

A guide for suppliers

# How to do business with The Pensions Regulator

## **About this guide**

The guidance in this document is intended to be informative and useful. It should not be taken as a statement of the law and suppliers should take their own legal advice as necessary. In issuing this guidance, The Pensions Regulator does not commit to enter into any contract with individual businesses or group of companies.

## Contents

	page
Our vision	3
Foreword	4
Top ten tips on how to tender	5
Introduction	6
Executive summary	7
Legal guidelines	9
Tendering	11
Evaluation criteria	12
Appendix 1: Useful websites	15
Appendix 2: Framework directory	16
Appendix 3: Supplier information	17
How to contact us	back cover

## Our vision

We strive to be a strong, agile, fair and efficient regulator and a well-informed and pragmatic thought leader. Through this we seek to gain the respect of employers, trustees, our partners and other stakeholders.

Together with our partners, we will create better outcomes in later life for workplace savers, drive up standards of trusteeship and improve savers' understanding of their situation.

We will make The Pensions Regulator (TPR) a great place to work and do all we can to support our people to reach their full potential.

## Foreword

Welcome to our suppliers' guide to doing business with us. At TPR, we are committed to making sure that the services we procure provide the best value for our levy and tax payers. This guide will help you position your organisation to work with us to achieve this.

We are a non-departmental public body based in Brighton with approximately 600 members of staff. Our procurement team is responsible for the sourcing, procurement and management of contracts. As with all government bodies we have to comply with European and UK government legislation when procuring goods and services, and to ensure fairness, transparency and equality are upheld. Our exit from the European Union may have an impact on our obligations in the longer term, but this guide is based on the current position which is unlikely to change until details of the terms of the UK's exit are announced.

We therefore aim to support our suppliers by providing help and guidance – including the top ten tips on how to tender which follows this Foreword. In turn, we look to our suppliers to support us in achieving our statutory objectives and our vision by demonstrating:

- ▶ value for money for our levy and tax payers
- ▶ flexibility, including identifying opportunities to join up supply chains
- ▶ continuous improvements
- ▶ high standards of service delivery and customer care
- ▶ sustainable solutions that reduce our environmental impact
- ▶ compliance with the Data Protection Act and relevant UK legislation

Through working as partners at every stage of the procurement cycle, we will each achieve a mutually beneficial return on investment.



### **Helen Aston**

Executive Director of Finance and Operations,  
The Pensions Regulator

# Top ten tips on how to tender

## 1. Read the documents

Read the documentation carefully and make sure that you fully understand what is being asked of you. If there is anything that you don't understand, you can ask clarification questions via our e-Sourcing portal.

## 2. Do you want this contract? Can you do it?

Read the specification and make sure that you want to tender for the goods or services and that you can meet the requirements. Remember that your tender is a formal legal offer.

## 3. Provide all the information requested

Ensure that you supply all information requested, and follow the instructions. Incomplete or overly brief applications will not score well. Double check you've included everything in advance of the deadline.

## 4. Keep information to hand

Keep copies of certificates, policies, insurance documents etc together to save time locating and copying them while you are writing your tender.

## 5. Complete and return

Ensure you return your documents by the deadline and plan ahead to make sure you meet it. Tenders may not be accepted if they are uploaded late.

## 6. Tell us the features and sell the benefits of your company/organisation

Think about what you can offer that adds value or provides unique or innovative solutions.

## 7. Keep to the point

Don't include publicity and/or extraneous information in your submission unless requested. It won't be evaluated and will only increase the time spent processing your tender.

## 8. Costing your tender

Be clear in your pricing schedule and state any assumptions you might have made, such as resources needed, timescales etc. Under the restricted procedure, there is very little scope for amending prices once your tender has been submitted, or after contract award.

## 9. Communication

When submitting a tender via our e-Sourcing portal, clarification questions will automatically go to the person registered on the system so if they go on holiday make sure someone else has access to their mailbox.

