



**Regional Operations &  
Service Development Division**  
Age Concern England

**A guide to Success at Tenders:  
tips and pointers for Age Concerns**

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## 1. Introduction

Age Concerns are at very different stages in terms of their experiences of tendering, particularly under the EU regulations in place since 2006. Some now have extensive experiences – of both winning and losing bids; others have yet to submit their first formal tender.

This Guide is for all Age Concerns whether already involved or interested in tendering for contracts with public sector commissioners. It has been written using information gleaned from a number of Age Concerns about their recent tendering experiences for services such as:

- LINKs
- Handyperson schemes
- Day care
- Advocacy services
- Specialist dementia care.

This in-depth information was drawn from telephone interviews and the sharing of tender documents, as well as desk research. We are very grateful for the time and trouble taken by staff at:

- AC Essex
- AC Islington
- AC Nottingham & Nottinghamshire
- AC Oxfordshire
- AC Preston & South Ribble
- AC Sheffield
- AC South Staffordshire
- AC Wiltshire

in helping to shape and inform this Guide.

This Guide is not a definitive statement of the law; rather, it provides ideas, shares Age Concerns' experiences, and highlights useful documents.

This Guide has been written by Lorna Eastbrook, Independent Consultant.

## 2. Brief background to tenders and contracts

Age Concern England's 2007 paper, *Tendering Networks – Age Concerns' experiences of tendering*, sets out the recent background to current tendering arrangements. In particular, it explores the implications for Age Concerns of the EU Public Procurement Directive, set out for the UK in THE PUBLIC CONTRACT REGULATIONS SI 2006 No. 5.

In January 2008, this Directive was amended by the Public Contracts and Utilities Contracts (Amendment) Regulations 2007 (SI 2007 No. 3542). This changed the thresholds at which the EU directive applies. With effect from January 2008, the new amounts are:

	<u>Supplies</u>	<u>Services</u>	<u>Works</u>
Central Government authorities	£90,319	£90,319*	£3,497,313
Other public authorities	£139,893	£139,893	£3,497,313

*\*Except for Part B services, where the threshold is £139,893*

Service contracts are divided into two categories - Part A and Part B. Part B services include leisure, legal, social services and healthcare, educational and vocational services (Part A examples include computer support, engineering, and market research – see *Tendering networks*, as above). Most of the tenders of interest to Age Concerns will come under Part B services. This means that any Part B tender above the £139,893 threshold must comply with the requirements of the EU directive.

**It is important to note that these figures are lower than the sums previously in place since January 2006. These figures are changed every 2 years; the next threshold figures will come into effect in January 2010.**

Public sector procurement comes under the Office for Government Commerce – [www.ogc.gov.uk](http://www.ogc.gov.uk). This is a comprehensive website, with details of the legal framework for procurement in the UK, policies and standards, and template and model documents. You may find their March 2008 publication, *EU Procurement Guidance – introduction to the procurement rules*, helpful - [www.ogc.gov.uk/documents/Introduction\\_to\\_the\\_EU\\_rules.pdf](http://www.ogc.gov.uk/documents/Introduction_to_the_EU_rules.pdf)

In particular, the above publication highlights the four ways in which public authorities can procure services (through open or closed tenders, through a new competitive dialogue procedure, or through a negotiated procedure). It also sets out a ruling from the European Commission regarding post-tender negotiations, and other helpful details.

For tenders below the EU threshold, the principles of: non-discrimination, equal treatment, transparency, mutual recognition and proportionality, still apply. The OGC

advise that some degree of advertising will likely be needed to demonstrate transparency, but this should be appropriate to the scale of the contract.

Many local authorities use their own tender procedure for contracts below EU thresholds; but these must be based on the above principles, and the procedures should be publicly available.

The European Commission has published an Interpretive Communication outlining how recent rulings by the European Court of Justice affect procurement below EU thresholds. This can be seen (in English) at:

[http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c\\_179/c\\_17920060801en00020007.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_179/c_17920060801en00020007.pdf).

Although the above all apply to the NHS as well as local councils, Annex D of the 2008-2009 NHS Operating Framework also sets out principles and rules for co-operation and competition in relation to procurement by NHS bodies. This information can be downloaded at:

[www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_081098](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_081098).

