





**Reference No LPP/2017/001 – Guidance Notes for Applying to** **Join the LPP Dynamic Purchasing System for Professional Services**

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# Interpretation

Unless the context otherwise requires, the following words and expressions used in this document shall have the following meanings (to be interpreted in the singular or plural as the context requires):

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| **TERM** | **MEANING** |
| **“Authority”** | means Guy's and St.Thomas' NHS Foundation Trust. NHS London Procurement Partnership (LPP) shall act on behalf of Guy's and St.Thomas' NHS Foundation Trust. |
| **“Call-Off”** | means the issue of an Invitation to Tender in relation to any contract to be awarded under the Dynamic Purchasing System. |
| "**Call-Off Contract**" | means the legally binding agreement for the provision of Services made between a Contracting Authority and a Provider comprising of the Call-off Order Form and the Call-Off Terms and Conditions as may be amended. |
| **“Constructionline ”** | means the supply chain management organisation that has been appointed to support the Authority to manage and monitor the Dynamic Purchasing System. |
| **“Contracting Authority ”** | means any contracting authority as defined in Section 2 (Definitions) of the Public Contracts Regulations 2015, other than the Authority. |
| **“Dynamic Purchasing System ”** | means a completely electronic system of specified duration which is (a) established by a contracting authority to purchase commonly used Goods, Services and/or Works (if applicable); and (b) open throughout its duration for the admission of economic operators which (i) satisfy the selection criteria specified by the contracting authority; and (ii) submit a Request to Participate to the contracting authority or person operating the system on its behalf which complies with the specification required by that contracting authority or person. |
| **“Due Diligence Information”** | means the background and supporting documents and information provided by the Authority for the purpose of better informing the Suppliers response to this PQQ. |
| **“e-Tendering System”** | means the online e-Tendering portal used by a contracting authority for conducting an Invitation to Tender in relation to any contract to be awarded under the Dynamic Purchasing System. |
| **“EIR”** | means the Environmental Information Regulations 2004 (as amended) together with any guidance and/or codes of practice issued by the Information Commissioner or relevant Government department in relation to such regulations. |
| **“FOIA”** | means the Freedom of Information Act 2000 (as amended) and any subordinate legislation made under such Act from time to time together with any guidance and/or codes of practice issued by the Information Commissioner or relevant Government department in relation to such regulations. |
| **“LPP”** | means NHS London Procurement Partnership. |
| **“OJEU Notice”** | means the advertisement issued in the Official Journal of the European Union in respect of this PQQ. |
| **“Order Form”** | means the order submitted to the Provider by the Contracting Authority in accordance with the Contract which sets out the description of Services to be supplied including, where appropriate, the Key Personnel, the Premises, the timeframe, the Deliverables and the Quality Standards. |
| **“PQQ”** | means this pre-qualification questionniare document and all related documents published by the Authority and made available to Supplier(s) and includes the Due Diligence Information. |
| **“PQQ Response(s)”** | means a Supplier(s) response to this PQQ. |
| **“Potential Provider(s)”** | means the person, firm or company who are admitted to the DPS following evaluation by the Authority of the PQQ Response. |
| **“Provider(s)”** | means the person, firm or company with whom the Contracting Authority enters into a Call-Off Contract as identified in the DPS Order Form. |
| **“Regulations”** | means the Public Contracts Regulations 2015. |
| **“Services”** | means the Services to be supplied as specified in the Order Form. |
| **“Supplier (s)”** | means the person, firm or company who submit a completed PQQ in response to the OJEU Notice. |
| **“Tender”** | means the document(s) submitted by the Provider to the Contracting Authority in response to the Contracting Authority's Invitation to Tender to provide the Contracting Authority with the Services. |

# General

The requirement is for the creation of a Dynamic Purchasing System (“DPS”) for the provision of professional services relating to estates and facilities of public sector buildings. The DPS will provide a record of Potential Providers considered capable of carrying out professional services to a satisfactory standard.

DPS is a computer system which shall be maintained by Constructionline (see paragraph 6) on behalf of NHS London Procurement Partnership (LPP). Constructionline shall provide Potential Providers with the information held about their firm on the computer system. The Potential Providers on the DPS shall inform Constructionline of any changes to the information held (e.g. Company name, address, etc). It is the responsibility of the Potential Provider to ensure their information is up to date throughout the period of the DPS and any contracts awarded under it.

Before a Supplier is placed on the DPS, LPP need to be satisfied that the applicant meets the exclusion and selection criteria, is offering a service for which approved users of the DPS has a regular need and is technically/financially capable of undertaking the services.

The supporting Pre-Qualification Questionnaire (“PQQ”) which DPS applicants will need to complete has been issued by LPP in accordance with the Restricted Procedure under the Public Contract Regulations 2015.

This document and the supporting PQQ document sets out the information which is required by LPP in order to assess the suitability of applicants in terms of meeting the exclusion and selection criteria (as set out in Regulations 57-64 of the PCR); their economic and financial standing and their technical and professional ability. Applicants who are successful at this stage will be admitted on to the DPS and invited to participate in procurements for specific contracts under the DPS.

