



Scottish Government
Riaghaltas na h-Alba
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**SCOTTISH GOVERNMENT FRAMEWORK
AGREEMENT FOR THE PROVISION OF
CREATIVE SERVICES
REFERENCE SP-16-008**

CALL-OFF PROCEDURES

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1. Introduction

- 1.1. This buyer's guide provides guidance to public sector organisations on accessing and utilising the Creative Services framework.

2. Foreword and acknowledgements

- 2.1. Scottish Procurement aims to deliver benefits to the people of Scotland through improved value for money for taxpayers and improved goods and services for all our citizens. We achieve this via effective collaboration with our customers throughout the procurement cycle and by developing strategies that contribute to the Scottish Government's purpose of sustainable economic growth.

3. Scottish Procurement point of contact

- 3.1. Framework management

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4. Framework overview

- 4.1. Creative advertising is delivered on a project basis and may include, either individually or in combination:

- Strategic marketing planning
- Target audience insight, this may be derived from bespoke research conducted from the research lot or directly
- Development of the creative strategy and brief against framework public body objectives
- Development of a well-targeted creative approach
- Development of a clear, succinct creative proposition
- Development, production and delivery of effective public information communication activities and commercial activities
- Development, production and delivery of effective social marketing activities designed to generate measurable behavioural change or support commercial objectives
- Development, production and delivery of effective marketing activities designed to support commercial objectives
- Delivery of field marketing including the face to face engagement with the targeted consumer;
- Delivery of direct marketing services
- Delivery of digital marketing
- Delivery of partnership marketing

- 4.2. Field marketing services may include, either individually or in combination:

- Auditing
- Sampling/demonstrating
- Merchandising
- Sales
- Roadshows / events / experiential marketing, including preparing creative work based on agreed strategy, and in some instances joint activity with framework public bodies
- Mystery shopping

- Data and IT
- Support services
- Evaluation against pre-set metrics, this may be further evaluated by independent research

4.3. Partnership marketing services may include, either individually or in combination:

- Partner identification and selection
- Contracting of partnership activity
- Brand licensing
- Campaign co-ordination
- Evaluation – including negotiating access to partnership data relevant to marketing activity

4.4. Direct marketing services may include, either individually or in combination:

- Augment and manage datasets as appropriate. Sourcing and managing databases as required, including collating customer lists, cleansing data, and updating records (including post campaign)
- Provide accurate and timely management information
- Achievement of results, as per agreed knowledge performance indicators (KPIs) including full evaluation
- Segmentation

4.5. Digital marketing services may include, either individually or in combination:

- Digital strategy
- Digital development
- Analytics, including online segmentation
- Evaluation
- Integrated search engine optimisation (SEO) strategy development
- Mobile (content management and strategy)

5. Framework period

5.1. The framework agreement commenced on 1 July 2017 and will run for a period of four years until 31 August 2022.

6. Procurement Reform (Scotland) Act 2014

6.1 Buyers are reminded of the obligations contained in the [Procurement Reform \(Scotland\) Act 2014](#) in relation to the award of contracts valued equal to or greater than £50,000 including those awarded as a result of a framework call-off/mini competition.

6.2 In particular, buyers should note that in accordance with [Section 23\(2\)](#) the award of contracts must be publicised on the Public Contracts Scotland website and in accordance with [Section 35](#) contracts must be registered in the contracting authority's "contracts register.

6.3 Your attention is also drawn to the requirement to provide feedback in accordance with [Section 32](#) and [Section 33](#)

7. Framework documentation

7.1. A copy of the framework terms and conditions, including schedules 1 (specification), schedule 2 (price), schedule 3 (ordering procedures), schedule 4 (management information – roles and responsibilities of contractors and framework public bodies) and schedule 5 (Standard Terms of Supply), schedule 6 (Parent Company Guarantee), schedule 7 (contractor sensitive information), schedule 8 (exit management), schedule 9 (model contract regarding data protection), schedule 10 (approved subcontractors) can be downloaded from our secure [Knowledge Hub](#) site.

- 7.2. Framework public bodies are reminded that schedule 2 (price) contains commercially sensitive information which must not be disclosed to any party out with your organisation without prior approval from Scottish Procurement.