In addition, the Department of Health is currently working to produce a PCT Procurement Guide for Health Services (this is not yet available); a set of documents for PCTs to use for procurement of primary care locally is currently available to download at:

[www.dh.gov.uk/en/Procurementandproposals/Procurement/ProcurementatPCTs/DH\\_081031#\\_16](http://www.dh.gov.uk/en/Procurementandproposals/Procurement/ProcurementatPCTs/DH_081031#_16).

### **3. Finding out about tenders**

There are three main routes to finding out about tenders:

- By invitation
- Publications
- Specialist websites

The first route is self-explanatory; with the second, likely sources could include national publications (such as *The Guardian*, or *Community Care* magazine) as well as local newspapers. Such adverts might be placed at any time; but if you have good relationships with local service commissioners you may be well aware in advance of likely dates for tender details to be published.

The Official Journal of the European Union (OJEU) contains details of those public sector tenders (NHS and local authority) that are above the current EU thresholds.

There are rules in the EU Directive as to how far ahead of closing dates for submissions, adverts should be placed.

There are also some specialist websites with which Age Concerns can register, that alert you (generally by email) to new tender opportunities. You may be charged a fee for such a service.

Examples used by Age Concerns include:

- [www.supply2.gov.uk](http://www.supply2.gov.uk) – this features a wide variety of public sector contracts on offer for sums both above and below £100,000. You can register free by location for tenders worth less than £100,000 and receive email alerts for these in your chosen regional area.
- TED – Tenders Direct ([www.tendersdirect.co.uk](http://www.tendersdirect.co.uk)) charge for their service (currently £750 pa). They provide a more tailored approach based on details of your specific interests, and aim to alert you to such opportunities as they arise. They will also send you Contract Award notices. TED holds information on tenders for health care (including NHS contracts); social/community services; and domestic services, amongst other categories.

Age Concern England does not specifically recommend either of these providers and others exist in the marketplace.

Some local authorities have their own websites on which they publish their tenders. For example, for Nottinghamshire County (and City) Councils, tender details are posted at [www.sourcenottinghamshire.co.uk](http://www.sourcenottinghamshire.co.uk). Your local council may have similar arrangements.

Primary Care Trusts also publish details of tenders on their websites, often on a specific Commissioning web page.

Age Concern England is hoping to establish an arrangement with Tendering for Care, to include an ongoing search of such websites, and an alert system that notifies Age Concerns of tendering opportunities.

#### **4. Being a 'preferred provider'**

Local authorities originally developed 'preferred provider' arrangements from the mid-1990s for residential and nursing home care, to help ease the placing of spot contracts. Such arrangements ensured that providers were already known to, and their services (and costs) already accepted by, the local council, in advance of any residents becoming eligible for statutory funding.

In some areas such 'preferred provider' arrangements have been extended to other services, including for domiciliary care. The aim of such schemes has been to raise standards, and often included requirements for training and skills of staff. One example of this is the scheme run by Lancashire County Council, details of which can be seen at [www.lancashire.gov.uk/social-services/contracts/preferred-providers/](http://www.lancashire.gov.uk/social-services/contracts/preferred-providers/).

If you are part of a similar scheme, you may want to ask the Contracts or Procurement teams how this affects any applications you may make for new tenders.

## **5. Local commissioning decisions**

Age Concerns have often developed good working relationships with commissioners over many years, particularly within local authority social services departments. It has become common in many areas for such commissioners and Age Concern staff frequently to find themselves co-members of local forums, advisory groups and other bodies, at which meeting older people's needs are the focus of discussion. Through these routes alone, Age Concerns are often able to influence the development of services, including some of the details that will inevitably form the background for commissioning and the writing of some tender documents. In other words, you may already hold valuable insights into what is expected.

In some areas, Age Concerns have worked in close partnership with statutory agencies and others and developed very detailed ideas as to what is required, for whom, and why. In addition, some local councils run open meetings, perhaps called 'engagement meetings' at which interested parties are invited to attend for a presentation and to ask questions about future developments and intentions: such meetings can provide useful background when tenders are subsequently announced.