Every Potential Provider admitted to the DPS is allocated a ‘notation’; this indicates the type of service and approximate maximum value of any single project for which the firm may normally be invited to tender by a Contracting Authority without specific clearance from LPP. It is not intended to preclude a Potential Provider from undertaking concurrently a reasonable number of Call-Off Contracts each at or below its allocated notation.

No information contained in this document and supporting PQQ document, or in any communication made between LPP and any Supplier in connection with this document, shall be relied upon as constituting a contract, agreement or representation that any contract shall be offered in accordance with this document. LPP reserves the right, subject to the appropriate procurement regulations, to change without notice the basis of, or the procedures for, the competitive tendering process or to terminate the process at any time. Under no circumstances shall LPP incur any liability in respect of this PQQ document or any supporting documentation.

Suppliers shall bear their own costs and expenses incurred in the preparation and submission of their PQQ Response and the Authority will in no case be responsible or liable for these costs, regardless of the outcome of the PQQ exercise.

The PQQ document is available in electronic form to DPS applicants. Access to the document is through the LPP landing page hosted by Constructionline.

The link to the landing page is: <https://www.constructionline.co.uk/products-services/dynamic-purchasing-system-dps/client-dps/nhs-lpp-professional-services/>

If Suppliers are already registered with Constructionline, they need only register their interest in the DPS on the Constructionline landing page. There will be no need to complete the full PQQ – simply supply their Constructionline membership number. Suppliers already registered with Constructionline should, however, confirm the information held by Constructionline on their company is accurate and that they are registered for the correct service categories and values relating to the DPS service categories that they are applying for. They will also be required to provide an agreement to sign up to the DPS Agreement and Call-Off Terms and Conditions, and on assurances that the requirements of the DPS will be met.

There is no requirement for Suppliers not registered with Constructionline to do so. For Suppliers not already registered with Constructionline, the landing page explains the process of joining the DPS. The first step is for Constructionline to gather preliminary information on the applicant to enable an online DPS account to be created. Once the account has been created (usually within 24 hours), the applicant will be able to complete the Questionnaire in accordance with the Instructions for Submission. They will also be required to provide an agreement to sign up to the DPS Agreement and Call-Off Terms and Conditions, and on assurances that the requirements of the DPS will be met.

The information contained in the PQQ is designed to ensure that completed Responses are given equal and fair consideration. Suppliers must provide all the information asked for in the format and order specified. Suppliers should read the PQQ carefully before submitting a PQQ Response. Failure to comply with the instructions for completion and submission of a PQQ Response will result in elimination from the procurement exercise for admission to the DPS.

# Background to NHS London Procurement Partnership (LPP)

LPP works with Trusts to make the most of the purchasing power of the public sector to maximise investment in front line services - helping deliver the highest quality services while at the same time ensuring value for money. Now, more than ever before, it is vital that every penny of public sector spending is spent wisely to retain, redesign and improve services.

Our team encourages collaboration among a range of public sector organisations. We are committed to helping public sector organisations achieve their objectives and to enabling innovation, increased efficiency, improved service quality.

LPP currently works in collaboration with a number of public sector organisations, the current membership list is provided at <http://lpp.nhs.uk/about-lpp/our-members/>. This may be subject to change throughout the period of the DPS.

LPP will drive improved procurement and commercial efficiencies by:

* Obtaining improved quality of goods, works and services through the provision of world class procurement, commercial services and leverage to enable cash releasing savings that will be reinvested, to enhance the quality of frontline services and also to reduce process inefficiencies and waste.
* Providing competent project management support that meets the needs of our Contracting Authorities.

For more information on NHS London Procurement Partnership please visit the LPP website [www.lpp.nhs.uk](http://www.lpp.nhs.uk).

LPP is currently hosted by Guy’s & St Thomas’ NHS Foundation Trust (GSTT) and is governed by their standing financial instructions, policies and procedures. GSTT is acting as the named contracting authority. For more information about GSTT please view the Trust’s website [www.gstt.nhs.uk](http://www.gstt.nhs.uk).

# Background to the Requirement for a DPS

NHS Trusts and other public sector organisations require the ability to flexibly procure professional services in the way they see fit for their site(s).

LPP wishes to establish a Dynamic Purchasing System (DPS) for professional services related to estates and facilities management. The DPS can be utilised by any public sector organisation including NHS Trusts (including PFI healthcare buildings and facilities), NHS Collaborative Procurement Organisations, Clinical Commissioning Groups, NHS England, NHS Property Services Ltd and other approved public sector organisations in the UK.

Potential Providers admitted to the DPS for professional services should note that neither LPP nor our customers are under obligation to use the DPS and may decide not to do so during the DPS validity period.

# Short Description of Nature and Scope of Services

LPP is establishing the DPS to provide the NHS and other public sector organisations with a compliant procurement route for the execution of professional services. The DPS will provide an unlimited number of suitably qualified and experienced professional service Contractors (referred to as Potential Providers) for each category of service.

