



Meeting	Strategic Board	Agenda Item No.	
Meeting Date	15 June 2021		
Report Authors:	Director of Corporate Services		
Presented By	Director of Corporate Services		
Subject	ECFRS Mobilising System Procurement		
Type of Report:	Information		

RECOMMENDATIONS

Members of the Strategic Board are asked to note for assurance purposes the process undertaken with regards to the procurement of the new ECFRS mobilising system for.

OVERVIEW AND BACKGROUND

The procurement for the provision of a replacement control systems solution was conducted under the Public Contract Regulations 2015 using the Competitive Procedure with Negotiation (CPN) procedure. This procedure was chosen as the most suitable route to market falling under Reg 26 (4) (a) (iii) which states the following reasons for using this procedure: because of specific circumstances related to the nature, the complexity or the legal and financial makeup or because of risks attaching to them.

Supplier Questionnaire (SQ) Stage

The contract notice was sent for publication to OJEU on the 20th August 2020 and was advertised on both Tenders Electronic Daily and Contracts Finder; the full procurement process was run through Delta e-sourcing and managed by the Purchasing team.

A total of 6 companies responded to the contract notice and submitted a response for the supplier selection questionnaire stage.

The evaluation was broken down into stages; the response to the standard supplier questionnaire was assessed first and all bidders passed this stage.

The bidders then went onto the economic and financial standing evaluation where the S151 Chief Financial Officer carried out preliminary and detailed financial evaluation. The preliminary evaluation was a profit/loss assessment of the past two year's financial accounts for each bidder. The detailed financial evaluation assessed the financial gearing (Long term debt / Long term debt plus Equity) and liquidity (Current Assets / Current Liabilities) of each bidder. It was agreed by the Authority that the financial reports would be checked at the SQ stage rather than request the bidders to only self-certify compliance due to the high risk system being procured, the value of the project and the small market.

Bidders were also assessed against a set of Pass/Fail questions regarding health and safety, quality assurance and equality and diversity. Only those bidders that passed the initial checks detailed above went on to have their technical questions evaluated, which were to demonstrate their capability to deliver ICCS and CAD systems.

One bidder failed the supplier selection questionnaire evaluation.

The contract notice and procurement documents advised that the top 5 scoring responses would be taken through to the second stage to receive the Invitation to Submit Initial Tenders (ISIT) documents. All tender documents for both stages were shared for all potential bidders to review before submitting their response.

Due to the failure of one bidder at the financial and economic evaluation stage all 5 bidders that were left were therefore taken through to the ISIT stage of the competition.

OPTIONS AND ANALYSIS

Invitation to Submit Initial Tenders Stage (ISIT)

The evaluation of Initial Bids was carried out in the following three stages:

- **Stage 1** – Initial Compliance Checks;
- **Stage 2** – Evaluation of the Output Specification against the Pass/Fail mandatory requirements;
- **Stage 3** – Bidders who pass the above two stages then proceeded to the quality question assessment, financial evaluation and scenario testing.

The evaluation weightings and criteria for the CPN process was as follows (this was kept the same for the initial and final tenders).

Tier 1 Evaluation Criteria

Award Criteria	
Mandatory Requirements	Pass/Fail
Quality	70%
Cost	30%

Tier 2 Evaluation Criteria

No.	Criteria	Weightings for the evaluation of Initial Tenders	Weightings for the evaluation of Final Tenders
QUALITY CRITERIA			
1	Integrated Mobilising Solution	25%	25%
2	Architecture and Integration	10%	10%
3	Security Arrangements and Business Continuity	8%	8%
4	Project Delivery	5%	5%
5	Support and Maintenance	7%	7%
6	Scenario Testing	10%	10%
7	Contract Assessment	5%	5%
	TOTAL	70%	70%
FINANCIAL CRITERIA			
1	Total 5 year Whole Life Cost	25%	25%
2	Future Resource Costs	5%	5%
	TOTAL	30%	30%

Out of the 5 bidders who successfully proceeded through to the ISIT stage, three submitted an initial tender. Two bidders withdrew from the process before the deadline for receipt of initial bids.

During the Stage 1 Compliance checks one bidders submission failed these checks and they were therefore disqualified from the procurement process. Due to the third bidder failing the Stage 1 Compliance Checks two bidders moved forward to stage 2.

Stage 2 checked that the bidders passed the mandatory Pass / Fail elements of the output specification. Both bidders successfully passed this stage.

