



LEGISLATION PUBLISHING BRIEFING
by The National Archives hosted by Intellect

Monday, 30 November 2009

Questions and issues raised by delegates with responses from The National Archives

FINANCIAL ISSUES

1. Q: What are the revenue streams under the contracts?

A: There are a number of existing revenue streams including:

- web hosting and data management services;
- charges from government departments to produce statutory instruments; and
- print sales.

It is for the official legislation publisher to assess any additional development of information products and services that relate to its official publishing output. Production and publishing requirements will change to meet the evolving business and technological demands of drafters and users of legislation, providing potential opportunities to reduce cost drivers. Whilst print sales will remain, they are predominately to the public sector, a sector that generally incurs little, or a low risk, of bad debt.

2. Q: What is the likely volatility of future revenue streams?

A: The publishing of legislation and related services will continue to be required. The funding arrangements in providing this core Government service and the management of its core data are expected to be stable. It is not possible to guarantee future revenue streams or to predict future trends; print sales are demand driven and stable, although trends have declined with the shift to online access.

3. Q: Are there opportunities to reduce cost?

A: We would welcome the opportunity to review areas where supplier/s are able to increase efficiency and/or reduce cost for the benefit of the potential contractor/s and/or Government provision and use.

4. Q: What are you looking to achieve from the new contracts?

A: The key objective/business driver is to publish and provide access to UK legislation in an accurate and timely manner. This includes providing high quality end products and working with us to adapt to changing business and technological environments, balancing the provision of a quality public service with value for money.

5. Q: What is the preferred business model?

A: There is no optimum business model and different approaches will be considered. Would be contractor/s are encouraged to be creative about new potential revenue streams that might exist, particularly given the relatively low risks involved as the Government cannot fail to publish legislation. Within this environment the contractor/s will provide a continuing core public service and comprehensive access to legislation throughout the UK.

6. Q. What are the key financial drivers?

A. There are a number of key areas, including:

- collating and transforming legislative data from government departments, Parliaments and Assemblies;
- web hosting and data management services for The National Archives;
- printing and publishing legislation products; and
- developing services in response to changing business and technological environments.

7. Q: What freedom will the contractor have to vary its prices and costs?

A: Currently, the rates are fixed by page rate and although there would be scope for flexibility, prices need to be market driven and justifiable. Once contracts have been agreed, future price increases may be possible if such increases are linked to a formula or price index, which is typically inflation.

8. Q: What freedom will the contractor have to add value?

A: The contractor/s will be required to operate within the legal and policy framework for government information including the recently published open data principles in 'Putting The Front Line First' at <http://www.hmg.gov.uk/frontlinefirst.aspx> . The legislation website will be free to end-users and the information the contractor/s publishes, free to re-use. Within these constraints there is opportunity for a contractor/s to add additional value of their own, or to develop added value services.

9. Q: What potential is there to add value given Open Data and the general waiver of Crown Copyright?

A: Legislative data and the contracts would be awarded on a non-exclusive basis so there is no first mover advantage. Equally, the contractor/s would have unlimited access to content which provides the potential to create new products and services that currently do not exist commercially. Legislation data will also be available via www.data.gov.uk.

10. Q: How do you envisage the contractor/s engaging in the cross-government consultation process and is there funding for this?

A: We will work in partnership with the contractor/s particularly in capturing data and working with government departments, Parliaments and Assemblies. We have close relationships with those that draft legislation and ongoing discussions to consider how evolving requirements will be met.

STAFFING

11. Q: How many staff will be eligible to transfer under TUPE?

A: Present estimates indicate that around 25 individuals may be eligible. This figure will be verified for the formal procurement process.

CONTRACT SERVICES

12. Q: What volumes of data are involved?

A: There is currently 10GB of XML data with PDFs, images etc; giving a total data volume of about 100GB.

13. Q: Is it necessary to make print copies available?

A: Yes. Her Majesty's Stationery Office (HMSO), part of The National Archives, has a statutory obligation to provide print and archive copies. Contracts to publish legislative products retain a print requirement. In addition, continuing standing orders in the UK, including Parliament and internationally, are fulfilled through the supply of print copies.

14. Q: How are corrections to Bills and amendments to Acts managed?

A: Parliament is responsible for producing and publishing Bills, including Bill corrections, which can be tracked on Parliament's website, www.parliament.uk. When a Bill gains Royal Assent it becomes an Act. Through the contracts to publish legislation HMSO and the Queen's Printer for Scotland are responsible for the publication of Acts and corrections to Acts. With our partner contractor/s, we need to work closely with Parliaments and Assemblies to ensure the timely and seamless publication of primary legislation across different jurisdictions.

