

Dynamic Purchasing System User Guide – Estates & Facilities Consultancy Services

Estates, Facilities & Professional Services

Estates & Facilities Consultancy Services Dynamic Purchasing
System

Reference Number: LPP/2020/015

June 2021



Estates, Facilities & Professional Services

Version Control

Contributor(s)	Date	Version	Comments
Simon Williams	13/01/2021	0.1	First Draft.
Simon Williams	14/06/2021	1.0	First Draft for Release
Simon Williams	25/06/2021	2.0	Revised & Corrected

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1. 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):

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.
“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 a Mini Competition.
“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.
Find a Tender Service	From 23.00 hours on 31/12/2021 Find a Tender Service, known as the UK e-notification Service, replaced the Official Journal of the European Union as the official publication site for all UK public sector tenders. The advertisement issued in respect of this SQ. https://www.find-tender.service.gov.uk/
“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.

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“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”	Pre-Qualification Questionnaire – See “SQ” below.
“Potential Provider(s)”	means the person, firm or company who are admitted to the DPS following evaluation by the Authority of their application.
“Pro Contract”	e-tendering portal run by Proactis / Due North. Suppliers apply via Pro Contract for a place on the DPS. Mini-competitions will be run on here by LPP and many NHS trusts.
“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 as amended 2020.
“Services”	means the Services to be supplied as specified in the Order Form.
“SQ”	means this Standard Questionnaire pre-qualification document and all related documents published by the Authority and made available to Supplier(s) and includes the Due Diligence Information. Also referred to as Pre-Qualification Questionnaire (PQQ)
“SQ Response(s)”	means a Supplier(s) response to this SQ.
“Supplier (s)”	means the person, firm or company who submit a completed SQ in response to the Find a Tender 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.

2. Introduction

This user guide is intended to provide information about the Dynamic Purchasing System (DPS) for the provision of Estates Facilities Consultancy Services and to provide practical support to approved users of the DPS (referred to as Contracting Authorities) who wish to access the DPS to award Call-Off contracts.

Please note that the guidance provided within this document only applies to the DPS for Estates & Facilities Consultancy. Contracting Authorities should ensure they refer to the appropriate LPP guidance document which is relevant to the DPS/framework they wish to access to ensure that the right processes are being followed.

Procurement teams should be involved in the decision to access the DPS for Estates & Facilities Consultancy to ensure that the decision fits with local procurement policies and Contracting Authorities' standing financial instructions.

3. Key Information

DPS Title	DPS for Estates & Facilities Consultancy
Find a Tender Reference Number	

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Agreement Reference Number	LPP/2020/051
DPS Period	<p>The DPS for Estates & Facilities Consultancy is expected to run for a period of 5 years, from 24th June 2021 to 23rd June 2026.</p> <p>As provided for under the Public Contract Regulations 2015, as amended 2020 the DPS may be extended for further periods, provided that the total of the DPS agreement does not exceed ten (10) years.</p>

4. Background to the Requirement for a DPS

NHS trusts and other public sector organisations require the ability to flexibly deliver Estates & Facilities Consultancy Services in the way they see fit for their site(s).

The DPS can be utilised by any public sector organisation. This includes 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 England. Potential users of the DPS are identified in the Find a Tender Contract Notice.

Potential Providers admitted to the DPS for Estates & Facilities Consultancy Services were informed at the Pre-Qualification stage 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.

5. 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.

DPS applicants are required to complete a Standard Questionnaire (SQ). The completed SQ's are evaluated to establish the applicant's general capability for provision of the required Estates & Facilities Consultancy Services. The evaluation works on a Pass/Fail basis and therefore weightings are not applied. The evaluation reviews aspects of the applicant's financial and technical provision and, based on this evaluation, the applicant 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.

A step by step guide on implementing the second stage of the process is set out at paragraph 21 below.

6. Short Description of Nature and Scope of Services

LPP established the DPS on the 24th June 2021 to provide the NHS and other public sector organisations with a compliant procurement route for the execution of Estates & Facilities Consultancy Services. The DPS will provide an unlimited number of suitably qualified and experienced Estates & Facilities Consultancy Services Contractors (referred to as Potential Providers) for each category of work.

During the DPS validity period, a Contracting Authority will be able to search for Potential Providers that match their requirements using: work category, location of project, value of project and any other criteria deemed necessary and available within the standard search criteria. Each Contracting Authority will be allowed to issue a Capability Assessment as part of its Mini-Competition to establish a final supplier list to invite to tender. It is also possible to combine categories where there are clear synergies and common industry precedents.

Subject to the above and geographical 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.

Where it is intended to engage a single Supplier to deliver a project, the Potential Providers shall be competent in undertaking a complete solution. It is also possible to combine categories where there are clear synergies and common industry precedents.

Not every specific services that may be procured under the DPS can be clearly defined at this stage, however the nature and types of works that may be required may include but not limited to those works and summarised below and identified by CPV code at Appendix D.

