

**Dynamic Purchasing System for
Construction, Estates and Property Professional Services**

Section Five

Supplier Guidance

Frequently Asked Questions

Project Reference: LCP/DPS/PS/2018

LCP Dynamic Purchasing Systems (DPS) - Construction, Estates and Property Professional Consultancy Services

LCP has been working collaboratively with LCP members and Industry in developing the DPS for Professional Services to ensure it meets the needs of LCP members whilst also encouraging Suppliers to apply to join the DPS and to compete for Call-Off Contracts under the DPS.

The DPS has been designed to offer a straightforward, flexible and quick route to market for all LCP members and to be a low entry barrier for Suppliers who will only need to satisfy the minimum selection criteria to be admitted to the DPS.

New Suppliers can apply to join the DPS at any time.

The DPS Contract with Suppliers includes the terms and conditions for subsequent Call-Offs, but places no obligations on LCP members to procure any Call-Off Contracts. The DPS in itself is therefore not a contractually binding obligation to deliver on works, services or supplies; contracts are only formed when services are called off under the DPS.

LCP is responsible for the management of the DPS Contract and will seek feedback from LCP members to ensure maximum value is derived from the DPS.

Below are the responses to the frequently asked questions about the nature, set up and use of the DPS.

General Questions on the nature and use of the DPS

Question	Answer
<p>Why was a DPS chosen as the route to market for professional services rather than a traditional framework?</p>	<p>A DPS was chosen as the most suitable commercial vehicle following feedback from LCP members.</p> <p>DPS is more flexible than a framework, particularly as Suppliers may join it at any time during its period of validity, meaning that Suppliers are not locked out for the duration as they are with traditional frameworks.</p> <p>The DPS creates an environment which encourages fair competition and effective pricing for individual service requirements from suitably qualified and experienced Suppliers.</p> <p>Suppliers admitted to the DPS can choose whether to compete for all or any of the requirements for professional services under the DPS for which they are considered suitable.</p>
<p>What is the DPS process?</p>	<p>The DPS is a two-stage process: an initial set-up stage where Suppliers who meet the selection criteria and are not excluded and must be admitted to the DPS and a second stage where individual Call-Off Contracts are awarded by LCP members.</p>

	<p>LCP established the DPS and LCP members are approved users of the DPS.</p> <p>There is no commitment to place any work under the DPS.</p>
What is the role of Constructionline in supporting the DPS?	LCP is working in association with Constructionline to develop and maintain the DPS. Constructionline support LCP by assessing and monitoring standard company information provided by the Suppliers, who apply for, and are admitted to, the DPS. This is achieved through the PQQ used for the DPS.
Do Suppliers admitted to the DPS need to be registered with Constructionline and pay a fee?	Suppliers need not be registered on the Constructionline database. Suppliers are not charged a fee to be admitted to the DPS nor are Suppliers charged a levy for any Call-Off Contracts that they may be awarded under the DPS.
What services are covered in the DPS?	The DPS is for a wide and varied range of construction, estates and property consultancy services. Service provision will be across a wide range of sectors including (but not limited to) Housing, Education, Social Services, Care, Health, Environmental, Highways, General etc
Do Suppliers need to submit an “indicative tender” with their initial application to join the DPS?	<p>No. Admission to the system only requires Suppliers to demonstrate their suitability, ability, and capability to deliver the type of requirement in the DPS. There is no requirement to submit any type of tender as part of the application for admission. This reduces the red tape that might deter smaller Suppliers from applying to join the DPS.</p> <p>The decision on the best value-for-money offering can only be decided at the tender stage for each individual requirement, and equal treatment requires that all Suppliers on the DPS have the opportunity to bid.</p>
What is the duration for the DPS?	The DPS is for an initial period of 7 years with the option to extend for a period of up to a further 5 years in total.
Can LCP limit the number of Suppliers on the DPS or in any service category/sub service categories under the DPS?	No; all Suppliers who pass the exclusion criteria and meet the selection criteria must be admitted to the DPS.

