

London Borough of Barking and Dagenham

Suggested Timelines for Competitive Procedure with Negotiation vs Competitive Dialogue

We have been asked by the Council to set out a suggested timeline for choosing a developer. As discussed, we have set out our recommended timescales and stages (based on similar projects) so that you can adapt for your own timetable. Timescales which are set by law are identified by an asterisk. As can be seen, if negotiations are involved in the competitive procedure with negotiation, the two processes are very similar so we have highlighted in yellow the two stages where they differ and how this impacts on timescales. We have kept the two procedures relatively simple and streamlined with no de-selection during the negotiation phase. A tight timescale (provided the Council is able to offer the appropriate resources to meet it) will provide reassurance to bidding developers.

The main difference between the two procedures is the option to award the contract after initial tenders in the competitive procedure with negotiation which can reduce the timetable by up to 15 weeks. The other main difference is what is permitted post final tenders. With the competitive procedure with negotiation no changes are permitted post final tender. With a straightforward procurement (where there are no complex issues which will arise during the procurement such as external finance and planning), this finality of tenders protects the Council from bidders changing their commercial position post final tender and evaluation which is why it often an attractive option.

Competitive Procedure with Negotiation			Competitive Dialogue		
Stage of process	Description of stage	Recommended time	Stage of process	Description of stage	Recommended time
Pre-procurement	Preparation of the procurement documents, to include: <ul style="list-style-type: none"> • Memorandum of information; • OJEU notice; • Selection Questionnaire (previously called PQQ); • Invitation to Tender; • Evaluation criteria and 	6-8 weeks	Pre-procurement	Preparation of the procurement documents, to include: <ul style="list-style-type: none"> • Memorandum of information; • OJEU notice; • Selection Questionnaire (previously called PQQ); • Invitation to Tender; • Evaluation criteria and 	6-8 weeks

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	<p>weightings;</p> <ul style="list-style-type: none"> • Draft contracts; • Meeting Protocol 			<p>weightings;</p> <ul style="list-style-type: none"> • Draft contracts; • Meeting Protocol 	
OJEU	Publication in Official Journal (allow for 3 days from date of posting to actual publication)	3 days	OJEU	Publication in Official Journal (allow for 3 days from date of posting to actual publication)	3 days
Return of SQ by bidders	This time is the time allowed to the bidders to complete and return the SQ. A cut off point for clarifications should be set at least 10 days before the submission date	30 days*	Return of SQ by bidders	This time is the time allowed to the bidders to complete and return the SQ. A cut off point for clarifications should be set at least 10 days before the submission date	30 days*
Assessment of SQs by Council	Assume that 3-4 bidders are taken through to the next stage	7 days	Assessment of SQs by Council	Assume that 3-4 bidders are taken through to the next stage	7 days
Issue of de-selection letters to unsuccessful bidders and ITT to successful bidders	The de-selection letters will need to be prepared and issued and will require a certain level of detail. The ITT documents should already have been prepared and provided at OJEU stage so they are re-issued as a formality	5 days	Issue of de-selection letters to unsuccessful bidders and ITT to successful bidders	The de-selection letters will need to be prepared and issued and will require a certain level of detail. The ITT documents should already have been prepared and provided at OJEU stage so they are re-issued as a formality	5 days
Response to ITT	This time is allowed to the bidders to complete and return their ITT responses (including any mark-ups of the heads of terms)	30 days*	Response to ITT	This time is allowed to the bidders to complete and return their ITT responses (including any mark-ups of the heads of terms)	30 days (not set by the PCR so can be shortened)
Evaluation of ITT responses	This procedure allows the Council the option to award the Contract based on the Initial Tender responses. If this		N/A	This option is not available under the competitive dialogue	

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by the Council	option is chosen then the Council must ensure that bidders are given sufficient information to fully prepare their bids and a fair process is put in place to decide whether to proceed with negotiations or to accept the tenders as they are. If the Council decides to accept final tenders at this stage then the timetable will skip to the evaluation stage below and the process would be reduced by 12-15 weeks			process	
Review of ITT responses by Council	Prior to any meetings, we would recommend that the Council reviews the ITT responses and identifies areas that require development/negotiation. This will focus any meeting agendas with bidders and reduce the number of meetings required	2 weeks	Review of ITT responses by Council	Prior to any meetings, we would recommend that the Council reviews the ITT responses and identifies areas that require development/negotiation. This will focus any meeting agendas with bidders and reduce the number of meetings required	2 weeks
Meetings with bidders	Assume that that there are 3-4 bidders	6-8 weeks	Meetings with bidders	Assume that that there are 3-4 bidders	6-8 weeks
Time allowed for additional meetings/clarifications	We recommend that the Council builds in some contingency in the timetable to allow for any additional meetings required or clarifications	2 weeks	Time allowed for additional meetings/clarifications	We recommend that the Council builds in some contingency in the timetable to allow for any additional meetings required or clarifications	2 weeks
Call for final tenders	Bidders are asked to formally submit their ITT responses. No negotiations will be permitted after this point. Bidders should be allowed time to make any amendments agreed during meetings.	2-3 weeks	Call for final tenders	Bidders are asked to formally submit their ITT responses. Unlike the Competitive Procedure with Negotiation, some areas can be left to finalise at Preferred Bidder stage to "confirm financial commitments or other terms contained in the tender" as long as it does not result in "materially modifying essential	2-3 weeks

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				aspects of the tender".	
Evaluation of ITTs by Council	Allow for any Cabinet decisions that may be required	2-3 weeks	Evaluation of ITTs by Council	Allow for any Cabinet decisions that may be required	2-3 weeks
Preperation of de-selection letters	These will need to contain detailed information required by law	5 days	Preperation of de-selection letters and Preferred Bidder Letter	These will need to contain detailed information required by law	5 days
Issue of de-selection letters and Alcatel stand-still period	Unsuccessful bidders will need to be given time to challenge the decision	10 days*	Issue of de-selection letters, Preferred Bidder Letter and Alcatel stand-still period	Unsuccessful bidders will need to be given time to challenge the decision	10 days*
			Preferred Bidder Period of Negotiations	This period is not mandatory but bidders will have an expectation that aspects of their bid can be negotiated post final tender which is why this procedure would be chosen in preference to the CPN	3-6 weeks
Signing of Contract	These can be done electronically or in hard copy	3 days	Signing of Contract	These can be done electronically	3 days