- Category 1. Architecture Services and Architecture Led Design Team Services
- Category 2. Asbestos Management Service
- Category 3. Authorising Engineers and Regulatory Commissioning (AE)
- Category 4. Building Surveying Services & Condition Reporting
- Category 5. Construction Project Management Service
- Category 6. Clerk of Works
- Category 7. Quantity Surveying & Cost Consultancy services
- Category 8. Principal Designer (CDM)
- Category 9. Estates Strategy and Business Case Development
- Category 10. Contract Administration - NEC ROLES
- Category 11. Property Acquisition Disposal & Management Advisory
- Category 12. Facilities Management Consultancy
- Category 13. Mechanical & Electrical Engineering Services and M&E Led Design Team Services
- Category 14. Civil and Structural Engineering Consultancy Services
- Category 15. Air & Ventilation Systems Consultancy Services
- Category 16. Acoustics & Vibration Consultancy
- Category 17. Energy Efficiency Consultancy Services
- Category 18. Environmental issues consultancy Services
- Category 19. Equality Act Consultancy Services
- Category 20. Fire Consultancy Services
- Category 21. Security Systems Consultancy Services
- Category 22. Lift Consultancy Services
- Category 23. Lighting Consultancy Services
- Category 24. Water Consultancy Services

LPP reserve the right to add further categories to the above during the lifetime of the DPS.

7. Pro Contract

Suppliers apply via Pro Contract for a place on the DPS. This is achieved through the SQ used for the DPS which is aligned to the standardised SQ developed by the Cabinet Office. LPP assess and monitor the standard company information provided by Suppliers and, if complete, they are admitted to the DPS.

In addition to keeping the Company information held on the DPS up to date, LPP will regularly review the financial standing, insurances and technical accreditation 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 their notation level should be changed.

Mini-competitions will be run via Pro Contract by LPP and many NHS trusts. Other systems may also be used such as Delta, Bravo etc.

8. Duration of the DPS

The DPS for Estates & Facilities Consultancy Services is expected to run for a period of 5 years, from 24th June 2021 to 23rd June 2026. The DPS may be extended beyond the initial validity period for up to a maximum of ten years, until 23rd June 2031 as provided for under the Public Contract Regulations 2015.

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 Suppliers and a Corrigendum will be issued via the Find a Tender service. Any Suppliers may reapply to be admitted onto the DPS at any time. For the avoidance of doubt Suppliers will not be ranked on the DPS and all further competition will be carried out in accordance with paragraph 15 below.

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

Should a Suppliers 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 Suppliers can be re-admitted to the DPS.

LPP reserve the right to revisit any criteria within the SQ online evaluation throughout the life of the DPS, and may from time to time, require suppliers to provide updated information in relation to the details submitted during their application. This process will form a part of LPP's standard Supplier Relationship Management (SRM).

9. The Benefits of a DPS

A DPS was chosen as the most suitable commercial vehicle following feedback from LPP member Trusts and other potential users of the system.

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 & Facilities Consultancy 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 supplier list database maintained by LPP which the Contracting Authorities will access to source provision that meets their local business requirements.

The DPS shall remain open to new applicants 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 size (SME) 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 applicants 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.

Benefits for Contracting Authorities

- Shortened procurement time as advertisement in Find a Tender and SQ stage has already been undertaken.
- Encourages competition as it is easier for local providers to get on to the DPS and join at any time during its period of validity.
- Contributes to Trusts achieving their Social Value objectives by inviting their local and SME suppliers to join the DPS and bid for work
- Contracting Authorities can undertake a competition with a group of pre-qualified Tenderers with all qualification documentation held centrally by the LPP.
- Award of individual tenders can be quicker than under some other procedures. The minimum time limit for return of tenders is 10 days.
- Award criteria can be formulated more precisely for specific local contracts, adapting the LPP templates as appropriate.

Benefits for Suppliers

- Suppliers don't have to demonstrate suitability and capability every time they wish to compete for a public sector contract.
- Suppliers may join the DPS at any time during its period of validity so they are not "locked out".
- More accessible for SMEs.
- Award of individual tenders can be quicker than under some other procedures.

10. DPS Agreements

All Potential Providers who have been awarded a position on the DPS for Estates & Facilities Consultancy Services, have signed a DPS Agreement to be able to provide Estates & Facilities Consultancy Services to Contracting Authorities on a Call-Off basis. The Agreement sets out the award and ordering procedure for Estates & Facilities Consultancy Services which may be required by Contracting Authorities, the main terms and conditions for any Call-Off contract which

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Contracting Authorities may conclude, and the obligations of the Providers during and after the term of the Agreement.

The Call-Off terms and conditions set out in the DPS Agreement may be replaced with the terms and conditions specified by a Contracting Authority when inviting competitive tenders for Call-Off contracts.

NHS LPP is responsible for the management of the DPS Agreement and will seek feedback from Contracting Authorities to ensure maximum value is derived from the DPS.

11. Management Levy

In consideration of LPP appointing any Potential Provider to the Dynamic Purchasing System and the management and administration by LPP of the overall contract structure and associated documentation, all DPS Providers 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. Any pricing provided by a Provider when competing for work under the DPS will be inclusive of this charge.

12. Management Information

NHS LPP will collect on a monthly basis, management information from each Provider for each Call-Off contract they have been awarded under the DPS. This management information will be available to view through the 'my LPP' system to allow for spend analysis and monthly reporting.

13. DPS Manager

Contracting Authorities who have any questions regarding the DPS should contact the DPS Manager at NHS London Procurement Partnership in the first instance. This is the person identified on page 2 of this document.

