

BBC Radio competitive tender process – Guidance for suppliers

- This guidance relates to the formal tendering of an existing returning series (Competitive Tendering)
- Key Principles of a tender process are:
 - Transparency
 - Fairness
 - Non-discrimination
- The tender will be awarded on a “producer for hire” basis. Intellectual Property (IP) will be fully retained and controlled by BBC Public Service (including any format enhancements)
- The Invitation to Tender (ITT) must be clear about what the BBC is looking for editorially, the business requirements of the production, the eligibility criteria bidders must meet to take part and the assessment criteria by which the BBC will evaluate and score responses - and must be explicit about the information available at each stage of the tender process
- The ITT will outline the assessment criteria:
 - editorial proposal and capability
 - value for money
 - strategic priorities
 - risk
- Arrangements regarding presenting talent will be articulated in the ITT
- The contract will be awarded to the supplier whose tender has been determined as best satisfying the assessment criteria and fulfilling the BBC’s overall requirements
- Contracts awarded at the end of a tender will be time limited with the BBC retaining the right to re-commission, de-commission or re-tender

Key roles and tender governance

- A named Tender Manager is responsible for the management of an individual tender. They deal with the day-to-day running of the tender and liaison with suppliers and be the key point of contact for the incumbent supplier
- The Evaluation Team will be named in the ITT. This will include:
 - Editorial representatives, responsible for the editorial and creative elements of the tender
 - Business and / or business affairs representatives (including the Tender Manager)

- The Evaluation Team will be supported by a Procurement Manager who is an independent adviser and oversees the procurement for the BBC. They moderate all evaluations and generally support the tender process to ensure best practice and consistency

The tendering process

The tender process will usually have five stages. In some circumstances (e.g. if TUPE is unlikely to apply and there is no need to issue secondary information), it may be that the Tender Eligibility and Full Proposal submission occur at the same time (i.e. stage two and three occur simultaneously).

Stage one: pre-ITT stage

- The incumbent supplier is required to provide relevant information regarding the programme to be tendered, including information related to the individuals employed or contracted
- Once this information is received, it will be known whether TUPE will likely apply if the production were to move from the incumbent supplier to a new supplier. If this is known, it will be flagged in the ITT
- The incumbent supplier may need to take legal advice at this stage to determine this. If the incumbent is an independent production company, and a member of Audio UK, AUK can guide you towards the right resources and advice should be able to help with securing this advice
- The incumbent supplier will also be asked whether they intend to pitch for the programme; this will be confirmed in the ITT

Stage two: Short Proposal and Tender Eligibility & Experience

- The BBC will usually also ask for a short proposal as part of this first stage, ensuring that initial editorial ideas are highlighted early in the process.
- Suppliers who wish to be considered must also complete a Tender Eligibility submission – as part of the Production Experience section of PiCoS - which considers a suppliers' experience relevant to the programme being tendered
- The BBC then evaluates the supplier's eligibility against the eligibility criteria for that tender as specified in the invitation to tender document
- The BBC will then notify suppliers of the outcome. Suppliers who are found to be eligible are long-listed and proceed to stage three

Stage three: Provision of secondary information (where relevant) and Full Proposal submission

- Long-listed suppliers who have met the eligibility criteria will be:
 - provided with programme production information where relevant, including details regarding employees who may transfer under TUPE. If provided, NDAs would then need to be signed

- have an opportunity for a meeting with the BBC (along with all other long-listed suppliers) to discuss the tender requirements, including TUPE requirements, where relevant
- Suppliers will then complete a response to the Full Proposal and submit it via PiCoS. This will include confirming how they would manage the TUPE process should TUPE apply. Suppliers may need to obtain legal and HR advice at this stage. For independent production companies, Audio UK should be able to help with securing this advice
- The BBC will evaluate the responses against the assessment criteria set out within the ITT. Submissions will be scored and ranked, and the highest scoring suppliers will be short-listed and invited to pitch

Stage four: Pitching and TUPE conversations

- During the pitch, short-listed suppliers will be required to discuss their submission, offer any required clarification and elaborate on their proposal.
- Suppliers may be invited to a further conversation with the BBC to discuss assumptions regarding the possible transfer of people, any corresponding undertakings and the impact these may have on the invitation to tender response (“TUPE conversation”)

Stage five: Evaluation and award

- The BBC will evaluate the responses against the assessment criteria outlined in the ITT, taking into account the interviews/pitch meetings and TUPE conversations before a final decision is made

TUPE explanation:

- TUPE = stands for the Transfer of Undertakings (Protection of Employment) Regulations 2006
- TUPE regulations apply to ensure that employees are not unfairly treated or dismissed due to the transfer
- Where a role is determined to be in scope for TUPE, the legislation operates to transfer the employee from one employer to the other