



Enabling Guidance

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***This enabling guidance is suitable for public disclosure under the
Freedom of Information Act 2000***

This document sets out principles to help guide decision making and in some parts may be quite prescriptive. However, it is vital that officers and staff have the freedom to innovate, exercise discretion and take risk based decisions centred on the needs of the victim and the merits of each case.

There may be occasions when a member of staff is considered to have acted outside of the content of this document but if they have done so with honesty, integrity and professionalism, to make the best decision for the community we serve, they will be trusted and supported. On the occasions when this is the case, the rationale for it must be properly recorded.

This document should be read in conjunction with the Force Policy Statement.

Introduction

Following this procedure will not only help ensure that the tender evaluation process is fair, but will reduce the risk of complaints and legal challenges, which can be very time consuming and costly and can result in damage to the force's reputation.

As part of a competitive procurement process, tenders that are received are evaluated by a panel. The panel will be formulated at the Procurement Strategy stage consisting of key stakeholders (commercial and technical experts) with a nominated chair, who will have the casting vote in a situation where this is required. The size, make up and seniority of the evaluation panel will reflect the scale and complexity of the procurement exercise, including whether there is need to any specialist input.

Evaluators are a key part of the process and the Procurement Unit must ensure that all evaluations are fair, open and transparent. To support this the Procurement Unit have an Evaluation Code of Conduct which ensures that evaluators understand and adhere to the standards expected.

Evaluation Code of Conduct

In order to safeguard the evaluation process, the following code of conduct **must** be followed.

Please do not: -

- Do not discuss the evaluation process and details of tenders with anyone who is not a permanent employee of Derbyshire Constabulary or a member of the evaluation panel.
- Do not hold discussions with other team members regarding tenders in open offices. This is to prevent existing suppliers, who may be on the premises, overhearing other colleagues inadvertently passing the information to third parties.
- Do not discuss results of the evaluation outside the evaluation panel. This could compromise the later stages of evaluation and lead to commercially sensitive information being leaked.
- Do not take printed copies of tender documents. If evaluators do have to print documents for evaluation purposes, then must ensure they do not leave them unattended and must not take them off site. If printing documents is unavoidable you must comply with the force's information handling rules and information security policy.

Any documents taken off site will be treated as PROTECT level.

- Do not make assumptions based on previous knowledge of suppliers. This must be an evidence based process with the tenderers response being evaluated against the tender evaluation criteria.
- Do not add any new evaluation criteria to the process after the tender has been published or during evaluation. Responses can only be evaluated against the criteria stipulated in the tender documents.
- Do not declare the result of the evaluation process ahead of formal notification to tenderers.

Please Do: -

- Do individually evaluate and record scores electronically in Bluelight or any subsequent electronic tendering system, with appropriate commentary to substantiate the scores. These records will provide an audit trail leading up to the decision to award the contract and form the basis of any debrief to unsuccessful tenderers or evidence to rebuff a legal challenge. Evaluator notes are also a key reference point during moderation.
- Do ensure that where a score of 3 or above has been awarded comments are added identifying the benefit to the force which warranted this score (Appendix A for scoring guidance).

- Do evaluate, in an open, proportionate, transparent and non-discriminatory manner each tender identifying evidence of how the tender meets the specified requirements and evaluation criteria.
- Do evaluate tenders against the published criteria and not against each other.
- Do declare any conflict of interest to the Head of Procurement at the earliest opportunity. All tender evaluation panel members must complete the Tender Panellist Declaration Form as per Appendix B. The purpose of this is to confirm that evaluators do not have any external personal professional or monetary interests in the tenders they are being asked to evaluate.
- Do respect the views of other evaluation team members during the moderation meeting. If any member of the team feels that their views re not being taken into serious consideration they should first notify the chair and if they are not satisfied with the chair's response then escalate to the Head of Procurement. Any serious concerns should be documented.
- Do be available, if requested, to support with debriefing of unsuccessful tenderers.

Important – please note

By accessing the tender submissions you assume responsibility for the tender documents.

As an example, there is a clear evaluation matrix for scoring tenders (Appendix A). Where using this matrix, please ensure your scores are whole marks i.e. 2 or 5 not 3 or 4.

You have a duty of care to ensure tenders received are thoroughly evaluated. Overall moderation of scores will be done by the evaluation panel and nominated chair who has the casting vote.

Evaluation scores may be entered directly into the electronic tendering system or pre-agreed and formulated tender evaluation spreadsheet. The system will calculate overall scores and produce a rank-ordered list of tenderers, providing a clear audit trail for the contract award decision. Each and every evaluator must enter or record their scores for the questions allocated to them for the system to accurately calculate the final rankings.

If an evaluator does not fully score their allocated questions for all the submitted tenders their scores will be void.

If an evaluator is unable to attend the moderation then an authorised representative must present on their behalf. This is permitted on an exceptional basis only, with prior agreement from the Procurement Unit.