## 10. Presentation

A clearly presented and well-written tender, cross-referenced if requested, is much easier to understand and evaluate.

## Introduction

This guide provides information on how to compete for contracts and the rules and regulations that need to be followed. It underlines our commitment to:

- ▶ support and encourage all suppliers, including SMEs
- ▶ ensuring Value for Money (VfM) in all aspects of procurement
- ▶ promote transparency
- ▶ make efficiency savings
- ▶ use sustainable solutions

The procurement process is underpinned by our commitment to best value when appointing suppliers, contractors, and consultants. We support suppliers by using standardised procedures and documentation to ensure transparency, fairness and equality.

To help you, we will aim to:

- ▶ publish all open tender opportunities greater than £10k on Contracts Finder
- ▶ publicise all tender opportunities greater than £106,074 using the Official Journal of the European Union (OJEU).
- ▶ write tender documents in plain English
- ▶ set realistic timetables for tender submissions
- ▶ provide clear criteria on how we select our suppliers
- ▶ make our contracts as clear as possible using plain English and avoiding jargon

## Executive summary

This executive summary has been created to provide an 'at a glance' guide of how to do business with TPR.

## Procurement opportunities and frameworks

TPR is required to use public sector framework agreements as a first port of call for all procurement requirements. Some local and central government frameworks are open to us, but the most widely used frameworks are those set up by the Crown Commercial Service (CCS). If, however, the procurement requirement cannot be met via these routes, only then can we go out to the open market.

If we procure via the open market we will advertise opportunities on the government's Contracts Finder portal. We would therefore recommend that you register on Contracts Finder for opportunity alerts, and to ensure you are participating in national frameworks.

## Market engagement

Occasionally we will work with suppliers through a market engagement process. You may have been identified through a framework agreement or already be known to us. In this case, we'll invite you along to our office in Brighton and explain our requirements or proposed options. We encourage you to ask questions and let us know about current market developments. We may need to ask you to sign a confidentiality agreement in order to participate in this process.

## Tender process

We publicise procurement opportunities by issuing an Invitation to Tender (ITT) or Request for Quotation (RFQ). Competitions will always be run via our **e-Sourcing portal**. This involves registering for full details, asking questions and submitting a tender.

During the procurement process, we may ask you to deliver a presentation or to clarify your proposals; again this is an opportunity for you to clearly articulate what you can offer.

ITTs and RFQs will be evaluated on a most economically advantageous tender (MEAT) basis. A direct award can sometimes be made through some frameworks against lowest cost if we consider this appropriate. On award, all suppliers will receive feedback on their bids in the form of written notification – we can also provide face-to-face feedback if preferred.

Executive summary continued...

## **Contract management**

We manage all contracts with a varying level of interaction with suppliers depending on the nature of the contract. Strategic contracts will be monitored on a monthly or quarterly basis with supplier meetings normally held in Brighton. Management of non-strategic contracts takes place half-yearly or annually as appropriate.

## **End of contract**

As a contract approaches its end we review the contract history and outcome. If there is an option to extend the contract we may review with the supplier to agree to an extension period in line with the original contract or framework agreement if this fits within our business requirements. If the contract no longer fulfils the business needs, or we decide to revisit the market to ensure VfM is being achieved, we'll let you know and end the contract.

## Legal guidelines

TPR has a duty to procure in an open, fair and transparent way. This includes:

- ▶ providing an auditable framework under which we tender for goods and services
- ▶ ensuring 'best value' in all business transactions
- ▶ complying with law governing managing public money
- ▶ complying with the Cabinet Office controls

All public sector bodies must comply with EU Law when purchasing. EU Law has been written into UK law and the current legal framework is set out in detail in the Public Procurement Policy. The Procurement Regulations apply to different commodities over certain values, and the thresholds are reviewed every two years. At present, the thresholds that apply to TPR are as follows:

### Public contracts regulations from 1 January 2016-31 December 2017

	Supplies	Services	Works	Light touch regime
Central government bodies	£106,047	£106,047	£4,104,394	£589,148
Other public sector contracting authorities	£164,176	£164,176	£4,104,394	£589,148

### Utilities contracts regulations from 1 January 2016-31 December 2017

	Supplies	Services	Works
Central government bodies	£328,352	£328,352	£4,104,394

All above-threshold requirements are either procured via a public sector framework or following advertisement in the Official Journal of the EU (OJEU). The OJEU process is designed to ensure compliance with the Procurement Regulations. When following this process, we are required to stick to a specific timetable, and to conduct the competition in line with established rules.