When the DPS is established, a Contracting Authority will be able to search for Potential Providers that match their requirements using: service category, location of project, value of project and any other criteria deemed necessary and available within the standard search criteria.

Subject to geographically restrictions by the Potential Providers themselves, a Contracting Authority will invite all Potential Providers on the DPS (who possess the relevant services category and the appropriate financial notation within the DPS) to bid for the specific contract.

The Services contracts will be commissioned for discrete pieces of work under the broad categories of services listed at the back of the PQQ document.

# Constructionline

LPP is working in association with Constructionline to develop and maintain the DPS for professional services.

Constructionline will support LPP 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 which is aligned to PAS 91, the standardised PQQ developed by BSI to reduce duplication within the construction industry.

In addition to keeping the Company information held on the DPS up to date, Constructionline will regularly review the notation and general standing of all the Potential Providers on the DPS in order to decide whether the Potential Providers should remain on the DPS and if so whether the notation level should be changed.

If Suppliers are already registered with Constructionline, they will not need to complete the full PQQ – simply supply their Constructionline membership number.

Suppliers should confirm the information held by Constructionline on their company is accurate and that they are registered for the correct service categories and values relating to the DPS service categories that you are applying for.

There is no requirement for Suppliers not registered with Constructionline to do so.

If you are already registered with Constructionline and need any help updating your information please contact Andy Preston on +44 7584703352 or andrew.preston@capita.co.uk for assistance.

Suppliers not registered with Constructionline will not be precluded from expressing an interest in the DPS but will need to demonstrate that they meet the pre-qualification requirements, through the completion of a full questionnaire.

# What is a Dynamic Purchasing System?

A Dynamic Purchasing System (DPS) is a completely electronic system established by a Contracting Authority to purchase commonly used goods, works or services.

A DPS does not operate in the same way as a framework in that it is an ‘open market’ product designed to provide access to a pool of Potential Providers where new Potential Providers can join at any time.

Potential Providers wishing to join the LPP DPS for Professional Estates Services must complete a standard Pre-Qualification Questionnaire (PQQ). The completed PQQ’s are evaluated to establish the Supplier’s general capability for provision of the required professional services. The evaluation works on a Pass/Fail basis and therefore weightings are not applied. The evaluation reviews aspects of the Supplier’s financial and technical provision and, based on this evaluation, the Supplier is either accepted onto the DPS or rejected and provided with feedback in order to enable them to re-apply at a later date should they wish to do so.

Individual contracts are awarded by approved users (Contracting Authorities) of the DPS during the second stage of the process. In this stage, the Contracting Authority invites all Potential Providers on the DPS (who possess the relevant services category and financial notation within the DPS) to bid for the specific contract.

# Why has LPP chosen a DPS for Professional Services

A DPS was chosen as the most suitable commercial vehicle following feedback from LPP member Trusts and other potential users of the system. LPP does have an existing framework for these services and that framework will run in parallel with the DPS giving LPP members a choice in route to market for their requirements.

Establishing a DPS with multiple providers will help to create an environment which encourages fair competition, allowing Potential Providers to join at any time and choose whether to compete for all or any of the requirements for Estates Professional Services under the DPS for which they are considered suitable.

Potential Providers who are successful in securing a place on the DPS will be entered onto a computer database maintained by Constructionline which the Contracting Authorities will access to source provision that meets their local business requirements.

A DPS remains open to new Suppliers throughout the period of the agreement. This enables Suppliers who may not be able to meet the selection criteria during the establishment period to review their processes, finances and capabilities and apply for acceptance onto the DPS at a later stage. In addition, it allows (and encourages) existing DPS members to revise their offerings at any stage within the operation of the DPS. This supports small and medium sizes enterprises, or businesses with little or no experience in tendering for work with the public sector.

The flexibility in keeping the DPS agreement open to new Suppliers also benefits our customers. It enables public bodies to promote potential ‘calls for competition under the DPS’ in their geographical region, offering the opportunity to engage with local Potential Providers and support wider aims of working with local businesses for economic growth.

# Duration of the DPS

The DPS for professional services is expected to run for a period of 4 years.

# Geographic Regions

The Suppliers who apply to be admitted to the DPS can opt to provide a national or a regional approach. Regardless of their geographic preference, Suppliers must be able to demonstrate a clear strategy for dealing with capacity, service response times, innovation and continuous improvement.

# Estimated Value of DPS

Whilst LPP cannot guarantee the value of potential call-offs under the DPS, the maximum total value of all call-off contracts for the DPS will be approximately £100 million.

# Management Levy

In consideration of LPP appointing any Potential Provider to the DPS and the management and administration by LPP of the overall DPS structure and associated documentation, all DPS suppliers who obtain contracts under the DPS shall pay to LPP a Management Levy.

The Management Levy is 1% (one percent) of the total charges invoiced by the Provider to all Contracting Authorities under the DPS Call-Off Contracts excluding VAT. The Provider shall pay the Management Charge to LPP bi-annually.

 There is no charge for Suppliers who apply to join and are admitted to the DPS.