It is important to note that the Government does not expect (nor does the EU directive require) public sector funding to the voluntary (or third) sector always to take the form of contracts and formal tenders. The full range of grant support should also be considered. In some areas, local authorities and the PCT have yet to move towards much formal tendering involving the third sector; in others, even services worth less than £10,000 are being routinely put out to tender. This latter especially does not appear to meet overall expectations on proportionality; and there may be good grounds to work with the authority and challenge the continuation of this local commissioning strategy. [In addition, the State of the Sector Panel Survey - see [www.cabinetoffice.gov.uk/third\\_sector/Research\\_and\\_statistics/third\\_sector\\_research/state\\_of\\_sector.aspx](http://www.cabinetoffice.gov.uk/third_sector/Research_and_statistics/third_sector_research/state_of_sector.aspx) - run by the Office of the Third Sector, is interested to receive feedback on commissioning and procurement experiences, and is looking for new members from amongst third sector organisations.]

The Office of the Third Sector has set out eight principles of good commissioning for public authorities to apply to third sector organisations:

1. Engage with third sector organisations to help understand the needs of users and communities
2. Consult potential provider organisations well in advance of commissioning new services
3. Put outcomes for users at the heart of the strategic planning process
4. Map the fullest practical range of providers
5. Consider investing in the capacity of the provider base – particularly with hard-to-reach groups
6. Ensure contracting processes are transparent and fair
7. Ensure long term contracts and risk sharing, wherever appropriate
8. Seek feedback from services users, communities and providers to review the effectiveness of the commissioning process in meeting needs.

A report published in February 2008 (*Evaluation of the National Programme for Third Sector Commissioning*, Office of the Third Sector/I&DeA) found that there is still a long way to go before these principles are embedded fully in commissioning policies and procurement procedures.

Working to influence tender specifications may not, however, translate into successful applications. Indeed, playing a part to influence the development of new services may put Age Concerns under greater pressure to perform well at the tender stage. It may be helpful in such circumstances to think through early on where an unsuccessful tender may leave the organisation in terms of these ongoing working relationships.

One problem, however, is that whilst there may be good relationships with commissioners, there may be little or no working history between Age Concerns and the relevant public sector Procurement and/or Contracts Teams. This reflects some of the findings of the Third Sector Commissioning Task Force (Department of Health, 2006), and its recommendations that public authorities need to gain better understanding of this sector, but this may still be causing problems locally - particularly at later stages of the tender process.

## **6. The Compact and the tender process**

Local Compacts should set out how to involve the third sector in many aspects of commissioning. The *Funding and Procurement Compact Code of Good Practice* sets out a number of important elements in terms of tenders, including that there should be at least three months' notice given between deciding to award a contract and the expected date for new provision to begin (with this possibly extended for smaller organisations); and that feedback on the reasons for decisions should be given.

The status of the Compact was arguably given a boost as being a 'commitment of intent', part of the ruling given in the High Court over a challenge brought by a service user against Cumbria County Council.

During 2008-2009, the Commission for the Compact will begin reviewing the Compact and its Codes; these remain current in the meantime.

## 7. Deciding to bid

It is important to think through the implications of bidding for particular contracts. On the one hand, there is the very real need to bring in funding, and the equally real desire to provide high quality appropriate support for older people locally. On the other hand, and depending on the circumstances of the tender, a successful bid may have significant implications for the whole of the organisation. For example, current management systems may need to be restructured in order to accommodate new responsibilities. Each time a decision to submit a bid is taken, then, there are some quick critical issues it may be helpful to consider:

- Where will this bid leave the organisation if it is successful?
- Where will it be if unsuccessful?
- Is not bidding better or worse for the organisation than bidding in terms of, for example, local reputation and staffing issues over the short- and medium-terms?
- Where is the organisation headed in the longer term - will this bid fit within those aims/goals?

Finally, it is essential to be absolutely certain that you want to bid for this specific service. In other words, the service specification needs to set out two possibilities – it is for a service that you want to provide, and the service is expected to be delivered in a way that you believe is appropriate and sustainable.

