



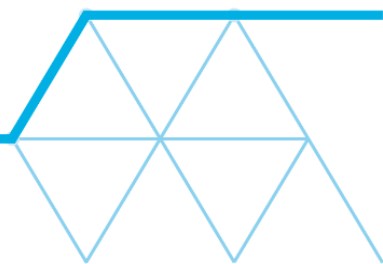
Ministry
of Justice

Minor Works Dynamic Purchasing System

**PART B: Invitation to Participate (ITP) How to join the
Minor Works Dynamic Purchasing System**

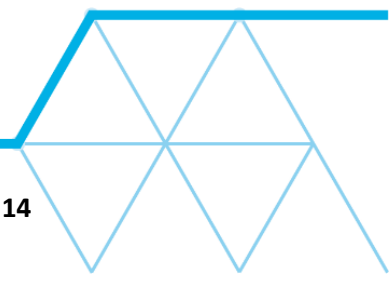
Find a Tender Service Reference 2021/S 000-022472

Version 1.0 September 2021



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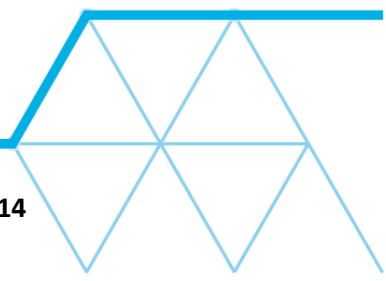
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1. INTRODUCTION

Introduction to this Document

- 1.1. This document is the **Invitation to Participate (ITP) Part B** – How to join the Ministry of Justice (MoJ) Minor Works Dynamic Purchasing System (MWDPS). It provides Potential Contractors with the methodology and evaluation criteria that will be used to assess and verify all Selection Responses to enable Potential Contractors to join the MWDPS (Annex C).
- 1.2. The information in this Document relates only to the Selection Stage and not the Call Off Competitions. Information relating to Call Off Competitions can be found in Schedule C2 of the MWDPS Agreement.
- 1.3. This document should be read alongside:
 - 1.3.1. **Part A - Invitation to Participate:** Overview of the Minor Works Dynamic Purchasing System Procurement
 - 1.3.2. **Part C - Terms and conditions for joining the MWDPS, the Call off Procedure and Award Criteria and the Terms and Conditions of individual MWDPS Call Off Contracts:** this document sets out the terms and conditions for joining the MWDPS, the call off procedure and the potential terms for the MWDPS Call Off Contracts, which are combined into one contract core terms and schedules set out below:
 - MWDPS Agreement core terms
 - Signatory Sheet
 - Schedule C1 Definitions
 - Schedule C2 Call Off Procedure and Award Criteria
 - 1.3.3. **Part D – MoJ Sourcing Portal - Jaggaer Guidance:** contains guidance on how to use the MoJ Sourcing Portal.
- 1.4. Unless the context otherwise requires, words, expressions and abbreviations that have been capitalised shall have the meanings prescribed in Schedule C1 (Definitions) to the MWDPS Agreement or, where definitions are not in Schedule C1, Annex 1 Interpretation of Terms in Part A of this ITP.
- 1.5. A separate folder of supporting information around security strategies is also being provided under Part A to better inform the market.