14. Business Continuity Plans

NHS LPP strongly suggests that Contracting Authorities request as part of their call for competition under the DPS specific business continuity plans relating to their service and location so these can be retained for the successful Provider.

15. Accessing the DPS

This DPS is open to all NHS Trusts throughout the United Kingdom including all devolved administrations, NHS Collaborative Procurement Organisations, Clinical Commissioning Groups, NHS England, NHS Property Services Ltd, PFI healthcare buildings and facilities, Ambulance trusts and any Public Sector Contracting Authority including Central & Local Government, Educational Establishments, Registered Charities including Registered Social Landlords, Police forces, Fire and Rescue Services. By virtue of the NHS Commercial Procurement Collaborative, members of the East of England NHS Collaborative Procurement Hub, NHS Commercial Solutions and NHS North of England Commercial Procurement Collaborative, also have access to the DPS.

By deciding to award a Call-Off contract under the DPS Agreement much of the hard work has already been completed which should save the Contracting Authority time and money.

A suite of competition documents are available from LPP which can be tailored by the Contracting Authority to meet their specific requirements for individual Call-Off contracts competitively tendered under the DPS.

16. Key Decisions and Actions

The key decisions and actions which will need to be completed by the Contracting Authority to award a Call-Off contract under the DPS via running a competition are set out in Appendix A.

It is the Contracting Authority's responsibility to validate the data being sent out as part of the competition, check the evaluation of all bids and award the contract under the DPS.

17. DPS Charges

There is no charge to access this DPS Agreement. Should a Contracting Authority wish LPP to support a competitive tendering exercise under the DPS, then LPP reserves the right to charge for these additional services. This will be discussed and agreed with each Contracting Authority on a case by case basis.

18. Customer Access Agreement (CAA)

Contracting Authorities wishing to access this DPS to run a competition must complete the Customer Access Agreement (CAA) in Appendix B and send this to the LPP category manager. Once this has been completed the category manager will then provide the Contracting Authority with access to the DPS Supplier Lists and ITT template documents as appropriate. Potential Providers on the DPS will not enter contracts under this DPS with any Contracting Authority until the category manager has confirmed a signed access agreement is in place.

19. Establishing a Project Delivery Team

The term 'Estates & Facilities Consultancy Services' encompasses a wide range of consultancy advice relating to the development, and ongoing management, of estates and facilities within the public sector. They are by their very nature 'one-off' requirements and as such no two projects will ever be entirely alike. Each project will have its own unique requirements which need to be considered.

LPP also has in place a Dynamic Purchasing System for Minor Works and Installation and a framework for Medium Value Construction Works. This DPS and framework complement the Estates & Facilities Consultancy DPS and Contracting Authorities wishing to use these should contact the LPP category manager for advice.

The Project Sponsor is the representative of the Contracting Authority who has specific financial authority personally delegated in respect of Estates & Facilities Consultancy projects and is personally accountable for achievement of cost, time and quality objectives and value for money. The Project Sponsor will define the project objectives for potential DPS Call-Off contracts; ensure funding is available when required and all necessary approvals are obtained.

20. Award of Call - Off Contracts under the DPS

All Potential Providers who have been awarded on to the DPS have already passed the first stage, the standard questionnaire (SQ). This initial DPS set-up phase only covers the following areas:

- Supplier Information.
- Exclusion & Selection criteria (as set out in Regulations 57-64 of the 2015 Public Contract Regulations (PCR 2015, as amended 2020).
 - Economic & Financial Standing.
 - Technical & Professional Ability.

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

During the validity period of the DPS, NHS and other approved public organisations who want to procure Estates & Facilities Consultancy will need run a competitive tendering exercise.

- **There is no option in the PCR 2015 for a direct call-off from a DPS.**

LPP advise that Contracting Authorities will get the most benefit from this DPS by utilising it for contracts of a reasonable size; those that approach or exceed the threshold at which services are subject to the 2015 Public Contract Regulations (and any subsequent legislation during the life of this DPS).

There are five steps in order for customers to make a Call-Off Contract from the DPS. The step by step process to be followed is set out below.

Step 1 – Compilation of Tender List

The following Filters/Qualifiers can be applied to the relevant DPS supplier category by the Contracting Authority to produce a list of Tenderers for each requirement:

- Service Category – Has the Potential Provider the required financial notation to deliver the requirement in the appropriate Service Category?
- Delivery location(s) – Has the Supplier indicated that they can deliver in the required location(s)?

LPP can advise the Contracting Authority on the precise supplier list to invite to tender.

As new Service Providers are continually added to the database, it is important that the Contracting Authority checks and validates the proposed tender list with LPP no more than 48 hours before inviting tenders.

The ITT documentation should then be issued to the selected Tenderers via their own e-tendering system.

Step 2 – Invitation to Tender (ITT)

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 service requirement in the required location.

Approved users of the DPS will be given access to the ITT templates produced by LPP which they will be able to modify as appropriate to meet their particular contract requirement.

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

- Covering Letter (if required)
- Instructions for Submission
- ITT Response Template
- Tender Particulars
- Pricing Document
- Terms and Conditions of Contract
- Specification of Requirements

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.

