



Different Ways of Procuring Social Research in Government

Prepared by

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1. BACKGROUND AND RESEARCH OBJECTIVES

1.1 *Background*

The Social Research Association (SRA) has a longstanding interest in how research is commissioned, dating back twenty-five years and embodied in a series of useful publications. These publications reflect SRA's perception of the increasingly critical nature of developments in procurement - the adoption of paradigms developed for the purchase of goods and services rather than professional activities, the impact of European Union (EU) procurement rules, the drive for standardisation and top-down control across government, the tension between a commitment to open access and level playing fields on the one hand and efficiencies of scale and reduced management costs on the other, now all within the context of the economic downturn, which may very well reduce the quantum of research to be procured. As a result of both demand and supply factors many suppliers, including members of SRA, are under extreme pressure.

Framework agreements - the selection of a panel of suppliers via a competitive bidding process, usually under EU procurement rules, for a fixed number of years - are increasingly a feature of government bodies' procurement of social research. Initially government bodies used framework agreements for specific types of research (for example, opinion surveys which had to be turned around quickly or specialist research for which there was only a small number of potential suppliers) but the proportion of projects commissioned through frameworks has increased substantially in recent years.

The SRA, supported by a grant from the Nuffield Foundation, commissioned Carol Goldstone Associates to undertake a small empirical study about the current ways that social research is commissioned by national statutory bodies. This study focussed on the ways that procurement procedures, particularly framework agreements, help or constrain the development of constructive relationships between commissioners and suppliers and how they influence (and are believed to influence) the choice of researchers, the research methods used, the productivity of working relationships between commissioners and suppliers, and the quality of the final outputs.

This document details the findings of this research.

It should be noted that the research was not designed to investigate the impact of the economic downturn and the government cutbacks on procurement or on research in general. However, inevitably, it was a subject of discussion amongst all research participants and has been incorporated into the narrative as and when appropriate.

1.2 Research Objectives

The main aims of the SRA study were:

- To examine the ways that current procurement procedures for social research facilitate or constrain the development of constructive relationships between commissioners and suppliers *and*
- To explore the ways that different procurement procedures are perceived to affect the choice of researchers, the research methods used and the quality of the final outputs.

The overarching objective of the study was to compare framework agreements with more traditional project-based tendering. This overall objective was divided into a number of secondary objectives:

- To explore issues in bidding or setting up framework agreements including:
 - the extent and ways in which different procurement procedures manage 'fair treatment' between different bidders for a research contract;
 - how transparent the assessment and award criteria are;
 - what different approaches and attitudes exist in relation to joint bidding and consortium bids;
 - the access that researchers within different sectors of the market (social research organisations, academics, market research organisations, management consultants, self-employed individuals and small consultancy organisations) have to compete for projects, how successful different groups are, and what factors affect this; *and*
 - the extent to which managing the supply chain in relation to sub-contractors is addressed and whether this is a formal process.
- To investigate how framework agreements and project-based competitive tendering operate:
 - what forms of pre-tender discussions are possible;
 - how post tender negotiations are handled;
 - whether there is a formal partnership approach to working between the commissioner, researcher and other stakeholders;
 - whether additional services, such as advice or knowledge transfer, should be provided through framework agreements without charging; *and*

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- the extent to which on-going relationships can and have been developed between commissioners
 - To identify the following impacts that methods of tendering have on the way the work is done and what emerges at the end
 - whether either single tender projects or mini-competition projects allow for more extensive pre-tender discussions and promote and facilitate more collaborative relationships further down the line i.e. post tender and during the life of the project;
 - whether different procurement procedures affect the methods adopted for studies (e.g., more qualitative work than quantitative; innovative methodological approaches or not);
 - how the various parties – government research managers, policy makers, the researchers and the wider research community – perceive the quality of the research that is carried out, under framework agreements or project-based competitive tendering, and whether this is affected by the procurement process; *and*
 - the extent to which the procedures used have been able to build capacity within the social research community.

1.3 Procurement and EU regulations

Caution: Procurement rules are very complex and this section, included to provide context to the findings, is intended to provide merely a layman's introduction. The description here should not be considered either definitive or comprehensive.¹

Social research may be considered to fall into two European Union (EU) procurement categories – market research and research and development (R&D). The Office of Government Commerce (OGC) defines R&D as work “to inform the development of a policy, service or product and where there is an experimental element, for example testing an approach to, or a design of, a policy, service, delivery mechanism or product.” R&D services are exempt from EU procurement rules if the services are wholly paid for by the contracting

¹ Further details may be found on several government sites including:
http://www.civilservice.gov.uk/Assets/GSR%20procurement%20guidance_tcm6-8712.pdf ,
http://www.civilservice.gov.uk/Assets/Framework%20agreement%20guidance%20August%202009_tcm6-9349.pdf *and*
<http://www.ogc.gov.uk/procurement - the bigger picture policy and standards framework.asp>

authority and the results are to be made public. However, market research services (including survey services and social research services outside of the R&D definition) are not exempt.

Where social research is considered to fall under the market research category, then, in common with other goods and services, it must be commissioned in line with the EU procurement regime, designed to open up public procurement across the EU and reinforce value for money.

The procedures laid down will depend on the value of the contract (or series of contracts). Contracts exceeding the specified threshold² have to be advertised in the Official Journal of the European Union (OJEU) and procured through full competition.

Some social research is procured through framework agreements. These are arrangements with suppliers that set out the terms of contracts to be awarded during a specified period with particular reference to price and quality. If any of the requirement falls into the Market Research category, then, provided that the total value of framework contracts is expected to exceed the EU threshold, the framework agreement must be advertised in OJEU and go through the full OJEU procurement procedure.

Most frameworks are divided into lots, either by subject or methodologies. Unless the framework is with a single supplier, individual contracts are generally let through so-called “mini-competition” of all suppliers within an individual lot and there is no requirement to re-advertise the contract.

Where the framework is deemed to fall completely within the R&D definition, the framework does not have to be procured through OJEU and there is no mandatory requirement for suppliers to be selected through any form of competition.

1.4 Terminology

Members of the social research community, both within commissioning organisations and suppliers, describe themselves as researchers. For the purposes of clarity, within this report we refer to researchers in supplying organisations as “suppliers” while those working in commissioning bodies are described as “procurement staff” and “researchers”.

² The threshold varies over time and with the nature of the commissioning body. For 2010, the relevant thresholds were €125k or €193k for market research (depending on the body) and €193k for R&D).

2. SUMMARY AND CONCLUSIONS

2.1 *Mapping Exercise*

- Three main types of procurement method are used for project-based commissioning within central government and agencies: OJEU frameworks, which require mini-competitions between lots; non-OJEU frameworks, where social research is classified as research and development and single tender selection is allowed; and project based procurement using open competition. Most frameworks are open for use by other public sector bodies.
- The bodies explored for this part of the study were equally divided between those using project based open competition and frameworks.
- There is no consensus about the best procurement method. All believe that their selected method provides the highest quality research and the best value for money. Framework users perceive the faster timeframe for procurement using a good range of pre-selected suppliers as beneficial. Those using open competition appreciate that ability for all suppliers to submit a bid and consider that frameworks favour large organisations over small and medium enterprises (SMEs) and small university departments.
- Frameworks of other departments are often used by those undertaking insufficient research to justify the cost and resource of setting up their own framework. However, those using others' frameworks note that they must take care to select a framework suitable for the research required.

2.2 *Case studies*

- Three case studies were selected, each representing examples of their type using best practice. The three studies were Department for Work and Pensions (DWP) (non OJEU framework); Office of Fair Trading (OFT) (OJEU framework) and Department for Education (DfE) (open competition).
- The DWP framework has five lots and a total of 86 different suppliers. Procurement is mostly via single tender selection although some competitions are held. This reduces the time required for procurement compared with alternative procedures.
- DWP researchers use a combination of sources to select appropriate organisations including a comprehensive database of suppliers, formal and informal discussions with colleagues and their own personal experience. They favour those with experience of

undertaking similar studies in the past. There is perceived to be some risk in using organisations who are new to the framework.

- The OFT framework comprises 41 suppliers on eleven lots with 6 – 22 suppliers per lot. Larger lots were preferred to ensure representation of SMEs. Because the lots are quite generic, this framework is widely used by other public sector bodies.
- Tendering takes place through mini-competition followed by a tender board with two or three short listed suppliers. Typically, 6-8 organisations bid for most projects.
- DfE primarily uses restrictive competitive tendering for procuring projects although the COI framework is used for communications projects. The multi-stage tendering process starts by a call for expressions of interest (generally restricted to 750 words) from which a short list of around 6 suppliers is selected to provide detailed proposals. A final selection is made by meeting those with the best bids at a tender board.

2.3 Suppliers' Experiences

- Suppliers consider it important to bid for frameworks, especially those at the core of their business, because they know that the list is closed over the life of the framework. There is no evidence that suppliers decide not to tender for frameworks because of the resource required, even when this is intense.
- Selecting which projects to tender for is slightly more focused. The topic and relevant experience are the most important criteria. Other criteria such as who is the commissioning organisation, likely competition and whether they have available resource to undertake the project are usually more important than the procurement route or the potential number of bidders considered. Smaller organisations are more likely than larger ones to be deterred if they anticipate large numbers of bidders.
- Suppliers generally dislike the way that pre-tender clarification processes are handled. There is little awareness that questions covering intellectual property will not be circulated. Consequently, few will ask penetrating questions because they do not want to reveal their thinking to competition. Some suppliers try to circumvent the formal procedure by speaking to project managers directly, even when this is discouraged. There is inconsistency in this area as, in some cases, suppliers were able to have detailed conversations with the potential client, potentially advantaging themselves over those who only used the formal approved approach.
- Post tender negotiations are not a controversial area and suppliers are content with the current arrangements.

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- The incidence of consortia bids has increased in recent years. Commissioning bodies like consortia because they provide a range of expertise. However, apart from niche suppliers, small organisations are less likely to be invited into consortia or to persuade other organisations to tender with them. The use and role of consortia is not affected by the procurement method used.

2.4 Impact of procurement method

- Each of the key procurement methods is perceived to have both advantages and disadvantages. Consequently, no method is clearly favoured by either commissioners or suppliers.
- Advantages of single tender procurement, as available within the DWP framework, are the early forging of a close partnership and the speed with which a study can be commissioned. However, there is some lack of clarity for those outside the department about how preferred suppliers are selected and this leads to suspicions of bias and favouritism. In addition, suppliers new to the framework find it difficult to get selected.
- The competitive framework, as represented by OFT, is perceived as being fair and having clearly understood tender processes. The advantages are speed (in comparison with open competition) and the availability of a range of potential solutions from which project managers can choose. However, the inability to widen the pool of available suppliers over the lifetime of the framework may be particularly disadvantageous towards the end of the framework period because of changes in the market and the type of project required. Competitive frameworks generally are also criticised as often inviting unreasonably large numbers of bidders to compete for projects. A two phase system such as is used by COI is considered an ideal route, especially if the lot is very large.
- Competitive tendering is thought to work well provided that the commissioning body does not attempt to commission projects in a one phase approach. The two phase restricted competitive tendering system used by DfE is well liked and is thought to be fair to everyone. The key advantage of competitive tendering (open and restricted) is that all projects are open to every supplier. A drawback for commissioners is the long lead period before a project is commissioned.
- Poor or non-existent feedback is a source of criticism for many projects, regardless of the procurement method used. There was particular criticism of those bodies who refused feedback on the grounds that they had received too many bids.
- Neither OFT nor DfE routinely reveal approximate budget to suppliers. Many project managers believe that non-disclosure of the budget results in better value for money.

Suppliers generally disagree with this approach as they consider that they can better meet expectations if they have some knowledge of how much is available.

- Selection of a procurement method is considered to be a trade off, weighing the various advantages and disadvantages and determining which are of greatest relevance in given circumstances. The majority of suppliers think that the design of most projects would be the same, regardless of procurement method and therefore there is no impact on research quality. A minority, however, believe that one or other of the methods will allow a better project to be designed

2.5 Round up

- Examples of effective practice were identified for all parts of the procurement process. Better practice includes: ensuring the size and structure of lots is appropriate for the framework; designing a procurement process that appropriately limits the number of suppliers preparing a full bid; providing guidelines to commissioning project managers to ensure that either all or no bidders are able to speak to them; and providing high quality and timely feedback.
- The varied expertise of different types of supplier (e.g. agency, university, social policy institute and management consultants) means that they tend to be favoured for different types of business. Outside of this, however, there was no evidence that any of the procurement methods differentiate across supplier type or tend to favour one rather than another.
- More importantly, however, there are substantial differences depending on size. SMEs and some small units within large organisations (typically small university departments) are at a disadvantage in all procurement procedures. This is due to the preference not to sub-contract (e.g. quantitative fieldwork) and the more restrictive (although personal) experience that can generally be offered by a small organisation.