<p>Are there any restrictions on the value of the individual Call –Off Contracts that can be awarded under the DPS ?</p>	<p>No. The DPS has been put in place in compliance with the Public Contract Regulations 2015 (the Regulations) and there are no such financial restrictions.</p>
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Suppliers joining the DPS

Question	Answer
<p>Does the DPS encourage SME's to apply to join the DPS?</p>	<p>The DPS is "SME friendly" and SME's are positively encouraged to apply to join the DPS. Getting onto the DPS is less onerous for SMEs and the "service categories" system is designed to increase opportunity. Also, Suppliers can join the DPS at any time.</p>
<p>If a supplier is not on the DPS when it was established by LCP can they still take part in the DPS?</p>	<p>Yes. The DPS is flexible and new Suppliers can apply to join the DPS at any time during its period of validity. In addition, Suppliers who originally fail to be admitted on to the DPS are able to re-apply at a subsequent time if their circumstances change.</p>

Call off contracts under the DPS

Question	Answer
<p>What is to be included in the ITT package for DPS Call-Off Contracts ?</p>	<p>The package will typically include the ITT, Client Project Brief, Pricing Schedule, Call-Off Contract and tender response template for completion and return by the Suppliers.</p> <p>At the call for tender stage, the LCP members will set and include in the ITT the criteria for the award of the contract.</p> <p>The Call-Off Contract terms set out in the DPS Contract may be replaced with the terms and conditions specified by LCP members when inviting competitive tenders for Call- Off Contracts in line with any constraints set by the restricted procedure and the Regulations.</p>

<p>Can a bidder send in a paper tender response?</p>	<p>No. All communication under a DPS must be electronic.</p>
<p>Does a Contracting Authority need to invite all Suppliers to a call for competition under the DPS?</p>	<p>Subject to geographical and fee value band restrictions by the Suppliers themselves, LCP members must invite all Suppliers on the DPS who fulfil the selection criteria to bid for the specific contract.</p>
<p>Does a Contracting Authority have to run a competition for every requirement under a DPS? Or can the DPS be used for “direct awards”, perhaps for low-value contracts?</p>	<p>The Regulations state that each requirement under a DPS must be competed; all Suppliers under the DPS or the relevant service category/sub service category must be invited to bid. “Single tender” is not permitted (unless only one eligible supplier has applied for the sub service category), and there is no derogation for low-value contracts.</p>
<p>How long does a competition under the DPS need to run for?</p>	<p>The minimum timeframe for receipt of tenders is ten days.</p>
<p>Is a Supplier admitted to the DPS obliged to bid for any Call-Off Contracts procured under the DPS?</p>	<p>No.</p>
<p>Does a Contracting Authority need to provide award criteria and weightings in the ITT document for Call- Off Contracts?</p>	<p>Yes. The award criteria must include both price and quality. The criteria and weightings must be clearly stated in the ITT documents and follow the ranges set out within the Procurement Document.</p>
<p>Does a Contracting Authority have to apply a stand still period to a competition?</p>	<p>No. The standstill period is not obligatory for individual contracts awarded under a DPS.</p>
<p>If there are a large number of Suppliers on the DPS service categories/sub service categories, how will a Contracting Authority effectively resource and undertake competitions for individual Call –Off Contracts?</p>	<p>When determining the tender list for DPS call-off contracts, a Contracting Authority will be able to search the Supplier database for ‘Approved Suppliers’ that match their requirements using standard search criteria which is included in the DPS User Guide produced by LCP.</p> <p>The DPS is no more onerous than the open procedure for individual contracts; in fact it is easier, as the Contracting Authority will only have to evaluate the tender responses submitted and not assess supplier’s exclusion and selection status for every contract.</p>

	<p>LCP anticipate from experience that Suppliers will “self-select” what tenders they bid for and it is unlikely that all Suppliers will bid for all tenders.</p>
<p>Is there any minimum/maximum durations to the Call-Off Contracts and can contracts overhang the DPS period?</p>	<p>There is no minimum/maximum duration for the contract call-offs but the duration should be proportionate. As the Regulations specifically allow “overhang” in frameworks there is no reason to consider that proportionate overhang would be impermissible in DPS. As with all procedures, the DPS should not be used in a way which will distort or prevent competition.</p>