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*Issued by: Transport Operations Environment & Transport Department,  
Leicestershire County Council, County Hall, Glenfield, Leicester, LE3 8RJ*

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# **Information and Instructions for completing the DPS BB4 Application**

## **For Dynamic Purchasing System (DPS) Agreement (BB4)**

### **For the provision of Large Vehicle Passenger Transport Services**

**9+ Passenger seats**

**For Mainstream, SEN and Social Care Transport  
(excluding Local Bus Services)**

**Version 1.0**

**Date: 05 June 2020**

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# **Information and Instructions**

## **for completing the DPS BB4 Application**

### **For Dynamic Purchasing System (DPS) Agreement (BB4)**

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# Information and Instructions

## Introduction

Leicestershire County Council (“the Council”) provides transport for a variety of service users including those accessing Children and Young People’s and Adult Social Care services. Their specific needs are co-ordinated by our in-house Transport Operations (TO) Service based at County Hall in Leicestershire.

The Council is conducting the procurement of establishing a Dynamic Purchasing (DPS) System in accordance with the requirements of the Public Contracts Regulations 2015 (SI 2015/102) (PCR 2015, Reg 34) for the purpose of procuring Mainstream, SEN and Social Care Transport Services.

All interested Suppliers that have registered their details on the [www.eastmidstenders.org](http://www.eastmidstenders.org) procurement portal, and expressed an interest will be eligible to apply to be included on the DPS.

In this document, the words “You”/ “Your”, “Supplier” or “Operator” mean the body completing the application **i.e. the legal entity seeking to be invited to the next stage of the procurement process and responsible for the information provided.** This legal entity is intended to cover any economic operator as defined by the Public Contract Regulations 2015 and could be a registered company; charitable organisation; Voluntary Community and Social Enterprise (VCSE); Special Purpose Vehicle; or other form of entity.

All submissions received will be assessed in accordance with the selection criteria as set out in this document, if Suppliers are successful in passing the first assessment stage they will be awarded a place on the DPS and will then be eligible to participate in “further-competitions” to tender for individual contracts.

## Dynamic Purchasing System (DPS)

A DPS is an electronic system used by a public sector body to award contracts for works or services. The use of a DPS to award such contracts ensures the end-to-end procurement process is competitive, fair and transparent.

As long as Suppliers can meet the minimum requirements for entry onto the DPS, there are no restrictions on who can or cannot join. There are also no restrictions on when a Supplier can apply to join during the period of the DPS.

The intention of the DPS is to appoint suitable Operators of Minibus, Bus and Coach type vehicles to whom LCC will let individual Contracts following a ‘further competition’; specifically:

- The provision of both a driver and vehicle.
- The operation of Minibuses, Buses and Coaches of various seating capacities.

- The operation of Minibuses, Buses and Coaches of various configurations and specifications including wheelchair accessible vehicles.
- The carriage of a variety of service users including children, vulnerable adults and those with Special Educational Needs (SEN).
- The operation of Minibus, Bus and Coach services in and around the County of Leicestershire and City of Leicester.
- The operation of Minibus, Bus and Coach services with or without an escort, as required for individual services.

Details of Supplier inclusion onto the DPS will be made publicly available (only the Supplier operating name will be published on the Leicestershire County Council website). Also, the complete contact details for the Suppliers on the DPS may be shared with other parts of Leicestershire County Council, other Local Authorities and other appropriate organisations (for example Academies).

In addition to services directly funded by Leicestershire County Council this DPS will also cover services funded by other neighbouring local authorities in the East Midlands, West Midlands and East of England region under separate trading agreements between those authorities. See the following website for details of these authorities:

<https://www.gov.uk/find-your-local-council>

A Supplier will be suspended or removed from the DPS if they no longer meet the minimum requirements of the DPS. However, subject to obtaining prior approval from the Council, they may have the opportunity to re-apply to join the DPS at a later date.

It is intended that the DPS will commence on 20 July 2020 and that it will be in place initially for 2 years with the option to extend for up to a total of 10 years in 2-year increments.

Suppliers should also note that although this DPS may last for the period indicated above, Contracts awarded under the DPS may last for longer or shorter periods.

The estimated total value of the contract(s) placed under the DPS is £4,000,000 per annum and £40,000,000 over the total potential DPS duration based on the expectation that the DPS will remain in place for 10 years.

**Please note that being awarded a place onto this DPS does not guarantee any level of business.**

### **Further Competitions**

When TO wishes to purchase services via the DPS it will do so by conducting a further pricing exercise, these “further-competitions” will be conducted directly by the TO in a relatively quick

and simple manner without further recourse to advertisement. As per PCR 2015 regulations, all applicants who have successfully been admitted onto the DPS will be invited to submit a bid.