15. Q: Where is legislation published online?

A: Currently, enacted legislation is published on the Office of Public Sector Information's website http://www.opsi.gov.uk/legislation/about_legislation. Amended primary legislation is currently available at www.statuelaw.gov.uk. Information on the new legislation website, to be launched next year, can be found here <http://www.opsi.gov.uk/legislation-api/>

16. Q: Where can we find more information on producing legislation?

A: The Office of Public Sector Information's website, <http://www.opsi.gov.uk/about/contract-information> includes information on the Crown XML Schema for legislation which is a reference source for those with an interest in data standards for legislation. This page also includes a link to information on secondary legislation production processes. In addition, see the reply to Question 22 which outlines our Question and Answer Service.

CURRENT CONTRACTOR

17. Q: Who is the incumbent contractor?

A: The current contractor is The Stationery Office Limited (TSO) www.tso.co.uk

CURRENT CONTRACTS

18. Q: Will the current contracts be extended again?

A: No. The current contracts expire 31 December 2010.

WITHDRAWN OJEU NOTICE

19. Q: Why was the previous OJEU notice withdrawn?

A: Given the prevailing economic conditions and the need to ensure value for money, we needed to reconsider Government requirements and allow the potential contractor community more time to understand the options for official legislation publishing.

20. Q: The withdrawn OJEU notice stated that the contracts were worth £50m. The revenue figures discussed today are less than that. Why?

A: The withdrawn notice was based on a 10 year contract award with the contracts' worth estimated at £5m per annum. Following the publication of the withdrawn notice, annual revenue has reduced due to falling print sales which now appear to have levelled off. In addition, the previously stated figures included investment from The National Archives (around £0.5m per annum) which, due to economic constraints, is unlikely to be sustained under future contracts.

BEFORE THE FORMAL PROCUREMENT PROCESS

21. Q: Will you hold another event prior to the OJEU notice being published?

A: We are considering whether the supplier community would find this useful as we know that supplier engagement is vital to ensure our requirements are understood. The formal procurement process, after publication of the OJEU notice, will include briefing events for those considering making an Expression of Interest, and later, for those issued with an Invitation to Tender.

22. Q: How can we find out more – who can we speak to?

A: As announced at the Legislation Publishing Briefing on 30 November 2009, prior to the formal procurement process to award new contracts, a Question and Answer service will be available to interested suppliers. To register for this service please email hmscontracts@nationalarchives.gsi.gov.uk including 'Q&A service' in the email header. Those registered will be able to place questions for consideration on current services. Responses will be blind copied to registered known companies. Also, see the response to Question 16, with reference to <http://www.opsi.gov.uk/about/contract-information>

FORMAL PROCUREMENT PROCESS

23. Q: Will the contracts go through the Buying Solutions new print framework?

A: Buying Solutions is our procurement partner and we are working together to consider and finalise our procurement options. Considering the specific and inter-related nature of the legislation publishing services required, it is possible that the terms and conditions of a framework agreement might not be appropriate to meet such requirements. Another factor to consider is timing. New contracts must start on 1 January 2011. The launch date of the new Buying Solutions framework is not yet finalised.

24. Q: If a framework is the chosen procurement option, will you be looking for a range of contractors operating through the framework or just one contractor?

A: The procurement options have not been finalised. Given the seamless and tailored nature of legislation publishing, it may not be efficient for a range of independent contractors to supply these services. However, it is also possible that one contractor may not be able to meet all the requirements, in which case potential contractor/s are encouraged to explore partnerships before the OJEU notice is published. The same will also apply if we decide to proceed outside of a framework agreement and instead procure the services as contracts for services.

25. Q: Are you going to give the new contracts to the current contractor?

A: Contracts will be awarded to the supplier/s that best meet the Invitation to Tender specifications. This will be determined by evaluating suppliers' responses against the award criteria. To help the supplier community understand how legislation is produced, Intellect hosted the Legislation Publishing Briefing given by The National Archives on 30 November 2009 and facilitated partnering sessions for interested contractors. Briefing documents from the event can be found here <http://www.opsi.gov.uk/about/contract-information>

TRANSITION TO NEW CONTRACTS

26. Q: Will there be arrangements for transition to the new contracts?

A: Yes, there will be processes in place for the transition to new contracts during Q4 2010. We would not be fulfilling our obligations or that of Government if we could not transfer contracts to another contractor. The National Archives has considerable expertise in-house with which to manage this transition.