2.6 Conclusions and implications

- The most important conclusion from this research is that any of the main procurement methods can be used successfully provided that best practice is utilised. The choice depends on an assessment of the pros and cons of each method. However, each method is open to bad practice which can reduce research quality and place an unnecessary burden on both commissioner and supplier.
- Overall, the research does not indicate that the procurement method substantially affects the client/ supplier relationship which many suppliers perceive as starting once the

contract is awarded. However, a minority opinion is that the DWP single tender route does encourage better relationships.

- While the OJEU framework and open competition methods are perceived to be transparent, there is a perception amongst some suppliers that the DWP selection may be unfair. More transparency will help dispel this view.
- Although GSR guidance is available to encourage good practice amongst commissioners, it is not always adhered to. This may be because not all researchers are aware of it or because they are not compelled to follow its recommendations.
- The current pre-tender clarification procedures should be re-visited as they are currently failing to provide suppliers with the level of advice required and expected.
- Commissioning bodies should be encouraged to provide full and timely feedback.
- Consideration should be given to setting up a centralised database covering supplier information which all commissioning bodies need within the procurement process.
- Greater efforts should be made to encourage inclusion of SMEs who are currently disadvantaged by the procurement processes.

3 MAPPING EXERCISE

3.1 Background

The purpose of the mapping exercise was to provide a clearer understanding of how central government departments procure social research and the prevalence of the methods used. The intention was to cover all main government departments and a wide range of agencies and NDPBs to be representative of the universe of statutory bodies.

Information was obtained from a total of 15 Government Departments and 35 agencies/NDPBs. The mapping exercise was conducted in May/June 2010. A small number of those included in this element of the research have since been earmarked for closure or for merger with other NDPBs; nonetheless, the pattern of procurement identified is unlikely to change substantially following government reorganisation.

3.2 Procurement methods used

It was general for each body to use one main method for procurement although some used a secondary method for a minority of commissions. As expected, the key procurement methods were through use of a Framework agreement or via project based open competition. Seven of the bodies contacted reported that they did no social research (or virtually none). Exceptionally, the Department of Health periodically invites suppliers to submit bids for specific research areas (in a similar format to major funding bodies) rather than responding to specific project based tenders. This project is focussed on project tendering and we have therefore excluded this style of generic procurement.

Structure of Social Research

The value of the social research commissioned in the previous financial year (2009/10) varied substantially across the bodies investigated from under £100k per year to over £30 million. Almost without exception, budgets were expected to be very substantially lower in 2010/11 and in the near future. Only one relatively new NDPB, whose remit was being expanded, expected an increase in budget for social research.

The way that social research was structured within departments largely depended on the budget. Those with a large budget generally had a dedicated social research team, either working within a unit or embedded with different subject based policy teams. A number of dedicated units included statisticians and sometimes economists as well as researchers. Where the budget was small, research was, in the main, the responsibility of non-

researchers who happened to have a specific research requirement or who included research as one of their responsibilities.

Frameworks

Two different styles of framework were used, one of which follows EU procurement regulations for market research (described within this report as an “OJEU Framework”) and the other identifying social research as R&D rather than market research, following a different regime (“non-OJEU Framework”).³

Only one non-OJEU framework had been set up covering two government departments (DWP and HMRC) and this was also used by two DWP NDPBs. The vast majority of frameworks fell into the OJEU category.

In most cases, departmental frameworks can be used by other government departments and a number of bodies took advantage of this. Using frameworks set up by other departments was most common amongst those whose annual research requirements were considered to be too small to justify setting up a framework of their own. Additionally, a number of bodies (including some with their own frameworks) used the COI framework for communications requirements such as advertising research.

The availability of frameworks for other departments depends on the procurement officer ticking a specific box during the OJEU application process. One commissioning body had inadvertently left this box blank when setting up their framework. When this body was subsequently split into two NDPBs, a special contract had to be set up to enable the section who no longer “owned” that framework to continue to use it.

A small number of government departments had established research institutes (mostly embedded in university departments) or panels of experts (also mostly academics) who could be called on at short notice. These were set up using the same procedures as for other OJEU frameworks although, in the case of expert panels, tenders were submitted by individuals rather than organisations.

Framework agreements were generally set up for three or four years. Most comprised a number of lots with suppliers allocated to each lot. There was a great deal of variation in the number of suppliers per lot but, in line with GSR guidance, around 8 – 10 was the most commonly cited lot size. The nature of lots varied across the frameworks in place. The most common ways of splitting up lots was by theme or subject area but some frameworks

³ These are described in more detail in Section 1.3 and Chapter 4.

used other methods such as by research methodology. A minority of frameworks which covered services in addition to social research included all the research element within one specific lot.

Some frameworks were based on different models. For example, the Department for Transport framework identifies a lead contractor for each lot.

Open Competition

Those using open competition generally advertised all contract opportunities on their own web site. In line with EU regulations, higher value contracts were also advertised through OJEU. However, where individual commissions fell below the OJEU limit, some bodies used public tender sources such as Supply2Gov to ensure wide dissemination of the opportunity advertised while others restricted advertising to their own web site or allowed organisations to register to receive email alerts advising of new opportunities. For smaller commissions, in particular, some bodies made a point of contacting those organisations they had used in the past (or who had previously tendered to them) to advise them that the opportunity was currently being advertised.

Some organisations operated a specific variant of the open competition route – restricted competitive tendering. In these cases, the initial tender was open to all bidders but only those successfully submitting an initial expression of interest would be invited to submit a full tender.

Breakdown of methods used

The primary procurement methods used across these bodies are shown in Figure 1:

Figure 1: Main procurement method

TOTAL	50
Project based tendering	16
Non OJEU Framework	
Own	2
Others	2
OJEU Framework	
Own	15
Others	10
Research Institute/expert panels	4
No social research undertaken	7

(Note: figures add to more than 50 as some bodies use multiple methods)

Reasons for choice of procurement method

Departments and NDPBs who were contacted by telephone were asked why they had chosen the route they used and whether other options had been considered or were under consideration.

Whichever method was used – framework or open competition – it was common for each body to believe that the method it used provided it with the best value for money and also that it was the means of obtaining the highest quality of research. This could depend on the nature of the projects expected to be commissioned.

However, there were also other reasons for making a particular choice. Framework users particularly liked the speed of procurement which was thought to be much faster because there was no need to go through the OJEU process. Other advantages were the transparency, the availability of a good range of high quality suppliers immediately on hand and the ability to develop a better relationship with those suppliers.

In some cases, the use of a framework was not the choice of the departmental researchers. For example, some bodies undertook all procurement through framework agreements and a small number had “inherited” their framework from predecessor organisations. There were some comments that frameworks were *“increasingly the way to go”* and there was some feeling that before too long, all public sector procurement would have to be via frameworks.

Several of those using frameworks set up by other bodies undertook only modest numbers of research projects themselves. They felt constrained by the cost (both actual and in man-hours) of setting up their own framework which would could exceed the cost of the research budget in its entirety.

“We don’t undertake the critical mass of projects that would make it worthwhile for us to have our own [framework].”

NDPB

Using another body’s framework enabled the research to achieve the same value for money and high quality as using a framework of one’s own. Another advantage of using another body’s framework, mentioned by several respondents, was the ability to *“tick the box for collaborative working”*. Collaborative working was perceived to have increasing emphasis and, while not the prime reason for using the framework, this was a welcome incidental benefit.

However, there were perceived to be disadvantages to using a framework that had been put in place by another organisation. These were sometimes sufficient to decide a department or NDPB to opt for open competition rather than use a framework.

Firstly, a framework was, quite understandably, set up with the needs of the framework owner in mind and these often did not match with those of the secondary user.

Consequently, it may not have appropriate lots and might not include the suppliers that the secondary body would have preferred. One respondent, who had examined available frameworks and decided not to use them, felt that existing frameworks tended to over-represent large agencies and under-represent small agencies, universities and niche suppliers. Another respondent who had decided against using other bodies' frameworks was concerned that, as a secondary user, his needs would take second place to the main client – although it should be noted that suppliers disagreed with this view and felt that he would have had the same service as the primary user.

Those opting for open competition felt that this gave them a wider choice of supplier, without constraint. Over the lifetime of a framework, commissioners' requirements could change. Suppliers, too could undergo changes (especially if key personnel moved on) and new suppliers could move into the market. Together, these could make the list out of date. One commissioner felt that organisations on a framework would become sloppy and no longer try so hard, resulting in poorer quality research. Some who had tried using frameworks in the past felt that the resulting research was expensive and not as good value for money as they experienced using open competition. They also felt that, because of the need to include a mini-competition phase (essential in the OJEU frameworks although not for non-OJEU), the procurement process was no faster using a framework than through open competition, even though speed of procurement was considered to be one of a framework's big advantages.

Overall, therefore, government bodies were divided about the most suitable methods for procuring social research. Each group perceived its chosen route to be the most appropriate, providing them with the best value for money and the opportunity to use the most suitable suppliers.

4 CASE STUDIES

4.1 Introduction

The mapping exercise confirmed that there are three main procurement routes used within central government – OJEU Frameworks, non-OJEU frameworks and open competition. The occasional use of specialist panels or “academies” to deal with particular projects or types of research can be considered as a specialist framework off-shoot and they have not been examined in any detail within this study.

In order to look at the three procurement methods in detail, we identified government bodies that had been mentioned by peers as representing good examples of their type. Each agreed to participate in the research. The three selected bodies were:

Non-OJEU Framework	Department for Work and Pensions
OJEU Framework	Office of Fair Trading
Open Competition	Department for Education.

For each of the case studies, we spoke to both procurement staff and research project managers using a mix of focus groups and individual depth interviews. Copies of the topic guides used are appended to this report.

4.2 Non-OJEU Framework: DWP

4.2.1 Introduction

DWP is one of the larger social research procurers across central government, spending around £18 million on research in 2009/10. It set up its first social research framework in 2004 – one of the earliest for social research – and, in line with the contracts signed, it was renewed in 2009 with a fresh tendering process. The current framework, which was procured in a joint procedure with HMRC, comprises five DWP subject based lots with large numbers of suppliers in each lot. A total of 86 different organisations are represented on the framework:

Table 1: DWP Framework lots

Ageing and pensions	39
Housing	46
Disability and well being	45
Labour market	64
Performance and business delivery	21
TOTAL SUPPLIERS	86

Many of the suppliers are on more than one lot and 13 suppliers are on all five lots.

DWP and HMRC are the only government departments to have set up a non-OJEU framework. They selected this route following extensive legal advice (which has since been reviewed and confirmed) as legitimate for them. The key criterion is that their social research is classified as R&D and not as Market Research which requires the OJEU style framework used by other departments (see Section 1.3). Certain minor pieces of work which are classified as Market Research (e.g. Omnibus research) are procured through frameworks of other departments. In line with the R&D criteria, all DWP research is published; its research reports are freely available on its web site.

The key practical difference between the two styles of framework is that an OJEU framework requires that each new commission is procured through a competitive process (generally described as a “mini-competition”) while the non-OJEU framework allows single tender selection. It should be noted that while DWP uses single tender selection, HMRC has chosen not to do so. Within HMRC, social research is procured in a two phase process, inviting all suppliers within a lot to submit an expression of interest and, from this, short listing a small number of suppliers to prepare full tenders.

Procurement personnel in other departments seldom thought that the non-OJEU route was applicable for their research. Indeed, even some procurement staff were unfamiliar with the differences between the OJEU and non-OJEU criteria. Only one other department (Department for Education) felt that the non-OJEU criteria could apply to them. However, they observed that they would not want to use this route because it was “*not in the spirit of the EU*” to use a single tender selection. The DWP procurement team have taken a different view, considering it to be not only legitimate but also the best means of procuring research of the very highest quality. In addition, the opportunity for single tender procurement substantially reduces the time taken to commission a study.