# Acceptance onto the DPS

There are five steps to establishing the DPS as follows:

**Step 1 – Contract Notice in the Official Journal of the European Union (OJEU)**

The recently published OJEU Contract Notice enables all suitably qualified and experienced Suppliers in Europe to apply for admission onto the DPS. The EU Restricted Procurement Procedure will be adopted.

**Step 2 – Supplier Registration**

Applicants need to register as a Supplier on the DPS Landing page hosted by Constructionline.

The link to the landing page is: <https://www.constructionline.co.uk/products-services/dynamic-purchasing-system-dps/client-dps/nhs-lpp-professional-services/>

If Suppliers are already registered with Constructionline, they need only register their interest in the DPS on the Constructionline landing page. There will be no need to complete the full PQQ – simply supply their Constructionline membership number. Suppliers already registered with Constructionline should, however, confirm the information held by Constructionline on their company is accurate and that they are registered for the correct service categories and values relating to the DPS service categories that they are applying for. They will also be required to provide an agreement to sign up to the DPS Agreement and Call-Off Terms and Conditions, and on assurances that the requirements of the DPS will be met.

There is no requirement for Suppliers not registered with Constructionline to do so. For Suppliers not already registered with Constructionline, the landing page explains the process of joining the DPS. The first step is for Constructionline to gather preliminary information on the applicant to enable an online DPS account to be created. Once the account has been created, the applicant will be able to complete the Questionnaire in accordance with the Instructions for Submission.

**Step 3 – Submission of Completed Applications**

Once an online DPS account has been created, Suppliers not already registered with Constructionline will be able to complete the DPS documentation online. The application will be through the submission of a Pre-Qualification Questionnaire (PQQ), agreement to sign up to the DPS Agreement and Call-Off Terms and Conditions, and on assurances that the requirements of the DPS will be met.

The PQQ sets out the information which is required by LPP in order to assess the suitability of Suppliers in terms of their technical knowledge and experience, capability/capacity, organisational and financial standing to meet the DPS requirement.

Suppliers will be required to indicate which category of service and geographic preferences they wish to be considered for.

Suppliers not registered with Constructionline will not be precluded from expressing an interest in the DPS but will need to demonstrate that they meet the pre-qualification requirements, through the completion of a full questionnaire.

 **Alterations**

 The format and/or wording of the PQQ must not be changed by Suppliers.

Suppliers may modify their PQQ Response prior to the deadline for receipt of PQQ Response via access to their online account. No PQQ Response may be modified after the deadline for receipt of PQQ Responses.

Suppliers may withdraw their PQQ Response at any time prior to the deadline for receipt of PQQ Responses.

 **Receipt of PQQ Response**

PQQ Responses must be completed via access to the online account prior to the time and date set out in the proposed timetable in paragraph 15.

The Authority reserves the right to cancel the procurement exercise at any point. The Authority is not liable for any costs resulting from cancellation of this procurement exercise, or any decision not to create the proposed DPS.

 **Step 4 – Evaluation of Completed PQQ’s**

After the deadline for receipt of the completed PQQ Responses, LPP in conjunction with Constructionline will evaluate all the completed PQQ’s to ensure that they meet the criteria contained within the documents.

The Authority will use the following evaluation criteria to determine which Suppliers will be added to the DPS.

 The evaluation panel will evaluate your organisations:

* Financial status
* Technical and professional ability

It will do this by evaluating your answers to the questions in the PQQ. This will be based on the following matrix:

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| --- | --- |
| **PQQ section** | **Assessment** |
| C1- Supplier identity, key roles and contact information | Information Only |
| C2 - Financial Information | Pass/ Fail – also see Appendix 2 of PQQ |
| C3 - Business and professional standing | Pass/ Fail |
| 4 - Staffing, Licenses and Accreditations | Information Only |
| C4 - Health and Safety Policy and Capability | Pass/ Fail |
| O1 - Equal opportunity and diversity policy and capability | Information Only |
| O2 - Environmental management policy and capability | Information Only |
| O3 - Quality management policy and capability | Information Only |
| O4 – Building information modelling, policy and capability | Information Only |
| Two Acceptable References | Pass/ Fail |

Please see Appendix 1 of the PQQ document for details on how the financial appraisal of your accounts will be appraised.

 **Essential Criteria**

The PQQ includes mandatory requirements called the Essential Criteria. The classification of a requirement as mandatory gives an indication of the significance attached to that requirement relative to any other requirement. It is important that Suppliers read these carefully and demonstrate compliance with these requirements. **Failure to comply with any applicable mandatory requirement will result in exclusion from the procurement exercise.**

Evidence of adherence to these standards may be requested at any time during the lifetime of the DPS and may be required before any work is awarded under the DPS.

**Discretionary Criteria**

Suppliers must also pass all of the Discretionary Criteria. A Supplier’s suitability to pass the Discretionary Criteria is to be determined by LPP.

Suppliers failing to meet the Mandatory Pass/ Fail Questions are automatically disqualified and may not proceed any further in the overall process.

