

Scottish procurement:
Media Planning, Buying and Associated Services
framework

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Buyer Guide

Version 3.0

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1. Introduction

- 1.1 This buyer's guide provides guidance to public sector organisations on accessing and utilising the Media Planning, Buying and Associated 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 points of contact

- 3.1 Framework management

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Scottish Government, Scottish Procurement, Victoria Quay, Edinburgh, EH6 6QQ
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4. Framework period

- 4.1 The framework agreement for Lot 1 commences on 1 July 2024 and will run for a period of four years until 30 June 2028.
- 4.2 The framework agreement for Lot 2 commences on 2 October 2023 and will run for a period of four years until 1 October 2027

5. Framework overview

- 5.1 The framework agreement is for the supply of media planning, buying and associated services. Framework suppliers will be required to provide the services for a full range of media including television, radio, press, digital, online, cinema and out of home. There are two lots:
- 5.2 Lot 1 UK and overseas media bought in UK. This is a multi-supplier arrangement with five contractors in support of activities including, but not restricted to, consumer advertising, social advertising, public information (including access to services) and revenue generating promotion
- 5.3 Lot 2 international media purchased and placed in-country. This is a single supplier arrangement which will cover the provision of overseas media advertising for adverts purchased and placed in-country, in support of activities, including but not restricted to, consumer advertising, social advertising, public information (including access to services) and revenue generating promotion. As a minimum, the areas to be covered would be North America, Europe, Middle East, Australia, New Zealand and Asia and any other such territories as identified by the framework public body.

Note: This framework does not cover recruitment or public information notice advertising. There is a separate framework for this service.

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 Agreement which comprises terms and conditions, schedule 1 (specification), schedule 2 (price), schedule 3 (ordering procedures), schedule 4 (management information – roles and responsibilities of contractors and framework public bodies), 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) and schedule 11 (Cyber Security Requirements) 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

- 8.1 A list of the service providers appointed to all lots of the Framework is provided at Annex A to this guidance.

9. Lot 1 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 A call-off contract can be for a "single order" campaign by campaign, 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 "duration contract" cannot continue beyond the expiry date of the Framework, however a "single order" or an order under a "duration contract" may run beyond the expiry.
- 9.3 NB: 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).

10. Call-off procedures:

Framework Public Bodies are reminded that the contractors have already been through a rigorous procurement process to be awarded a place on the framework. This tested the suppliers' ability on a range of aspects in open competition, including but not limited to: technical ability, team structure, cyber security and fair work practices. Framework Public Bodies should bear this in mind when drafting their invitation to tender and seeking proposals, as opportunities need to be commercially viable for contractors to bid.

The call-off options are as follows:

10.1 Option 1: where the value of a requirement is under £100k, 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.

10.2 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 brief is in line with the value of the requirement, and 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 tables in Annex A.

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 Commercial submissions should be submitted to meet the following options:

- contracting for a duration contract: the tenderer is required to provide full detailed costings against indicative volumes/spend, using the price guarantees set under the framework, taking into account any rebates, discounts etc. The fee commission to be quoted must not exceed that specified in the pricing schedule, but can be lower
- contracting for a single order, campaign by campaign basis: the tenderer is required to provide a price proposal for the media proposed to deliver the outputs of the brief, taking into account any rebates, discounts etc. The fee commission to be quoted must not exceed that specified in the pricing schedule, but can be lower

11.4 On the basis set out above, the framework public body can award its service 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 (Schedule 5).

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 it is in line with the value of the requirement, and that all 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%).

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

Detailed below are the options to calculate price:

- single order, campaign by campaign basis: tenderers are required to provide full detailed costings to deliver the outputs of the brief. The price will be calculated using the price guarantees set under the framework, taking into account any rebates, discounts etc. The fee commission to be quoted must not exceed that specified in the pricing schedule, but can be lower

Please note that no historic volume information is required to be input for single orders.

- duration contract: tenderers are required to provide full detailed costings against indicative volumes/spend, using the price guarantees set under the framework, taking into account any rebates, discounts etc. The fee commission to be quoted must not exceed that specified in the pricing schedule, but can be lower

Please note that those framework public bodies who have used the media planning, buying and associated services framework previously and are looking to award a duration contract should contact Scottish Procurement for details of their historic volume/spend information. Those bodies who have not used the framework previously are required to input their own historic volume/spend information.

12.3 The evaluation criteria above 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 is considering the inclusion of evaluation criteria, such as: sustainability measures, workforce benefits, and cyber security, it should be noted that these elements were already tested at framework level. Focus should be on the Service Delivery and Service Level questions, which can be developed to be specific to each individual requirement. Full details must be provided in the invitation to tender document and all reasonable steps must be taken to mitigate incumbent advantage where appropriate.

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 to 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.