Below these thresholds, we are still required to adhere to fairness and transparency in the way we procure goods, services and supplies. We employ the following internal processes to comply with our obligations and to ensure value for money:

▶ **£0-£10k**

For approved spend up to £10k, further competition under a public sector framework or dynamic purchasing system (DPS) will be run to purchase goods or services. Where a framework or DPS is not available we will obtain at least three comparable quotes to ensure all bidders are given the same opportunity to bid for the product or service required, and will keep these quotes for at least six years.

▶ **£10k-£106,074**

The procurement team will ensure the most appropriate tender procedure is used. This may mean a further competition under a public sector framework, issuing tender documents via our e-Sourcing portal or, if no framework is available, an open tender route by advertising the opportunity on Contracts Finder.

Alternatively, we may:

- ▶ consult with other public bodies and regulators for collaborative opportunities
- ▶ create bespoke framework agreements for niche services delivered to TPR, which will require a further competition before a call-off contract is awarded (unless a direct award procedure is permitted)
- ▶ invite a minimum of three suppliers in the market to register on our e-Sourcing portal and issue tender documents
- ▶ in exceptional circumstances and where permitted by law to do so, award a contract to a single supplier under our single tender action process (this requires full internal approval and is subject to rigorous scrutiny)

# Tendering

Tender documents will be available to download from our e-Sourcing portal, once you are registered (registration is only required once), and you have expressed interest, or been invited to participate. These documents will include:

- ▶ a timetable detailing when tenders should be submitted
- ▶ guidance on how to complete and upload your response
- ▶ performance standards and the outcomes expected
- ▶ schedule of rates/pricing document where all prices should be entered
- ▶ terms and conditions of contract which set out the legal framework and the obligations of both parties
- ▶ quality requirements
- ▶ questions on how the services will be provided, which may include requests for supporting documentation relating to your experience, and/or references to help us evaluate the quality of the bid
- ▶ tender evaluation criteria and methodology which advises how the tender submission will be evaluated and the contract awarded

For help and understanding how to use the **e-Sourcing portal**, the helpdesk (managed by BravoSolutions) is available to all suppliers.

Please be aware that you must follow the instructions given on the **e-Sourcing portal**. Failure to do so may prevent us from considering your tender.

Tenders are all opened at the same time through a secure auditable electronic process after the tender return date. Once the tender documents have been opened, they are circulated to the evaluation panel. If you fail to supply your tender documents by the specified deadline, you may be excluded from the evaluation process. For further tips on how to improve your chances of being successful, see our top ten tips on how to tender.

## Do's and Don'ts

Do...	Don't...
provide all details and signatures requested	contact anyone at TPR except the contact named in the tender documents and ensure this is via the portal, unless instructed otherwise
ensure you can supply the goods and services we need as per the specification	expect any special treatment, all tenders are treated equally
provide all information requested in your response even if you are an existing supplier	ask for a special meeting to discuss your bid during the tendering process as all tenderers must have equivalent rights and access to information
provide all relevant contact details	forget to ask for debriefing if your bid is not successful
return your tender by the deadline: late tenders may not be considered	be discouraged about being considered for further work if your tender fails

## Evaluation criteria

Tender bids are evaluated on the basis of:

- ▶ Most
- ▶ Economically
- ▶ Advantageous
- ▶ Tender

normally known as MEAT.