## 8. Bidding in partnership or consortia

Following the publication in October 2007 of *Report on cross boundary working for Age Concern, the federation*, in January 2008 *Good practice guidance on collaboration in tendering and service delivery* was also published online. The latter sets out the federation's support for building working relationships and cooperation between Members; explains how any disagreement is to be managed; and lists resources to aid collaborative working.

Critical aspects to successful partnerships include starting to talk together at the earliest opportunity; start from scratch in terms of information-sharing, even if you

think you know about each other's organisations; find ways to build confidence in each other as professionals.

The timescales within which tenders must be completed can, however, be very short. This creates difficulties for successful joint bidding. One option then might be to identify future opportunities and start to develop any joint working potential early on. For example, if your local council or PCT has decided to move to contracting for particular services in 2-3 years' time, now may be an opportune moment to begin the background work with other organisations with the specific aim to jointly bid at that future time.

NCVO has published a range of guides for voluntary sector organisations interested in jointly delivering public sector service contracts. These include *Consortia delivery of public services*; and *Joint working for public service delivery*. Both are available to download from [www.ncvo-vol.org.uk/collaborativeworkingunit/](http://www.ncvo-vol.org.uk/collaborativeworkingunit/)

## 9. Three stages of procurement

There are three key stages in the EU procurement process, for each of which strict criteria have to be followed:

1. Specification stage – how requirements are set out
2. Selection (or rejection) of candidates
3. Awarding of the contract.

Everyone applying for the same tender should be subject to the same process.

The selection stage is often called 'Expressions of Interest'. It is likely to involve completing a Pre Qualifying Questionnaire. This is the stage at which applicants can be rejected if:

- They are unsuitable because of bankruptcy or they have committed certain offences
- They are not economically or financially sound
- They are not adequately equipped to do the job or their track record is unsatisfactory.

## 10. Pre Qualifying Questionnaires (PQQs)

This is sometimes also called an Expression of Interest form. It is intended to assess your suitability to submit a tender.

The Office of Government Commerce has produced a model PQQ for tenders below EU thresholds ([www.ogc.gov.uk/tools\\_services\\_pqq\\_4728.asp](http://www.ogc.gov.uk/tools_services_pqq_4728.asp)), including guides on completing and evaluating this document. The PQQ asks for details such as:

- financial information (eg annual turnover)
- details of your insurance cover
- a description of your business, plus information about staff employed
- whether your organisation has Health and Safety, and Equal Opportunity policies
- whether you hold ISO 9001 (Box 1)
- contact details of three referees
- declarations as to whether anyone involved in the organisation has committed certain acts (such as – grave misconduct; failure to pay taxes; convicted of a criminal offence related to business conduct).

There has been some work recently carried out amongst the Regional Centres of Excellence, to develop a model PQQ for tenders above EU thresholds (for example, see the work to harmonise contract documents carried out by the North East Centre for Excellence - [www.nece.gov.uk](http://www.nece.gov.uk)).

This PQQ also asks:

- whether you hold ISO 14001 (Box 1)
- more detailed questions about delivering areas of responsibility within the organisation.

#### Box 1. ISO 9001 and 14001

A growing number of Age Concerns hold these ISOs. ISO 9001 is a quality management system – for example, it covers general organisation and governance, as well as management issues such as Investors in People.

ISO 14001 sets standards for environmental management systems, and covers policies on recycling, carbon emissions and – for rural areas – foot and mouth issues.

Many PQQs require that organisations hold at least ISO 9001, if not both ISOs; not holding these might mean not qualifying for the subsequent tender stage.

## 11. Types of tender

It is up to the public authority whether to choose to offer open or restricted (closed) tenders. An open tender means that everyone who expresses an interest is provided with a full copy of the invitation to tender. A closed tender means inviting a pre-selected list of suppliers to submit their expression of interest. At least 5 participants applying under a closed tender must then be selected to proceed to the tender stage.

Public bodies can also choose two other types of tender. A *competitive dialogue procedure* can be used in a complex procurement where the authority does not consider that either the closed or open procedures will allow a contract to be awarded. The competitive dialogue procedure allows authorities to enter into a dialogue with potential bidders before seeking final tenders from them.