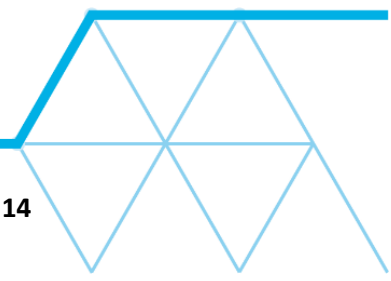
2. TIMELINES FOR APPLICATIONS

- 2.1. Potential Contractors can apply to join the MWDPS either during;
- The first minimum 30 day period following the issue of the Contract Notice, known as the “Initial Selection Stage” or;
 - At any point after, in the Ongoing Selection Stage.
- 2.2. It is important to note that the process for applying to join is the same in both stages. The difference between the two is that, during the Initial Selection Stage, the Authority acknowledges that **no Call Off Competitions** will take place until all Selection Responses received during the Initial Selection Stage have been evaluated and the relevant Contractors have been notified as to whether their applications to join the MWDPS were successful. There is, however, no other difference between the two stages and so the term “Selection Stage” will be used throughout this document and applies to both stages. The two stages are shown in a diagram in Annex A.
- 2.3. Contractor Responses will be evaluated as they are received throughout the Initial Selection Stage and Potential Contractors will be notified of the outcome as and when evaluations are complete. As in the table below, once the Initial Selection Stage closes, there will be an additional 10 day period to evaluate any Selection Responses outstanding.

The proposed timescales for these two stages is set out in the table below:

| Key Actions | Expected dates (subject to change) |
|---|---|
| Contract Notice & ITP documents available | 10 th September 2021 |
| Initial Selection Stage opens | 10 th September 2021 |
| Last day for clarification questions in Initial Selection Stage | 9am, Tuesday 5 th October 2021 |
| Deadline for Initial Selection Stage Selection Responses | 5pm, Monday 11 th October 2021 |
| Initial Selection Stage evaluation period ends | 25 th October 2021 |
| Contracts to be signed by | 25 th October 2021 |
| On-going Selection Stage opens | 26 th October 2021 |
| MWDPS Call Off Tenders may begin | 26 th October 2021 |

- 2.4. During the Ongoing Selection Stage, the Authority will continue to evaluate Selection Responses within 10 Working Days of a complete submission, which may be extended to 15 Working Days where additional time is needed to complete the evaluation.
- 2.5. The Authority reserves the right to alter the evaluation cycles. The Authority will ensure that, when Potential Contractors are considering joining the MWDPS, information will be available to confirm the current timetable for evaluation of their Selection Responses.
- 2.6. Potential Contractors who pass the Selection Response, sign a MWDPS Agreement, and become a Contractor on the MWDPS need to be aware that the

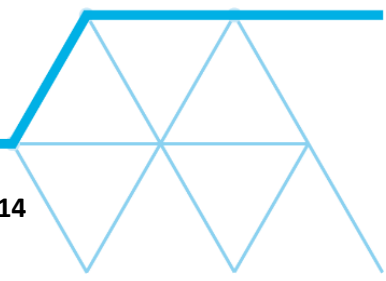


Authority may terminate the MWDPS Agreement and therefore remove a Contractor, if the Authority (on behalf of the Buyer) terminates a Call Off Contract for any of the reasons set out in paragraph 15 of the Core Terms (Ending the Contract).

- 2.7. To fully understand the circumstances under which a Contractor can be removed from the MWDPS, Contractors should read the MWDPS Agreement carefully, particularly paragraph 15 (Ending the Agreement).
- 2.8. Where Contractors have been removed from the MWDPS due to deficient performance of contract/s let beneath the MWDPS, they may be allowed to reapply to join the MWDPS but will need to demonstrate an appropriate level of remedial action in any self-cleaning explanations in future applications.