This takes account of price, quality and whole life costing. The evaluation criteria will be available in the ITT. If your bid meets all the criteria and offers us the best value for money, you will be awarded the contract.

The contract is awarded as soon as possible after the evaluation period. We send an email with a supporting letter to successful and unsuccessful tenderers with the offer of a full debrief.

## Debriefing

We aim to ensure, within the constraints of confidentiality, that suppliers are made aware of the reasons why their bid was not successful on request. Our objective is to comment constructively on the strengths and weaknesses of your bid to enable you to better compete for future work. We also encourage comment about any aspects of the tender process that were unclear or that required you to go to considerable efforts.

Evaluation criteria continued...

## Approved supplier lists

It is not our policy to use approved supplier lists. Each requirement is treated separately.

## How to find the opportunities

Goods and services contracts valued in excess of £106,074 are advertised in the OJEU. This value is reviewed every two years and the next review is due on January 2018. We will also advertise all contracts on our e-Sourcing portal. Additionally open tenders over £10k are advertised via the Contracts Finder website.

You can find a list of websites and useful contacts to help you find more opportunities in Appendix 2.

## Contract compliance

All awarded contracts will be monitored in order to:

- ▶ ensure satisfactory performance of the contracted supplier and compliance with the contract
- ▶ ensure resolution of any disputes arising during the contract and
- ▶ develop relationships with suppliers with the objective of producing continual improvements in contracts

## Opportunities for SMEs, BAMEs and VCS

It is our policy to encourage small and medium enterprises (SMEs), Black, Asian and minority ethnic organisations (BAMEs) and voluntary and community sector organisations (VCS) to bid for our contracts, and work with larger suppliers to subcontract to such organisations. Our aim is to further enhance opportunities for these organisations wherever possible, while maintaining our commitment to value for money and the need to treat all companies fairly.

Our initiatives to help SMEs, BAMEs and VCS include:

- ▶ streamlining of procedures and documentation
- ▶ paying invoices promptly
- ▶ use of approved quality standards
- ▶ increased awareness of procurement activity
- ▶ use of government portals to advertise opportunities

Evaluation criteria continued...

## **Equalities and diversity**

We strongly support equal opportunities and equal access. We may ask tenderers for details on how equality and diversity issues are included in your employee practices.

## **Sustainability**

We are committed to reducing our impact on the environment by improving the environmental performance of our operations. This is done by procuring goods, services and works that have minimal environmental impact and by disposing of waste in an environmentally friendly way. More information is shown in Appendix 3.

## **Complaints procedure**

If you have a complaint about unfair treatment or discrimination that cannot be resolved through the contract manager, please write to the head of procurement via: [aprocurement@tpr.gov.uk](mailto:aprocurement@tpr.gov.uk)

## Appendix 1: Useful websites

### Contracts Finder

This website offers guidance and direct access to current and future public sector tender opportunities over £10k.

<https://www.contractsfinder.service.gov.uk/Search>

### Crown Commercial Service

An executive agency of the Cabinet Office providing a range of procurement services for the public sector. These include catalogues and frameworks for pre-tendered goods and services in categories; being included in one of these will increase your visibility with the public sector as the catalogues are widely used by central government and local authorities.

<https://www.gov.uk/government/publications/ccs-overview>

### Equality and Human Rights Commission

The commission has a statutory remit to promote and monitor human rights; and to protect, enforce and promote equality across the nine 'protected' grounds. They provide information to ensure public sector bodies meet their equality duties when they carry out procurement, within EU rules, best value and other UK laws and policies.

<https://www.equalityhumanrights.com/en>

## Appendix 2: Framework directory

There are a number of different bodies that have set up framework agreements through which we may procure suppliers. These include, but are not limited to, the bodies listed in the table below.

