

# Evaluation in public procurement

## **Designing a marking scheme**

March 2021

## An example

5	High degree of confidence in the Bidder's ability to do what is stated through a thorough understanding of what is being requested and responses demonstrating that the Bidder can do what they say they will; translates well into contractual terms
4	Good understanding of the issues, good level of detail, and demonstration that proposals are feasible so that there is a good level of confidence that the Bidder will deliver; can be transposed into contractual terms
3	Understands the issues and addresses them appropriately with sufficient information, but lacking reliable substance so as to suggest more of a "model answer" than a true commitment, and so only some confidence that the Bidder will be able to deliver

## Context: evaluation must be...



**Transparent**



**Fair**



**Rational**



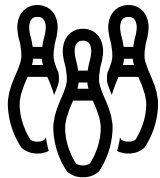
**Supported by reasons**

## Things to avoid



**Jumping**

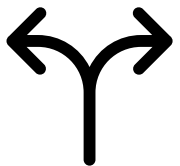
e.g. [Woods \[2015\] EWHC 2011 \(TCC\)](#)



**Clumping**



**Dumping (on evaluators)**



**Plumping (very marginal decisions)**

# Things to achieve



**Differentiation**



**Ease**

# Standards and metrics

5	<b>High degree of confidence</b> in the Bidder's ability to do what is stated through a <b>thorough understanding of what is being requested</b> and <b>responses demonstrating that the Bidder can do what they say they will; translates well into contractual terms</b>
4	<b>Good understanding</b> of the issues, <b>good level of detail</b> , and <b>demonstration that proposals are feasible</b> so that there is a <b>good level of confidence</b> that the Bidder will deliver; <b>can be transposed into contractual terms</b>
3	<b>Understands the issues</b> and <b>addresses them appropriately</b> with sufficient information, but <b>lacking reliable substance</b> so as to suggest <b>more of a "model answer"</b> than a true commitment, and so <b>only some confidence that the Bidder will be able to deliver</b> in line with expectations

# Variables aligned?

10	Response addresses <b>all requirements of the question</b> with <b>no weaknesses or omissions</b> and <b>provides full confidence</b> in the bidder's ability to deliver the elements of the contract referred to in the question
7.5	Response addresses <b>all or most requirements of the question</b> with <b>only very minor weaknesses or omissions</b> and <b>provides good confidence</b> in the bidder's ability to deliver the elements of the contract referred to in the question
5	Response addresses <b>most of the requirements of the question</b> with <b>only minor weaknesses or omissions</b> and <b>provides reasonable confidence</b> in the bidder's ability to deliver the elements of the contract referred to in the question...

# A comprehensible scale?

	<b>Requirements addressed?</b>	<b>Weaknesses / omissions</b>	<b>Confidence in ability</b>
<b>10</b>	All	None	Full
<b>7.5</b>	All or most	Only very minor	Good
<b>5</b>	Most	Minor	Reasonable
<b>2.5</b>	Some	Moderate	Some
<b>0</b>	Few or none	Significant	Insufficient or none



## Metrics - examples



**Requirements met?**



**Weaknesses / omissions**



**Degree of confidence**



**Evidence**



**Understanding**



**Concerns**



**Innovation**



**Added value**

[Jorren Knibbe](#), No5 Chambers, © 2021

This presentation is for background information only, and must not be relied on as legal advice. Your legal position depends on your specific circumstances.

For any questions, advice or representation please email [jkn@no5.com](mailto:jkn@no5.com).