response.

# 10 Bribery and Corruption

Homes England takes a zero-tolerance approach to bribery and corruption and sets high standards of impartiality, integrity and objectivity in relation to the stewardship of public funds and the management of its activities. The principles contained within this policy apply to both internal and external audiences, including anyone wishing to undertake business or engage with Homes England. Please refer to our [Anti-bribery and Corruption Policy](https://www.gov.uk/government/publications/anti-bribery-and-corruption-policy) for further information.

# 14 Evaluation Criteria

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| **RELATING TO PART B, FORM B2 – SUITABILITY ASSESSMENT** | | | | |
| * All Suppliers are required to complete the Suitability Assessment. * Criteria for Evaluation are Pass or Fail. * The Suitability Assessment will be evaluated first. If a Supplier ‘fails’ any element of the Suitability Assessment, then further Quality and Price submissions **will not** be evaluated. * Scoring from the Suitability Assessment will not be taken forward to the ‘Overall Score’, this will be based on ‘Quality and Price’. | | | | **Scoring methodology:**  Pass – all information/documentation provided  Fail – major information requirements missing  If any part is left incomplete the section will be marked as Fail |
| **Section** | **Title** | **Assessment** | **Evaluation Guidance** | |
| **Part 1 Supplier Information** | | | | |
| 1.1 | Contact Details | Pass/Fail | Pass – all information/documentation provided  Fail – major information requirements missing  If any part is left incomplete the section may be marked as Fail. If the question is not applicable, please mark your response as “N/A” and provide a brief explanation. | |

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| **RELATING TO PART B, FORM B3 - QUALITY** | | | |
| Quality will account for 60**%** of the Overall Score.  **Your submission will be deemed a fail if you score 0 or 1 for any one quality criteria question. As a consequence your pricing will not be scored.**  The following scoring methodology will apply:  **5 – Excellent** Satisfies the requirement and demonstrates exceptional understanding and evidence in their ability/proposed methodology to deliver a solution for the required supplies/services. Response identifies factors that will offer potential added value, with evidence to support the response.  **4 – Good** Satisfies the requirement with minor additional benefits. Above average demonstration by the Tenderer of the understanding and evidence in their ability/proposed methodology to deliver a solution for the required supplies/services. Response identifies factors that will offer potential added value, with evidence to support the response.  **3 – Acceptable** Satisfies the requirement. Demonstration by the Tenderer of the understanding and evidence in their ability/proposed methodology to deliver a solution for the required supplies/services.  **2 - Minor Reservations** Satisfies the requirement with minor reservations. Some minor reservations of the Tenderer's understanding and proposed methodology, with limited evidence to support the response.  **1 - Serious Reservations/Non compliant** Satisfies the requirement with major reservations. Major reservations of the Tenderer's understanding and proposed methodology, with little or no evidence to support the response.  **0 - Unacceptable/Non compliant** Does not meet the requirement. Does not comply and/or insufficient information provided to demonstrate that the Tenderer has the understanding or suitable methodology, with little or no evidence to support the response.  **Any text beyond the specified page limits below will be ignored and will not be evaluated.**  *Evaluator’s will initially work independently. Once they have competed their independent marking they will meet to discuss, understand and moderate any difference in the marks they have awarded via a consensus meeting, where a single consensus score for each question will be agreed***.** | | | |
| **Number** | **Criteria** | **Demonstrated by** | **Weighting** |
| 1 | Understanding of the process and requirements of the Building Safety Fund application process, and the risks and issues that might arise.  (maximum of three sides of A4, Arial font 11) | * Provide commentary on the process * Identification and analysis of risks and issues that may arise and potential mitigation | 10% |
| 2 | Comment on and detail how would you deal with resolving complex eligibility issues pragmatically and at pace. (maximum of three sides of A4, Arial font 11) | * Provide commentary on state aid as it relates to this project and explanation of the complexities involved * Detailed analysis of issues and potential mitigation | 10% |
| 3 | This process has been designed and tested as far as is practicable prior to ‘go live’. As a result, changes are likely during the life of the project. Explain your approach to working flexibly and supportively with the Delivery Partner to ensure the fund is delivered at pace in these circumstances. (maximum of three sides of A4, Arial font 11) | * Explanation of approach and working practice * Analysis of possible impact of change * Consideration of impact on pricing and how this can be managed. | 10% |
| 4 | Ability to provide a specific, suitable and dedicated staff resource with the ability to provide a timely response to ensure delivery of the services required within the specified timescales. Staff should be trained and mobilised ready for launch on 31/7/20.  (maximum of one side of A4, Arial Font 11) | * Comprehensive detail of a specific, suitable and dedicated resource with the ability to provide a timely response to ensure delivery of the services required within the specified timescales. * Consideration given to the different disciplines that may be required across the various subject matters or areas of law required by this contract. CVs of key staff who will deliver this requirement (CV’s should be appended separately and are not included in the page count). | 10% |
| 5 | In the current climate, the legal advisor’s work needs to be able to be delivered flexibly and virtually. This includes training of staff and others, meetings with stakeholders, production and engrossment of legal documents.  Describe your approach to ensuring service continuity under continued or enhanced lockdown.  (maximum of one side of A4, Arial Font 11) | * Detail of how staff are supported to work from home – technology; supervision; training; meetings etc * Details of quality assurance and control * Practicalities of document production and management and how that would work; plus sending, receiving and scanning signed documents * Examples of how this works now, and for complex cases. | 10% |
| 6. | Homes England is one of two delivery partners, with GLA being the other. Both partners, and their legal advisors need to ensure they run the same funding application process. Explain how you would ensure that any changes required to the process or documents are identified, agreed and put in place in this context?  (maximum of two sides of A4, Arial Font 11) | * Pragmatic approach to problem solving, with multiple stakeholders using real examples, preferably with government * Practical skills regarding process and document updating and version control * Negotiation and diplomacy skills in supporting the process to obtain the right solution for all parties * Understanding of the issues and what the important factors are – user journey; MHCLG risk appetite; fairness and equality; practical solutions. | 10% |