Suppliers who satisfy the above conditions will be added to the DPS. Acceptance onto the DPS does not guarantee that a Potential Provider will be awarded any Call–Off contracts and LPP does not guarantee any work.

Suppliers will be notified if their application has been accepted or rejected and will be provided with feedback relating to their submission. LPP’s decision is final as to whether or not a potential Supplier is accepted onto the DPS.

Contracting Authorities will be able to search for Potential Providers that match their requirements using: service category, location of project, value of project and any other criteria deemed necessary and available within the standard Constructionline search criteria.

**Step 5 – DPS Validity Period**

The DPS shall remain open for the term specified in the Contract Notice and the supporting documentation.

Should the term be extended or reduced notice will be given to all Potential Providers and a Corrigendum will be issued via OJEU. Any Potential Provider may reapply to be admitted onto the DPS at any time. For the avoidance of doubt Potential Providers will **not** be ranked on the DPS and all further competition will be carried out in accordance with paragraph 15 below.

Potential Providers can be removed from the DPS as a result of their actions or failure to comply with the required minimum standards. Potential Providers do however have the option to apply to be re-admitted to the DPS.

Should a Potential Provider be removed from the DPS for any other reason than failing to comply with the minimum required standards, LPP’s decision will be final as to whether or not the Potential Provider can be re-admitted to the DPS.

# Award of Call-Off Contracts

The DPS Agreement includes the Terms and Conditions for subsequent Call-Offs, but places no obligations, on the Contracting Authorities to procure any professional services. The DPS in itself is therefore not a contract; contracts are only formed when Services are called off under the DPS.

Once the DPS is established, NHS and other approved public organisations who want to procure Services will run a competitive tendering exercise.

There are five steps in order for customers to make a Call-Off Contract from the DPS:

**Step 1 – Compilation of Tender List**

The following Filters/Qualifiers will be applied to the DPS computer database to produce a list of Potential Providers capable of delivering the requirements of the Call-Off:

* Service Category – Has the Potential Provider the required financial notation to deliver the requirement in the appropriate Service Category? Yes/No
* Delivery location(s) – Has the Supplier indicated that they can deliver in the required location(s)? Yes/No
* Financial Value – Has the Supplier the correct financial notation to deliver the required services? Yes/No

**Step 2 – Invitation to Tender**

The Contracting Authority will send an Invitation to Tender (ITT) to all of the Potential Providers on the DPS who fulfil the selected criteria to meet the services requirement in the required location.

The ITT documents setting out the Contracting Authority’s requirements will typically comprise of the following, tailored to the particular needs of the project:

* Tender Particulars
* Instructions for Submission
* Specification of Requirements
* Pricing Schedule
* Outline Programme
* Pre – Construction Information.

Admission to the DPS system only requires Potential Providers to demonstrate their suitability, ability, and capability to deliver the type of service category in the DPS. There is no requirement to submit any type of tender as part of the application for admission to the DPS. Therefore the decision on the best value-for-money offering can only be decided at the tender stage for each individual requirement.

At the call for tender stage, the Contracting Authority will set the criteria for the award of the contract The Contracting Authority will review their specific business requirements and select the criteria that offers the best combination of quality and price.

The normal practice is to award on the basis of Most Economically Advantageous Tender (MEAT). This takes into account not only the lowest price, but also things like the project delivery plan; resource profile, risk management: sustainability; Quality Assurance, Health, Safety and Welfare etc.

The ITT documents will specify the Terms and Conditions for the execution of the Services. The Cabinet Office and LPP recommend that the NEC 3 (NEC Engineering and Construction Contract or NEC Engineering and Construction Short Contract) are followed but the decision on the most suitable form of standard contract rests solely with the Contracting Authority. Where the NEC standard form of contract is used, the Contracting Authority will include the most appropriate X clauses and optional Z clauses which meet their particular requirements.

As a Potential Provider, you can choose whether you wish to participate in the competition. If you elect not to bid you should inform the Contracting Authority before the tender submission deadline. A decision not to bid for a particular requirement will not de-bar you from bidding for other opportunities as they arise.

Potential Providers will be given a minimum of ten days to submit their tender bids. Any site visits to inspect the location of the services will be coordinated by the Contracting Authority and must take place at the appointed date and time only. Potential Providers must not make unsolicited visit to the site referenced in the Invitation to Tender.

Potential Providers must follow the tender instructions issued by the Contracting Authority and prepare and submit their tender by the due date/time.

**Step 3 – Tender Evaluation**

All submissions received within the Invitation to Tender deadline will be evaluated in accordance with the criteria set in the Invitation to Tender documentation.

**Step 4 – Contract Award**

Once the evaluation is complete the Potential Provider who, in the opinion of the Contracting Authority, best meets the requirements of the individual Call-Off, will be awarded the Call-Off contract.

All Potential Providers will be notified of the award decision and provided with feedback relating to their submission.

**Step 5 – Standstill Period**

Contracting Authorities will be advised to implement a voluntary standstill period of 10 days. Please note however that this would be considered to be best practice but Contracting Authorities will not be bound to implement any standstill.