Appendix A

10	Excellent – Response meets requirements and standards to an exceptional standard. Detailed in all material respects. Provides all technical knowledge, ability and expertise for the requirements where required. This can include innovation if innovation has been included in the tender document.
8	Good – Contains some with minimal weaknesses, issues or omissions in relation to the level of detail requested in terms of either the response or the evidence. Provides most of the technical knowledge, ability and expertise for the requirements with minimal weaknesses where required.
5	Satisfactory – Not sufficiently detailed as to whether the bidder can meet the requirement due to the bidder's failure to provide all of the evidence requested. Demonstrates clear and sufficient technical knowledge, ability and expertise, but not to the detail required for a good or excellent score where requested.
2	Poor – Contains weaknesses, issues or omissions which are not satisfactory. Doesn't provide detailed technical knowledge, ability and expertise, but meets and is compliant to a minimal standard.
0	Unacceptable – The response is non-compliant with the requirements of the ITT and/or no response has been provided. Shows little evidence of the required standards and has significant or numerous weakness, issues or omissions. Does not demonstrate sufficient expertise or technical knowledge in many and/or significant areas to be compliant.

**TENDER EVALUATION PANELLIST
DECLARATION REGARDING ANY CONFLICT OF INTEREST
AND CONFIDENTIALITY UNDERTAKING**

I, (Title) (Name) (Surname)
(Job Title) (Organisation/Department)
(E-mail address) (Contact phone number)

Conflict of Interest

Conflict of Interest refers to situations in which personal interests (which include financial interests) may compromise, or have the appearance of, or potential for, compromising professional judgement and integrity and in doing so, the best interests of Derbyshire Constabulary.

Examples of conflicts of interest include: *(this is not an exhaustive list)*

- Having a financial interest (e.g. holding shares or options) in a potential tenderer or any entity involved in any tendering consortium.
- Having a financial or any other personal interest in the outcome of the evaluation of any tender evaluation process.
- Being employed by (as staff member or volunteer) or providing services to any potential tenderer.
- Being a member of a potential tenderer's management/executive board.
- Receiving any kind of monetary payment or non-monetary gift or incentive (including hospitality) from any tenderer or its representatives.
- Canvassing, or negotiating with, any person with a view to entering into any of the arrangements outlined above.
- Having a close member of your family (which term includes unmarried partners) or personal friends who falls into any of the categories outlined above.
- Having any other close relationship (current or historical) with any potential tenderer.

It is the individual's responsibility to ensure that any and all potential conflicts are disclosed to the Chair of the Tender Evaluation Panel in writing prior to them becoming involved in any procurement process. Individuals will be excluded from the procurement process where the identified conflict is in the Procurement Unit's opinion material and cannot be mitigated. The decision as to whether the identified conflict is material and whether any mitigating arrangements are required is to be made by the line manager of the Chair of the Tender Evaluation Panel (with support from the respective Category Manager).

Option 1:

"I do not have any conflicts of interest that prevent my full and unprejudiced participation in any procurement process.

I also declare that I will inform the Procurement Unit immediately, should my circumstances change in any way that effects this declaration."

Signature

Date

Option 2:

"I **do have** a conflict of interest that may prevent my full and unprejudiced participation in a procurement process. The nature of this conflict of interest is described below:

I also declare that I will inform the Procurement Unit as soon as practicable, should my circumstances change in any way that affects this declaration."

Signature

Date

Confidentiality Undertakings

"Procurement process" encompasses any formal and informal meetings, associated discussions, meeting preparation and follow up or any other related activity.

"Information" means all information, facts, data and other matters of which I acquire knowledge, either directly or indirectly, as a result of my activities as an evaluator of any supplier Pre-qualification Questionnaire or Tender submissions or tender interviews/presentations etc.

"Documents" means all draft, preparatory information, documents and any other material in either paper or electronic form, together with any information contained therein, to which I have access, either directly or indirectly, as a result of my participation in any procurement process. Furthermore, any records or notes made by me relating to information or documents shall be treated as Confidential Documents.

I understand that I may be invited to participate either directly or indirectly in the procurement process and agree:

1. To treat all information and documents under conditions of strict confidentiality.
2. Not to disclose, make copies of, or discuss any received information with any person who is not a member of the Tender Evaluation Panel (without the prior written approval of the Chair of the Tender Evaluation Panel).
3. Not to use (or authorise any other person to use) information and documents other than for the purpose of my work in connection with the procurement process.
4. To return the documents to the Chair of the Tender Evaluation Panel as soon as the evaluation process is complete.

Unless otherwise agreed with the Chair of the Tender Evaluation Panel and subject to relevant legislation, this undertaking applies until the end of the contract, including any contract extensions.

This undertaking shall not apply to any document or information that becomes public knowledge otherwise than as a result of a breach of any of the above undertakings.

Signature

Date

PLEASE FORWARD THE COMPLETED AND SIGNED FORM TO THE CHAIR OF THE EVALUATION PANEL