4.2.2 Procurement

DWP has a large body of researchers and other analysts (around 100 in total) who are embedded across the organisation within the policy team. There is also a small central team working on cross-policy areas. This organisational structure is relatively new; previously, researchers worked together in a single department, separate from their policy colleagues. It was generally felt that the current system is much better as it ensures that research is consistently considered during policy development and researchers are on hand to advise what can or cannot be done by social research. Regular sessions for researchers are run to help prevent them feeling isolated from their research colleagues.

Most studies are procured through a single tender selection although occasionally, initial discussions may be undertaken with two potential suppliers with a final choice between them being made at an early stage. Additionally, a small number of large or complex studies are awarded through a mini-competition from suppliers in one or more lots.

The single tender selection is made by the research project manager who is able to peruse a detailed database providing information about each framework supplier on the relevant lot. Much of the framework information is provided by the supplier (who is invited to update this regularly) and is supplemented with information about previous commissions undertaken by that supplier. Researchers are expected to provide an assessment at the end of each project. However, while this system is largely adhered to, there were some instances where researchers found that information on specific projects had not been completed so that they were not able to use this for assessing supplier performance when commissioning new work.

The procurement team provide back up for researchers who have a contract to let. They check every single tender justification and, in addition to advising the researchers to thoroughly check all eligible suppliers before making a decision, will challenge any selection which they feel has not been subject to adequate thought.

“We need to check that they are not just cherry picking an organisation they’ve used ten times before just because they happen to be comfortable with them.”

Procurement team, commissioning body

This process is seldom invoked, however – none of the researchers interviewed had ever been challenged on a selection that they had made although they were regularly reminded to consider all suppliers within the relevant lot.

When asked about the means by which they select suppliers, researchers reported that they use a combination of methods. The relative importance of these varies with the individual researcher and the piece of work under consideration.

Firstly, researchers examine the database. In combination with this, a great deal of weight is put on the views of colleagues, especially those who have previously worked with organisations that they are considering. Peer opinion is of particular importance to more junior project managers or others with relatively limited experience of a large range of relevant suppliers, perhaps because they have recently moved from one policy area to another. Researchers reported that they use both formal and informal methods to obtain information about suppliers, especially those they are unfamiliar with.

The actual piece of research to be undertaken is another important factor. Researchers had clear views as to the most appropriate type of organisation for some types of study.

“You do think about the characteristics of the work that you are about to commission. So if you want to commission a survey you will go to somebody who has a field force in the first place rather than somebody who is going to sub-contract it out. If what you want is some rather sensitive qualitative work then you’ll look for them rather than somebody whose reputation is in quantitative surveys. And you do look at subject matter.”

Researcher, commissioning body

Although not the first route mentioned, all researchers acknowledged that they use their personal experience – not only by considering those who have provided good service in the past but also by discounting those who, in the view of the individual researcher, have failed to meet the exacting standards that the department requires. A supplier was considered to be only as good as the last piece of work completed.

The ability to prepare a high quality report was of particular importance here. It was felt that while many organisations might have the ability to complete the research, the final report was such a critical output that it had the potential to cause the greatest difficulties for the project manager if badly prepared.

Another consideration rated as important was the supplier’s previous experience. There were several reasons for this. The first was that suppliers were able to fill in missing detail about earlier studies of the same type.

“Because we move around, you can end up depending on their [suppliers’] back knowledge of the past ten years. ...[In one case] we asked him ‘what happened back in 2003?’ because we wanted that back knowledge.”

Researcher, commissioning body

Additionally, project managers needed confidence that the supplier understood the topic and they also believed that most projects could be completed far more quickly and with less need for a steep learning curve by those who had already worked on a particular topic.

“We’ve had several bad experiences where we have gone with somebody less familiar from the framework where we’ve taken an open approach and there can be a huge overhead in getting people up to speed with the way we work and the way that we like to manage research projects and there is also a huge risk because, shock! Surprise! Some people are not as good as they say they are.”

Researcher, commissioning body

While researchers discussed how they select individual organisations, there was also considerable weight placed on specific researchers. Selection of a particular organisation because of prior experience was substantially diluted if the individual who had been responsible for work had moved elsewhere, to the benefit of the new organisation.

“Sometimes people move from one organisation to another And when you see the paper work you recognise them.”

Researcher, commissioning body

Following the economic downturn and the planned reduction in government spending, far fewer commissions have been made using the new framework (2009) than had been expected by this time. This has meant that there is less available evidence about framework suppliers, particularly those who are new to the framework. Researchers admitted that they were often reluctant to be the first to try out a new supplier about whom little was known, as shown in the quote above. They were concerned a new supplier put their project at risk of having significant problems. The unknown quality of report writing was again mentioned here as an area which would reduce the eagerness to try a new organisation. There was evident confidence in those who were *“tried and tested”*.

When pressed about the circumstances under which they might be prepared to try a new supplier, some researchers felt that they might be prepared to try them on a smaller, less prestigious project where there was less impact if problems did arise.

“We can bring in new organisations when we could allow ourselves a bit of a risk or if this project is less high profile. Also for new topics if someone has relevant experience.”

Researcher, commissioning body

There was, however, a definite reluctance to actively seek out those who had not previously worked for the department, even though they had ostensibly shown their worth by being awarded a place on the framework.

Since the introduction of the new framework in 2009, the number of mini-competitions had increased. Compared with other frameworks, such competitions were issued to large numbers of suppliers as, once competition was introduced, all suppliers in a particular lot had to be invited to tender. To reduce the work load on both suppliers and the DWP procurement and research teams, some different methods have recently been included in DWP invitations. One is to invite expressions of interest to reduce the number of suppliers preparing full bids. However, it was evident that not all researchers had considered the burden on suppliers when requesting a specific commissioning procedure. One project was commissioned by asking suppliers to complete a two phase template although the second section (completed by everyone) would only be marked for those achieving a minimum score in the first part. This system was heavily criticised by several DWP suppliers interviewed for this study for the unfair burden it placed on them.

Overall, the procurement team are confident that the selection method over which they preside shows transparency and openness for each project. A number of suppliers did not, overall, agree with this assessment and this is discussed in more detail later.

Regular discussions with the researchers have convinced the procurement team that researchers' ability to select their own supplier from all those on the framework works well

and provides researchers with the best service. They were unanimous in their view that there were no substantial changes required to the procurement method used.

The existing system had one very strong benefit to the research team. In some cases, particularly if the research objectives were complex or difficult to achieve, a supplier would be selected at a very early stage in the process – possibly even before the objectives had been finely honed. The supplier (having agreed that they would be interested in the project and had the capacity to complete it within the broadly sketched timescale) would participate in a face to face meeting or tele-conference during which the project would be discussed and a suitable research programme, within the available (revealed) budget would be worked through. The supplier thus had a full involvement in the project from the earliest stage. Not only was this felt to be beneficial to the relationship between commissioner and supplier, it also allowed the supplier to put forward more innovative solutions, in the knowledge that these could be debated and accepted or rejected without impacting on the likelihood of them being awarded the contract. DWP researchers valued this early involvement very highly and were convinced that it enabled them to formulate a research programme that was best suited to their requirement.

Neither researchers nor the procurement team found it easy to identify any drawbacks to their procurement method. Only one researcher identified a potential problem. She had been in conversation with a former colleague, now transferred to another department which used an open competition format for procurement and reported much cheaper prices.

“I’d be interested to see competitions in terms of costs. I had a colleague who had moved to another department and he emailed me to say ‘I’ve just been doing competitive tendering. You should see how different the costs are.’”

Researcher, commissioning body

Other DWP researchers were somewhat sceptical about this. They were confident that they had a good feel for the market rate for a job and would quickly identify any supplier who appeared to be over charging for their services. The inclusion of day rates within the framework was also felt to ensure the research provided good value for money. This feature of the DWP framework was also discussed with suppliers and their views are reported below.

4.3 OJEU Framework: Office of Fair Trading

4.3.1 Introduction

The Office of Fair Trading spends just under £1 million per year on social and economic research. The OFT framework was first set up in 2005 and was renewed in 2009. It has

eleven lots, all quite widely specified (although the last couple are for services other than social research) and is consequently a very popular framework for use by other organisations. Amongst those using the OFT framework are the Charity Commission, the National Audit Office (who also has a framework of its own for some of its social research), the Land Registry and the Homes and Communities Agency. A total of 41 different organisations are represented on the OFT framework:

Table 2: OFT Framework lots

Mystery shopping	10
Business surveys and market research	13
Consumer and social surveys and market research	16
Management of complex and multifaceted research	13
Social and economic research and analysis	16
Combining social/economic research with market research	22
Statistical and economic service and analysis	12
Industry and market specific research and technical analysis	13
Specialist advice and services relating to research, evaluation and the economics of industrial organisations	17
Provision of specialist training	6
Behavioural and psychological research	7
TOTAL	41

As with the DWP framework, the organisations include market research agencies of different sizes, university departments, marketing consultants and economic specialists.

4.3.2 Procurement

Unlike the DWP framework, within an OJEU framework, every project to be tendered is subject to a mini-competition. Thus, for all OFT projects, every organisation within the appropriate lot (or lots) must be invited to participate. In theory, there can be as many as 22 separate organisations tendering for any single project. In practice, however, the procurement team have found that this is not the case as, typically, around 5 – 8 organisations will tender for any one project although numbers have occasionally been lower than this.

The range of suppliers available on the framework was considered to be very important because of the variety of projects commissioned.

“Because of the nature of the work we use a wide range of providers across each of the categories. It’s a good balance.”

Procurement team, commissioning body

OFT policy is that no guideline budget should be advised to suppliers although it was expected that the tender specification documents would include signals to suppliers about the scale of work required. Both procurement staff and researchers felt strongly that suppliers would always bid at the maximum figure if they were told the budget and that they would achieve better value for money by not revealing how much is available.

"I know that if I tell them the budget, everyone is going to come out at that budget. But we recently had a job that came in several thousand pounds under the budget and we got much better value for it."

Procurement team, commissioning body

As discussed later, many suppliers did not feel that this allowed them to design the most appropriate research.

Following the submission of bids, a scoring system is used to rank tenders; the precise system to be used is defined within the specification. For all but the very smallest projects, the procurement process includes a tender board. A small number of bids (typically two or three) are short listed and the suppliers invited in to present their proposals. The contract award is made following this interviewing process by combining scores from the tender and the tender board. Bidders will only be invited in to present proposals if they are considered to have a real chance of winning the contract; on occasions, this may result in only one bidder being invited to present.

Within OFT, the evaluation of the research project would typically be undertaken by the project manager and his/her team while the evaluation of the cost and value for money was the responsibility of the procurement team. Depending on the nature of the project, the project team may include economists and statisticians as well as policy colleagues.

Very occasionally, an additional stage has been included in the tender process. Examples were an expression of interest phase (to gauge interest) in one case and a supplier event in another. Supplier events were generally restricted to large and/or complex studies where suppliers could benefit from hearing directly from the project team and having the opportunity to ask questions.

The procurement team noted that over the year that the new framework had been running, there were a small number of organisations who had yet to submit any tenders and wondered whether those suppliers were more interested in being able to say that they were "government approved" within their marketing materials.

Both procurement and research staff were very happy with the way that the process works and were satisfied that they had an appropriate number of bids from which to make their

selection. For the researchers, one of the main advantages was thought to be the opportunity to select from several different ideas.

“I like having competition. It gives you a choice and you get to pick something that’s absolutely fit for purpose and good value.”

Researcher, commissioning body

Even when the specification was fairly precise, bidders were always advised that alternative ideas would be welcomed. Thus, the research team was exposed to options that they may not have otherwise considered. They knew that all bids would come from approved organisations who had earned their place on the framework. There was no need to check the organisations’ bona fides, quality procedures etc as this had already been done in the early stages of the framework set up.

Both procurement and researcher staff were confident that the framework provided the best value for money – maximum day rates were built into the framework contracts but bidders could undercut this for individual projects – and led to the highest quality of research. Furthermore, the fact that the process could be undertaken in a single stage with no need for an Expression of Interest phase meant that the commission could be completed much more quickly than through open competition – especially for larger projects that would have required an OJEU submission. The advantages of the system were sufficient to justify the laborious process of setting up the framework which had taken a great deal of time and effort from the procurement team.

