



Framework Agreement guidance for Government Social Research

Government Social Research Unit

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I Introduction

This document provides information about setting up and managing social research Framework Agreements in government. This forms part of a series of GSR publications on professional guidance and should be read in conjunction with the [GSR Procurement Guidance](#).

As in the main GSR Procurement Guidance the information provided is largely based on Office of Government Commerce (OGC) guidance and the standards referred to relate to the procurement of all goods and services, not just social research. Whilst bearing that in mind, this guidance has been written specifically for those using Framework Agreements to procure social research in government and highlights specific issues that may arise during this process. As with all government procurement decisions, advice and guidance should be sought from departmental procurement experts as ultimate responsibility for procurement and adherence to UK and EU procurement rules lies with them.

The guidance will cover the following areas:

- Summary of OGC guidance on Framework Agreements.
- Good practice in setting up and managing social research Framework Agreements.
- Current social research Frameworks Agreements in Government.

2 OGC Framework Agreement guidance

OGC guidance, [Framework Agreements in the Procurement Regulations](#) (2008) sets out EU and UK procurement rules on Framework Agreements – and is summarised below.

Framework agreements are arrangements with suppliers that set out the terms and conditions (particularly price and quality) of contracts to be awarded during a specified period.

A Framework Agreement is not a contract in itself but the procurement to establish a Framework Agreement is subject to [EU procurement rules](#). It is therefore necessary to advertise a Framework Agreement in the Official Journal of the European Union (OJEU) if it is estimated the total maximum value over its lifetime exceeds the relevant EU threshold and the procurements in question are not covered by one of the exclusions set out in the Directives¹.

Frameworks can be awarded to single suppliers or to a number (see Section 3 for further details). If there is to be more than one, a minimum of three should be in the framework provided that there are sufficient candidates who meet the selection criteria and who have submitted a bid.

Once a framework agreement has been established, specific call-offs can be made for specific pieces of research throughout the duration of the agreement although there is no commitment to buy any services². When awarding a contract under Framework Agreements, authorities do not have to go through the full procedural EU route as long as EU procurement rules were followed in the setting up of the Framework i.e. if the original framework has been advertised in OJEU, it is not necessary to re-advertise individual projects under the framework, even if they

¹ For further information on EU thresholds and classifying social research see Section 1 of the [GSR Procurement Guidance](#).

² If there is a commitment to buy a specific amount of services from the supplier this is a Framework Contract, but this arrangement is less common for social research services.

exceed the EU threshold. However, if the framework was not advertised in line with EU procurement rules and the contract exceeds the thresholds and doesn't meet one of the exemptions, then the EU rules will apply.

Where there are a number of suppliers there are two possible options for awarding a contract dependent on how the Framework was set up and the requirements of the individual contract. First, the Authority can award the contract without reopening competition. Secondly, the contract can be awarded through a mini-competition with all the suppliers within the Framework capable of meeting the particular need (see Section 3 for further details).

It is worth noting that departments can use the frameworks of other government departments in the acquisition of services where it is clear that the framework was advertised on behalf of such other bodies.

Under EU rules, Frameworks should not normally last for more than 4 years. There should be no change to the Terms and Conditions during the lifetime of the contract.

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3 Good practice

There is no one prescribed way of setting up and managing Framework Agreements across government, however, the following issues below have been identified as important for producing useful, fair and transparent Frameworks for social research that benefit both the Authority and the supplier.

- **Is a Framework Agreement the right approach?**

Framework Agreements are resource intensive to set up (for both the Authority and the suppliers) and effectively manage. However, this can be balanced by cost savings through negotiating terms and conditions in advance, and time savings in reducing the length of procuring individual projects once the Framework is established. Framework Agreements also allow for the development of long-lasting and constructive relationships with suppliers, and if advertised, promoted and managed effectively can encourage capacity building in social research.

It is important to decide whether a Framework Agreement is the right approach for the services to be purchased and to be clear about the rationale for taking this approach. Initially this will be based on value for money considerations, and particularly whether it is possible to establish a pricing mechanism as part of the set up. For social research this means establishing a schedule of daily rates for each supplier as part of the procurement process.