3. APPLYING TO JOIN THE MWDPS

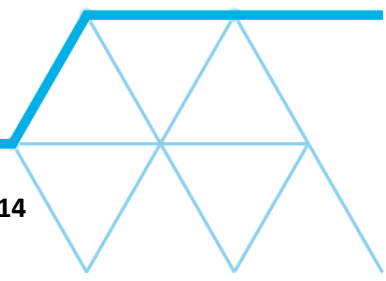
- 3.1. Potential Contractors will only be able to apply to join the MWDPS by signing up with Constructionline as an Associate Member, **free of charge**, or any other paid membership (Bronze, Silver, Gold, Platinum) using the following link <https://www.constructionline.co.uk/products-services/membership/associate-membership/> and fully completing the Contractor Profile.
- 3.2. Annex B provides guidance on how to sign up to an Associate membership and how the Dynamic Purchasing System (DPS) operates as a function of the Constructionline platform. When signing up as an Associate member it is recommended that once a membership number has been provided and the company email address has been confirmed, a Potential Contractor should move to completing the DPS Registration page. This will enable Constructionline to process the Contractors interest and link the account to the MWDPS. The Potential Contractor can then complete and submit their Profile information under the Buyer Connections area of the platform (see 3.5 below). The information required is PAS91 compliant and entry into the MWDPS will be assessed in line with the Constructionline Gold membership level (see Annex C for details). Contractors having difficulty in completing their profile may contact Constructionline by:-
 - telephone: 0333 300 3066
 - email: buyerservices.constructionline@constructionline.co.uk
- 3.3. If a Potential Contractor is already a Constructionline member please note the following steps.
- 3.4. The DPS will operate as a completely electronic process. To apply, for a place on the DPS Potential Contractors will need to access Constructionline's MoJ DPS Landing Page, <https://www.constructionline.co.uk/buyers/public-sector/ministry-of-justice/>. This page has the links that will provide access to the:-
 - 3.4.1. document pack which contains all the information relating to the contract. Information may be updated from time to time during the life of the contract; and
 - 3.4.2. MWDPS Registration page, where Potential Contractors must select the Category or Categories they are experienced in and can deliver good quality outcomes, complete the required fields and supply experience information as directed.



- 3.5. Once the registration information has been processed by Constructionline, Potential Contractors will be able to confirm the completeness of their profile information. Please refer to Annex B from paragraph 7:-
- 3.5.1. Associate members – When the Profile has been fully completed and submitted from the Buyers Connections area, the information will be taken forward for assessment and verification. If not fully completed the system will highlight the questions that need attention;
- 3.5.2. Bronze and Silver members – Profile information will have been submitted for verification from the Level area of the platform. Registering for the DPS will open up additional questions within the Profile which will require completion. This can be done from the Level or Buyer Connections area. Once completed the information can be submitted for assessment and verification;
- 3.5.3. Gold and Platinum members – will have already satisfied the baseline DPS requirements, as long as all accreditations, policies and insurances are up to date.

Demonstrating Experience and References

- 3.6. In addition to being assessed against the Gold membership standard, Potential Contractors are required to evidence experience in their chosen work category or categories and will be evaluated on a Pass / Fail basis. This is a two step process as the Potential Contractor must:-
- 3.6.1. provide two (2) examples that showcase their work Category experience using the template at Annex D;
- 3.6.2. issue a reference request to the client representatives of the given examples for completion and return **directly** to the MoJ using the template at Annex E. Failure to receive references will mean that the MoJ is unable to confirm evidence of the satisfactory completion of the offered examples and as such an application may be rejected.
- 3.7. **Once the Profile information and experience has been verified, Potential Contractors will need to duly sign and return the Signatory Sheet (in Part C) confirming acceptance of the MWDPS terms and conditions. The Signatory Sheet will then be signed by the Authority and returned to the Contractor whereupon an Approved status within the MWDPS will be confirmed. The Contractor will then be available for invitation at the Call Off stage.**
- 3.8. Potential Contractors should note that being Approved to the Gold level through the MWDPS will not afford a Contractor the benefits of a Constructionline Gold level membership. A Bronze, Silver or Gold membership can only be obtained if the requisite subscription fee is paid to Constructionline.
- 3.9. Annex A to this document depicts the DPS set up process. Signing up to the DPS has two distinct stages, as noted in 3.1 and 3.4. The information required at each stage has been summarised below. How the membership information will be considered and assessed has been set out in detail in Annex C of this document.



Constructionline Membership - PAS91 and Common Assessment Compliance

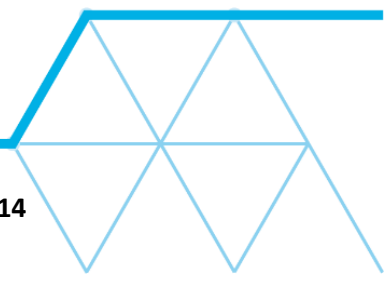
- 3.10. This covers and examines the information about you as a Potential Contractor, such as contact details, details of parent companies, the type of works that you deliver, the trade memberships and accreditations, insurances, the parts of the country that you operate in, your economic and financial standing, health and safety, etc. These details are used as part of your overall profile on the DPS platform.