If a standstill period is applied, at the end of the period the successful Supplier and will be issued with an Order Form and contract documentation which will set out the requirement. If a standstill period is not applied, the successful Supplier will be issued with an Order Form and contract documentation which will set out the requirement.

# Proposed Procurement Timetable to Establish the DPS

Set out below is the proposed procurement timetable to establish the DPS. This is intended as a guide and, whilst the Authority does not intend to depart from the timetable, it reserves the right to do so at any time.

The OJEU advert will advertised for 30 calendar days during which time Suppliers who may be interested in the opportunity can express their interest. The Authority shall aim to evaluate the initial completed PQQs by 27th February 2017 and notify the applicants of the result.

Suppliers may join the DPS at any point during its validity if they satisfy the selection requirements, and none of the grounds for exclusion apply. The Authority is required to evaluate these Suppliers’ requests within 10 working days of receipt; this may be extended to 15 days if justified, for example, by the need to examine documents or to verify whether the selection criteria have been met.

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| **Activity** | **Target Date** |
| Issue of OJEU Notice and supporting documentation | 24th February 2017 |
| Deadline for submission of DPS and PQQ questions | 27th March 2017 |
| Closing Date for submission of completed DPS Applications | 27th March 2017 |
| Evaluations of DPS Applications and Approval | 31st March 2017 |
| Acceptance of successful Applications onto DPS and signing of DPS Agreements by LPP  | 31st March 2017 |
| DPS Go Live | 1st April 2017 |
| New Applications to be admitted on to DPS | Ongoing throughout the proposed term of the DPS. New Applications to be evaluated by LPP within 10 Working Days of Receipt of completed PQQ. |

# Conditions Applying to the PQQ

All communications from Suppliers (including Suppliers sub-contractors, consortium members, consultants and advisers) during the period of this procurement exercise must be undertaken using the e-mail messaging service on the Constructionline landing page. Suppliers may withdraw their PQQ Response at any time prior to the deadline for receipt of PQQ Response.

# Enquires and Communication relating to the DPS and PQQ

Any query about the requirement or this procurement exercise should be submitted at the earliest opportunity via the e-mail messaging service in the Constructionline Landing page. If the Authority considers any query to be of significance to other Suppliers, the Authority will circulate the query together with the Authority’s response (but not the source of the query) to all Suppliers that have expressed an interest in this PQQ.

Suppliers should indicate if a query is of a commercially sensitive nature – where disclosure of such a query and the answer would or could be likely to prejudice its commercial interests. However, if the Authority, at its sole discretion, does not either, consider the query to be of a commercially confidential nature or considers it to be one which all Suppliers would potentially benefit from seeing together with the Authority’s response, the Authority will:

a) invite the Supplier submitting the query either to declassify the query and allow the query along with the Authority’s response to be circulated to all Suppliers; or

b) require the Supplier, if the Supplier still considers the query to be confidential in nature, to withdraw the query.

The Authority reserves the right not to respond to any query or to circulate such a request where it considers that the answer to that request would or could be likely to prejudice the Authority’s commercial interests. In such circumstances, the Authority will inform the relevant Supplier.

The Authority will not consider any query made or submitted by any other means except via the e-mail messaging service on the Constructionline landing page. Unless otherwise stated, enquiries by email, fax, telephone or verbal enquiries will NOT be accepted nor responded to.

The Authority will endeavour to respond to all queries as quickly as possible, but cannot guarantee a minimum response time.

# Documentation

Suppliers are expected to examine all instructions, and questions in the PQQ and check that their PQQ Response is complete in all respects.

Suppliers should notify the Authority promptly of any perceived ambiguity, inconsistency, or omission in the PQQ, any of its associated documents and/or any other documentation issued to them during the procurement exercise.

Suppliers are requested to answer all the questions raised and provide all information in the order requested.

Suppliers must analyse and review the information provided. Consequently, Suppliers are solely responsible for obtaining the information which they consider necessary in order to make decisions regarding the content of their PQQ Response and to undertake any investigations they consider necessary in order to verify any information provided to them during the procurement exercise.

# Qualifications

The Authority reserves the right to discuss, for the purpose of clarification, any aspect of a PQQ Response with the relevant Supplier prior to including the Supplier on the DPS.

At any time prior to the deadline for receipt of PQQ Responses, the Authority may amend the PQQ. Any such amendment will be notified in writing to all prospective Potential Providers. In order to give prospective Potential Providers reasonable time in which to take the amendment into account in preparing their PQQ Response, the Authority may, at its discretion, extend the deadline for receipt of PQQ Responses.

# Confidentiality

The contents of the PQQ and of any other documentation sent to any Supplier in respect of this procurement exercise are provided on the basis that they remain the property of the Authority and/or any other relevant body. Suppliers shall treat the contents of the PQQ and any related documents (together called the ‘Information’) as confidential (save in so far as they are already in the public domain) and shall take all necessary precautions to ensure that all Information is treated as such and not disclosed (save as described below) or used other than for the purpose of this procurement exercise by the Supplier.