When considering the evaluation questions the Project Team must:

- Only use criteria which differentiate between the tenderers on criteria that are important to the Project Sponsor and the service project.
- Not ask for information that is not directly relevant or useful, or duplicate any questions previously asked at SQ stage when the DPS for Estates & Facilities Consultancy Services was established.
- LPP templates contain suggested evaluation criteria and some template questions. These are intended as a guide and can be amended, altered, deleted or added to as required. Whatever evaluation criteria adopted by a Contracting Authority should be made clear to bidders at the outset of the process.

The ITT documents will, amongst other things, 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.

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

Potential Providers will be given a minimum of ten days to submit their tender bids. The tender period will depend on the complexity of the Consultancy Services. Contracting Authorities should

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take into account the value and complexity of the contract and the need for the Tenderers to attend a coordinated site visit/ Tenderers conference. On average NHS LPP would suggest Tenderers are given four weeks to submit a tender response.

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.

The tender evaluation team will assess, score and critique the Tenderers responses to the technical questions in the ITT in accordance with the evaluation criteria set out in the ITT. This will include an assessment of any technical Pass/Fail questions included in the evaluation criteria.

Evaluators must only evaluate the evidence presented to them and not consider any other factors such as their preconceptions or prior experience of that Tenderer. Evaluators must score applicants against the criteria absolutely and not relatively against the other applicants. Where the proposed solution exceeds the requirement evaluators should award 100% of the technical marks available.

Evaluators must provide rationale with comments to support each score and the approving authority must check that this is being done and is sufficiently detailed to support the decision and any subsequent feedback via the award letters and Tenderers debriefs.

On conclusion of the tender evaluation process, the Project Manager will produce a detailed technical/commercial tender evaluation report to include a comprehensive review of the tenders, and a fully substantiated recommendation on contract award. If required, LPP can provide a template for this purpose.

The report will include a summary of the procurement process under the DPS, tender response, technical and commercial summary and a final score breakdown and contract award recommendation. As with the procurement strategy document, the report should be proportional to the size and risk of the project you are undertaking and provide a clear audit trail of what was done and why.

The evaluation report must contain the scores (technical, commercial and overall consolidated score from which the recommendation is taken) and the consensus comments for all Tenderers who underwent evaluation. The Contracting Authority must keep clear and accurate records of the evaluation process to ensure propriety. It is particularly important to record the specific strengths and weaknesses of each tender, for use in the contract decision letters as well as the debriefing process.

The final recommendation on the winning Tenderer must be based on the tender that is most economically advantageous based on the published award criteria and evaluation methodology. The report will then be signed-off by the Project Sponsor. The resulting contact should be signed by the individual approved by the Contracting Authority to commit the Authority to contact.

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 using the LPP standard templates. Template notification letters for the successful and unsuccessful letters are available from LPP.

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

The Order Form to be used is as per the template included in the DPS Agreement. The Provider shall promptly accept the Order by signing and returning the Order Form.

During the standstill period, it is possible for any of the unsuccessful Tenderers to write a complaint or issue a legal challenge. If you do receive a legal challenge, then you cannot proceed to contract award and must discuss the way forward with Legal Advisers. A legal challenge during the standstill period suspends the award process until either the court decides to end the suspension or the challenge is dealt with by the court in proceedings.

If the period ends without a legal challenge, then you may proceed to Contract Finalisation.

Any Call off Contract that is awarded under the Dynamic Purchasing System will be between the Service Provider and the named Authority. The NHS London Procurement Partnership is not contracting on behalf of the named Authority.

Contract Award Notice

Contracting Authorities must inform LPP of all contracts awarded under the DPS. Authorities should also abide by the requirements for publication on Contracts Finder about contracts awarded, as explained under Procurement Policy Note 03/15 issued by the Cabinet Office.

Step 5 – Standstill Period

Although not mandatory under the Dynamic Purchasing System, the Authority may decide to implement a voluntary standstill period of 10 days between the date of dispatch of its notice to Tenderers before entering into a contract, known as the standstill period. Please note however that this would be considered to be best practice but Contracting Authorities will not be bound to implement any standstill period.

Where a standstill period is applied, the Contracting Authority will notify unsuccessful Tenderers ten calendar days in advance of awarding a call off contract under the Dynamic Purchasing System.

21. Procurement Principles

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Presentations by Tenderers

As part of the evaluation process, presentations may be undertaken. Where presentations are part of the evaluation process all eligible Tenderers must be invited to participate to ensure compliance with the Public Contracts Regulations 2015.

All Potential Providers should be provided with adequate time to prepare their presentations and should be given a clear brief of what to present.

Tender Clarification

Tenderers should be instructed in the Invitation to Tender to address clarification questions to the Contracting Authority in writing through the e-tendering system. The responses must be issued to all Tenderers simultaneously. You should allocate serial numbers to help you to keep track of questions and avoid duplication.

Where a question reveals a piece of information that could significantly impact on the pricing of the tender responses you should ensure they have at least 10 working days to submit a tender. This may mean extending the tender return date.

Site Visit

In instances where it has been agreed that the Tenderers should be offered the opportunity of a site visit, all Tenderers will be invited by the Contracting Authority to attend a single visit during which a formal meeting will be convened.