A *negotiated procedure* allows an authority to select one or more potential bidders with whom to negotiate the terms of the contract – an advertisement in the OJEU (Official Journal of the European Union) is usually required. This might be used when the contract could only be carried out by a particular bidder (for example, for artistic reasons, an organisation might wish to commission a specific piece of art from a particular artist – only that artist would be invited to submit a bid since only he or she would produce his or her works of art).

Age Concerns are likely to come across only open or closed tenders.

## 12. Asking questions

It is perfectly possible to ask questions regarding the specification, and any other details of the tender – information on how to do this, and within what timescales, should be included as part of the tender pack. Do be aware that, under EU rules, your questions and the reply you receive must be shared with any other bidders. You may want to bear this in mind when phrasing your question.

Equally, any question asked by another potential bidder will be shared with you. As well as giving you further information, it will tell you who else is bidding – and might serve to give you a hint as to their initial thoughts.

### 13. USP – standing out for the right reasons

All Age Concerns know what their Unique Selling Points are, and the added value they offer such as:

- being well established
- being trusted and liked by older people and other stakeholders
- in depth local knowledge
- in depth understanding of older people's needs and wishes
- good at monitoring services and reporting to funders
- good support infrastructure such as training and finance
- experience of delivering popular services within budget
- experience of innovation and developing new responses to what local older people say they need
- engagement and empowerment of service users and groups in the community
- support to access other services – including knowledge of and entitlement to other local opportunities offered by other (statutory and non-statutory) organisations
- provision of information and advice on needs not directly covered by the contract.

There will be other factors.

If you are bidding for a service you have not provided before, it is important to highlight the relevant experience that you *do* have. One way to do this is to break the new service down into its critical elements and look at which of these you already have some kind of experience of providing. If there is nothing that you can think that comes close to what you are now bidding for, use other aspects: for example, if this is new to you, that you are experienced in delivering new, innovative solutions (give examples) and that this has taught you the key factors to achieving success in new ventures are – whatever they are. A good analogy is to think of it as a job application that would be a promotion – you haven't got all the experience yet but you have a strong background in many of the key elements.

The same principle applies if you are bidding as part of a new consortium or other group – emphasise the experience you do have.

Where you are competing with larger (perhaps national or private sector) organisations, they may see this tender as a 'loss leader' that will enable them to get a foot in the door in your area (or with a particular type of service). This may mean they will undercut you on price. There is little you can do to prevent other organisations behaving in this way; what you might do is instead concentrate on the positive aspects of your costs and again highlight your USP. For example, you might

want to consider saying that the cost of your tender represents the actual cost of delivering the service; that you will not be cross-subsidising this service from other sources of funding because you respect that each budget should be spent in the way intended. There will be other examples.

## **14. Completing the tender**

There are very few standard sections that you can write and then re-use for other bids (the exception is likely to be the answer to 'describe the work of your organisation' – although even here, you need to make sure this is up to date).

This means that every bid is a completely new piece of work. Do not underestimate how long these bids take – even for Age Concerns that are highly experienced in bidding for larger services you may easily be looking to spend the equivalent, across colleagues, of 10-15 full days' work for each tender. But smaller sums may still involve a large number of days' input in total.

Sometimes the tender packs aren't ready when they are supposed to be shared. If this happens, ask if the submission dates and the dates for starting the service can also be changed accordingly.

A good way to start completing the tender is to divide up the tender document amongst relevant colleagues (such as finance), giving clear timescales for replying to the lead – the one person who takes overall responsibility for pulling the bid together, and acts as the lead throughout the process.

Sometimes authorities state how they will be awarding marks to each section of the bid. This may give you a good starting point as to where to concentrate your efforts, but it is still important that every section is completed thoroughly.

Read everything that has been sent with the tender application before starting. Often the most useful of details (a figure, a date) is relatively hidden away – perhaps in the preamble. Or, there may be something about the overall strategy that will tell you about the intention behind the service tender (Box 2).

## Box 2. Outcomes

Increasingly, authorities are looking to set outcomes in tenders and contracts, as opposed to outputs, such as the number of people supported by a service.