8. Framework service providers

<p>The Union Advertising Agency Limited</p> <p>Union House 18 Inverleith Terrace Edinburgh EH3 5NS</p> <p>Contact: Ian McAteer Email: ian.mcateer@union.co.uk Phone: 0131 625 6000</p>	<p>Story UK Limited</p> <p>1-4 Atholl Crescent Edinburgh EH3 8HA</p> <p>Contact: Jim Kelly Email: jim@storyuk.com Phone: 0131 476 7515</p>
<p>Cello Signal Limited</p> <p>86/2 Commercial Quay Commercial Street Edinburgh EH6 6LX</p> <p>Contact: Richard Marsham Email: richard.marsham@leith.co.uk Phone: 0131 561 8600</p>	<p>Stand Ltd</p> <p>Queens House 29 St Vincent Place Glasgow G1 2DT</p> <p>Contact: Maggie Croft Email: maggiec@stand-uk.co.uk Phone: 0141 222 2999</p>
<p>Whitespace (Scotland) Ltd</p> <p>Norloch House 36 King's Stables Road Edinburgh EH1 2EU</p> <p>Contact: Phillip Lockwood-Holmes Email: phillip@whitespacers.com Phone: 0131 625 5500</p>	

9. Ordering procedures

- 9.1. Framework public bodies must agree to operate the framework agreement in accordance with the procedures set out within this document.
- 9.2. **For Scottish Government Staff Only:** - Before using this Framework, Scottish Government staff must contact Roger Goldie within the Scottish Government Marketing Unit's Communications Business Team on 0131 244 4042 or email roger.goldie@gov.scot. The Marketing Unit may have a call-off contract in place which would be suitable to meet your requirement, avoiding the need to run a new competitive tender exercise.

10. Call-off procedures

- 10.1. Framework public bodies utilising the framework agreement must adhere to the following procedures when calling off.

A call-off contract can be for a 'single order' or a "duration contract" for a period of time to cover one or more orders. A call-off contract must be awarded prior to the expiry of the framework. The period of a call-off contract for a "single order" or a "duration contract" may continue notwithstanding that the framework agreement has expired or terminated.

Note: Framework public bodies conducting a call-off for a “duration contract” must use the contract exclusively for the scope of their requirement, subject to the Terms of Supply clause 5 (break).

Call-off options are as follows:

- 10.2. Option 1: where the value of a requirement is under £20k, a framework public body can make a direct award to the first ranked* contractor. Please note that a framework public body reserves the right to undertake a mini competition, if in their opinion, it would be beneficial to do so.

*** Should the first ranked contractor decline to bid, the framework public body must approach the second ranked contractor, if they decline to bid, the third ranked contractor should be approached, and so on. Should none of the contractors be interested the framework public body will have to procure out with the framework.**

- 10.3. Option 2: a framework public body can undertake a mini competition inviting all contractors to tender for the work and make an award to one.

11. Direct award

- 11.1. The framework public body should issue their complete brief in accordance with schedule 5 (Standard Terms of Supply) ensuring that the contractor is made aware that the requirement is a call-off under the framework and forward to the first ranked contractor for consideration. The contractor should review the brief and submit a short proposal along with pricing to the framework public body. The ranking positions are detailed in the table below.

- 11.2. The framework public body should set a time limit for the receipt of the direct award proposal which takes into account factors such as the complexity of the subject matter of the order and the time needed to submit a proposal.

- 11.3. On the basis set out above, the framework public body can award its services requirements by placing an order with the successful framework contractor in accordance with the following:

- states the services requirements within the brief;
- states the charges payable for the services requirements in accordance with the proposal submitted by the successful framework contractor; and
- incorporates the Standard Terms of Supply.

Ranking	Supplier
1.	Cello Signal Limited
2.	The Union Advertising Agency Ltd
3.	Story UK
4.	Stand Ltd
5.	Whitespace (Scotland) Limited

12. Mini competition procedure

- 12.1. The framework public body should issue their complete invitation to tender in accordance with schedule 5 (Standard Terms of Supply) ensuring that the contractors are made aware that the requirement is a call-off under the framework. The contractor should review the tender and submit their proposal along with pricing to the framework public body.