Typically, the first part is a presentation of the requirement followed by a visit to the site where the service is to be carried out. Then time is allowed for any questions. The Contracting Authority must make a record of the meeting and all questions, whether they are answered orally or not, will be answered in writing and distributed to the Tenderers via the e tendering system. Once issued the written reply will be the formal record of the meeting and any oral points not recorded in the reply will be considered null and void.

Amendments to the Tender Documentation

Sometimes the tender clarification questions may lead to minor changes in the specification. If so, you can issue an amendment to the tender documentation.

Late, Incomplete or Amended Tenders

Tenders that are not received in accordance with normal tender return procedures fall into the following groups:

- a. **Late tender.** Received after the time and date stated in the tender documentation, and not covered by paragraph b below:
- b. **A technically late tender.** Delayed beyond the Tenderers control due to technical difficulties with the e tendering system;
- c. **An incomplete tender.** Where information necessary for the evaluation of the tender is missing;
- d. **An amended tender.** The Tenderer submits an amendment via the e-tendering system on their own initiative, after the time and date set out in the tender documents.

You should only consider late, technically late or incomplete tenders if there is no reason to doubt the integrity of the Tenderers concerned. You must exercise extreme care in such cases to avoid accusations of collusion or malpractice. You must record why you evaluated the tender.

Tender Evaluation

Once the evaluation process is completed the Contracting Authority should notify all the Tenderers of the outcome of the DPS competition and if considered appropriate start a 10 day stand still period before concluding the contract.

Contract Documents

The contract documents including the DPS Order Form must be completed by the Contracting Authority and issued in a timely manner to the successful bidder.

Undertaking a Direct Order

It is not possible to call off directly from the DPS.

Key Performance Indicators

NHS LPP encourages the use of key performance indicators within contracts as a way of monitoring and managing supplier performance.

Key performance indicators should not be used to punish a supplier but should be built in to encourage and reward high quality performance of the contract. As such NHS LPP suggests that key performance indicators are established which are achievable.

Where shortcomings in performance are identified, the Supplier must be informed formally and in a timely manner. If shortcomings persist, the Contracting Authority should seek the advice of LPP.

22. Template Invitation to Tender Documents for undertaking a competition under the DPS

The Contracting Authority is responsible for producing the specification, pricing schedule and other documentation required to undertake a competition under the DPS.

All tender documentation should be prepared in such a way that it is consistent with the procurement strategy adopted and it enables Tenderers to formulate competitive bids. The documentation should also be capable of assisting the tender evaluation team to easily examine and assess submissions in accordance with the conditions of the competition.

The comprehensiveness, completeness, accuracy and degree of risk transfer in the tender documentation will have significant impact on the level of cost certainty and value for money at tender stage and also the control that can be achieved during the implementation.

When the Contracting Authority is satisfied that the ITT documents are complete and suitable for competitive tendering, the documents will be registered and loaded on the electronic tendering system used by the Contracting Authority and issued to the pre-selected Potential Providers.

Invitation to Tender Templates for The Contracting Authority may use as a guide the ITT templates available from LPP, which comprise of the following:

Invitation to Tender Instructions

This document sets out the instructions for the Tenderers on how to complete and respond to the call for competition. The Contracting Authority will need to insert its award criteria and weightings. Contracting Authorities using their own e-procurement systems to run the competition will need to change the instructions to reflect their own systems.

ITT Response Template

This document identifies the questions that you will be asking Tenderers to respond to. All questions should clearly show how they are linked to the award criteria and any word limits that Tenderers will be asked to adhere to. Remember you should not re-evaluate areas already evaluated at SQ stage, such as financial standing or compliance with mandatory and discretionary exclusion criteria. You also should ask for evidence of standard documentation such as bidder's insurance policies, ISO accreditations etc only to the Preferred Contractor. If a Contracting Authority wishes to confirm which documentation was requested from Tenderers at the SQ stage for admission to the DPS they should contact the Category Manager.

All Tenderers are required to complete and sign the document set. Contracting Authorities should ensure that the tender invitation date and title are changed to reflect their call for competition.

The tender response document and document set can be uploaded as an attachment in to the e-tendering portal.

Pricing Document

Contracting Authorities undertaking a competition will need to produce a Pricing Document to fit the individual contract.

Tender Particulars

This document provides an overview of the Contracting Authority and the project requirements.

Terms and Condition for the Call-Off Contract

The terms and conditions of the DPS Agreement have been agreed with all Potential Providers and signed as part of their award onto the DPS. The Call-Off terms and conditions set out in the DPS Agreement may be replaced with the terms and conditions specified by a Contracting Authority when inviting competitive tenders for Call-Off contracts.

Specification of Requirements

Contracting Authorities undertaking a competition will need to produce a Specification of Requirements and supporting technical document.

Example Evaluation Document

Contracting Authorities should issue an example evaluation document which clearly shows how the evaluation of the tender responses for the call-off competition will be conducted. A template has been provided by LPP which will require amending by the Contracting Authority to fit their individual method of evaluation.

23. Frequently Asked Questions

What is a DPS?

A DPS is an electronic system allowing public purchasers to consult a large number of potential suppliers of standardised works, supplies or services, whose capabilities have already been verified. As a procurement tool, it has some aspects that are similar to a framework agreement, but where new suppliers can join at any time. It has to be run as a completely electronic process using the EU Restricted Procedure.

