

The P's & Q's of PQQ's: Compliance issues in tendering

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The 8 Principles for Good Commissioning

- Understanding the needs of users
- Consulting potential providers
- Putting service outcomes at the heart of the process
- Mapping the range of potential providers
- Considering investing in capacity building
- Ensuring contractual processes are transparent and fair
- Ensuring long term contracting and risk sharing
- Seeking feedback from service users, communities and providers

Are you expression of interest ready?

- Contact information
- Evidence of previous relevant experience
- Brief outline of how you propose to deliver the service
- How do you plan to work collaboratively with relevant partners?
- How do you plan to engage with relevant policy initiatives?

Pre-qualifying questionnaire (PQQ)

- Technical knowledge and experience
- Capability (skills and knowledge) capacity (resources)
- Organisational and financial standing

The PQQ will cover:

- Background and corporate information
- Financial history and current position
- Contractual performance and renewal history
- Statements of compliance
- Customer details
- Particular questions relating to the specific product/service required

Supporting Materials

- Governing Documents
- Policies
- Proof of insurance
- Quality mark
- Accounts

Invitation to Tender (ITT)

- What service the procurer wants delivered
- The terms of contract, including how much money it is worth and what the timescales are
- What documentation needs to be submitted
- The deadline for consideration

The Equality Act 2010

- April 2010:** Royal Assent
- October 2010:** Main provisions.
- April 2011:** The integrated public sector Equality Duty, the Socio-economic Duty and dual discrimination protection.
- 2012:** The ban on age discrimination in provision of goods, facilities, services and public functions.
- 2013:** Private and voluntary sector gender pay transparency regulations (if required) and political parties publishing diversity data.

The Equality Act 2010

The Act will do two main things:

- 1. Simplify, harmonise and consolidate discrimination law.**
- 2. Strengthen the law.**

The Equality Act 2010

In perspective:

- **The Equality Act** **251 pages**
- **EHRC Employer Guidance** **302 pages**
- **EHRC Employee Guidance** **298 pages**
- **EHRC Education Guidance** **140 pages**

The Equality Act 2010

1. Simplify, harmonise and consolidate discrimination law:

This covers measures to distil the previous nine Acts by simplifying:

- **Definitions**
- **Exceptions**
- **Provisions on equal pay**
- **Disability-related provisions**

The Equality Act 2010

2. Strengthen the law:

- Handout to be circulated:

<http://www.equalities.gov.uk/pdf/GEO%20-%20Equality%20Act%20easy%20read%20tagged.pdf>

The Equality Act 2010

Public Sector - Procurement Specific Duties:

- *“to set out how procurement activity will contribute to the achievement of your equality objectives”*
- *“consider use of equality related award criteria where they are relevant to the subject matter of the contract and are proportionate”*
- *“consider incorporating equality related contract conditions where they relate to the performance of the contract and are proportionate”*

The Equality Act 2010

Threat or Opportunity?

“£220 billion is spent every year by the Public Sector in the Private Sector. The Equality Act will give due regard to the need to tackle discrimination and promote equality through their purchasing functions. We will use this purchasing power to help us deliver our objective of greater equality.”

Harriet Harman QC MP, Secretary of State for Equalitie

The Equality Act 2010

The Third Sector Challenge

- Increased 'weighting' at PQQ stage of procurement process
- Level of 'weighting' may be 'contract' dependent e.g. *customer facing services on behalf of Public Sector or services part-funded by the Public Sector*:
 - *Health and Social Care, Social Housing, Learning Provision, Transport*
 - See "Make Equality Count" at www.ogc.gov.uk
 - See "The Glover Report" at www.ogc.gov.uk
 - See [www.equalities.gov.uk/pdf/psdresp GEO MakingItWork acc.pdf](http://www.equalities.gov.uk/pdf/psdresp_GEO_MakingItWork_acc.pdf)
 - See "Below Threshold PQQ" at [www.ogc.gov.uk/documents/141209 Below threshold PQQ.doc](http://www.ogc.gov.uk/documents/141209_Below_threshold_PQQ.doc)

Policies in Place

- Safeguarding Policy
- Equal Opportunities Policy
- Complaints Procedure
- Health and Safety Policy
- Risk Assessment and Management Policy
- Insurance Including Public Liability
- Professional Indemnity Policy
- Environmental Policy

Identified Required OUTCOMES

- Increased understanding of the commissioning process
- To develop the organisation's commissioning offer
- To compile an 'Outcomes' spreadsheet
- Establish a quality assured bid management process
- All commissioning opportunities are identified within a changing environment

Identified Required OUTCOMES

- Identify all potential commissioning opportunities and make informed decision as to whether (or not) they are pursued
- A bank of evidence to take to key commissioners to demonstrate the impact that you are having on local priorities
- Stakeholder participation embedded throughout the organisation
- Organisation has appropriate accreditation

Mapping Your Offer – Strategic Documents

- Corporate Plan
- Sustainable Community Strategy
- Stronger Communities
- Community Safety Plan
- Local Strategic Partnership
- Local Area Agreement
- Procurement Strategy
- Joint Commissioning Strategy
- Joint Strategic Needs Assessment
- Local Compact

Knowledge

Internal knowledge:

- What do we do in our organisation ?
- Where do we do it?
- What is in our Commissioning Strategy/Action Plan/Checklist
- What have we done so far?
- Have we a clear direction of travel?
- SWOT analysis?

External knowledge:

- Do we know what is out there?
- Relationships and networks!"

What is our approach – proactive/reactive?

- Ad hoc – wait and see ?
- Research and registration for alerts
- Organisational priorities and capacity
- Information requirements
- Clarity over your USPs?
- Track Record

Back to the Beginning - PQQ

- Can you pass?
- If not why not?
- Writing your bid
- Are you SMART
- What have you written before
- What can you evidence?
- Read, read, read!
- Critical friend
- Realistic
- Capacity
- Evidence
- Scoring systems/understanding
- Timescales – check
- Panel – communication
- Policy and Procedure
- Know your business

Action Plans

- Any additional areas needed for commission readiness
- What support do you need? BA + specialist
- How can we overcome obstacles?
- What are next steps?
- Regional meet your commissioner events