- 12.2. Framework public body’s obligations, the framework public bodies shall:

- invite tenders, from all contractors appointed to the framework, by conducting a mini competition for its service requirements in accordance with the conditions herein, and
- set weightings for the award criteria in the mini competition invitation to tender against the following technical criteria:

Technical Criteria - (xx% weighting shall be set by framework public bodies at mini competition).

Service delivery and service levels (weighting XX%)

- a. General understanding of the requirement along with details of how any risks, for example, political, reputational, operational and financial can impact on the provision of the service and what action you would propose to mitigate these risks. (XX%).
- b. Details of the operational proposals with particular emphasis on quality and performance measurements, and customer satisfaction to meet the ordered service (scenarios may be used) (XX%).

Account and business management (weighting XX%)

- a. Details of the qualifications, experience and skillsets of the personnel proposed to meet the ordered services outputs (XX%).

Commercial Criteria - (XX% weighting shall be set by framework public bodies at mini competition)

Detailed below are the options to calculate price:

- Single order: total tender cost ex VAT (for example number of hours x hourly rate for all proposed grade(s) of personnel detailed on the pricing schedule to meet the ordered service (XX%).
- Duration contract: based on a comparison of hourly rates quoted for all proposed grades of personnel detailed on the pricing schedule in accordance with the relevant weightings set by the framework public body.

Note: For the purposes of the mini competition, only the staff grades listed in the framework pricing schedule will be used for the evaluation.

- 12.3. The evaluation criteria allows for flexibility regarding the composition of percentage weightings allocated against each of the criteria shown. The mini competition should be conducted on the basis of the criteria listed above or if necessary, more precisely formulated terms. Where a framework public body would like to introduce additional evaluation criteria, for example, sustainability measures or workforce benefits, full details must be provided in the invitation to tender document.
- 12.4. Set a time limit for the receipt of the mini competition tenders which takes into account factors such as the complexity of the subject matter of the order and the time needed to submit tenders.
- 12.5. Keep each mini competition tender confidential until the expiry of the time limit for the receipt by it of mini competition tenders.
- 12.6. Apply the award criteria and weightings to the framework contractors' compliant tenders submitted through the mini competition as the basis of its decision to award an order for its services requirements.
- 12.7. The highest scoring compliant tenderer will be appointed the call-off contract. In the event of a tie the framework public body reserves the right to appoint the tenderer who obtains the highest technical score.

13. Framework sustainable benefits

13.1. The sustainable benefits for public bodies using the framework are:

- All suppliers confirmed no inappropriate use of zero hours contracts
- All suppliers pay above the Living Wage together with offering a range of workforce benefits
- The Leith Agency, t/a Cello Signal Ltd, The Union Advertising Agency and Whitespace (Scotland) Ltd have signed the Scottish Business Pledge

Customers may therefore wish, on a proportionate basis, to take this into consideration as part of their service delivery call-off, where appropriate.

A link to the [Scottish Procurement Policy Note](#) is provided to assist you in considering the relevance of this criteria to your requirement.

Awarding a direct award/mini competition call-off contract

- 13.2. A direct award call-off contract must be concluded by an award letter including a completed schedule 5 of the Standard Terms of Supply.
- 13.3. A mini competition call-off contract must be concluded by an award letter including a completed schedule 5 and unsuccessful letters must also be issued to all unsuccessful tenderers. Please note that framework public bodies do not have to follow the standstill rules when awarding a call-off contract under a framework agreement. However, where above-threshold level contract is awarded by mini competition, following the standstill rules on a voluntary basis (including summary reasons) can protect the contract from ineffectiveness, if challenged in court. Templates for letters can be found under the links below.
- 13.4. Where requested by an unsuccessful tenderer, framework public bodies must provide feedback in relation to the reasons why their tenders were unsuccessful. The substance and form of the feedback given to unsuccessful bidders in the mini competition will be at the framework public body's discretion.

[Standstill letters](#)

[Contract Award letters](#) following mini-competition