4.4 Open Competition: Department for Education

4.3.1 Introduction

The Department for Education is one of the largest spenders on social research. In 2009/10 it spent around £30 million on social research of which £12 million was dedicated research budget and the remainder was for evaluations which came out of the budget for the relevant programme. There are around 250 analysts, including economists and statisticians, most of whom are embedded in three policy facing directorates – Schools, Young People and Families – each of which has its own team of analysts. There is also a central team and an analytical team accounting for around a further 20 staff.

4.3.2 Procurement

Apart from the Communications Department, which generally commissions research through the COI Framework, most research projects are tendered individually through the Department's web site. Most DfE projects are procured through a two phase restricted tender route. All suppliers are invited to submit an Expression of Interest (EOI) (generally with a word limit of around 750 words) and these are analysed by the project team to look at responses, based on evaluation criteria included in the advertisement. A minimum of two researchers are responsible for this evaluation with additional staff asked to adjudicate if there is no clear short list. On the basis of this process, a number of suppliers – typically 6 – 8 – are invited to complete the full Invitation to Tender.

One problem that researchers have experienced has been the very large numbers putting in EOIs. They are now changing their wording to try to discourage EOI submissions from organisations without appropriate experience.

“The expression of interest is usually a couple of hundred words. It goes on the web site. Completely open. We’ve tried to change ours recently to be not so open because for some projects we were getting hundreds of expressions of interest with people putting in things that weren’t relevant. But they are open for anyone. We try to reduce it by saying ‘only if you’ve got experience in this’ to try to draw out the skills and experience we’re looking for.”

Researcher, commissioning body

As with the OFT, prospective suppliers are not usually given a guide budget as it is felt that suppliers should be given the widest opportunity to identify the optimum research programme to meet the objectives. However, within DfE, this is at the discretion of individual project managers.

The tender uses traditional systems (closed bids by the closing date) and submitted tenders are scored. Unlike the OFT system, the entire evaluation is undertaken by researchers with the procurement staff available to provide help and guidance but not taking an active role in evaluating bids.

The final stage in the process is a Tender Board. In our discussions with researchers, they placed great importance on the Tender Board which they considered a vital part of the selection process. It gave them the opportunity to meet with the suppliers' team who would be undertaking the research and find whether they appeared to be as good in person as they were on paper.

“Sometimes they have different people writing them [tenders] from the people in the presentation”

Researcher, commissioning body

As with OFT, only those who still had a realistic chance of winning are invited to the Tender Board – researchers were very conscious of the potential burden on suppliers and were adamant that they would not invite a tenderer who had no chance of being awarded the contract.

“When you have new people on the team and you’re training them up, they might say ‘we’ve got these three people and these two are really strong but I’d be quite interested to see the third group’ but I say ‘you can’t do that. If this third organisation has no chance then you don’t bring them in just to test these two. You don’t bring them in unless they’ve got a real chance. You don’t waste people’s time. It’s a whole day of their time and money’.”

Researcher, commissioning body

Even if there were only one supplier who appeared to be substantially superior to other bids, this supplier would still be invited to present their bid to the Panel (although not told that they were, at this stage, the preferred bidder) so that researchers could be confident that this organisation would provide the appropriate quality and value for money.

“We sometimes get somebody who’s so outstanding and to budget and then we just invite those people in without wasting other people’s time. We don’t like playing people against each other if it’s not fair.”

Researcher, commissioning body

Very occasionally, DfE projects are tendered through the framework of another government department. Ostensibly, this can be done if the study needs to be commissioned more quickly than can be done through open competition. However, the procurement staff were not convinced that the method saves any time since (as the DWP framework would not be suitable for DfE requirements) there is still a need to complete a mini-competition. The view of procurement staff was that most researchers would not choose to use a framework more than once – having discovered that it has no advantages, they would subsequently use restricted competitive tendering which is the department’s favoured procurement route for social research.

DfE has considered setting up a framework in the past but has not gone ahead for several reasons. Firstly, the time and costs of setting up a framework are considered to be too excessive. Moreover, when the subject has been discussed, there has been no internal agreement as to the most appropriate structure for such a framework.

“When we discussed it, we couldn’t agree on what lots we should have or how big each lot could be. We decided it wasn’t for us.”

Procurement team, commissioning body

The experience of other departments has convinced DfE that frameworks are not the best procurement route. They believe that they obtain better value for money through open competition. They also prefer not to restrict themselves to suppliers who have successfully

applied for a framework – all their projects are open to all suppliers, regardless of size or type so that the most appropriate supplier for that project can be commissioned.

5. SUPPLIERS' EXPERIENCES

5.1 Introduction

This section considers the experience of suppliers in the procurement process within central government. Although suppliers were mostly selected because they worked with at least one of the case study organisations, they were asked to consider not only their experience with this department but their overall experience of procuring work from all central departments and agencies.

5.2 Tendering for Frameworks

The selection procedure for eligible suppliers (see Appendix: Research Methodology) meant that the majority of suppliers interviewed had tendered for at least one framework. There was a strong awareness that frameworks are tendered only once every few years and that therefore it was important not to miss the opportunity by failing to bid.

"We wouldn't want to miss out. If you miss the boat, it will be several years before you can work for them again."

Supplier, management consultancy

Because tendering for a framework is generally very time consuming, suppliers had to be convinced that they wanted to tender for that framework. Those making this decision varied across the organisations interviewed. Within some suppliers (especially but not exclusively smaller organisations), the decision was the sole responsibility of a single director. Elsewhere, the decision whether or not to submit a bid was discussed at directors' meetings where resource allocation was part of the regular agenda.

There were a number of factors taken into consideration, the most important of which was which organisation was offering the framework and what were the particular subject requirements it sought? Some suppliers interviewed (especially some of the larger agencies and management consultancies) had large teams and covered many social research sectors so that they would bid for a wide range of framework opportunities. Other suppliers were far more specialist and tended to concentrate on a small number of core areas; these suppliers would generally seek those frameworks which offered work closest to their own speciality – such a framework was an essential business opportunity. They would, however, also be willing to tender for other frameworks if they felt that these were reasonably close to their core areas so that they had appropriate experience and expertise.

"The topic is really important. If we don't have the experience we're wasting our time. We'll definitely go for something which is close to our main interests but we

might also go for something if it isn't a million miles away too. But that might depend on how busy we are."

Supplier, medium agency

One supplier added that his organisation would also consider whether the area under offer was one that they would like to become involved in but this was a less common attitude.

Although preparation for all framework bids used up a great deal of resource, the demands varied enormously from one framework to another. At the time of fieldwork, several respondents were preparing a bid for a new social and economic framework within an NDPB. This was offered as an example of a particularly badly constructed framework with over 40 different lots, each requiring a great deal of input and with few generic sections which might have reduced the overall work required. It was noted that this not only put a great deal of strain on suppliers, but would also be very difficult for the client organisation to handle and analyse.

In tendering for frameworks, large organisations tended to use teams of people. In particular, topics such as quality and data protection could be undertaken by specialist staff leaving the all-important issues of experience and expertise to the senior practitioners whose time included an allocation for completing bids. Small and medium sized organisations – including some smaller university departments – had few other staff to whom they could delegate other work; they therefore had to make time to complete the bid, even if it meant working additional hours in evenings and at weekends. Within several of the suppliers interviewed, the entire submission would be prepared by no more than one or two individuals.

While most organisations had some template responses available for some of the more general questions, every response had to be specifically crafted to ensure that the response totally matched the questions asked.

Several respondents noted that all framework bids required some information in common – financial and quality information were particularly likely to be mentioned – although there were minor differences (e.g. two or three years of turnover figures). It was suggested that it must be possible for such information to be held centrally and updated regularly.

"You would think it would be possible for there to be a central point where all this information could be held. We could fill it in periodically. Even annually would be better than having to keep on every time you put something in. And then, once you've had your information approved, you can just provide your licence number or something like that. They say they want joined up government and this would be just the job."

Supplier, university

There was also some evidence that the template that bidders were asked to complete had not always been adapted to make it fit for social research. One example of this was a request for bidders to explain how they deal with hazardous waste – not a common problem for social researchers.

All bidders were aware that there was no guarantee of business from a framework but failing to get on the framework meant that there was no chance at all. However, there were complaints from a small number of suppliers who, having made efforts to win places on frameworks, had not been invited to bid for any work during the lifetime of that framework work. Unsurprisingly, one supplier in this situation had decided against re-applying for that framework.

“We haven’t had a single invitation from them ever since we went on their list. And it’s been a long time now. About three years. I won’t bid for that again when it comes round. What a waste of everyone’s time.”

Supplier, management consultancy

Our sample included some respondents who had bid unsuccessfully for frameworks. Previous experience with framework providers was not taken into account in the framework evaluation and this was generally thought to be unfair.

One organisation tendered for a framework with a department for whom they had been working regularly over the previous ten years. They narrowly failed to win a place on the framework and believed that their previous experience was a hindrance rather than a help.

“We had to complete a case study, it was a job we had actually done twice before....Because we knew about the study, we costed it realistically. They said that other people had been more theoretical and we were much more expensive. That made the difference between winning a place on the framework and not. And it took us six months to get that feedback.”

Supplier, small agency

Poor or non-existent feedback was a common complaint. It was not useful to be told that your bid had scored more poorly than others, as was sometimes the case, without further information as to why this was so. Feedback from frameworks, in particular, was seldom considered adequate and left suppliers still not understanding why they had failed to be included in the roster.

Many respondents, especially those who achieved some success, recognised that the areas in which they failed were those where experience was weakest and this led them to believe that the evaluation processes tended to be fair. A small number of suppliers, however, provided examples where they had surprisingly been allocated places on lots where their expertise was minimal while failing to win a place on the same framework for those lots where they felt their experience was strongest.

The majority of complaints were targeted at specific frameworks which were considered to be badly set up – whether because of the number and type of lots or because of badly worded questions. The amount of work required was sometimes thought to be disproportionate although most frameworks led to an appropriate level of business opportunities following on from the intense framework bid.

Suppliers of all types agreed that the framework process is likely to favour the larger organisations, particularly the largest agencies with smaller and niche organisations being more likely to be squeezed out. This appeared to be borne out from the interviews as the large agencies interviewed had by far the greatest success in obtaining places on all frameworks and all lots that they applied for while smaller organisations had patchy success, if any. This disadvantage was despite the fact that, within our case studies, both DWP and OFT had made efforts to ensure that SMEs were not disadvantaged and were represented in the framework (see Section 7.3).

Thus, despite the work required in bidding for frameworks, suppliers recognised that the opportunity should not be lost. There was no evidence that any supplier had decided against preparing a framework bid because of the resource required.

5.3 *Tendering for projects*

All respondents had substantial experience of tendering for individual projects, whether through open competition or through mini-competitions of suppliers in framework lots.

We asked suppliers how they learned of relevant opportunities. Within an OJEU framework, this was straight forward and simple as relevant opportunities were advised automatically. However, suppliers used a range of different sources to learn what opportunities were available through open competition. Many of the opportunities were notified to suppliers by email through tendering services such as Supply2Gov or by registering with relevant organisations. Some suppliers received phone calls from key clients to advise them that a new project was being advertised on their web site.

In addition, most organisations spent a substantial amount of time in monitoring web sites for new tenders. Responsibility for this task varied. In some organisations, senior directors scanned the web themselves; elsewhere, specific executives would check different web sites. One social research institute rotated the group of staff taking responsibility for checking web sites as it was considered to be too time consuming (and tedious) for the same staff to do regularly. A number of organisations – including some of the smaller

agencies interviewed – had dedicated part time staff whose sole responsibility was to identify where new projects were on offer.

Overall, a great deal of resource was often required to find leads for new work. Not all organisations were well organised – in a minority of cases, the procedure was quite hit and miss with each team (or even each staff member) undertaking their own searches with no co-ordination, leading to some duplication of effort.

“Well, we do discuss it [potential leads] at the directors’ meeting and we do sometimes find that we’ve come up with the same advert. Then we have to decide who should have a go.”