In its July 2007 consultation on Health and Social Care Outcomes and Accountability Framework (2008-09 to 2010-11), the Department of Health identified three overall outcomes:

**Better health and well-being for all:** helping people stay healthy and well, empowering people to live independently and tackling health inequalities

**Better care for all:** the best possible health and social care, offering safe and effective services, when and where help is needed and empowering people in their choices;

**Better value for all:** delivering affordable, efficient and sustainable services, contributing to the wider economy and nation

The White Paper, *Our Health our care our say*, highlighted 5 outcomes for health (H) care and seven for social care (S):

- S1. Improved health and emotional well-being
- S2. Improved quality of life
- S3. Making a positive contribution
- S4. Increased choice and control
- S5. Freedom from discrimination and harassment
- S6. Economic well-being
- S7. Maintain personal dignity and respect

- H1. Promoting health and well being
- H2. Responsive and accessible care
- H3. Effective and efficient care
- H4. Safe and high quality care
- H5. Equitable

The South East Day Services Development Programme recently published a *Day Services Toolkit*. This contains examples of existing work by Age Concerns on outcomes, and details of outcome measurements being used for Age Concern day services, based on the Department of Health's 7 social care outcomes.

If there are word limits to sections you must stick to these. You will find the more you do, the more adept you become at finding shorter words and sentences, and using bullet points. Tailor the information you are providing so that it is always relevant to the service for which you are bidding. Use the authority's own words and phrases – you can often pick up critical themes from other meetings and documents that may well be available if you use a word search on their website.

It is really important that you do not assume that those reading the tender know anything about you, your team, your Age Concern or about any of your work. Make sure that everything is explained – for example, if one of your services has an unusual name, include a brief explanation of what this is.

One reason that completing bids is so labour-intensive is because you may be asked to submit multiple applications. For example, one Age Concern submitted a bid for LINKs to cover: just the city; just the county and not the city; both the city and county. This is particularly onerous in terms of working out not just staffing and costs for the different permutations of this tender, but also internal discussions about where these different possibilities might leave the Age Concern in terms of overall management structure and future development.

Sometimes authorities will tell you in advance what the budget is, sometimes not. There are guidelines that cover whether or not a public authority is obliged to disclose the budget available for a tender (these can be downloaded at: [www.ogc.gov.uk/documents/Disclosure of Budgets in the Course of Procurement .pdf](http://www.ogc.gov.uk/documents/Disclosure_of_Budgets_in_the_Course_of_Procurement.pdf)).

The broad rule of thumb is that if a budget is to be disclosed, it must be disclosed to all parties expressing an interest. Reasons for sharing budgets include where it is a fixed sum with no possibility of any increase; reasons for not disclosing include where there is a degree of flexibility with the possibility of any maximum sum being extended for outstanding solutions.

Where the bid is to deliver statutory services, a minimum of Full Cost Recovery should be paid to the third sector. ACEVO (the Association of Chief of Voluntary Organisations) has produced a Full Cost Recovery model for the voluntary sector, which can be downloaded free of charge from [www.fullcostrecovery.org.uk/](http://www.fullcostrecovery.org.uk/).

The price you submit is, however, a major issue. For EU contracts over the threshold levels, the public authority either has to award a contract on the basis of 'lowest price', or use various criteria for deciding the 'most economically advantageous tender (MEAT)'. The UK Government's view is that MEAT should be used.

Make sure your costings include costs to do with lead-in times - especially if you will have to order and pay for equipment before clients can start to receive the service. Similarly, be certain that you really can deliver what you are bidding for – find out from suppliers how quickly they might be able to get things to you, and work out your recruitment timescales carefully. If you could not deliver the service by the timescale given in the tender details, it is worth saying in the bid that a later date (that you specify) would mean a smoother start although you could in any case achieve x (say what this is) by their start date.

The worst that can happen is that they say no; the worst for you is that you succeed in obtaining a contract that you then can't initially deliver. You should also be clear how the authority intends to pay the contract, and how you will need to manage the flow of funds.