Mandatory and discretionary exclusions

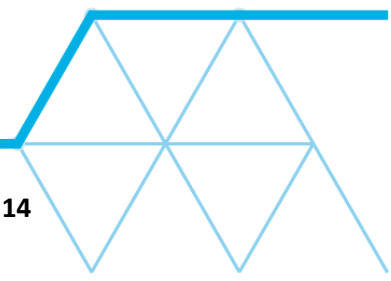
- 3.11. This covers the government standard mandatory and discretionary exclusion questions. This includes questions covering areas, but not limited to:
- a) Conviction for fraud;
 - b) Conviction of terrorist offences or offences linked to terrorist activities;
 - c) Breach of labour law obligations;
 - d) Entering into agreements with other economic operators aimed at distorting competition,
- all of which are binary yes/no questions with the option to clarify positive (failing) responses and inform the Authority of the steps taken to “self-clean” after the reported instances. Potential Contractors need to be aware that they may not need to complete all the questions dependent on answers they provide as some questions are conditional on the answers to others.
- 3.12. More information on the Government standard mandatory and discretionary exclusion questions can be found at:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf

Selection of the Categories that you wish to be considered for

- 3.13. Potential Contractors must identify which Categories they wish to apply for under the five high level Work Lots. Potential Contractors are able to select one or more Categories across any of the five high level Lots:



| Number | Work Category |
|---|---|
| Lot 1 | Building Structure and Groundworks |
| Categories which include, but is not limited to: | <ul style="list-style-type: none"> • Asbestos removal • Building/building fabric; • Brickwork; • Flooring; • Fire protection / safety remedial work (passive); • Fencing and gates; • Glazing; • Health facility refurbishment; • Landscaping/grounds maintenance; • Painting and decorating; • Plastering; • Road maintenance; • Roofing; • Scaffolding; • Sustainability measures – e.g. Insulation. |
| Lot 2 | Mechanical Engineering incl. HVAC |
| Categories which include, but is not limited to: | <ul style="list-style-type: none"> • Air handling units; • Boilers, heaters and associated plant; • Catering plant and equipment – mechanical; • Hydraulic gates; • Laundry equipment maintenance • Lift maintenance; • Refrigeration • Sustainability measures – e.g. ground source heat pumps; • Ventilation and extraction; • Water systems – servicing, water risk assessment and legionella management. |
| Lot 3 | Electrical Engineering incl. Security |
| Categories which include, but is not limited to: | <ul style="list-style-type: none"> • Catering plant and equipment – electrical; • Electrical installation and maintenance services; • Emergency lighting and power; • Fire safety systems; • Pedestrian Lanes • Security, access control, intruder and CCTV systems; • Sustainability measures – e.g. PV cells. |
| Lot 4 | Demolition Work |
| Categories which include, but is not limited to: | <ul style="list-style-type: none"> • All demolition work, including termination of Statutory Service (gas/electric/water); • Skip hire |
| Lot 5 | Multidisciplinary Construction Work |
| Categories which include, but is not limited to: | <ul style="list-style-type: none"> • Building Repairs and Improvements (under £15k); • Building Refurbishment (over £15k) • Building General • Building Design and Construct |