Supplier, medium agency

Most suppliers were selective about what projects they would or would not bid for. To some extent, this decision was based on similar criteria to those identified for frameworks – the subject matter of the tender was the most critical element so that suppliers would consider their specific experience and thus the probability of winning the tender. However, for individual projects, other criteria came into play. Suppliers would consider who else was likely to bid (either by knowing the other organisations within the relevant framework lot or through awareness of close competition in a particular field) and, if the study was a repeat of an earlier project, the likelihood of overturning the incumbent. The commissioning organisation was also considered as most suppliers felt that they had an enhanced opportunity if they already had a relationship with the prospective client. Finally, for all organisations but particularly for smaller ones, consideration had to be given to available resource – both for preparation of the bid and for undertaking the work if the commission was won. While frameworks had to be bid for regardless of other work, resource was more important for individual projects where there was less feeling of a long term opportunity lost.

Only once all these factors had been considered would suppliers think about the procurement method (over which they had no control) or the number of organisations who were expected to bid.

Although not true in all cases, some suppliers did take into consideration whether a tender was being commissioned through a one or two stage tender process. Expressions of interest or pre-qualification questionnaires took little time to complete and these would often be undertaken, even if the supplier was uncertain how relevant the project was to them. This meant that they put in expressions of interest even if the project was not of particular relevance to them.

“Some of the big companies out there, it’s somebody’s job, just to put in expressions of interest”

Researcher, commissioning body

A decision whether or not to prepare a full tender could be made if they successfully reached the short list and were invited to tender. One reason why many organisations cast their net particularly widely was because in some cases, the call for expressions of interest gave only sketchy details of the requirement. Only when they successfully reached the short list and obtained the specification could they see the details of what was required and assess how relevant their experience was.

If the tender was being commissioned through a one stage process, the number of bids could be very large – recent examples were cited where, partly because of the dearth of available business, over 50 suppliers had submitted a tender. In these cases, most suppliers would give greater consideration to the likelihood of winning and might choose only to submit a tender for studies which they thought very close to their core work.

Some of the larger organisations did not take probable number of bidders into account and were as likely to submit tenders for a one stage process as for a competition including a screening stage first. The main difference appears to be in confidence. The larger organisations expected that their names and experience would automatically give them a good opportunity of winning the tender. If the process were in two stages, they would expect to pass through the first stage anyway.

Although not discussed in great detail, there was near universal agreement, amongst both commissioners and suppliers, that the standard of specification was a very important element in enhancing the quality of the final research. It was, however, of less importance in the single tender procurement used by DWP as the specification was discussed with the supplier and, where appropriate, could be amended as part of the procurement process. This was not the case for competitive tenders where a good specification was considered to be the key to the quality of the final product.

5.4 Pre-tender discussions

The detailed pre-tender discussions available through the DWP framework were described above. However, for all competitive tenders, no matter which process was being used, bidders expected to be able to ask questions of the client organisation once they received the specification and were completing the full tender.

In most cases, bidders would be expected to submit questions in writing with responses to be circulated to all those bidding, unless the query was considered to be of a very minor nature. This system was, in common with other central government organisations, used by both OFT and DfE, both of whom considered it the most fair and transparent system. It was

felt to be important to show fairness to all and avoid one competitor gaining an unfair competitive edge.

However, suppliers generally did not like circulation of questions. Some recalled earlier procurement procedures where they would have the opportunity to talk to the project manager on a one to one basis – either in person or on the phone – and ask all their questions. It was felt that this provided a good means of testing interest in more innovative methods, especially if these fell outside the specified requirement. Nearly all suppliers reported that the fact that questions were to be circulated could restrict what they asked to questions of fact. They did not want competitors to get a hint of their approach.

“I never ask questions if I can help it. I don’t want anyone else to see my ideas and think ‘oh, I like that. I can do it that way’.”

Supplier, social institute

Instead, they might choose to provide the client with a range of options (typically, that requested in the tender documentation plus an alternative which was considered to be superior). But not all suppliers were willing to put in options because they felt that the client would not view this positively.

Some staff at both OFT and DfE were surprised that suppliers were so sceptical about written questions. Both reported that they would not circulate any questions which they considered to include intellectual property.

“We have a need to be fair and transparent so if somebody comes to us with something procedural then we have an obligation to circulate that but if someone comes to us with an idea of ‘can I go down this route or not?’ then I don’t think we would go out and tell every body.”

Procurement team, commissioning body

However, none of the suppliers interviewed were aware of this and all assumed that every question would be circulated. Moreover, during the Workshop, one of the suppliers pointed out that, at the time she submitted the question, she could not be sure whether or not the procurement department would consider it as intellectual property; she would therefore take a cautious view and not risk asking the question in case it was circulated.

Suppliers also held similar views about Supplier events – while these were welcomed as providing useful additional information about complex projects, they were equally reluctant to ask leading questions in the presence of their competitors.

Suppliers also felt that the written answers to questions were often bland and not helpful, either referring back to the specification (even if the supplier was asking the question because the specification was unclear) or merely recording that bidders are invited to put forward any recommendations they wish.

A large number of the suppliers interviewed reported that, even though they were aware that it was not generally approved, they would, if possible, speak to the client project manager on the phone before submitting their bid.

“Oh, I always phone up. Some of them don’t like it but it can be very helpful.”

Supplier, management consultancy

They hoped that this would afford them the opportunity to get questions answered that they would not want to submit in writing. This was not popular with procurement staff.

“Our bête noire is when suppliers come direct to clients rather than going through us”

Procurement team, commissioning body

Suppliers who had previously worked with the project manager were particularly likely to use this route. The project managers at OFT and DfE were adamant that they would not provide any additional information over the telephone because of their responsibility to be fair and impartial. In such cases, they would resort to the bland response or ask suppliers to put their questions in writing.

“If people phone up, we have to give the same answer to everybody else. I’d always refer them back to the specification.”

Researcher, commissioning body

It is obvious, however, that not all departmental project managers adopted this approach as suppliers often found these conversations helpful in a way that written responses were not and this was why they persisted with phoning, even when they were aware it was frowned on.

A bone of contention for suppliers was the unwillingness of many project managers (including some in both OFT and DfE) to provide an approximate budget within the tender documentation. While, as recorded above, the clients felt that this encouraged suppliers to indicate the best option for the job, suppliers believed that stating the budget would provide them with a much better notion of the work required, especially if the brief was very open and did not specify the research method and/or the sample size.

“I’d like to know if they want the Rolls Royce service or if they only want the Mini this time.”

Supplier, small agency

It should be noted that EU advertisements always include a broadly indicative price although this may cover a wide range.

5.5 *Post Tender negotiations*

All competitive methods were finalised via post tender negotiations at which the final research programme and associated costs were agreed. In comparison, because of the way that the programme had been developed, the single tender route for DWP usually required only tweaking by this stage.

The level and type of options that might be included in post tender negotiations varied, depending largely on the project manager. Most bodies restricted post tender discussions to minor programme amendments – for example, reducing the sample size to meet the available budget. For example, DfE were concerned that nothing too radically new should be introduced at this stage.

“What we’re not allowed to do is take a wholly new idea if it hasn’t been put in the specification. That would be a totally different piece of work. Otherwise you’d have to start [the procurement process] again.”

Researcher, commissioning body

In a minority of bodies, the discussion at this stage could be very much more substantial. This was especially true where department thinking had changed or progressed since the tender documents were issued.

It was common for the Tender Board to be the first opportunity for the supplier to meet with the client and discuss their approach. While this was useful, it sometimes raised more questions than it answered. The post tender negotiations could be used to take up ideas that had been put forward at the presentation – sometimes (although very seldom) including options that had not been part of the main tender submission. However, it was more common for this stage to pick up ideas put forward in the tender and identify those which were to be part of the contract.

Suppliers were quite happy with the systems used for post tender negotiations and did not consider this to be an important area for amendment.

5.6 *Working in consortia*

In recent years, the complexity of some research commissions has meant that there has been a substantial increase in the number of projects which are undertaken by consortia of suppliers, each of whom has a particular role and brings their own expertise. Many suppliers felt that the commissioning of consortia is likely to increase because the need for a range of skills within any single project is becoming more prevalent. Commissioners were generally enthusiastic about contracting consortia as they felt this was advantageous to the

project but wanted evidence that the consortium members knew each other or had at least worked out who had what responsibility.

“You get the expertise of both. But you want to see that they know each other. ... [If they haven’t met before] you know it isn’t going to work.”

Researcher, commissioning body

While organisations were always willing to seek out new partners if and when required, larger organisations often had regular partners with whom they worked.

Submissions required the identification of the lead contractor. It was generally the case that the organisation who was first to make contact would take the lead role – considered to be advantageous because the lead organisation had greatest say in the project design and, often, a greater share of the profits – although this was not always the case. Suppliers who worked in consortia did not have difficulties in agreeing who should take the lead.

“No, we don’t have trouble in deciding. It’s usually whoever is faster out of the blocks although sometimes it’s obvious because one organisation has a much bigger role than all of the others.”

Supplier, social policy organisation

There was no evidence from the research that the use or role of consortia is in any way affected by the particular procurement method used. However, apart from those organisations with a specialist niche expertise who were occasionally approached to join a consortium for projects in their field, most small organisations (especially agencies) perceived themselves as less likely to be invited to participate in consortia.

“We don’t get asked. And when I’ve asked other people to go in with us they always say no or that they’re already bidding with someone else. They can’t see any advantage in working with us.”

Supplier, small agency

The increase in the need for consortia is therefore likely to militate against smaller organisations who are less likely to be invited into consortia – and who are less likely to find large organisations who are willing to tender with them.

5.7 Role of Procurement team

Some suppliers discussed the role of the procurement team in the commissioning process. It was broadly felt that the procurement team was most effective when they were working in the background and having only a minimal role, primarily as a conduit between researcher and supplier. In some cases, the procurement team were, instead, perceived as acting as a barrier and thereby impeding the tendering process.

“My experience with procurement people is generally quite good but I’ve had some occasions when they’ve really got in the way. They seem to see their role as stopping me getting any information from the project manager. Procurement don’t know about research. It’s not their job.”

Supplier, management consultancy

Within our case studies, the procurement teams all perceived their role as enablers and, although procurement was represented on OFT tender boards, had a clear role to advise researchers in the procurement process rather than be involved in assessing tenders or personally responding to queries. Anecdotal evidence from suppliers strongly suggested that this approach was not replicated in all other departments.

6. IMPACT OF PROCUREMENT METHOD

6.1 Introduction

This section examines some of the key questions that this research poses – what differences are there across procurement methods, what are the advantages and disadvantages of each method and how do they impact on either the quality of the research undertaken or the relationship between supplier and commissioner.

6.2 Advantages and disadvantages of procurement methods

Each of the procurement methods examined was perceived as having advantages and disadvantages. Just as commissioning bodies varied in the procurement methods they used and preferred, suppliers did not share a single preference for a particular method. Rather, their individual experiences, together with the type of organisations for which they worked, tended to shape their views of the different systems.

Non OJEU framework: DWP

The single tender option for the DWP non-OJEU framework was felt by both DWP staff and their suppliers to engender a particularly close partnership through the ability to forge early relationships. Those invited to discuss projects were aware that they were the preferred supplier and were able to provide guidance and recommendations in a much more relaxed environment than was feasible with competitive routes. The route was very strongly favoured by suppliers who are invited to complete substantial numbers of projects for DWP and also by the DWP research team.

“I think it’s a really good system. You can go and talk to them and discuss what they really want. They end up with something that really fits the bill. We all work together from Day 1.”

Supplier, social policy institute

Others – including some regular suppliers – were less enthusiastic about this procurement method. The main criticism was that the route was perceived to lack openness and transparency and could therefore be inherently unfair. Because the reasons for the choice of supplier were unknown by other stakeholders, it was unclear why specific suppliers were accepted or rejected for specific jobs. Those on the framework were unable to bid for projects, even if these were in areas about which they considered themselves expert.

Commissioners from other departments queried how well the system would work. One thought how he might justify his choice to other suppliers.

“If I get a request from a supplier to say ‘why wasn’t I successful for this piece of work?’ I want to be able to say ‘you weren’t successful because of this this and this reason’. I couldn’t justify saying ‘you weren’t successful because someone else was brought in right at the outset’.”

Researcher, commissioning body

Amongst those who have not been awarded any contracts through the 2009 framework was a new supplier. She felt powerless to make contact with the DWP research team and, apart from the paper submission about her experience, did not know how to make an adequate impact so that she would be considered for future projects.

“I asked if we could come in and do a presentation but they said no. Nobody there knows us or what we can do and I don’t know how to break in. It’s frustrating”

Supplier, medium agency

Her view was shared by other suppliers who have had little or no new work through the framework, even where they have supplied DWP previously.