 Suppliers may disclose any Information to its advisers or sub-contractors provided that either:

1. This is done for the sole purpose of enabling a PQQ Response to be submitted and the person receiving the Information undertakes in writing to keep the Information confidential on the same terms as if that person were the Supplier; or
2. The Supplier Obtains the prior written consent of the Authority in relation to such disclosure; or
3. The disclosure is made for the sole purpose of obtaining legal advice from external lawyers in relation to the procurement exercise; or
4. The Supplier is legally required to make such disclosure.

If any Supplier is unable or unwilling to comply with the requirement set out above, the Supplier is required to cancel their online account by contacting Constructline via the e-mail messaging service. In that event, the Supplier must not retain any electronic or paper copies of the PQQ or supporting documentation.

No Supplier will undertake any publicity activities with any part of the media in relation to this PQQ without the prior written agreement (including as to format and content) of the Authority.

# Freedom of Information

In accordance with the obligations and duties placed upon public authorities by the FOIA, the Authority may, acting in accordance with the Code of Practice under the FOIA or EIR, be required to disclose information submitted to the Authority by the Supplier.

In respect of any information submitted by a Supplier that it considers to be commercially sensitive the Supplier should indicate the following in their PQQ Response:

* Clearly identify such information as commercially sensitive;
* Explain the potential implications of disclosure of such information; and
* Provide an estimate of the period of time during which the Supplier believes that such information will remain commercially sensitive.

Where a Supplier identifies information as commercially sensitive, the Authority will endeavour to maintain confidentiality of that information. Suppliers should note, however, that even where information is identified as commercially sensitive, the Authority may be required to disclose such information in accordance with the FOIA or EIR. In particular, the Authority is required to form an independent judgment concerning whether the information is exempt from disclosure under the FOIA or EIR and (where relevant) whether the public interest favours disclosure or not. Accordingly, the Authority cannot guarantee that any information marked “confidential” or “commercially sensitive” will not be disclosed.

The Authority will not be held liable for any loss or prejudice caused by the disclosure of information that:

* Has not been clearly marked as confidential or commercially sensitive; or
* Does not fall into a category of information that is exempt from disclosure under the FOIA or EIR; or
* Notwithstanding the previous paragraphs, in any circumstances where it is in the public interest to disclose any such information and where there is no absolute statutory duty to withhold information.

Where a Supplier receives a request for information relating to this procurement exercise under the FOIA or EIR during the procurement exercise, this should be immediately passed on to the Authority and the Supplier should not attempt to answer the request without first consulting with the Authority.

# Procurement Transparency

Suppliers should note that the government has set out the need for greater transparency in public sector procurement.

Potential Providers and those organisations submitting a PQQ Response should be aware that if they are admitted on to the DPS and awarded a Call Off contract, the tender documents and any resulting contract between a Provider and a Contracting Authority may be published on a designated website. In some circumstances, limited redactions will be made to some contracts before they are published in order to comply with existing law and for the protection of national security.

# Disclaimers

Whilst the information in the PQQ and any Due Diligence Information and supporting documents have been prepared in good faith, this PQQ does not purport to be comprehensive and has not been independently verified.

Neither the Authority nor its respective advisors, directors, officers, members, partners, employees, other staff or agents:

* Makes any representation or warranty (express or implied) as to the accuracy, reasonableness or completeness of the PQQ documentation; or
* Accepts any responsibility for the information contained in the PQQ documentation or for the fairness, accuracy or completeness of that information nor shall any of them be liable for any loss or damage (other than in respect of fraudulent misrepresentation) arising as a result of reliance on such information or any subsequent communication.

Any person considering making a decision to enter into contractual relationships with a Contracting Authority should make their own investigations and own independent assessment of the Contracting Authority, and should seek their own professional financial and legal advice. For the avoidance of doubt, the provision of clarification or further information in relation to the PQQ documentation, or any other associated documents will only be provided following a query made in accordance with paragraph 18.

# Canvassing

Any Supplier or Potential Provider admitted to the DPS who directly or indirectly canvasses any officer, member, employee, or agent of the Authority or its members or any other relevant body or any of its officers or members concerning the resulting contract or who directly or indirectly obtains or attempts to obtain information from any such officer, member, employee or agent concerning any other Supplier or Potential Provider, PQQ Response or proposed PQQ Response will be disqualified from this procurement exercise.

# Additional Information

The Supplier shall ensure that each and every sub-contractor, consortium member and adviser abides by the terms of these instructions and the conditions relating to submission of a PQQ Response.

The Authority reserves the right to amend, add to or withdraw all or any part of this PQQ at any time during the procurement exercise.

The Supplier shall not make contact with any other employee, agent or consultant of the Authority who is in any way connected with this PQQ during the period of this procurement exercise, unless instructed otherwise by the Authority.