There are reasons why a Framework may not be appropriate for the work to be let. It is vital to consider whether there is sufficient work in well-defined areas to warrant setting up a Framework Agreement. In doing this, it is useful to think through what the Framework will be used for in practice, what type of work is tendered frequently and whether it will be possible to recruit the best suppliers onto the Framework. Referring to departmental business plans and strategic research plans may be useful in making this decision. It may be that for a small or diverse research remit, very small-scale pieces of work or consultancy-type work, alternative procurement routes could be more cost effective and less burdensome to both the Authority and the market. Authorities should also consider whether any existing frameworks are available to them that cover their requirements before undertaking their own procurement.

Furthermore, Framework Agreements are not responsive to change, as new suppliers cannot be added after the Framework has been set up. This may be a particular problem in a new or fast-moving policy area, or for a developing methodology.

- **Procuring a Framework Agreement**

Given the issues outlined above, if a decision is made to establish a Framework Agreement, unless there is a justifiable reason, it should be let via the EU Procurement route. Only if it is certain that the total cost of all work to be let under the contract will fall under the EU threshold or all work is covered by an exempt EU category should the UK procurement route be taken³.

Government social research tends to fall into one of two EU service categories; Category 10 'Market research and public opinion polling services' or Category 8 'Research and development'. Research and development services are exempt from EU procurement rules if the services are wholly paid for by the contracting authority and the results to be made public. The

³ For further information on EU and UK procurement rules see Section 1 of the [GSR Procurement Guidance](#).

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'Market Research and Public Opinion Polling' category, which specifically mentions 'social research services' and 'survey services', is not exempt. The R+D category should not be used as a default option for all government social research; it should only be used if it is entirely clear and defensible that **all** the work likely to be let under the Framework Agreement can be described as R+D. The OGC definition of this is, 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'.

The estimated total value of the work to be let under the Framework must be included in the original OJEU notice and the Invitation to Tender to provide a signal to the market about the scale of the Framework. Also if the Framework has been set up to allow use by others this total must include likely usage by other authorities. The total estimated value of the Framework Agreement may influence the decision of individual tenderers on whether or not they want to bid.

As mentioned above letting the Framework Agreement via EU procurement rules negates the need to commission subsequent individual contracts, over the EU threshold, via OJEU, which is likely to save time in the procurement process. It also means that the procurement covers all future research work whether it falls into the R+D classification or the Market Research and Public Opinion Polling classification.

As Frameworks tend to be set up by individual departments, there are often myriad different processes to follow when applying for different Frameworks. In order to reduce the burden on potential suppliers when setting up Framework Agreements departments should consider what they can do to keep their requirements to a minimum and streamline their processes with those already used by other departments drawing on the standard templates produced by OGC. Some departments set word limits for the information required in the tender which may be useful for suppliers and encourage a more level playing field but consideration should be given to whether this would provide sufficient detail for the Authority to adequately evaluate the tenders.

It is essential that social researchers and procurement experts work closely together in setting up the processes for letting the Framework Agreement. Both parties should collaborate to ensure

that the Framework is fit for purpose and careful thought should be given to the skills and expertise required from suppliers and ensure that these are clearly and transparently reflected in the selection criteria. Appropriate EU or UK procurement rules must be followed throughout the selection process – further information can be found in the [GSR Procurement Guidance](#).

- **Capacity building**

Departments should actively encourage tenders from the best possible researchers in the field.

It is sometimes more difficult for individuals or small suppliers, and in some cases the academic community, to meet the financial requirements, or sign up to all the terms and conditions necessary to be accepted onto a Framework. Departments should ensure that they do all that they can, not to disadvantage all good quality bids. Particular attention should be paid to financial and commercial information where stringent requirements for company and financial records should not prohibit the inclusion of good quality bids, whilst recognising that this needs to be balanced with protecting the Authority. The level of public indemnity insurance required can also often be problematic for small suppliers. It is not possible to offer different levels of requirements to different sized suppliers therefore the letting Authority should consider setting the level of requirement at the lowest common denominator so as not to prevent small and medium suppliers from successfully entering onto a Framework.