Framework provider	Website	Contact details
Crown Commercial Service (CCS)	<a href="http://ccs-agreements.cabinetoffice.gov.uk/">http://ccs-agreements.cabinetoffice.gov.uk/</a>	info@crowncommercial.gov.uk 0345 410 2222
Eastern Shires Purchasing Organisation	<a href="https://www.espo.org/frameworks">https://www.espo.org/frameworks</a>	<a href="https://www.espo.org/Contact">https://www.espo.org/Contact</a> 0116 265 7878
Yorkshire Purchasing Organisation	<a href="https://www.ypo.co.uk">https://www.ypo.co.uk</a>	<a href="https://www.ypo.co.uk/contact">https://www.ypo.co.uk/contact</a> 01924 834 926
Fusion 21	<a href="http://www.fusion21.co.uk/procurement/framework-index/">http://www.fusion21.co.uk/procurement/framework-index/</a>	mailto:info@fusion21.co.uk 0845 308 2321
National Health Service (NHS)	<a href="https://my.supplychain.nhs.uk/Catalogue/contract">https://my.supplychain.nhs.uk/Catalogue/contract</a>	<a href="https://www.supplychain.nhs.uk/contact/">https://www.supplychain.nhs.uk/contact/</a>
NHS London Procurement Partnership	<a href="http://www.lpp.nhs.uk/frameworks/">http://www.lpp.nhs.uk/frameworks/</a>	lpp.comms@nhs.net 020 7188 6680
Health Trust Europe	<a href="http://www.healthtrusteurope.com/portfolios/corporate-portfolio/">http://www.healthtrusteurope.com/portfolios/corporate-portfolio/</a>	helpdesk@healthtrusteurope.com 0845 887 5000

## Appendix 3: Supplier information

### Financial assessment

We may ask you to supply your last two to three years of audited accounts. This must be a full set of accounts, including a profit and loss statement, the balance sheet and all notes to accompany the accounts. The accounts should also include the auditor's report and the director's report, if applicable.

### Insurance

We may ask you to enclose copies of relevant insurance documents to prove that you have the necessary cover, including public liability, employers' liability and where appropriate professional indemnity.

### Health and safety

All suppliers are required to comply with the duties set out in the Health and Safety at Work Act 1974 and associated legislation, and we may ask you to give us a copy of your company policy.

### Equality and diversity

We are committed to equal opportunities for all, regardless of race, colour, religion, ethnicity, gender, family status, sexual orientation, disability or age, and will promote equality in the procurement of goods, works and services.

We may ask you to confirm that you comply with the Equality Act 2010, Sex Discrimination Act 1975, the Equal Pay Act 1970, the Disability Discrimination Act 1995, the Race Relations Act 1976, the Race Relations Amendment Act 2000 and any related codes of practice. We may also ask if you have a policy on equal opportunities and may request evidence of this during the procurement process.

### Technical assessments – reference sites and referees

We may undertake a technical assessment to assess your experience and ability to provide goods and services. We may also ask to carry out a site visit as part of the procurement process, or before we award the contract.

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## Environmental management

We look to minimise the effect that purchasing has on the environment.  
We may ask what action you take to:

- ▶ ensure materials used are from sustainable managed sources
- ▶ ensure that materials and products have been processed in a way that causes minimum damage to the environment
- ▶ increase the proportion of products used which have been made from recycled materials
- ▶ ensure any surplus of waste material is disposed of in a way that causes minimum damage to the environment
- ▶ reduce waste production and increase the proportion of materials re-used and recycled
- ▶ discourage car use and eliminate unnecessary motor vehicle trips
- ▶ reduce fuel consumption
- ▶ reduce the use of energy
- ▶ increase the proportion of energy used from renewable sources
- ▶ reduce water use and increase the proportion of water re-used
- ▶ protect natural resources and green spaces
- ▶ reduce air and water pollution
- ▶ reduce noise and light pollution
- ▶ provide details of environmental management systems and/or environmental standards achieved

## How to contact us

[aprocurement@tpr.gov.uk](mailto:aprocurement@tpr.gov.uk)  
[www.tpr.gov.uk](http://www.tpr.gov.uk)

## How to do business with The Pensions Regulator

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