|  |  |  |
| --- | --- | --- |
| **RELATING TO PART B, FORM B4 – PRICING SCHEDULE** | | |
| Price will account for 60% of the Overall Score. The lowest price will gain the maximum marks with other prices expressed as a proportion of the best score using the maths explained in the worked example below.  The contract will be awarded on the basis of the overall most economically advantageous tender submitted to Homes England. | | |
| **Criteria** | **Demonstrated by** | **Weighting** |
| Capped fee per schedule items 1-9 on page 10-11 above. | * Completed Form B4/Pricing Schedule | 40% |
| Hourly rates  For all elements, firms must an analysis of time (hours, days or part thereof), grade of staff (including names as appropriate) and unit cost (whether daily or hourly rate). | * Completed Form B4/Pricing Schedule, attached as a separate spreadsheet |

**Worked Example**

**How your Quality score will be used to give a weighted score (note, weightings are different here)**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Bidder** | **Question** | **Score out of 5** | **Weighting** | **Weighting Multiplier** | **Weighted Score** |
| Supplier A | 1 | 3 | 10% | 2 | 6 |
| 2 | 1 | 20% | 4 | FAIL |
| 3 | 3 | 10% | 2 | 6 |
| Supplier B | 1 | 5 | 10% | 2 | 10 |
| 2 | 4 | 20% | 4 | 16 |
| 3 | 3 | 10% | 2 | 6 |
| Supplier C | 1 | 3 | 10% | 2 | 6 |
| 2 | 2 | 20% | 4 | 8 |
| 3 | 3 | 10% | 2 | 6 |

**Worked example of how your price will be used to calculate a score**

|  |  |  |  |
| --- | --- | --- | --- |
| **Bidder** | **Form of Tender price** | **Lowest price/Supplier’s price (as %)** | **Price Score (out of 60)** |
| Supplier A | Not applicable | Not applicable | FAIL |
| Supplier B | 700 | 350/700 = 50% | 50%\*50 = 30 |
| Supplier C | 350 | 350/350 = 100% | 100%\*50 = 60 |

**Worked example of Overall Score and Ranking**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Bidder** | **Total Quality Score** | **Price Score** | **Total Score** | **Ranked Position** |
| Supplier A | FAIL | Not applicable | Not applicable | Not applicable |
| Supplier B | 32 | 30 | 62 | 2 |
| Supplier C | 20 | 60 | 80 | 1 |

# PART B – INVITATION TO TENDER SUBMISSION (DOCUMENTS TO BE RETURNED)

The Supplier **MUST RETURN ALL DOCUMENTS** within the following section as part of their Tender response.

|  |  |
| --- | --- |
| **Full name of the Supplier completing the Tender** |  |

*[This page has intentionally been left blank for two sided printing]*

# Supplier Information

### Section 1.1: Contact Details

Supplier contact details for enquires Homes England may have about this suitability assessment.

|  |  |  |
| --- | --- | --- |
|  | **Question** | **Response** |
| 1.3(a) | Contact name |  |
| 1.3(b) | Name of organisation |  |
| 1.3(c) | Role in organisation |  |
| 1.3(d) | Phone number |  |
| 1.3(e) | E-mail address |  |
| 1.3(f) | Postal address |  |

## 

# Template for Appendices

|  |  |
| --- | --- |
| **Appendix Number** |  |
| **Suitability/Assessment Section** |  |
| **Question number** |  |
|  | |

# Form B3 Quality Submission

To enable Homes England to evaluate the quality element of the Award Criteria, we require Suppliers to provide a response to the delivery of the Scope of Services outlined in Section 4.

Suppliers **should refer to Section 14 Evaluation Criteria, contained within Part A** of this document for the relevant weightings and page limits for each question and also the scoring methodology to be used within the evaluation.

|  |
| --- |
| 1. [insert Question] |

|  |
| --- |
| 1. [insert Question] |

|  |
| --- |
| 1. [insert Question] |

|  |
| --- |
| 1. [insert Question] |

|  |
| --- |
| 1. [insert Question] |

|  |
| --- |
| 1. [insert Question] |

# Form B4 Pricing Schedule

The completed Form B4 Pricing Schedule should be returned as part of the Tender Return.

Total price must be carried forward to the Form of Tender within Form B5.

*See separate pricing document.*

# 