The DPS is a two-stage process; an initial set-up stage where suppliers who meet the selection criteria and are not excluded must be admitted to the DPS and, a second stage where individual Call-Off contracts are awarded.

Can a Tenderer send in a paper tender response?

No. All communication under a DPS must be electronic unless the information requested (scale models) cannot be submitted electronically.

If a supplier is not on the DPS can they still take part in the DPS?

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.

Do I need to invite all suppliers to a call for competition under the DPS?

Subject to the restrictions provided by the Potential Providers themselves, a Contracting Authority **must** 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.

Do I 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?

The Public Contracts Regulations 2015 state that each requirement under a DPS must be competed; all suppliers under the DPS or the relevant category must be invited to bid. “Single tender” is not permitted (unless only one eligible supplier has applied for the category), and there is no derogation for low-value contracts. Contracting Authorities may run a single competition for a group of services.

How long does a competition under the DPS need to run for?

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This will depend on the complexity of the project. Contracting Authorities should take into account the value and complexity of the contract and the need for the Tenderers to attend a coordinated site visit/Tenderers conference. On average NHS LPP would suggest Tenderers are given four weeks to submit a tender response. The minimum timeframe for receipt of tenders is ten days. For specific advice please contact the category manager.

If a supplier is admitted, is it obliged to bid for any Call-off contracts procured under the DPS?

No.

Do I have to apply a stand still period to a competition?

NHS LPP encourages the application of standstill periods for all competitions under the DPS. This ensures transparency to all Tenderers involved in the process and minimises the risk of challenge once a contract is awarded. However, a Contracting Authority may choose not to apply a stand still period.

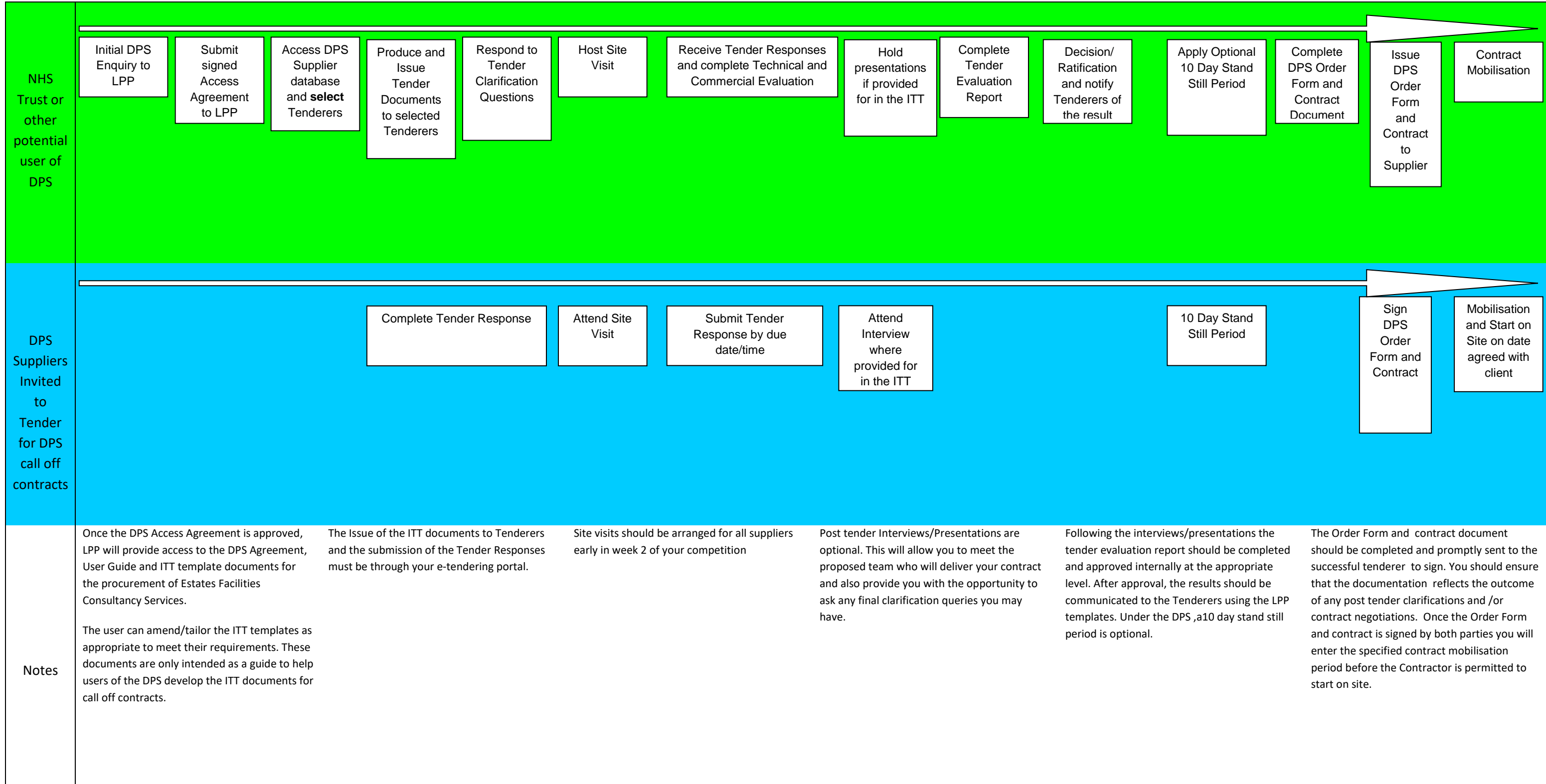
Can a supplier be excluded for poor performance on contracts under the DPS?