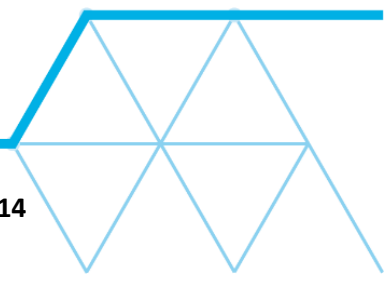


MWDPS Agreement

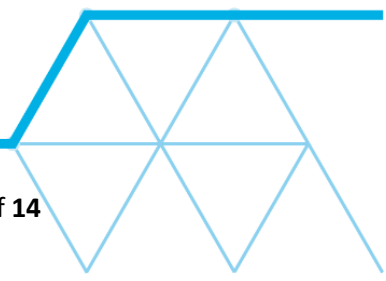
- 3.14. Once a Potential Contractor has completed and submitted the Constructionline information, evidenced experience and facilitated the return of references, the MWDPS Agreement Signatory Sheet must be downloaded, fields completed, signed, and returned to the Authority. More detail on how to sign a MWDPS Agreement can be found in Annex F to this document.
- 3.15. The MWDPS Agreement must be signed as presented and no changes can be made by the Potential Contractor prior to signing. Agreements that have been changed by the Potential Contractor prior to signing shall be declared invalid and the Potential Contractor shall not be admitted onto the MWDPS.
- 3.16. For the avoidance of doubt, a MWDPS application is not considered valid and complete until the:-
 - 3.16.1. Constructionline membership has been verified,
 - 3.16.2. experience is verified, and
 - 3.16.3. MWDPS Agreement duly signed and submittedby the Potential Contractor. A check list of all that is required for a successful MWDPS application can be found in Annex G to this document.

4. EVALUATION OF RESPONSES

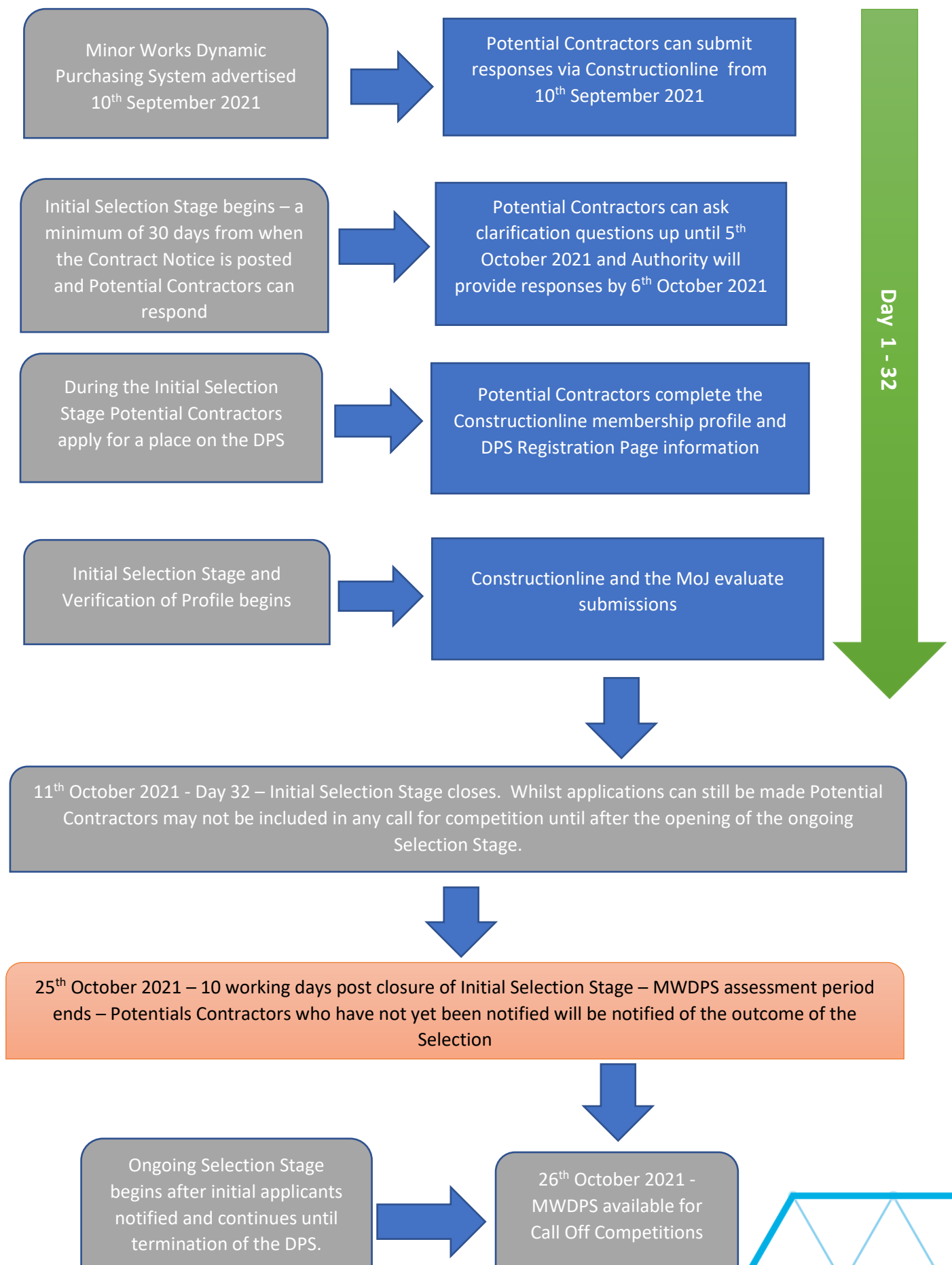
- 4.1. The membership information will be reviewed by Constructionline on behalf of the Authority. Experience and references will be evaluated by the MoJ.
- 4.2. Selection Responses will be subject to an initial compliance check to ensure that the required information has been submitted in full in accordance with the response requirements and that Potential Contractors have not failed any of the mandatory or discretionary exclusion questions.
- 4.3. Negative and Self-Cleaning Response plus additional information will be reviewed manually. Potential Contractors that do not satisfy the compliance check may be subject to clarifications and may have their Selection Response rejected.
- 4.4. Work Categories selected on the DPS Registration page will be cross referenced with the information provided in the Membership submission (e.g. that work categories match in the profile and that the necessary accreditations and insurances are in place).
- 4.5. The Authority, via Constructionline where required, reserves the right to clarify any questions or issues at any stage during the evaluation of the Potential Contractors' Selection Response. Contractors must respond to queries within 48 hours or the Authority reserves the right to reject the Selection Response.
- 4.6. Once a potential Contractors' submission has been verified, the Potential Contractor signed a MWDPS Agreement and the Agreement duly endorsed by the Authority, the Potential Contractor will then become a Contractor available to invite to Call Off Competitions for the respective Work Categories where they have been successfully approved.



