

## APPENDIX 1 - TENDER PROCEDURE

Brent Council and its legal and commercial advisors have considered the extent to which flexibilities in approach afforded by the Procurement Act 2023 ("PA23") and related regulations/ guidance could be incorporated into this procurement process.

In particular, the approach has been informed by the following:

- i. To run the procurement as a two-stage process, down selecting the number of bidders at the end of the first stage.
- ii. For the first stage to include conditions of participation questions, and project-specific questions and opportunity for engagement with senior stakeholders at Brent, as a more robust means of shortlisting for Stage 2.
- iii. For the second stage of the procurement to build upon the initial tender responses and inform focused dialogue and negotiation meetings around commercial and legal aspects, with a limited number of bidders.

This approach is summarised in the table below.

Stage	Participants	Indicative Content
Stage 1 – Initial Tender – Written Submission	Open to the whole market	<p>Part 1: Written Submission</p> <p>Interested parties will be invited to respond to submit an Initial Tender. The Initial Tender – Written Submission (Part 1) will comprise:</p> <ul style="list-style-type: none"><li>• Compliance and eligibility (pass/fail).</li><li>• Technical experience and capability questions (scored).</li></ul> <p>See Appendix 3 for further detail.</p>
Stage 1 – Initial Tender – Interview	The top 5 parties from Initial Tender Written Submission based on evaluation / scoring.	<p>Part 2: Interview</p> <p>The top 5 parties from Part 1 will then be invited to an Initial Tender Interview, which would be evaluated as a standalone element, and the score added to the written element.</p>

Stage 2 – Detailed Tenders	The top 3 (based on the combined Initial Tender Written Submission and Interview scores)	Following evaluation of Part 1 and 2 of the Initial Tender responses, Brent will shortlist 3 participants. Brent will reserve the right to shortlist a fourth participant if the difference between the scores of the third and fourth highest scoring participants is less than 1%.
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Recognising that the Competitive Flexible Procedure is a new approach, officers / external advisors have sought feedback from interested parties during the PME sessions to test potential market participants' response to the emerging approach to the procurement process, particularly those aspects which the team is seeking to incorporate under the new Competitive Flexible Procedure, as follows:

- The principle of replacing a Participation Stage (formerly Selection Questionnaire) with an Initial Tender stage which would invite bidders to outline their proposed approach to key project matters alongside demonstrating relevant experience. How valuable do potential bidders find this 'look forward' element, and how it might influence the bid preparation compared to a traditional pre-qualification process.
- The bidders' views on the inclusion of a scored interview as part of the Initial Tender stage to assess if this is received as a valuable opportunity to demonstrate capabilities and approach.
- Any other observations on the emerging approach.