Poor performance on public or utilities contracts which have led to contract termination, damages or other comparable sanctions are now grounds for discretionary exclusion under PCR 2015. Therefore poor performance on previous contracts under the DPS which had led to sanctions could be used to exclude the supplier from the same, and other, DPS Agreements in future.

As with any other exclusion for poor performance, this must be based on objective failings which led to sanctions; subjective assessment of a supplier's attitude, aptitude, etc must not be used.

As this DPS was established by LPP for use by other Contracting Authorities, the decision on whether to exclude a supplier will rest with LPP.

24. Appendix A – Competition Process for Call-Off Contracts under the DPS



25. Appendix B – Customer Access Agreement (CAA)

The Customer Access Agreement should be completed and returned to NHS LPP.

CUSTOMER ACCESS AGREEMENT

for use by **INSERT HUB/TRUST NAME/PUBLIC SECTOR ORGANISATION**

NHS LONDON PROCUREMENT PARTNERSHIP DYNAMIC PURCHASING SYSTEM FOR THE PROVISION OF ESTATES & FACILITIES CONSULTANCY SERVICES

Agreement Reference Number: LPP/2020/015

Before conducting any activity under this DPS please complete and return this form to NHS LPP directly if you are an NHS LPP member/associate member or via your local **(insert customer name)** representative.

This agreement provides approval by NHS LPP for the below named Organisation to access the above named DPS only, subject to the conditions set out below.

In exchange for NHS LPP granting approval to access the DPS, the Organisation AGREES:

1. I/We accept all responsibility for both accessing and using the DPS in accordance with its associated terms and conditions of contract;
2. I/We agree that NHS LPP (and **insert customer name**) have no responsibility, or liability, on behalf of our Organisation relating to our use of this DPS Agreement;
3. I/We hereby certify that all information provided by NHS LPP (and **insert customer name**) in relation to the DPS, in any form, will be kept strictly confidential and not be made available to any external entity other than our own, without prior permission of LPP. (Please note, this obligation shall not apply to the provision of information by public sector organisations in order to comply with government guidelines and/or legislation regarding transparency and expenditure of public money);
4. I/We authorise NHS LPP to receive management information from contracted Providers, regarding the usage of this DPS by the Organisation. Such information will be used by NHS LPP for contract management/administration purposes, and will be shared with **insert customer name**.

AGREEMENT: I/We confirm that the organisation detailed below intends to participate in the above mentioned NHS LPP DPS, and that in doing so will act in accordance with the guidance and instructions set out in the relevant NHS LPP (and/or **INSERT CUSTOMER NAME**) Contract Briefing Document, associated terms and conditions of contract, and in accordance with the Public Contracts Regulations 2015.

CUSTOMER ACCESS AGREEMENT

for use by **INSERT HUB/TRUST NAME/ PUBLIC SECTOR ORGANISATION**

NHS LONDON PROCUREMENT PARTNERSHIP DYNAMIC PURCHASING SYSTEM FOR THE PROVISION OF ESTATES & FACILITIES CONSULTANCY SERVICES

Agreement Reference Number: LPP/2020/015

SELECT CATEGORY(S)

Customer Signature:	
Date:	
Name:	
Position:	
Name of Authority:	
Address:	
Telephone:	
E-mail	<i>Please list all required user email addresses</i>

Access facilitated by **XXXX(Framework Recipient Hub)XXX** - To be completed by NHS Hub

Name:	<input type="text"/>	Signature:	<input type="text"/>
Position:	<input type="text"/>	Date:	<input type="text"/>

NHS LPP APPROVAL (To be completed by NHS LPP)

Name:	<input type="text"/>	Signature:	<input type="text"/>
Position:	<input type="text"/>	Date:	<input type="text"/>

26. Appendix C – Template ITT Documentation

Template Invitation to Tender Templates for EFC Services comprise of the following. These documents will be made available following completion of the Customer Access Agreement (CAA) in Appendix B.

Section No	Description	Action
Document 1	Cover Letter and Mini Competition Instructions	General Information & Instructions to Bidders (this document).
Document 2	Abstract of Particulars	This document provides an overview of the Trust and their requirements from the contract.
Document 3	Specification	Specifications must be read and used for pricing purposes.
Document 4	Mini Competition Response Document	This document must be completed according to the mini competition instructions and submitted with your tender submission.
Document 5	Pricing Schedules	Pricing is to be submitted using these schedules only
Document 6	NHS Conditions for the supply of services	Contract for the supply of services under the Soft Facilities Management framework.
Document 7	Signed Tender Document Set	Tender Document Set to be signed and submitted with your tender submission.