- 4.7. The Authority reserves the right not to admit a Potential Contractor to the MWDPS where:
- a) The Selection Response fails to meet the stated criteria, the Authority may reject a Potential Contractor automatically with no further obligation to evaluate any remaining Selection Responses;
 - b) The Selection Response scores a fail on any of Selection questions;
 - c) Potential Contractors fail to agree to the MWDPS Agreement and do not sign the Signatory Sheet (Part C to this ITP);
 - d) Any Potential Contractor provides information in a Selection Response that is found subsequently to be materially false or misleading.
- 4.8. Where a Potential Contractor has been rejected on the grounds set out in (a), (b) or (c) above, the Potential Contractor will be able to reapply to join the MWDPS if the Potential Contractor is able to provide an explanation to the Authority that the reason for rejection has been satisfactorily addressed and therefore no longer affects the Potential Contractor.
- 4.9. For the avoidance of doubt, the Authority will, throughout the duration of the MWDPS, continually review whether there is a legal impediment in relation to responses provided by Contractors and in the event that a legal impediment is identified the Authority may exclude the Contractor.
- 4.10. Once admitted to the MWDPS, where a Contractor has provided an answer in their Selection Response which is no longer correct (for example due to a change in circumstances), then the Contractor must provide the Authority with an updated answer for the Authority to consider.
- 4.11. Potential Contractors / Contractors must self-certify there are no grounds for excluding them under Regulation 57(1) of the Public Contracts Regulations 2015 (Mandatory Exclusions) and if anything changes, they must immediately inform the Authority. If there are grounds to exclude under Regulation 57 (1) the Authority reserves the right to remove the Contractor from the MWDPS.