The evaluation then proceeded to the scenario tests where the bidders were given seven scenarios for the purpose of verifying the bidders' proposed solutions ability to deliver against the specification outcomes.

12 stakeholders from across the service evaluated and scored the scenario tests. The scenario tests were carried out virtually due to the COVID-19 pandemic.

Technical Quality Questions – ISIT Stage

The next stage of the evaluation of the initial tenders was against the output specification. The Output Specification is an umbrella term for a number of specific Specification Themes and Specification Areas whose purpose is to identify in detail all of the outcomes and requirements (both mandatory and optional) of the Solution to be provided, installed, implemented and maintained over the contract period. The bidders had to address each specification area by responding to the associated 22 technical quality questions.

The technical quality questions were evaluated by 19 stakeholders from across the Service, 4 evaluators scored all 22 questions whereas the rest were allocated according to the question type to the relevant department.

Contractual Assessment – ISIT Stage

The procurement allowed the option to award following receipt of initial tenders; if this option was taken no changes would be allowed to the terms and conditions but the process did allow for derogations to be proposed by bidders if the Authority proceeded to the negotiation stage.

The contractual assessment is a scored element; for the initial tender stage all bidders are awarded full marks as the contract documents cannot be amended.

Invitation to Submit Final Tenders (ISFT)

The service took the decision not to award following receipt of initial tenders and proceed to negotiation to improve the Solution offered, attempt pricing reductions and to clarify some information.

Both bidders were informed that the ECFRS would proceed to the negotiation stage on the 5th March 2021 when an Invitation to Negotiate (ITN) was issued. Each bidder was provided with feedback on the technical areas where they had not reached full marks plus any clarification questions so that these could be discussed during the negotiation meetings to assist with the submission of final tenders.

One negotiation meeting was held with one bidder to discuss technical requirements whereas for the other bidder we opened discussions regarding contractual changes too following submitted derogations. In total three negotiation meetings were held with this bidder to reach a successful consensus on the derogations proposed.

The ISFT documentation was issued to both bidders on the 20th April 2021 with a closing date for final tenders of the 4th May 2021; both bidders submitted updated final bids.

Evaluation of Final Tenders

The scenario test score from the ISIT stage was transferred and not conducted again.

Technical Quality Questions – ISFT Stage

For those technical quality questions that the bidders did not receive full marks and feedback was provided as part of negotiations the bidders were able to resubmit their answers to these questions to improve their offer. The bidders had to abide by the original page count but images / diagrams could be provided outside of this limit.

Contractual Assessment – ISFT Stage

Bevan Brittan supported with all contractual negotiations and legal assistance and therefore provided the scoring for both bidders contractual submission.

Tender Award

The bidders final scores were assessed against the following breakdown:

Price	30%
Technical Quality Questions	55%
Scenario Test	10%
Contract	5%
TOTAL	100%

The winning bidder is the bidder who provides the most economically advantageous tender achieving the total highest percentage score.

TIMELINE

Date	Stage
20.08.2020	Dispatch of the OJEU Notice by ECFRS
14:00 21.09.2020	Deadline for sending SQ clarification.
14:00 23.09.2020	Deadline for ECFRS to respond to SQ clarifications.
14:00 02.10.2020	Deadline for SQ to be returned by applicants to the ECFRS.
05.10.2020 – 13.11.2020	Review and evaluation by ECFRS of the SQ responses.
16.11.2020	Notification of Successful and Unsuccessful Bidders
CPN Stage 1	
17.11.2020	Issue of Invitation to Submit Initial Tenders ("ISIT") by ECFRS to up to 5 shortlisted SQ Applicants.
14:00 21.12.2020	Deadline for Bidder ISIT clarifications.
14:00 23.12.2020	Deadline for ECFRS to respond to ISIT clarifications.
14:00 29.01.2021	Deadline for return of Initial Tenders.
18.01.2021 – 04.02.2021	Compliance checks and Output Specification Assessment
05.02.2021	Notification of Successful and Unsuccessful Bidders / Invitation to attend Scenario Testing
08.02.2021 – 11.02.2021	Scenario Tests