There was an undercurrent of feeling amongst suppliers that some of the DWP researchers had favoured suppliers who would always be invited to undertake their projects – described by one supplier as being a “cosy relationship”. If your organisation was outside of this magic circle, it would be difficult to be selected.

“Well, it can be seen as the worst type of nepotism. Giving work to your pals. Who’s to say they’ve done it fairly and properly? It’s the same companies all the time.”

Supplier, large agency

The other major feature singled out about the DWP contract was the high level of input required in submitting a framework tender for both suppliers and DWP staff.

“It took ages. Just me and one colleague. We knew it was going to be a long job so we spread it over several weeks but it was huge. And they have to mark them all. It’s not surprising it takes months before you hear anything.”

Supplier, university

However, while it was seen as a very large burden, suppliers whose bids were successful mostly acknowledged that there was little surplus information asked for, especially considering that their submission was part of the company information available to researchers using the data base to select a supplier.

Having selected a supplier, researchers were able to undergo detailed discussion with that supplier about the optimum research programme. However, critics pointed out that it might be better to obtain a number of different options from a range of suppliers (as happens through competitive routes) because the specification will be exposed to a greater number of skilled suppliers, each of whom may have different recommendations or suggestions. The single tender option misses out on these alternatives. Even the DWP researchers were aware that this was a disadvantage of their method.

“My biggest worry is that you do risk something by not going to the widest possible group of people each time and they might have done a better job so that is where the risk is.”

Researcher, commissioning body

OJEU framework: OFT

Some of the advantages of the OFT framework were perceived as the reverse of the DWP system. In particular, the OFT route system was praised for providing an opportunity to obtain a range of alternative solutions to meet the research objectives from a variety of organisations. Bids were obtained from organisations that had been pre-checked and the system was perceived to be fair and transparent. Although it had minimal impact on suppliers, it was felt that the using a framework reduced the time required from conceiving the need for a research project to its commission, compared with open competition.

“If we want to commission and it’s over the [EU] threshold then it’s a very long winded process.”

Procurement team, commissioning body

While it was anticipated that an appropriate number of bids would be received for each tender, one of the disadvantages of the framework was that there could be no guarantee as to the number of bids received. On the one hand, if all eligible suppliers chose to submit a proposal, the number on tenders could be very large. However, there was also a possibility of receiving very few bids indeed – or even none at all. Another disadvantage was the (theoretical) inability of suppliers to engage with researchers in pre-tender discussions – although, as previously noted, some suppliers did their best to circumvent this barrier.

One of the main disadvantages of a framework – also relevant to the non-OJEU type – was the fact that the process was closed to non-framework organisations for the life of the framework. Firstly, this was restrictive.

“I would like to think that their method is more limiting if you only go to people who are on the framework.”

Researcher, commissioning body

Additionally, during the life of the framework, organisations on the framework could change and new organisations or those moving into a specific area would be precluded.

“We can’t allow new people in so in areas where there’s lots of innovation you have to wait until the next cycle and that’s one of the risks. .. But on the other hand, those on the framework have put in a lot of effort.”

Procurement team, commissioning body

One suggestion to overcome the inability to introduce new organisations was that an interim framework process could be held, perhaps half way through the life of the framework, when additional organisations could be added to the roster.

“I’d like to add in flexibility so that we can add in one or two new extra suppliers without kicking anyone off.”

Procurement team, commissioning body

The other main criticism, voiced by a number of suppliers on the OFT framework and others, was that all suppliers on a framework were invited to full tender – despite the fact that this might involve large numbers of suppliers.

“With the size of some of the lots they’ve got, you’re not any better off being on the framework rather than just bidding in open competition. Except that you’ve already spent all that time on getting onto the Framework in the first place. We have to recoup that money somewhere.”

Supplier, management consultancy

Suppliers would have preferred to have an expression of interest phase from which short listed companies could be invited to full tender. This option was also suggested as evening out the number of organisations from which bids were received.

Open Competition: DfE

Like the OJEU style framework, open competition meant that the system was perceived to be clear and transparent and that a range of options could be submitted. In comparison with the framework, provided that a short list was derived from an EOI, there was slightly greater control over the number of full tenders received although there was no guarantee that those short listed would all submit a bid.

The opportunity for all suppliers to submit an expression of interest was perceived to be a key advantage so that new organisations and those with niche specialities, who could not get a place on a framework, were competing on equal terms with larger and more established organisations.

“I like open competition. Well, we can bid for anything we want. We don’t have to get on the framework and we don’t have to spend for ever working on something we might not get any work out of. If I’ve got the experience, I’ve got as good a chance as anyone else.”

Supplier, medium agency

The main disadvantage of restricted competitive tendering was the additional expression of interest phase which required input from both suppliers and departmental researchers. In particular, suppliers found it repetitive to provide organisational information for every tender.

The other disadvantage was the long period required for procurement; this was more problematic for commissioning bodies than for suppliers.

“[Speed in using a framework] is the only plus point, I think. Our procurement does take so long and that’s why some of our policy people don’t want to do research.”

Researcher, commissioning body

However, the alternative open competition route, comprising just one phase (used by some bodies, including DfE on occasions), was considered to be worse because the number of full tenders could be very high, reducing the chances of winning the commission and adding substantially to the cost of tendering. This route was widely criticised as being bad practice and placing a very heavy burden on suppliers.

“When we heard from them that we hadn’t got the job, they said that there were 44 organisations who had bid. Well, we really shouldn’t have wasted our time. If they’d done it in two stages, we would either have got kicked out after a short EOI submission or we would have been in with a proper chance with a lot less competition. ... It’s such a waste of everyone’s time.”

Supplier, small agency

As with framework tenders, suppliers were very critical of poor feedback. However, no feedback at all was worse. One supplier, having failed to be shortlisted for a one-phase open study asked for feedback on his tender. His tender had been one of very many and he was told:

“Due to the sheer number of tenders, I’m only able to give feedback to those agencies that we shortlisted as part of the evaluation process ... this is down to a workload/time issue.”

Supplier, large agency

6.3 Impact of procurement method on relationships

One of the key features to be investigated by this research was the impact of the procurement method on the relationship between commissioner and supplier. There was unanimous agreement from all commissioners and suppliers involved in this research that this relationship is of very great importance and that a good relationship was a *sine qua non* in ensuring that the quality of research commissioned was of the very highest.

However, the general consensus was that this relationship was little affected by the procurement method used. It was felt that the relationship is primarily built up post-procurement so that the route to commissioning had little relevance.

“I don’t think of the research team I’m working with as being part of the procurement process.”

Supplier, social policy institute

A small number of respondents who advocated the DWP single tender route differed from this majority view. They felt that the DWP system by which the supplier has an important role in developing the research design favoured closer co-operation and partnership

between commissioner and supplier and that this heightened relationship continued throughout the research programme.

“I think you get a better relationship with DWP. You’re in there at the beginning and they make you feel like a real partner rather than just any old supplier. You know that you’re wanted and welcome and part of the team all the way through.”

Supplier, university

6.4 Impact of procurement method on research quality

While most social researchers did not perceive the procurement method to affect the relationship between commissioner and supplier, there was a much greater diversity of opinion about whether or not the procurement method impacts on the quality of the research. The debate primarily centred around whether or not the same research design will be commissioned, whichever procurement process is used.

Amongst those advocating one route in preference to another, some researchers preferred the detailed discussion with a single supplier, believing this will produce the best design whereas others prefer a competitive route which will provide the client with the option of multiple recommendations.

“But it’s a trade off. If someone comes and says they’d like to get two or three ideas, we say, but do you want dozens of ideas? You have to decide.”

Procurement team, commissioning body

“It gives you some choice. It gives you some different approaches so I think it works well.”

Researcher, commissioning body

“It must be better for the client if they can choose from different ideas. One person isn’t going to have as many ideas as lots of different people.”

Supplier, social research institute

A third group felt that the procurement route does not matter as the probability is high that the same research programme will be designed whichever method is used. This thinking is based on an assumption that most tenders will include options for the programme if the supplier preparing the tender believes that there is a better alternative than that suggested within the specification.

“Well, I’ll give them all the ideas I’ve got in my proposal anyway. So that they can choose what they want and what fits their budget. They can say if they want to do it their way [in the original specification] or mine. I give them both and I give them costs for both and they decide. It would be the same if they only talked to me.”

Supplier, university

It is evident, however, that not all suppliers included options, especially if they anticipated that this would not be appreciated by the prospective client.

“They think it shows a lack of confidence if you give them too much choice. They’ve told me that before.”

Supplier, large agency

Indeed, one of the commissioning researchers interviewed in this study confirmed that she treated with caution tenders including options, especially if there were several alternatives and no clear preference identified by the tenderer.

“If they give me a whole load of options, like a scatter gun approach, then I think, well, if they don’t have clear thinking at this stage then they won’t have clear thinking later either. So I don’t want them.”

Researcher, commissioning body.

Thus, there is no agreed route which will provide the highest opportunity of high quality research. The current situation where each governmental body chooses the style of procurement that suits it and its researchers best is therefore unlikely to change in the near future.

7. ROUND UP AND CONCLUSIONS

7.1 Introduction

This section looks at examples of effective practice for each of the procurement methods used across government and identifies the best option for each route. It also looks at differences across different types of supplier and how a mix of providers can be encouraged through procurement. Finally, the section closes by examining the implications of the study.

7.2 Effective practice

There can be effective or ineffective practice at every stage in the procurement process and several examples of bad practice were identified by participants in this study. This section draws together some of the elements that should be considered when developing the best methods of procuring social research.

Developing a framework

When developing a framework, the size, number and structure of lots is critical. While the commissioning body will want to be confident that the number of suppliers per lot is sufficiently large and varied for their requirements, the route to be used for awarding individual contracts should be considered at an early stage and lot sizes developed to ensure that there will not be too many tenderers invited to prepare full tenders. The GSR recommendation of 7-10 suppliers per lot has been widely but not universally adopted.

Even with the single tender option, as used by DWP, there was considered to be a risk to relationships if the lot size was too large so that some suppliers felt excluded.

“I think what can sour relationships is when you don’t give people work and that can be problematic whether its through competition – I can do the work as well as anybody else – or possibly even worse if its non-competition because we didn’t even bother to ask you. We know you’re not as good as somebody else.”

Researcher, commissioning body

The number and size of lots should therefore be developed to provide adequate opportunity for framework suppliers to win business.

Related to this, the burden of tendering for frameworks may require examination, as recommended by GSR. The DWP framework, although requiring a great deal of input, included several generic sections which needed to be completed only once, regardless of the number of lots applied for. In comparison, other frameworks included very large numbers of lots with little generic input. These latter frameworks were considered to require an excessive burden whereas the DWP framework was considered to be onerous but reasonable.

However, generic sections should be appropriate and relate to the information that the commissioning body actually required. This means that framework templates that have been developed for use within sectors other than social research should be carefully examined for relevance before publication.

Tendering for projects

With a single tender process, the greatest drawback is the perceived lack of transparency. While DWP are confident that they use fair methods to select suppliers for each project, this is not well understood by many of those on the framework who do not understand why they have not been chosen (or, in some cases, why they have) for specific projects. Suppliers therefore sometimes assume that the process is in some way biased. Greater transparency would be advantageous to maintaining the confidence of all framework suppliers.

For projects tendered through either OJEU frameworks or through open competition, the key feature that most suppliers preferred was to be in full competition with only a small number of others. About ten organisations was considered to be the maximum reasonable number of full tenders requested within any competition. Thus, if the number of tenders could reasonably be expected to exceed this, many suppliers felt strongly that a two phase system was best practice. The tendency to use methods that encourage very large number of full bidders was probably the most criticised form of bad practice across the whole study.

Several suppliers interviewed were on the COI framework, which operates a two phase system for most commissions. All suppliers on the lot are invited to complete a short expression of interest and no more than four are subsequently short listed and invited to submit a full tender. This method was perceived to be very fair and to minimise the burden on the suppliers and more than one supplier suggested that this was their ideal framework procurement system.

“It’s fair to everyone and it doesn’t involve us in excessive work without a reasonable chance of winning the job. It seems to be the best system to me.”

Supplier, small agency

A similar process was recommended for open competition, thereby stopping situations where tens of suppliers prepared full proposals. Not only was this an unfair burden, it also invoked a cost which would need to be recouped.