Annex A: MWDPS Selection stages



Annex B – Constructionline Associate Membership and DPS Sign-up Guide

See separate PDF document

Annex C – Constructionline Membership Assessment Guide

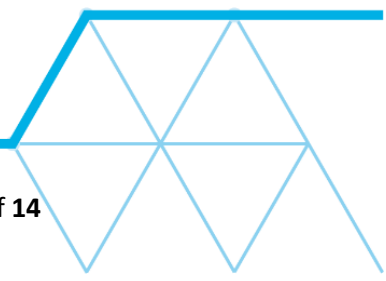
See separate PDF document

Annex D – Experience

See separate MS Word Template

Annex E – Client Reference Request Form

See separate MS Word Template



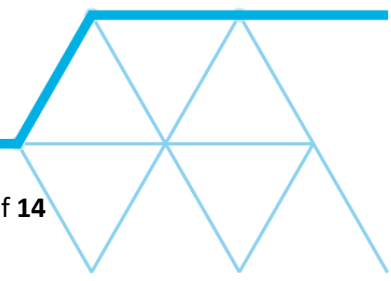
Annex F: Guidance on signing the MWDPS Agreement.

By submitting a Selection Response, the Potential Contractor is deemed to accept the terms of the MWDPS Agreement and this will be confirmed by the Potential Contractor submitting a duly endorsed Signatory Sheet (alongside completing the Constructionline membership, evidencing experience and the Category selection information) in accordance with the process set out below:

1. The information to be completed in the MWDPS Agreement by the Potential Contractor to join the MWDPS are all gathered together in the Signatory Sheet. The Potential Contractor should not change or complete any other part of the MWDPS Agreement.
2. As part of the Selection Response the Potential Contractor is required to download the Signatory Sheet, complete the relevant sections indicated by the 'place holders []', sign, and email the document to CCMD-MWDPS@justice.gov.uk, in accordance with the following guidelines:
 - a. Save the document with your Company name, e.g. "CompanyName – Signatory Sheet".
 - b. Front Sheet - the Potential Contractor should fill in their name where indicated (delete the text which states [Contractor] and replace it with the Potential Contractors full legal name.

Page 1

- c. Section 2 - the Potential Contractor should fill in their full legal name, address and (where they are a limited company) their company registration number. If the Potential Contractor is a sole trader then they should complete their full name and address and enter 'N/A' in the company registration number field. If the Potential Contractor is a partnership then they should fill in the full name of the partnership and its formal address plus its registered number, where it has one, alternatively 'N/A' where there is not.
 - d. Section 8 - the Potential Contractor must insert a contact email address for the service of notices.
 - e. Section 9 Signature Section - the Potential Contractor must arrange for signature by a duly authorised person, i.e. a company Director. Insert the full name, role, the date of signature and sign by hand or by inserting in a **.jpg or .png** picture file of the signature. The name of the duly authorised personnel will be checked against the names registered at Companies House.
3. The signed Signatory Sheet will be a standing offer by the Potential Contractor to enter into a MWDPS Agreement.
4. If the Potential Contractor is successful in its request to join the MWDPS then the Authority will counter sign the MWDPS Agreement by signing the Signatory Sheet and returning an electronic copy by email to the, then, Contractor.
5. Potential Contractors should note that they are not a Contractor on the MWDPS until the MWDPS Agreement has been signed by both parties.



Annex G: Check List for application at the Selection Stage

| Activity | Complete |
|---|----------|
| Complete a Constructionline membership - minimum Associate (free of charge) | |
| Register for the DPS | |
| Submit two example contracts demonstrating experience for each category and ensure that references are forwarded to the Authority | |
| Download, sign and send the MWDPS Agreement to the Authority | |

The Initial Selection Stage deadline is the 11th October 2021.