All material issued in connection with this PQQ shall remain the property of the Authority and/or any other relevant body as applicable and shall be used only for the purpose of this procurement exercise. All background and supporting documentation and due diligence information provided by the Authority for the purpose of better informing Suppliers shall be either returned to the Authority or securely destroyed by the Supplier (at the Authority’s option) at the conclusion of the procurement exercise.

The PQQ is issued on the basis that nothing contained in it shall constitute an inducement or incentive nor shall have in any other way persuaded a Supplier to submit a PQQ Response or enter into any other contractual agreement.

The Authority will disqualify a Supplier where the Supplier fails to comply fully with the requirements of this PQQ or is guilty of a serious misrepresentation in supplying any information required in this document.

 The Authority reserves the right to:

* Reject a PQQ Response where there is a change of identity, control, financial standing or other factor affecting the Supplier impacting on the evaluation process; and/or
* Require a Supplier to clarify its PQQ Response in writing and/or provide additional information and failure to respond adequately will result in the PQQ Response being rejected; and/or
* Revisit information obtained in PQQ Responses and its inclusion on the DPS to take account of subsequent changes to Suppliers circumstances. At any point during this procurement exercise, the Authority may require Suppliers to certify that there has been no material change to information submitted in their PQQ Response. If a Supplier is unable to certify that there has not been a material change, the Authority reserves the right to eliminate that Supplier from the procurement exercise.

 The Authority may seek and take up references from any customers designated by Suppliers.

Suppliers are deemed to fully understand the processes that the Authority is required to follow under relevant European and UK legislation, particularly in relation to the Regulations. Compliance with all relevant legislation is required during the procurement exercise and the term of any resultant Call –Off contract under the DPS.

# Sub Contracting Arrangements

Where a sub-contracting approach is proposed, all information requested should be given in respect of the Supplier.

Where sub-contractors will play a significant role in the delivery of the professional Services under any ensuing Call-Off contract, Suppliers should indicate in their PQQ Response the composition of the supply chain, indicating which member of the supply chain will be responsible for which element of the requirement.

It is recognised that arrangements in relation to sub-contracting may be subject to future change. However, Suppliers should be aware that where sub-contractors are to play a significant role, any changes to those sub-contracting arrangements may constitute a material change and therefore may affect the ability of the Supplier to proceed with the procurement exercise.

# Consortia Arrangements

 If the Supplier` is a consortium, the following information must be provided:

* Full details of the consortium; and
* The information sought in this PQQ in respect of each of the consortium’s constituent members as part of a single composite response.

Suppliers should provide details of the actual or proposed percentage shareholding of the constituent members within the consortium. If a consortium is not proposing to form a corporate entity, full details of alternative proposed arrangements should be provided. However, Consortia may be required to form a legal entity which will enter into any Call–Off contract under the DPS. This is without prejudice to a Contracting Authority’s right to require a consortium to contract with it by other means, such as through a lead Contractor or by the consortium members assuming joint and several liability.

The Authority recognises that arrangements in relation to consortia may (within limits) be subject to future change. Suppliers should therefore respond in the light of the arrangements as currently envisaged. Suppliers are reminded that any future proposed change in relation to consortia must be notified to the Authority so that it can make a further assessment by applying the selection criteria to the new information provided.

If the Supplier is a consortium it may be required to form a legal entity which will enter any Call-Off contract under the DPS; contract with the Authority by other means, such as through a lead Contractor or by the consortium members assuming joint and several liability.

# Verification of Information Provided

The higher the risk of the procurement, the higher the level of verification is likely to be required. Not all questions require supporting documents up front at this stage (for example certificates, statements with this questionnaire.) **However, the Authority may ask to see these documents at a later stage, so it is advisable Suppliers ensure the documents can be made available upon request.** Suppliersmay also be asked to clarify answers or provide more details about certain issues.

# Submission of PQQ Responses

Suppliers are required to submit their PQQ Response via the Constructionline landing page - see paragraph 13 above.

PQQ Responses must comprise all documents/questions set out in the Questionnaire.

Suppliers must answer the questions in the Questionnaire without reference to general marketing or promotional information/material. Publicity brochures will not be accepted as answers to questions. Suppliers should not make reference to answers used in previous questions but should repeat the information if necessary.

Suppliers must be explicit and comprehensive in their PQQ Response, as this will be the single source of information on which PQQ Reponses will be evaluated. Suppliers are advised neither to make any assumptions about any past or current Supplier relationships with the Authority nor to assume that such prior business relationships will be taken into account in the evaluation process.

Where a maximum length of response is stipulated, only the information within the set limit will be evaluated. Additional information will not be evaluated and therefore should not be supplied. The Authority will only take account of information which is specifically asked for in the PQQ.

Failure to provide the information required or particulars for the relevant question(s) or supply documentation referred to in the PQQ Response within the deadline for submission of PQQ Response will result in elimination from the procurement exercise.

The PQQ Response and any documents accompanying it must be in the English language and must be submitted in numerical order to match the Questionnaire.

PQQ Responses will be checked for completeness and compliance with the conditions for submission and only compliant PQQ Responses will be evaluated. Non-compliant PQQ Responses will be eliminated from the procurement exercise.