12.8 On the basis set out above, the framework public body can award its Service requirement by placing an Order with the successful Framework Contractor in accordance with the following:

- states the Services requirement
- states the charges payable for the Service requirement in accordance with the tender submitted by the successful Framework Contractor
- incorporates the Standard Terms of Supply detailed at Schedule 5

12.9 Provide unsuccessful Framework Contractors with 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.

13. Framework sustainable benefits

All suppliers have committed to contributing to our Sustainable Procurement objectives as part of their tender for the framework. Framework public bodies may therefore wish to discuss these in relation to the management of their requirement.

13.1 In addition, all suppliers have proposed a range of Fair Work First (FWF) measures to be applied in their delivery of the Framework such as no inappropriate use of zero hours contracts. Framework public bodies are encouraged to discuss these in relation to the management of their requirement.

13.2 Detail of all suppliers' status with regard to size, payment of rLiving Wage, and whether they are rLW accredited can be found on the Additional Supplier Information document contained within [Knowledge Hub](#).

13.3 A link to the [Sustainable Procurement/Procurement Journey](#) is provided to assist you in discussing the management of this in your requirement.

14. Awarding a direct award/mini competition call-off contract

14.1 A direct award call-off contract must be concluded by an award letter including a completed schedule 5 of the Standard Terms of Supply.

14.2 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.

14.3 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. Example letters and guidance from the Procurement Journey are contained within the guidance given in the links below:

[Standstill Letters](#)

[Standard Forms and Documentation | Procurement Journey](#)

[Contract Award | Procurement Journey](#)

Framework Levy

14.4 For Lot 1 only, please note that the prices charged by the suppliers for the media ordered, will be audited on a 6 monthly basis by the appointed media auditor. The auditor will produce a report to each framework public body detailing the value of media purchased and will highlight whether the prices charged by the suppliers are ahead or behind the price guarantees set under the framework. Media advice is also included as part of the audit services. The cost of the media auditor's service will be covered through a framework levy. The levy is currently set at 1.0% of the value of a framework public body's media spend and may be varied by the auditor contract manager.

15. Lot 2 ordering procedures

Framework public body obligations:

15.1 The framework public body shall give a notice sent by email to the contractor which states the service requirements and seeks a proposal for the service requirements, in accordance with the framework agreement, schedule 2, pricing and schedule 5 Standard Terms of Supply.

15.2 Subject to agreement, the framework public body shall award its service requirements by placing an order with the framework contractor in accordance with the following

- completes and incorporates a Schedule 5, Standard Terms of Supply
- states the service requirements
- states the specification
- states the charges payable for the service requirements in accordance with the tender submitted by the contractor

Framework contractor obligations

15.3 The contractor shall provide a tender proposal, including pricing, and send a response by email to the framework public body.

15.4 Subject to the framework public body notifying the contractor that their response has been accepted, the call-off contract, for example the order, shall be formed on the commencement date set out in the notice.

Awarding an order

15.5 A call-off contract must be concluded by an award letter and the completion of schedule 5 from the framework agreement.

15.6 The contractor acknowledges that each framework public body is independently responsible for the conduct of its award of call-off contracts or orders under the framework agreement and that the authority is not responsible or accountable for and shall have no liability whatsoever in relation to:

- the conduct of the framework public body in relation to the framework agreement

- the performance or non-performance of any orders between the contractor and the framework public body entered into pursuant to the framework agreement

16. Annex A

List of Service Providers in each Lot

1 Lot 1 UK and overseas media (bought in UK)

Rank	Supplier
1.	Carat Scotland, a trading division of Dentsu UK Norloch House, 36 King's Stables Road, Edinburgh, EH1 2EU Email: chris.marsh@carat.com Company registration number: 01939690
2.	Republic of Media Floor 4, Nova House, 3 Ponton Street, Edinburgh, EH3 9QQ Email: framework@republicofmedia.co.uk Company registration number: 07898268
3.	EssenceMediacom 1 Rennie's Isle, Leith, Edinburgh, EH6 6QA Email: jane.mctaggart@essencemediacom.com , Kirsty.anderson@essencemediacom.com Company registration number: 03296603
4.	Spiritmedia Scotland Waterview House, 37 The Shore, Leith, Edinburgh, EH6 6QU Email: graham@spiritmediaworks.co.uk Company registration number: SC226495
5.	The Media Shop Scotland The Garment Factory, 10 Montrose Street, Glasgow, G1 1RE Email: caroline@themediashop-scot.co.uk Company registration number: SC110730

2 Lot 2 international media (purchased in-country)

Rank	Supplier
1.	Carat Scotland, a trading division of Dentsu UK Norloch House, 36 King's Stables Road, Edinburgh, EH1 2EU Email: chris.marsh@carat.com Company registration number: 01939690