12.02.2021 – 04.03.2021	Evaluation of Initial Tenders and then: <ul style="list-style-type: none"> No award decision reached and selection of 2 shortlisted Bidders to participate in the negotiation stage of the CPN (and debriefing bidders unsuccessful in being shortlisted to continue to the next stage)
CPN Stage 2	
05.03.2021	Issue of Invitation to Negotiate (“ITN”) to the 3 shortlisted Bidders.
08.03.2021 – 19.04.2021	Period of negotiation meetings and feedback with remaining 3 Bidders.
CPN Stage 3	
20.04.2021	End of Negotiation Stage and issue of Invitation to Submit Final Tenders (“ISFT”)
14:00 04.05.2021	Deadline for the Submission of Final Tenders
05.05.21 – 21.05.21	Evaluation of Final Tenders and recommendation for the most economically advantageous tender.
24.05.21 – 04.06.21	Completion of ECFRS approval and award decision processes.
07.06.21	Notification by the ECRRS of the award decision, debriefing unsuccessful bidders and commencement of the 10-day standstill period.
Midnight 17.06.2021	Expiry of standstill period.
18.06.2021	Appointment of the successful Bidder, award of the Contract and notification of Contract conclusion to participants.
05.7.2021	Target Contract start date

FINANCIAL IMPLICATIONS

Financial Assessment – ISIT Stage

The financial assessment of each bid was reviewed with the S151 Chief Finance Officer; the pricing was evaluated on the total whole life costs for the initial 5-year contract term and the future resource costs as per the following weightings:

Total 5 year Whole Life Cost 25%

Future Resource Costs 5%

The lowest price received the full weighting available, and the other score was allocated according to their difference from the lowest price, using the formula: $\text{Weighting\%} \times (\text{lowest cost of all Bids} / \text{Bidders cost})$.

An average of the daily rate for each listed category of staff was used for the comparison. All requested change requests will be based on the rates given against the future resource costs.

Financial Assessment – ISFT Stage

The same pricing assessment was used for the final tenders received; both bidders were asked to submit their final pricing schedule.

EQUALITY AND DIVERSITY IMPLICATIONS

Is this decision anticipated to have an impact on any of the following protected groups as defined within the Equality Act 2010:

<i>Race</i>	X	<i>Religion or belief</i>	X
<i>Sex</i>	X	<i>Gender reassignment</i>	X
<i>Age</i>	X	<i>Pregnancy & maternity</i>	X
<i>Disability</i>	X	<i>Marriage and Civil Partnership</i>	X
<i>Sexual orientation</i>	X		

(If an impact on one group or more is anticipated, a full People Impact Assessment must be completed).

WORKFORCE ENGAGEMENT

Throughout the procurement process a number of key personnel from a range of departments across the service were engaged and actively participated in both the scenario tests and evaluation of the technical and quality questions.

The scenario tests were evaluated by the following:

Control Programme Manager
ICT Business Analyst
Assistant Director
Station Manager
Director (external consultant, NDA in place)
Operation Systems & Data Officer
Operation Systems & Data Officer
Control Firefighter
Performance Analyst
Incident Recording System (IRS) System and Data Officer
Control Group Manager
Control Watch Manager
Control Watch Manager
Control Crew Manager
Control Firefighter

The technical quality questions were evaluated by the following:

Control Programme Manager
ICT Business Analyst
Assistant Director
Station Manager
Director (external consultant, NDA in place)
Operation Systems & Data Officer
Operation Systems & Data Officer
Control Firefighter
Assurance, Performance and Policy Manager
Incident Recording System (IRS) System and Data Officer
Control Group Manager
ADO
Station Manager

ICT Senior Network Analyst
Technical Support Manager
ICT Service Delivery Manager
Head of ICT
GIS Officer
ICT Security Governance Manager
ICT Application Analyst

LEGAL IMPLICATIONS

The Authority engaged Bevan Brittan LLP to produce a set of contract documents; the final document consists of the main contractual terms with 29 supporting Schedules. The contractual documents were reviewed internally by the relevant departments and updated where relevant to ensure that the end contract fully met our requirements. Bevan Brittan have supported the Authority throughout the procurement process with advice, guidance and documentation review.

HEALTH AND SAFETY IMPLICATIONS

It is essential that the service has a technologically competent mobilising system that meets all of the requirements and functionality required to deliver a first class service to the communities of Essex. It is equally imperative that the system supports the wider national resilience function of being able to partner with other Fire & Rescue Services. The next phase of the programme, post award is the implementation of the new system which will adopt a full project initiation process and governance model over the next 12-18 months.