Finally, identify one person who proof reads the bid at the end, both to pick up any grammatical mistakes, and to ensure that all the information adds up – for example, that the same information is used for the same element in different sections. Put all your relevant documents (such as any certificates) as appendices. If you are handing in a hard copy, put these in a clearly marked folder. Then make sure someone checks (and checks again) that all the instructions connected with the tender have been followed, before the application is submitted.

## **15. Ways of submitting a tender**

There are two ways you may be asked to submit a tender – online, and by hard copy.

Submitting online may make it easier for the authority but you will likely have to do exactly the same amount of work as if you were submitting a hard copy. You need to be sufficiently confident about using the technology, and allow enough time to do so. Some authorities will expect you to register first that you will be submitting on line. One of the things that worry Age Concerns is that you do not necessarily receive an acknowledgement to say that your application has been received.

Whether you are submitting online or a hard copy (by post, or hand) it is absolutely essential that you follow every last detail of the instructions. For example, if submitting by post, there must be nothing on the envelope (such as a franking mark) to identify who the tender is from.

You must make sure you have included everything that has been asked for, in the manner asked for i.e. if documents are to be added as Appendices, that these are clearly labelled and in the correct order. It is well worth asking another member of staff who has not been so involved in drawing up the tender to check, and then double check, that the contents are complete and the bid is being submitted as required.

## **16. Presentations**

Authorities take quite different approaches to presentations. In some cases, only the top two candidates/bidders will be invited to give a presentation. For others, there will be no presentation or there may be more of an interview with a panel.

Presentation may not account for a large number of the overall marks awarded to tenders, but they have in some cases made all the difference between a successful

tender, and coming second – especially if you are very close to another organisation's marks at this final stage.

There are some useful questions to ask before preparing your presentation, such as how many people (and whom) will be present; room size; technical requirements.

It can be a good idea to take hard copies of everything you have provided in your tender to give to those who will be at the presentation. Appendices and copies of (for example) any relevant certificates can also be given out but you might want to put these into separate folders. Sharing this information helps to remind those present of your application and, done well, will also add to the overall sense of professionalism.

It is absolutely essential that you practice your presentation. You are likely to have a time limit so you and any colleagues need to be absolutely precise with your timings and what each of you is going to say. Follow a script if this helps you. Talking to visual aids is a good idea, if these enhance what you are saying. PowerPoint presentations that simply list what you are in any case saying are not necessarily very engaging.

You may not have a complete say over who has to be involved in the presentation. Some authorities will expect you to bring one of your Trustees or Management Committee members. If appropriate to the tender and presentation, you might want to include older people in some way, but you may need to clear it with the authority first if you want to bring additional people with you. If you do so, make sure they have a clear and active role to play; indeed, make sure anyone coming with you has a clear role. Introduce yourselves succinctly (and in a way that makes sense to people who don't know about your structure); make sure you have rehearsed how to neatly hand over to another colleague; and ensure that at least one of the team is sufficiently well briefed to be able to answer broad questions about the Age Concern as an organisation, as well as about local issues and needs and how what you are proposing fits in with local, regional and national priorities.

Some Age Concerns have received less flattering feedback on their presentations when competing with national organisations that are using a specialist team to present on these occasions. You could use part of the presentation to emphasise again your USP – for example, that the people delivering your presentation will also be involved in some way in delivering the actual tender. In other words, emphasise that what they are seeing and hearing from Age Concern is a very real part of what they will be getting if you are successful.

Even if you know the people to whom you are presenting extremely well, treat the occasion as if nobody knows about your work. This does not mean providing a 3 hour lecture, rather it is about not assuming that everybody already knows your work sufficiently well.

If you are nervous, remember some of the key tricks to successful public speaking (whether to small or large groups) include: speaking clearly; trying to slow your speech down so you don't gabble; don't shout; don't whisper; look at the people to whom you are speaking rather than over their heads or at the floor, but don't fix on one person for too long or they – and you – will feel uncomfortable. As well as the message you are trying to convey, the tone and the atmosphere that you create will also leave an important impression.

## 17. Post tender negotiations

Dealing with the Procurement and Contracts teams continues to cause problems for some Age Concerns. Where there may be good, long-standing relationships with commissioners, often Procurement and Contracts teams have no knowledge of Age Concerns' work, track record, or about older people's issues and needs – and this becomes apparent when teams decide to enter into post tender negotiations.