In order to ensure that high quality researchers are aware of opportunities to apply to a Framework Agreement, social researchers in government should actively seek to identify established and emerging experts in their particular area and inform them when Frameworks are due to be let or re-competed. This is extremely important given that Frameworks are locked for their duration and therefore it is not possible to add new suppliers once the Framework is let. In addition to targeting organisations and individuals, careful thought should also be given about where to advertise Framework Agreements so that the supplier pool can be increased. If going through the EU procurement route, the Framework Agreement will automatically be advertised in the Official Journal of the European Union, but notices should also be placed on departmental websites and in other media as appropriate, such as the UK online portal, the ESRC website and key academic journals in the area.

It is common practice to split the requirements for work into different categories or lots within a framework, often by themes or methodologies. As well as making frameworks more manageable, this also has the advantage of helping the market by allowing them to focus on their areas of expertise with a smaller competition base, rather than putting them up against a potentially large number of bidders in a wider competition. This approach can also make the framework attractive to smaller companies, who may have a narrow but very desirable expertise, by opening up opportunities that otherwise might have been out of their reach.

- **Sharing Framework Agreements**

Departments should consider setting up Framework Agreements so that they are available to other government departments and their bodies. This helps to maximise the usefulness and reach of Frameworks, and is beneficial for departments who may not have sufficient requirement in an area to set up a specific Framework, or do not have their own Frameworks. This is particularly useful for departments where they may have a need outside of their core business and therefore do not have sufficient knowledge of the market to effectively carry out their own procurement. There are restrictions around this i.e. the Framework must only be used for its initial purpose and this must be justifiable. For example, DCSF may be able to use a supplier on a DfT Framework to undertake work on how children travel to school but they would not be able to use the same supplier to undertake non-transport related work.

The Home Office and Ministry of Justice operate a shared service for its procurement needs (as well as other corporate services) and operate a single Social Research & Analysis Framework Agreement covering requirements of both departments.

The intention to allow other authorities to let contracts under a Framework must be made clear in the OJEU contract notice and the ITT. It is not necessary to name every individual authority, but instead a recognisable class of contracting authority may be used, for example, 'Central Government Departments' or local authorities in a particular region. As mentioned above, an estimate of the usage of other authorities must be taken into account when assessing the total value of the Framework Agreement.

For further details of current government social research frameworks, including whether they are available for use by others, see Section 4.

- **Awarding a contract under a Framework**

Only where the terms laid down in the Framework Agreements are sufficiently precise to be able to identify the best supplier for the particular requirement, can the Authority award the contract without reopening competition. The Authority should outline in the terms of the Framework Agreement under which circumstances they envisage making a single tender award and how they would select the supplier. This may be by adopting initial ranking of the suppliers on the basis of the award criteria used at the time that the Framework was established. Information should also be provided as to how they would select a subsequent supplier if the first was unable to deliver the requirement. In the case of social research, it is likely to be rare that the precise requirements for an individual research project have been adequately addressed in the set up of the Framework. Therefore the use of mini-competitions is likely to be the most appropriate route in the case of social research procurement.

Where the terms laid down in the Framework Agreement are not sufficiently precise or complete enough to award a contract to a particular supplier, a mini-competition (in writing) should be held with all the suppliers within the Framework capable of meeting the particular need. This does not necessarily mean that every provider on the Framework must be included. A Framework may cover a number of different suppliers or services and there is no obligation to consult those providers that had not agreed, when bidding for appointment to the Framework, to provide the particular supplies or services that are the subject of the call-off. However, most established Frameworks which cover social research have divided their requirements into distinct categories, referred to as lots, usually by topic or method, or sometimes by both. In this case, the Authority need only ask the suppliers in the particular lot (or lots) that covers the services required to bid. However, all suppliers in the lot must be invited to tender as by definition all were selected on their ability to provide the services covered by the lot. So, for example, commissioners wanting to let a large-scale survey would be able to go to a particular lot containing survey specialists and run a mini-competition within that lot.

If it is decided to divide the Framework into lots it is worth considering the optimum number of suppliers in each lot to keep the process manageable and efficient. Feedback from current social research Frameworks suggests that around 7-10 suppliers per lot is a sensible number for ensuring a proportionate yet viable

mini-competition process, given that not every supplier on the lot may want to bid for the work.