“All those tenders, we have to get the money back somehow for the time. They have to realise that if we spend too much time on preparing tenders for business we don’t win because there are too many competitors, our day rates go up to reflect it. So they have to pay in the end.”

Supplier, social research institute

One supplier summed the situation up.

“An example of poor commissioning is (1) invite everyone to tender; (2) get in more tenders than you expect or can handle and (3) refuse to give feedback because you have too many bids.”

Supplier, large agency

The other key issue in relation to tendering is whether or not the budget should be revealed. Of our three case studies, two organisations did not automatically reveal the budget and the third did. Suppliers' views were generally more cohesive – the majority view was clearly that revealing the price was advantageous to both the client and the supplier. The client obtained a range of bids that were in line with expectations while suppliers did not waste time in preparing a tender which, because it was offering a service different from that anticipated by the procuring organisation, was well outside the expected price range.

Pre tender clarification

The issue of dealing with pre-tender clarifications has been examined in detail earlier in this report. The perception of commissioning bodies is that the clear best practice is for all questions (apart from those dealing with intellectual property) to be circulated and that individual contact between commissioning researchers and bidders should not be allowed. Suppliers, on the other hand, would welcome the opportunity to discuss their tender directly with the prospective project manager and are unwilling to ask questions because they fear showing their hand to competitors. There is lack of clarity about intellectual property rights which inhibits suppliers from asking relevant questions.

The current situation for some procurement exercises, where some bidders successfully discuss the project while others stick to the rules and do not make direct contact is the worst scenario of all as there is a lack of equality in the process. The case study organisations had all given their researchers clear guidance so that they are aware of the parameters and treat all bidders equally. However, elsewhere, inconsistency was evident suggesting that, although this is one of the topics on which GSR provides guidance, it is not universally followed.

Feedback

The quality of feedback (both for framework applications and for individual projects) was very varied ranging from detailed and helpful through bland and non-specific to non-existent. Best practice should be to provide detailed feedback within a reasonable time frame. Given the amount of time required for a supplier to prepare a tender, this is the very least that should be provided in return (and GSR guidelines recommend that feedback should be provided). The standard of the feedback should be adequate to help the supplier to understand what they should do differently in future.

7.3 Differences by supplier type and size

The suppliers interviewed within this study were of many different types and ranged from very large organisations with hundreds of staff down to very small companies with no more than three or four full time individuals.

We examined differences by both type and size and considered the impact of the three key procurement methods.

For commissioning bodies, the advantage of having a range of supplier types to call on – agencies, management consultancies, social policy institutes and universities – is that this represents a range of available expertise so that there is an appropriate supplier whatever the nature of the specific project. However, allowing for these differences, we did not find that any of the procurement methods tended to favour one or other type of establishment. Suppliers were equal in each case. Differences in approaches to procurement were due to individual organisational culture together with experiences of specific employees working on a tender rather than due to the type of organisation.

The most critical variable was the size of the organisation and – for some types of establishment – the size of the department. In general, all procurement but especially procurement through framework agreements tended to favour large organisations over the small agency or consultancy. Niche organisations were particularly likely to be excluded from frameworks although both DWP and OFT made strenuous efforts to include smaller organisations within their frameworks.

“If you restrict the numbers too much you risk squeezing out the SMEs on the framework and end up just with the big companies which isn’t in the interests of costs or the dynamic of the framework.”

Procurement team, commissioning body

Nonetheless, when we advertised through SRA News to find organisations who had unsuccessfully tendered for framework agreements, the response was overwhelmingly from small organisations, all of whom felt that the system was weighted against them.

One of the problems for a small organisation is the difficulty of building up a body of experience through a limited number of staff which can compare with the biggest organisations.

“We get told: ‘you don’t have as much experience as the winning organisation’. But our team has done it all themselves while the big boys have the experience spread across dozens of researchers, most of whom won’t be working on this job.”

Supplier, small agency

Others complained that they were turned down for jobs because fieldwork would be sub-contracted as commissioners saw this as an additional risk factor. Small companies felt that they had to work that bit extra in order to beat the larger competition.

While there was broad recognition that small companies are, on the whole, disadvantaged, there were no suggestions as to how this might be improved. If commissioners are putting experience at the top of their priority list, only small organisations with a strong niche are likely to be included as others will have their experience diluted across a number of areas.

In some regards, the difficulties experienced by small departments, especially within universities, were similar to those of small agencies and consultancies. The small university department suffered from the same lack of resource with all the attendant problems. There were some differences. An additional problem for the university department was that it was often stifled by organisational bureaucracy which could limit its scope and create delays, for example, in making submissions. However, a positive feature for the small university department was that, like larger departments and other big organisations, it was still able to call on specialists in some areas (e.g. to provide information on quality control or data protection) that was not available to the small agency.

Many suppliers would prefer to see the size of framework lot kept small to reduce the number of suppliers involved in a mini-competition. However, further reductions in lot size are likely to disproportionately affect small companies and small university departments.

7.4 Conclusions and implications.

It was evident from both the case studies and the interviews with suppliers that each of the three main procurement methods can be successful if undertaken well, avoiding bad practice. There is no evidence that any one method is inherently better than others in providing higher quality research or that one method is clearly preferred by either commissioners or suppliers. However, equally, each of the procurement methods can be used badly, causing suppliers (and often procurers) an unnecessarily high burden

Similarly, there is minimal evidence that any one method is believed to engender better relationships between client and supplier (although some would commend the DWP single tender procurement method as superior to alternatives).

In examining the main implications, therefore, we have concentrated on how each of the procurement methods examined can be made to work best for all those in the social research community. It should be noted that several of our suggestions are already

incorporated in the GSR guidance on procurement although our research has shown that this guidance is not always followed.

Non OJEU frameworks:

- This framework works well for researchers and provides high quality research with particularly good relationships between client and supplier. However, the selection process is not well understood by suppliers and it is therefore open to charges of unfairness and lack of clarity.
- There is some evidence that researchers are reluctant to try new or different suppliers

OJEU framework

- The OJEU framework is perceived to be fair. However, the most disliked feature is that large numbers of organisations are often invited to bid in full tender.

Open Competition

- Suppliers like open competition and consider it fair. However, as with the OJEU framework, it is criticised when undertaken as a one-phase process and therefore two stages should be encouraged to reduce the number of occasions in which excessively large numbers of full bids are accepted. This is a poor use of resource for both supplier and client organisation.

All methods

- To keep down the number of suppliers asked to prepare a full tender, use of EOIs was welcomed by those who had experienced them, provided that what was asked for was short. However, it should be noted that this does add to the time required for procurement.
- For competitive methods, the current system of question and answer at the pre-tender stage is not found helpful by suppliers. Suppliers are unwilling to ask relevant questions which help them to understand the brief better because of uncertainty about the protection of intellectual property rights. This may lead to inferior quality research
- Many commissioning bodies should improve the quality (and speed) of their feedback. Too often this is inadequate, which is unfair to bidders and does not help them in improving the quality of subsequent submissions.
- The process of bidding for frameworks is seen as time consuming especially where repeat information is requested when applying to more than one lot and when questions are asked which are not relevant or appropriate for social research.

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- To reduce the regular burden on suppliers when bidding for contracts, consideration may be given to developing a centralised database that holds relevant information about suppliers and reduces the need to provide the same information regularly (each time in a slightly different format).
 - The procurement process does disadvantage SMEs and other small units such as small university departments. Commissioning bodies should be aware of this and consider whether they are able to make special efforts to include SMEs in short lists.

7.5 The Economic Downturn

As noted in the introduction, this study was not designed to examine the impact of the economic downturn. However, there is no doubt that the current contraction in government spending is having a very substantial impact on social research – and one that is likely to continue for some time. As a result of the substantial decrease in departmental research budgets, there are far fewer opportunities for suppliers to tender for and therefore increased competition for those projects which are available.

This means that it is even more important that all procurement processes are open, fair and transparent and seen to be so.

When resources are tight, a more efficient procurement method is advantageous to both commissioners and suppliers and is likely to result in better value for money. There is a need to minimise the amount of time and money spent on unproductive bids (which ultimately increases prices) and on administrative tasks while retaining a fair, open and transparent system.

The research has raised a number of areas for consideration including:

- If there is less research being commissioned, is the work involved in setting up a framework worthwhile for either commissioners or suppliers?
- Can the use of EOIs be increased, reducing the number of full bids being prepared?
- Are there other open and transparent ways of restricting the number of suppliers asked to submit a full bid?

APPENDIX 1: RESEARCH METHODOLOGY

The research was divided into three main phases:

1. *Mapping exercise*

This phase was designed to examine the procurement methods used by central government and major Non-Departmental Public Bodies (NDPBs). Using a mix of desk research and short telephone interviews, we identified the main procurement methods used by a total of 50 governmental bodies. The selection was made from a government list at

<http://www.civilservice.gov.uk/jobs/Departments-NDPBs-AtoL/Departments-NDPBs.aspx>

Local and regional NDPBs were excluded and the final sample of national bodies was selected to include a good mix covering as many sectors as possible.

Further details are provided in Chapter 3.

2. *Case studies*

Following the mapping exercise, we selected three bodies using different procurement methods to use as case studies. The three bodies were selected as representing good practice within the selected method although we were aware that these are not the only protocols used within central government. Those selected were:

Non OJEU Framework	Department for Work and Pensions
OJEU Framework	Office of Fair Trading
Open competition	Department for Education

We visited each of these three bodies and, using a mix of focus groups and individual depth interviews, discussed procurement issues with both procurement staff and project managers. A total of 20 staff, equally divided between procurement staff and researchers, participated in the research. Topic guides used are appended to this report.

Further details are provided in Chapter 4.

3. *Views of Suppliers*

The final element of the research comprised 26 depth interviews with suppliers. These were divided between telephone (12) and face to face (14).

Suppliers were selected to ensure we included adequate examples of:

- Suppliers tendering for work to each of the case study organisations
- Both suppliers who were successful and those who had been unsuccessful in tendering for frameworks

- A wide range of suppliers, including market research agencies of different sizes, university departments, management consultancies and social research agencies.

The following table shows achievement against quota. Note that some suppliers fell into more than one category (e.g. supplied more than one of the case study organisations).

Those who supply none of the case study organisations were included in the sample because they have applied unsuccessfully for at least one framework agreement.

	<i>Achieved</i>	<i>Quota</i>	Supplier to:			
			DWP	OFT	DfE	None of these
Large agency	3	3	2	3	2	0
Medium agency	4	3	2	2	0	1
Small agency	4	3	1	1	0	2
University	5	5	1	1	2	1
Consultancy	5	3	2	1	3	1
Social policy institute	5	5	2	2	3	0
TOTAL	26	22	10	10	10	5

Finally, a workshop was held with around 30 participants from both commissioning bodies and suppliers to discuss and refine the emerging findings.



Carol Goldstone Associates
Procuring Social Research
Commissioning Bodies
Topic Guide

10/459 July 2010

Introduction

Moderator to introduce herself and CGA. Stress independence and confidentiality.

Note: This is a research-aware audience. Treat accordingly!

➤ **Background to study**

Explain background to SRA and why they are interested in public sector procurement. This is research to understand how the different procurement processes are working and how these affect the quality and outcomes of the research commissioned. The research outputs will help commissioners and social research practitioners to identify and develop effective and constructive commissioning arrangements.

Carol Goldstone Associates (CGA), a research agency specialising in social research, has been commissioned to undertake the research. We are speaking to several public bodies with a variety of commissioning methods and will also be talking to suppliers.

➤ **Reassure Respondent**

Explain this is *independent* research. All comments will be taken together and every attempt will be made to reduce possibility of respondent identification. However, because of small number of similar departments and small teams involved, cannot give specific guarantee. Respondents should be aware that there is a small possibility that their comments will be identifiable as them.

➤ **Tape Recorder**

Explain that the interview will be taped to ensure that we catch everything that is said, and to ensure that moderator can concentrate on what is being said rather than on taking notes.

➤ **Research Assumptions**

Note that while we are fully aware of probable impacts due to the drastic reductions in research budgets, this is not the focus of our research and we hope that it won't have a substantial impact on our discussions.