Post tender negotiations have to:

- be conducted within the scope of the EU Procurement Directive
- follow a controlled and documented process
- have a clear audit trail.

Post tender negotiation can only take place after formal bids have been received and before contracts have been awarded, with those organisations submitting tender(s) offering the best value for money. The aim should be to obtain an improvement in content – but not if this puts the other bidders at a disadvantage, distorts competition or adversely affects trust in the competitive tendering process.

Further details about post tender negotiations can be downloaded from:

[www.ogc.gov.uk/briefings\\_post\\_tender\\_negotiation.asp](http://www.ogc.gov.uk/briefings_post_tender_negotiation.asp).

## 18. If you are unsuccessful

If the tender was for more than the EU threshold limit, there is a mandatory 10 days' stand still between communicating the contract award decision to all bidders, and entering into a binding contractual agreement. The guidance on this can be found at: [www.ogc.gov.uk/documents/10day\\_Mandatory\\_Standstill\\_Period.pdf](http://www.ogc.gov.uk/documents/10day_Mandatory_Standstill_Period.pdf). This allows for unsuccessful bidders to challenge the decision, if they believe the contract has been awarded unfairly.

It is expected that a new Remedies Directive will be implemented in the UK by the end of 2009. This is likely to state that the stand still period will not have to apply to Part B services if below the threshold limit – but, if it does not, an effective review procedure would have to be in place instead. Such a directive is likely also to cover situations where a contracting authority has failed to abide by the tender processes it has published and shared with tenderers, or where it has not acted 'in good faith'.

This could mean giving UK Courts powers to overturn contracts even when they have been entered into.

Aside from challenging the decision, you can ask for and receive feedback. You should ask for the scores; these may be given to you as percentages, as points, or in terms of where you came on each section relative to other bidders (for example, first, second etc). The feedback cannot tell you why another organisation was successful – you will only receive comment on your application.

It is important to recognise there may have been nothing you could have done to win a particular tender. The successful organisation may have been able to offer something you could not – for example, holding electrical installation and master craftsmen certificates for a Handyman scheme, where you did not.

You may have lost on cost. If you are competing with larger (particularly national) organisations, they may be able to offer economies of scale for centralised aspects such as training and finance that you would not be able to match.

It is entirely possible that a public authority may decide not to award the contract.

## 19. Contracts

A new standard NHS Contract for acute services was published with the NHS Operating Framework for 2008/09 and was introduced in April 2008. The Department of Health intends to develop similar standard NHS contracts for Mental Health, Ambulance and Community Services, with these being mandatory from April 2009. As part of the work of the Third Sector Commissioning Task Force, in 2006 the Department of Health drew up a standard contract for social care services: [http://icn.csip.org.uk/library/Report\\_of\\_3rd\\_sector\\_task\\_force\\_part\\_2.pdf](http://icn.csip.org.uk/library/Report_of_3rd_sector_task_force_part_2.pdf)

## 20. Implementing a successful bid

It is surprisingly easy inadvertently to overlook the issue of implementing a successful bid – partly because so much effort and time goes into the tender process itself. In addition, if overall timescales slip beyond those stated in the original specification, original implementation plans may need considerable reshaping.

If you are to recruit new staff, or find new premises or buy equipment as part of the implementation, having in place some alternative plans in case problems arise can be helpful. For example:

- Venue not ready
- Staff recruitment unsuccessful
- Equipment orders take longer than expected.

Alternatives might include:

- Have another venue in mind; beginning the service with smaller numbers of older people and building up numbers over an agreed period of time; hire or borrow equipment
- Redeploy existing staff; ask part time staff to take on additional hours; ask volunteers to be involved; ask recently retired staff to return.

The early stages of initiating new services are often very intensive, requiring long hours and a high degree of pressure. It will inevitably impact on other, existing work. There may be little you can do other than to recognise this and plan accordingly, in order to minimise the effect on staff, volunteers and older people.

For further information and enquiries contact the Regional Service Development Adviser or Regional Manager in your area.

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