When running a mini-competition, it is important to note that the relevant EU Treaty provisions and principles still apply and Authorities must be careful to ensure that nothing is done which is discriminatory, improper or which distorts competition. At this stage, new selection criteria may be added as long as they relate to the criteria set out in the Framework Agreement and weighting may be varied to reflect the particular requirement.

Terms and conditions are usually fixed throughout the life of a Framework Agreement. However, if the Framework Agreement is used by another Authority that requires a change to the original terms and conditions this may be possible if agreed by both parties and included in the tender documents as part of the mini-competition procurement process. For example, if a department had a particular requirement around data security it may be possible to revise the original Framework Agreement terms and conditions to include this as long as the Framework owner agreed. When considering this, however, the effect on the market should be taken into account as this could be challenged as a change to the original specification for the Framework.

Consortium arrangements are possible through Framework Agreements. The most efficient way is to select a lead contractor from an existing Framework – using the single tender or mini-competition process as appropriate. The contract would then be awarded to the successful bidder and other suppliers as required (whether on the Framework or not) can be subcontracted by the lead contractor.

It is also worth noting that OGC Framework Agreement guidance states that the authority is not tied to the agreements; they are free to use the Frameworks when they provide value for money but can go elsewhere if not.

- **Managing a Framework**

One of the advantages of Framework Agreements is that they provide an opportunity to proactively engage with a wide range of suppliers, and to build up an ongoing relationship with them. This is beneficial both in terms of improving the interaction between the external research community and government, and also can result in improved outputs through engendering a better

understanding of departments' requirements and ways of working.

To facilitate the development of constructive relationships it is important for a department to be open and transparent about how it manages the Framework and how contracts are awarded. The Home Office and DWP have mechanisms in place to keep in touch with the suppliers on their Frameworks through a quarterly newsletter, informing suppliers with updates of the latest developments within the departments and details of contracts awarded. The newsletters are also circulated to internal users so that any issues or problems can be highlighted. The Home Office Science and Research Group procurement has appointed a dedicated procurement contact for each supplier.

Ongoing communication with the suppliers also allows GSR managers to keep on top of any changing skills within organisations on the Framework. As Framework Agreements are usually set up with organisations, GSR managers need to know whether the skills base of the organisation changes over time and how the organisation intends to respond to employee changes. An obligation on the suppliers to inform the Framework owners of changes in personnel could be built in to the agreement.

It is also the responsibility of the Framework owner to monitor the usage and amount spent under the Framework Agreement to ensure it is in line with the original estimation of the value of the Framework. The Authority needs to include both their own department's spend as well as any from any other authorities who use the Framework. Mechanisms therefore need to be put in place so that the Framework owner is able to provide this information.

- **Renewing Framework Agreements**

A Framework Agreement must generally be re-competed after four years. Exceptionally it could last longer than four years to get a return on any capital employed; however, this is unlikely to be the case for social research.

It is possible to let Frameworks for shorter periods and also to include an option to extend the Agreement for further years; for example a Framework Agreement could be let for two years initially with an option to extend for a further two years.

However, at no time during the life of the Framework, or between the end of an initial phase and exercising an extension, is it

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possible to add new suppliers onto the Framework or to alter the terms and conditions (unless the Framework is used by another Authority and changes to terms and conditions agreed with the Framework owner, see Page 6 for further details). Generally, the only change that can be made during this time is to change the price structure, for example by including in the framework a mechanism to review the rates periodically or index link the prices, but for any particular call off the rates must be those that are current at that particular time. The Department of Transport's Framework model, however, includes agreements with a number of lead contractors who have a supply chain of suppliers sitting under them. With the department's agreement and depending on business need it is possible for the lead contractor to add new suppliers or individuals to the supply chain – but not to the Framework itself.

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Annex

Social research Framework Agreements in government

Departments with social research specific Framework Agreements as at August 2009

Department for Transport

Set up

DfT set up a Framework Agreement through OJEU in 2007. The Framework includes six lots covering a range of requirements for research and technical services across the department. Social research suppliers are contained primarily in one lot (lot 6), which is broken down into four different supply chains, it is possible to commission social research through some of the other lots but this is less common. Each of the supply chains has a lead contractor⁴. Depending on the particular order being placed, a mini-competition between lead suppliers is usually held. The Framework was set up in this way in order to encourage long-term collaborations between specialist transport researchers and social research organisations.