27. Appendix D – DPS Work Categories

Category	CPV Code
Category 1 Architecture Services and Architecture Led Design Team Services	71220000-6 Architectural design services 71200000-0 Architectural and related services. 71210000-3 Advisory architectural services. 71221000-3 Architectural services for buildings. 71222000-0 Architectural services for outdoor areas. 71223000-7 Architectural services for building extensions. 71230000-9 Organisation of architectural design contests. 71240000-2 Architectural, engineering and planning services.
Category 2 Asbestos Management Service	71315100-0 Building-fabric consultancy services. 79417000-0 Safety consultancy services
Category 3 Authorising Engineers and Regulatory Commissioning (AE)	71318000-0 Advisory and consultative engineering services 79417000-0 Safety consultancy services
Category 4 Building Surveying Services & Condition Reporting	71315100-0 Building-fabric consultancy services. 71315210-4 Building services consultancy services 71315200-1 Building consultancy services. 71315300-2 Building surveying services. 71354200-6 Aerial mapping services. 71351810-4 Topographical services
Category 5 Construction Project Management Service	71541000-2 Construction project management services. 72224000-1 Project management consultancy services.
Category 6 Clerk of Works	71247000-1 Supervision of building work.
Category 7 Quantity Surveying & Cost Consultancy services	71246000-4 Determining and listing of quantities in construction. 71324000-5 Quantity surveying services
Category 8 Principal Designer (CDM)	71315200-1 Building consultancy services. 71247000-1 Supervision of building work. 71317210-8 Health and safety consultancy services.
Category 9 Estates Strategy and Business Case Development	71315210-4 Building services consultancy services. 71541000-2 Construction project management services. 70112000-9 Development of non-residential real estate. 71250000-5 Architectural, engineering and surveying services. 71244000-0 Calculation of costs, monitoring of costs. 71324000-5 Quantity surveying services. 71241000-9 Feasibility study, advisory service, analysis. 71321100-5 Construction economics services?
Category 10 Contract Administration - NEC ROLES	79994000-8 Contract administration services.
Category 11 Property Acquisition Disposal & Management Advisory	70000000-1 Real estate services. 70220000 Non-residential property renting or leasing services. 71244000-0 Calculation of costs, monitoring of costs.

Category 12 Facilities Management Consultancy	71315210-4 Building services consultancy services. 79993000-1 Building and facilities management services. 79993100-2 Facilities management services.
Category 13 Mechanical & Electrical Engineering Services and M&E Led Design Team Services	71321000-4 Engineering design services for mechanical and electrical installations for buildings. 71320000-7 Engineering design services. 71300000-1 Engineering services. 71310000-4 Consultative engineering and construction services.
Category 14 Civil and Structural Engineering Consultancy Services	71311000-1 Civil engineering consultancy services. 71312000-8 Structural engineering consultancy services 71322000-1 Engineering design services for the construction of civil engineering works. 71320000-7 Engineering design services.
Category 15 Air & Ventilation Systems Consultancy Services	71321000-4 Engineering design services for mechanical and electrical installations for building 71315410-6 Inspection of ventilation system. 71321400-8 Ventilation consultancy services. 71310000-4 Consultative engineering and construction services.
Category 16 Acoustics & Vibration Consultancy	71313200-7 Sound insulation and room acoustics consultancy services. 71313000-5 Environmental engineering consultancy services. 71313100-6 Noise-control consultancy services
Category 17 Energy Efficiency Consultancy Services	71314300-5 Energy-efficiency consultancy services.
Category 18 Environmental issues consultancy Services	90713000-8 Environmental issues consultancy services 71313400 Environmental impact assessment for construction. 71313430-8 Environmental indicators analysis for construction
Category 19 Equality Act Consultancy Services	98200000 Equal opportunities consultancy services.
Category 20 Fire Consultancy Services	71317100-4 Fire and explosion protection and control consultancy services.
Category 21 Security Systems Consultancy Services	73431000-2 Test and Evaluation of security equipment. 79000000-4 Business services: law, marketing, consulting, recruitment, printing and security 80610000-3 Training and simulation in security equipment.
Category 22 Lift Consultancy Services	71321000-4 Engineering design services for mechanical and electrical installations for buildings. 71320000-7 Engineering design services. 71310000-4 Consultative engineering and construction services.
Category 23 Lighting Consultancy Services	71321000-4 Engineering design services for mechanical and electrical installations for buildings. 71320000-7 Engineering design services. 71310000-4 Consultative engineering and construction services.
Category 24 Waste Consultancy Services	71800000-6 Consulting services for water-supply and waste consultancy.

28. Appendix E Framework regional map



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Breakdown of Regional Areas:

London

Greater London (all London boroughs)

North East

West Yorkshire

South Yorkshire

North Yorkshire

East Riding of Yorkshire

Durham

Tyne and Wear

Northumberland

North West

Cheshire

Merseyside

Greater Manchester

Lancashire

Cumbria

Midlands

Herefordshire

Worcestershire

West Midlands

Warwickshire

Shropshire

Staffordshire

East of England

Suffolk

Norfolk

Cambridgeshire

Leicestershire

Derbyshire

Nottinghamshire

Lincolnshire

Bedfordshire

Hertfordshire

Northamptonshire

Rutland

South East

Bucks

Oxon

Hampshire

West Sussex

East Sussex

Surrey

Kent

Isle of Wight

Berkshire

Essex

South West

Gloucestershire

Bristol

Wiltshire

Somerset

Dorset

Devon

Cornwall

Scotland

Wales

Northern Ireland