



Working with consultants and contractors

This factsheet deals with the various stages involved in using contractors and consultants to help deliver your path project. It starts with the process of writing a brief for the work you want done, looks at how to invite and assess tenders and then considers how to manage the relationship once you've appointed a consultant or contractor.

There's a lot of overlap between the roles of consultants and contractors, but in general, you'll find that people who call themselves consultants will help with the design stages of a path project whilst contractors will be involved in delivery of practical works on the ground. You'll probably also find that some people cover both jobs. For the purposes of this factsheet, we've referred to contractors to mean both consultants and contractors throughout the text.

Writing a brief

Writing a good brief is an important stage in making the best use of contractors and consultants. The process of writing the brief will help to clarify what it is you're trying to achieve and how the consultant can help you to do that. The clearer you can be about what you want to get done, the easier it will be for the consultant to do it. As a minimum, you should including the following in your brief:

Part A: The Context

A broad outline of the work and where it fits in the bigger picture

Part B: The Commission

What you want the consultant to do – what tasks do you need completed?

What you can supply to the consultant – what information can you give them?

What you want the consultant to deliver – what outputs are you expecting (reports / maps etc), in what format and by when?

Part C: The Procedure

Rules for bidding – how and where should bids be submitted; will you accept joint bids; is it a fixed price job or are you looking for competitive tenders etc?

Content of the bid – what do you want the bidder to tell you in their bid? This is likely to cover items like their competence to do the work; a timetable for delivery; how they plan to do the work etc

Legal and financial requirements e.g. what insurances do you need the contractor to have?

Although that can seem like a lot to cover, you should try and avoid the brief getting too long. If possible, try and keep it to around 4 – 6 sides of A4 and if necessary, add background documents as appendixes.

Seeking tenders

Depending on the work that you're commissioning, you'll need to decide whether to ask just one person to give you a price, or to seek a series of bids in a competitive tendering process. Seeking tenders should mean that you get the best possible person to do the job, for the best price. But if the work is quite a small job, contractors are unlikely to want to spend a lot of (unpaid) time putting together a tender. If you've been given grant funding for the work, you should take advice from the funder as the point at which they think it becomes appropriate to seek tenders. For smaller jobs, a negotiated contract may be a better solution. This involves asking a single contractor to submit a bid in response to your brief and then negotiating on price, methodology etc until everyone is happy.

For larger jobs, it's good practice to go through a competitive tender process, and should help you get the best person. To start the tendering process, you'll need to invite people to take part.

Who to invite?

Your first task is to find a few contractors who can be invited to tender. You may find that your local authority has an approved list of contractors which you can use. There is also a contractors list on the Paths for All website and you can ask around amongst local contacts. Wherever possible seek recommendations from people who have used the contractors before.

Many grant-giving organisations regard three bids as perfectly satisfactory to ensure competition and a real choice. However, contractors can be fully committed, especially towards the end of the financial year, so you should establish the availability of your potential contractors by phoning round, and then invite three or four who you are confident will tender. You should never need to invite more than six.

How long should you wait for submissions?

Once you've sent out the brief, you should allow at least three weeks for contractors to submit their bids. Much shorter and you'll find people don't have time to prepare a bid and you'll end up with fewer tenders and much longer and the process can seem to be dragging on forever. Make sure you specify exactly when and how tenders need to be submitted – are you looking for hard copies to be submitted by post, electronic copies by email or both?

Tender submission procedure

In order to follow good procurement practice and avoid potential criticism, all submitted tenders should be kept, unopened, in a secure place, until the date and time specified in the brief for submission of tenders. On the specified date all tenders received should be opened together and their submission prices noted down. Ideally you should have at least two people present at the opening. This might seem overly formal, but it's good practice to ensure you are observing these principles.

Assessing tenders

Once you've received some tenders, you'll need to compare and assess them. Each tender needs to be subjected to exactly the same assessment procedure, which should include:

Checking Compliance

Check whether all tenders have complied with what you set out in the brief. Have they all been submitted at the correct date, time and place? Do they all contain the information requested? Do they all supply any legal and financial safeguards that were asked for? If the answer to any of these questions is "no", the tender in question is invalid and should not be considered further.