The framework covers the following types of social research:

- qualitative and quantitative social research
- customer satisfaction surveys
- social surveys
- secondary data analysis
- process and outcome evaluations
- evidence reviews and rapid evidence assessments
- policy and scheme evaluation

⁴ With the Department's agreement, it is possible for the lead contractor to add organisations or individuals to its supply chain if there is a strong business case for doing so. This involves a contractual variation to the framework agreement. In addition, it is also possible for the lead contractor to sub-contract organisations other than those on its supply chain if considered appropriate in order to address the requirements of a specific order.

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A management fee is sometimes added to the contract value, but this varies between lead supplier and also depends on whether the work is undertaken by the lead supplier or organisations on its supply chain.

DfT procurement guidance suggests that frameworks should normally be the first route considered when procuring research, particularly for contracts under £250k.

Collaboration

DfT's frameworks are available for use by its Agencies and Non Departmental Public Bodies, Other Government Departments, Local Authorities and Regional Development Agencies. Any commissioned work must be transport related and agreed, in advance, by DfT's Framework Manager. DfT's Terms and Conditions will apply and any work must be based on the Final Specification for the Framework, the rates submitted by the Lot supplier(s) and supplemented by the commissioned work.

Renewal

The Framework was let on 01st April 2007 for 3 years (due to end 31st March 2010) with an option to extend for a further year until 31st March 2011. At this stage a decision has not been made to take up the option to extend the Framework.

Further information

For further enquiries about the use of the DfT Framework Agreement please contact Helen Bullock, Helen.Bullock@dft.gsi.gov.uk

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Department for Work and Pensions

Economic and social research framework

Set up

DWP re-let a new Framework Agreement in 2009, in association with HMRC, covering a wide range of social research and economic methodologies in key DWP/HMRC policy areas:

- Poverty
- Social Exclusion
- Social security
- Working life
- Disadvantage
- Diversity
- International comparisons
- Equality
- Business Taxes
- Benefits and Credits
- Enforcement and Compliance
- Personal taxes

The Framework has not been let via OJEU. Contracts are usually let on the basis of selecting the supplier from the Framework who most closely matches the requirements for an individual project on the basis of the information collected during the Framework Agreement tender process, although on occasion mini competition within the Framework lots may be used.

Collaboration

The DWP Framework is accessible to other government departments undertaking research in the above areas, although as the Framework was not set up via EU procurement rules all research must come under the exempt 'Research and Development' classification.

HMRC has also committed to making use of this Framework to replace its existing Analysis and Research Framework as it has many of the same requirements as DWP, with the addition of areas such as direct and indirect taxes, and benefits and credits (see below). HMRC were involved in the re-letting process and have specific lots with the framework.

Renewal

The new Framework will run for two years from 1 July 2009 with a possible extension for a further two years.

Further information

For more information about DWP Frameworks please see <http://research.dwp.gov.uk/asd/asd5/>

For further enquiries about DWP Framework Agreements please contact Kate Callow Kate.Callow1@DWP.gsi.gov.uk

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Home Office

Set up

The Home Office Framework Agreement for social research and analysis was initially set up in May 2007 and comprises separate Lots/Sub-Lots covering key areas of Home Office and Ministry of Justice business for research projects up to a value of £100,000:

- Crime Reduction
- Policing effectiveness
- Drugs research
- Criminal justice
- National Offender Management Service
- Immigration
- Cross cutting analysis, appraisal evaluation and modelling

Within some of the Framework Lots, a range of Sub-Lots have been created to reflect the methodological requirements of the work area. A mini-competition must be undertaken with all suppliers in the Lot and/or Sub-Lot who wish to tender for a particular project.

The Frameworks have been procured via the OJEU route and details of the Agreement are available to view on the OGC website so that all government departments can use them. Other government departments can only use suppliers for work specific to the Lot/Sub-Lot.

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The Home Office is currently setting up an additional Framework Agreement to fill gaps in Home Office and Ministry of Justice work not covered by the current Agreement. The new Framework Agreement will focus more on research methods and not just topics. The new Frameworks have been set up in a similar way to the original tranche, but are all related to particular methodologies, and will be available via the OGC website.