Where relevant, discussion should include all types of procurement e.g. Frameworks /panels (different types), project by project procurement, single tender etc)

1. Warm up and Classification

- Introductions – (for group) go round table (starting with moderator)
 - Name, very brief description of their job (couple of sentences). How long working on procurement/research
 - How many people in this department are involved in social research? How are they divided up? Details of department/directorate – name, size, type.
 - What types of social research project procured
 - Experience of social research
 - *For procurement specialists:* Other types of procurement involved in.

2. Commissioning Experience

- What is the size of your procurement team? Do any/all of this group specialise in procurement of social research?
- Role in commissioning/procuring specific projects
 - **PROBE FOR:** setting budget, developing research programme/project, preparing tender documents, responding to queries, evaluation and selection)
- What types of procurement have you experience of/been involved in
- **FOR RESEARCHERS:** What is the role of procurement staff in selecting supplier. Any involvement in evaluation (e.g. selection panel)?
- What system(s) do you use within department for procurement (e.g. Framework, per project commissioning,
 - **IF MORE THAN ONE USED:**
 - How is the procurement method selected (e.g. by value? Subject matter? Methodological complexity?)
 - What is the approximate division between the methods used (by value and by number of projects)
- Details of procurement system. How does it work?
 - **FOR FRAMEWORK:** What are the lots/sub-lots? Number of suppliers per section; type and range of suppliers. Is this appropriate in practice? Any examples where framework structure hindered selection of supplier?

-
- To what extent is setting up a framework a burden for you in your role as a researcher/procurement officer?
 - And for suppliers? Do you think that suitable suppliers are discouraged by the procurement systems you use?
 - How well suited is your procurement method for procuring social research (as compared with, say, office furniture)?
 - To what extent are you able to take previous experience into account when selecting the best supplier? **IF FRAMEWORK:** And are you able to take previous experience into account when re-tendering your framework?
 - Does your procurement method encourage or discourage capacity building in social research? **PROBE FOR:** Knowledge transfer, training (within department and supplier organisations), collaboration.
 - Are you generally satisfied with the quality of research that you commission? What are the main problems?
- **PROCUREMENT STAFF ONLY IF DEPARTMENT RUNS FRAMEWORK:**
- What are the reasons for selecting this type of framework? Where did you obtain advice about your options for the framework structure (e.g. OJEU vs non OJEU, length, number and type of lots)? What options did you consider?
 - Are there other users? Do you know who they are? Do you keep any records of users?
- 3. Bidding and operating procurement systems**
- **BRIEFLY COMPARE DIFFERENT TYPES OF PROCUREMENT.**
- Framework vs per project commissioning
 - Framework with single tender vs mini-competition
 - Generic framework (e.g. qual/quant) vs subject specific framework
 - Use of panels of experts
- **FOR EACH:**
- Experience of each
 - Importance of EOI phase
 - Overall attitudes
 - Advantages and disadvantages
 - How fair is the system? How transparent? Any drawbacks?
 - Are you confident that your system allows you to commission the best and most suitable organisation for your projects? Why/why not?
 - How well/badly is this type of procurement likely to handle sub-contracting or consortia situations?

-
- Any specific issues in how this type of procurement will handle different types of supplier
 - PROBE FOR:** Impact on academic institutions; large agencies; small agencies/sole traders; research institutes.
 - Comparison with system used within department
 - What do you expect from the bidding process?
 - Experience of pre-tender discussions
 - What form do you think they should take? How will this vary by project type? What are the advantages and disadvantages of each?
 - Is it acceptable to respond to specific questions from individual bidders? Why/not?
 - How do pre-tender discussions impact on the project commissioned (e.g. size, methodology, quality)? Do bidders hold back from questions because of expectation that these will be circulated to all bidders?
 - Do they have any impact on the relationship between commissioner and supplier? **IF YES:** Is this positive or negative? Why? (**If negative:** Can it be improved?)
 - Do pre-tender discussions affect all types of bidder equally or are there differences across different types of supplier? What differences? Is this reasonable or should they be changed?
 - Experience of post-tender negotiations:
 - What form should these take?
 - How will this vary by project type?
 - How do these negotiations impact on the project commissioned (e.g. size, methodology, quality)?
 - Do they have any impact on the relationship between commissioner and supplier? **IF YES:** Is this positive or negative? Why? (**If negative:** Can it be improved?)
 - Do pre-tender discussions affect all types of bidder equally or are there differences across different types of supplier? What differences? Is this reasonable or should they be changed?
 - Does the procurement system that you use allow you the best possible choice of supplier for each project? How? Why/why not?
 - Do alternate systems work better? Which systems? How better?

4. Relationships with suppliers

-
- Is there an optimum number of bidders that you would prefer to include in a selection for a specific project? Does your procurement method allow you to select from (approximately) this number?
 - How important is it to you that you build up a relationship with your suppliers?
 - How do you do this?
 - How does the nature of the relationship vary by size/type of project?
 - How is the relationship with the selected supplier affected by the bidding process?

5. Procurement and research quality

- Is there a relationship between procurement and research quality?
 - **IF YES:** What is it?
 - How does the procurement procedure affect the research undertaken? **PROBE FOR:** Methodology, costs, value for money, quality of supplier staff involved in study, research outputs.
 - How can negative impacts be avoided? Would an alternative procurement method improve this?

6. Changes and improvements

- What are the best aspects of the procurement procedures that you use?
- And what are the worst?
- What changes would you like to see? How would this affect the research you commission? **PROBE FOR:** Impact on quality of research, relationship with suppliers

7. Wind up and Conclusion

- Summarise issues raised.
- One major change that would improve department's research procurement
- Is there anything we've not spoken about that you would like to mention that might assist with the SRA's research?
- Any other comments....

THANK AND CLOSE

**Carol Goldstone Associates****Procuring Social Research****Suppliers****Topic Guide**

10/459 July 2010

Introduction

Moderator to introduce herself and CGA. Stress independence and confidentiality.

Note: This is a research-aware audience. Treat accordingly!

➤ *Background to study*

Explain background to SRA and why they are interested in public sector procurement. This is research to understand how the different procurement processes are working and how these affect the market for social research and the quality and outcomes of the research commissioned. The research outputs will help commissioners and social research practitioners to identify and develop effective and constructive commissioning arrangements.

Carol Goldstone Associates (CGA), a research agency specialising in social research, has been commissioned to undertake the research. We are speaking to both public bodies with a variety of commissioning methods and to a range of suppliers.

➤ *Reassure Respondent*

Explain this is *independent* research. All comments will be taken together so that no individual or anything that they say can be identified as originating with them.

➤ *Tape Recorder*

Explain that the interview will be taped to ensure that we catch everything that is said, and to ensure that moderator can concentrate on what is being said rather than on taking notes.

➤ *Research Assumptions*

Note that while we are fully aware of probable impacts due to machinery of government changes and the drastic reductions in research budgets, this is not the focus of our research and we hope that it won't have a substantial impact on our discussions.

Where relevant, discussion should include all types of procurement e.g. Frameworks /panels (different types), project by project procurement, single tender, relationships with specialist research centres or institutes funded by government, etc)

8. Warm up and Classification

- Respondent background
 - E.g. time in organisation; how long worked in social research, area(s) of specialisation
- Size and structure of research workforce, including numbers and roles of different professional groups such as economists, statisticians, social researchers, etc. Ways of working – e.g. specialist professional groups or multidisciplinary teams?
- How important is social research within this organisation?

9. Tendering Experience

- What type of social research projects do you work on (**PROBE FOR:** methodologies, subject matter, size, time scale)
 - What type of bodies have you worked with? **PROBE FOR:** Range of central government departments/agencies/NDPBs/other social sector organisations
- How do you decide which tenders to apply for?
 - What factors are important (e.g. manpower resource, topic of tender, complexity/value of job, previous experience of government body)
 - What type of project might you *not* apply for? Why not/
- What types of procurement have you experience of/been involved in? **PROBE FOR:** Frameworks vs single commission tender; open competitive tender vs limited (by invitation) tender vs single tender; funding relationship with government body with research services as part of the arrangement
- Who is responsible for preparing tenders (e.g. specialist tender writing team vs available exec)
 - Will execs who will work on the job always be involved in preparing the tender? Attending a selection panel?
 - Do you apply different criteria when preparing bid for framework? How/why?
- Do you ever work in consortia?
 - **IF YES:** What type of organisations? How does the consortium come together? How do you decide who will be lead contractor?
- Do you ever sub-contract out parts of jobs? **IF YES:** What parts? Under what circumstances?

-
- Do you ever work as sub-contractor for another research supplier? **IF YES:** What type of work do you do? Under what circumstances?
 - What are the main sources you use to find out what work is being tendered? **PROBE FOR:** Checking websites (regularity?) and which ones, mailing lists of government bodies (following registration), newspapers and professional journals, getting advice from clients that work is being advertised

10. Experience of Bidding for Frameworks

- Which frameworks are you on? Which lots?
 - Did you apply for any lots unsuccessfully?
 - Did you apply for any frameworks unsuccessfully? Which?
 - Have you decided against applying for any relevant frameworks? Which? Why?
- How do you decide which frameworks to apply for?
 - What are the factors influencing your decision? **PROBE FOR:** Resources, subject matter, knowledge of commissioning body, framework type, details of framework (e.g. number of successful applicants per lot)
 - What are the criteria for *not* applying for a framework?
- How big a burden is it to apply for Framework agreements? Why? What are the major difficulties?
 - How complex are they? Which have you found to be best/worst?
 - How well/badly do Frameworks work
- When applying for a framework, how well or badly do different frameworks handle the bidding process?

11. Experience of Tendering systems

- Type of tenders have experience of (single tender vs mini competition vs full competition)
- Ask for typical examples of each type
- **FOR EACH:**
 - Perceived advantages/disadvantages
 - How fair is this system? How transparent?
 - Particular issues or difficulties for this type of organisation (e.g. need for subcontracting, size of available team)
 - How confident do you feel about winning projects tendered like this? Why is that?
 - **For competitive tenders:** What do you consider to be an appropriate number of bidders/short listed bidders for a project?
 - What number would you consider to be “too many” for you to bid?

- How does this vary across different types of sizes of project?
 - What is the impact of an Expression of Interest phase? Does it encourage or discourage you from bidding? Why?
 - How well does this bidding method deal with consortia?
 - How well does this bidding method deal with sub-contracting?
- What forms of pre-tender discussion are you familiar with? **PROBE FOR:** Pre-tender meeting for all bidders; written questions with circulated responses; personal discussion with commissioning team (phone and face to face).
 - Which form is most suitable for which type of project?
 - What are the advantages and disadvantages of each?
 - Does the format of pre-tender discussion affect the questions you ask and/or the tender you submit
 - Do they have any impact on the relationship between commissioner and supplier? **IF YES:** Is this positive or negative? Why? (**If negative:** Can it be improved?)
- What forms of post-tender negotiation have you experienced?
 - Which do you think are most appropriate for which type of project?
 - What are the advantages and disadvantages of each?
 - How does the post tender negotiation affect the relationship between commissioning body and supplier? **IF YES:** Is this positive or negative? Why? (**If negative:** Can it be improved?) Give examples.
- Do you think that existing procurement systems allow appropriate methods to be used?
 - What would be better? Why? Differences across project types?

12. Impact of procurement method

- Which procurement method do you most prefer? Why?
- How important is the relationship between the commissioning body and the supplier?
 - Why is it important/not important? How important is it in comparison with, say, efficiency or clear objectives from your client?
 - Does the relationship have any impact on the way that the research is conducted? Any impact on the quality of the findings? Explain response.
 - Which procurement method do you believe provides the client with the best outcome? Why?
- Is there a relationship between procurement and research quality?
 - **IF YES:** What is it?

-
- How does the procurement procedure affect the research undertaken? **PROBE FOR:** Methodology, costs, value for money, quality of supplier staff involved in study, research outputs.
 - How can negative impacts be avoided? Would an alternative procurement method improve this? How? Give examples
 - Compared with other parts of the research process, how important is the procurement method in improving the quality of the research?
 - What is more important? Why?

13. **Changes and improvements**

- What are the best aspects of the procurement procedures that you have experienced?
- And what are the worst?
- What changes would you like to see? How would this affect the research you undertake? **PROBE FOR:** Impact on quality of research, relationship with suppliers

14. **Wind up and Conclusion**

- Summarise issues raised.
- One major change that would improve procurement of social research by central government departments and agencies
- Is there anything we've not spoken about that you would like to mention that might assist with the SRA's research?
- Any other comments....

THANK AND CLOSE