Creating the Assessment Checklist

A checklist gives you a rational structure within which to discuss rival bids and assess their relative strengths and weaknesses. You should create your checklist by arranging the key requirements in your brief down the left hand side of a sheet with boxes opposite for comments and scores.

Assessing the written submissions

The checklist can now be used to assess the tender documents and assign scores (usually marks out of ten) for each item. The assessment should be carried out by a few people representing your community group, any funding partners, and any stakeholders such as the landowner.

You need to assess not just the price of the bid, but whether or not you're getting value for money. For example, is work that could be done by a technician costing £150 to £200 per day being assigned to a senior partner costing £500 per day? How much of the budget is being spent on what you value most?

You also need to look at whether or not the people bidding for the work have the knowledge and skills to deliver what you want. Do they have past experience of this type of work or relevant qualifications? Do they have sufficient capacity to deliver the work within your timescales?

When each member of your assessment panel has looked at the bids, you should discuss your views. Your aim should be to reach a consensus, but it can be quite a challenge to agree which tender you evaluate as being best overall.

Accepting a tender

Once you have selected a winning tender you should move swiftly to inform all the people who took the time to tender. Contractors will probably be bidding for several commissions at the same time, and they need to know the outcomes of bids as quickly as possible so they are able to plan their work programmes.

Acceptance of a tender makes that tender the basis of the legal contract between you. So if you have any issues or concerns with what they're proposing, you should sort them out at this stage. Then you should confirm the appointment in writing, making specific reference to any changes from the submitted tender that have been agreed.

Managing the Contract

Having gone through the process of writing a brief, inviting tenders, assessing them, choosing a winner, negotiating minor changes, and appointing your contractor, it would be nice to think you could now just sit back and hand over! Well, you can – but this may not bring you quite the result you wanted. Active collaboration with your chosen contractor is the best way forward. That's not the same as constant pestering and hassle though! There needs to be a structure to your relationship with your contractor.

At the outset you should have an inception meeting which allows you to make absolutely certain you share the same understanding of what is now going to happen, and to make the necessary arrangements to ensure it does happen.

The key actions for this meeting are:

- Hand over – or make arrangements to hand over - the inputs you offered in the brief to help the contractor complete the commission.

Agree the timetable for the work, including the order in which the work will be carried out, any significant milestones in that work programme, and target dates when those milestones will hopefully be reached.

- Agree how the fees are to be paid. For small commissions, the fee will probably be paid in a single instalment on satisfactory completion of the work. For larger commissions, staged payments are the norm. Staged payments are usually tied to satisfactory achievement of the milestones mentioned above.
- Discuss the mechanics of any aspects of the work that are sensitive or that require coordinated action by you and your contractor. Examples might be dealings with land managers, arrangements for public meetings, dealings with the press and other media, and so on.
- Look ahead to final completion, and agree any significant aspects of the hand-over process. For example, do you want the consultant to make a formal presentation to your organisation?

Milestones and meetings

Having agreed "the rules of the game" at the inception meeting, you now need to ensure things are kept on track. The progress meetings at the agreed milestones are your basic mechanism for doing this. There should be enough milestones to let you spot problems early and correct them before things go too far astray, but not so many that your contractors spend all their time at meetings with you rather than doing the work! For most commissions, two or perhaps three interim milestones should suffice.

There can be legitimate reasons why a piece of work does not progress as expected and as planned. Factors outwith the control of the contractor can intervene. In these circumstances, a bit of flexibility is called for; don't just hope that things will somehow get back on track. Sit down with your contractor and agree a revised plan of action.

But things can get more serious. If, despite an agreed plan of action, it appears to you that work is not progressing as it should, raise the matter with your contractor at the first possible opportunity and request an explanation. It's good to keep matters informal if at all possible, but if your concerns become serious, you need to put them in writing.

If you are not satisfied with the explanation, you need to make that clear – again, in writing. Remember that the tender document and appointment letter constitute the legal contract between you and your contractor. You are entitled to put the onus on them to perform what they have promised.

Finishing the contract

Once the work is completed, you have an opportunity to present a 'good news story' for your project. So think about getting publicity for the work that's been achieved – which will be good for you as a community group and good for your contractor.

You should also make sure you pay the bill on time! Many contractors are small businesses who can't afford to be out of pocket for long.

Other information

The Lowland Path Construction Guide contains more information on how to ask a contractor to produce a bill of quantities for your project.