Collaboration

All the Frameworks can be used by other government departments and their Agencies for work related to the original purpose of each Framework.

Renewal

The current Framework Agreement has been extended for two years until May 2011. The new Framework Agreement is due to be implemented in Autumn 2009.

Further information

For more information about the Home Office Social Research and Analysis Framework Agreement, including a list of suppliers and guidance on how to use the Frameworks please see

http://www.ogc.gov.uk/contractsdatabase/list_all_contracts_991.asp

For further enquiries about the Home Office Framework Agreement please contact David Glennie, david.glennie@homeoffice.gsi.gov.uk

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Her Majesty's Revenue and Customs

Set up

HMRC are in the process of jointly procuring a new economic and social research Framework with DWP. Both departments share many of the same requirements and where HMRC have identified specific needs separate lots have been added to reflect those.

The HMRC Framework covers the following policy areas:

- Work and Welfare strategy
- Families, Children, Poverty, Social Exclusion, Housing Support
- Ageing and pensions
- Disability and Carers including health, work and well being
- Other disadvantaged groups
- Performance, Business delivery and Modernisation
- May also include customer perception and satisfaction levels of current programme delivery
- Benefits and Credits
- Business Taxes
- Personal Taxes
- Enforcement and Compliance

The Framework has not been let via OJEU. Contracts are usually let on the basis of selecting the supplier from the Framework who most closely matches the requirements for an individual project on the basis of the information collected during the Framework Agreement tender process.

Collaboration

The new Framework will be accessible to other government departments undertaking research in the above areas, although as the Framework was not set up via EU procurement rules all research must come under the exempt 'Research and Development' classification.

Renewal

The new Framework will run for two years from 1 July 2009 with a possible extension for a further two years.

Further information

For further enquiries about the HMRC Framework Agreement please contact Ian Gardner, 0161 827 0846

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Ministry of Justice

Social and economic research procurement framework

Set up

MOJ has an established research framework for the commissioning of social and economic research for the former Department of Constitutional Affairs arm of the Ministry of Justice set up in September 2007. Note that former Home Office units now part of MOJ, i.e. analytical service divisions in OCJR and NOMS, operate a separate shared service Framework Agreement managed by the Home Office (see above for further details).

The framework resulted from a full tender exercise to shortlist suppliers conducted via the Official journal of the European Union (OJEU).

Departmental guidance for users advises a mini competition under the framework be used for procuring all social/market research and economic services, and informs it is available for such contracts estimated at any value - specifically:

- for contracts above the £90k (otherwise commissioning offices with contracts at this level have to seek to advertise via OJEU);
- recommended for consideration on contracts estimated at between £25k -£85k, when the subject area falls within one of the lots described on the framework; and
- suggested for research below £25k although, generally, not mandatory at that level.

Successful suppliers awarded a framework contract have been grouped into six main lots reflecting key MoJ policy areas:

- *Family law*
- *Constitutional issues*
- *Diversity in the judiciary*
- *Civil and administrative law*
- *Criminal law*
- *Legal services*

Each of these research categories was further sub-divided into three research specialisms:

- *Qualitative research (Incl. Focus groups, in depth interviews)*
- *Quantitative analysis (Incl. Telephone surveys, data analysis, modelling)*
- *Economic data analysis (Cost benefit analysis, econometrics)*

Renewal

The Framework Agreement started on 21 September 2007 and is effective for 4 years.

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Office for National Statistics

Set up

The current ONS Framework Agreement to support social survey activities was set up in 2008 and comprises separate Lots covering key areas of ONS social survey business under the following headings:

- Health
- Dental Health
- Education
- Labour Market
- Disability
- Crime
- Population and Migration
- Housing
- Policy Evaluation
- Qualitative Research
- Sampling and Estimation

If more than one supplier in a particular area is interested in carrying out work then a mini-competition must be undertaken with all interested suppliers.

The Frameworks have been procured via OJEU.

Collaboration

Members of the GSS in other government departments can use suppliers on the list for work in the specific areas.

Renewal

The current Frameworks are due to be renewed in 2010.

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