Further-competitions will usually be conducted electronically, i.e. with notifications and specifications sent via email, eAuction or other electronic methods. The time allowed completing and submitting responses will vary and will need to take into account such factors as complexity. They will generally be conducted over a minimum period of two days and up to a maximum of two weeks, however in an emergency situation this time may be significantly reduced.

All operators that are accepted onto the DPS will be expected to follow instructions and guidance issued by TO to register their details onto an electronic portal to enable them to participate in further-competitions in the future.

The further Competitions will generally be assessed on price only subject to suppliers meeting the minimum requirements as specified in the tender documentation for each individual further competition.

Upon award of a contract following a further competition, the following will apply: -

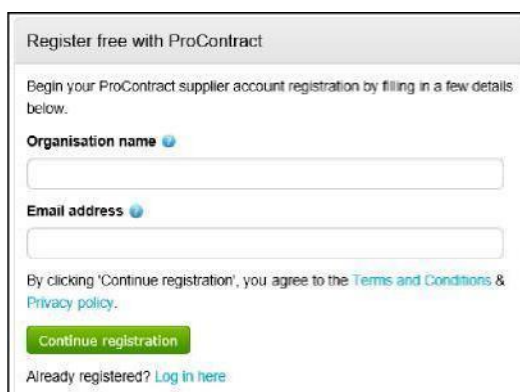
- The Council will provide informed feedback to unsuccessful providers.
- The Councils DPS Agreement, Terms and Conditions will come into effect, namely:
  - DPS BB4 Agreement
  - Schedule 2a – Call Off Terms and Conditions
  - Schedule 2b – Operational Specifications
  - Schedule 3 – Data Protection - General Data Protection Regulations

### **Registering your details**

If you have not already done so previously, you must register your organisation in order to be able to complete and submit your application to join the DPS. Please click on the link below to access the registration page:

<https://procontract.due-north.com/Register>

Please complete the requested information in the following two screens and select “Continue registration” once completed:

A screenshot of a web form titled "Register free with ProContract". The form instructs users to "Begin your ProContract supplier account registration by filling in a few details below." It contains two input fields: "Organisation name" and "Email address", both with blue eye icons for password visibility. Below the fields, a line of text states: "By clicking 'Continue registration', you agree to the Terms and Conditions & Privacy policy." There is a green button labeled "Continue registration". At the bottom, it says "Already registered? Log in here" with a blue link.

### Supplier registration

#### Sign in details

Your email address will be used as your account username and to send you important account and opportunity information. You can refine your opportunity areas and communication preferences without your account management dashboard.

Email address [Change](#)  

Repeat email address  


Your email address will become your username

Password [?](#)  

Repeat password  


Your password must be at least 8 characters long, contain a mixture of UPPERCASE and lowercase letters, numbers and symbols. e.g. PassWord\$123

#### Organisation details

Please provide your organisation details below.

Organisation name [Change](#)

Address

Town  

County  
-- Please select --

Postal code / zip  

Country  
-- Please select --

Website (optional)  
e.g. http://www.example.com

Registration number (optional)  
e.g. 03182974  

☐ Not applicable

VAT number (optional)  
e.g. GB999 9999 73  

☐ Not applicable

#### Primary contact details

Please provide your contact details below

Title  

First name  

Last name

Job title  

Department

Telephone  

Mobile (optional)  

Fax (optional)

#### Communication preferences

[Privacy Policy](#)

To receive the full benefits of your ProContract registration, buying organisations may notify you by email when opportunities are published that you may be interested in.

Your interest will be based upon your chosen categories of interest and selected region(s) of supply which you will be asked to confirm when you log in for the first time.

These may include, but is not restricted to, new opportunity adverts, invitations to tender and clarifications.

Do you want to receive email notifications?

☒ Yes ☐ No, I acknowledge I may miss out on important notifications

The next screen below will ask you to enter a keyword, you are advised to enter the word “Bus” in the first box (shown below with a red arrow) and click on “Find recommended”

### Supplier registration - Areas of interest


#### Opportunity areas of interest

To receive the full benefits of your ProContract registration, buying organisation may notify you by email when opportunities are published that you may be interested in. Your opportunity notification will be based upon your chosen categories of interest and selected region(s) of supply.

Buying organisation use various methods of categorising opportunities so to help you select the best categories that represent your business you can enter up to 6 keywords below e.g. taxi services. We will then search across all buyer category sets using these keywords and recommend the best matches for you ([disclaimer](#))

Note: The best match search is purely a starting guide to the categories that may be of value to your organisation based upon the keywords you select. You must make sure that you are happy with the selections so that you do not miss out on opportunities. PROACTIS Holdings PLC and the buying organisation that post opportunities on this portal are not responsible for any incorrect selections made

Enter at least 1 keyword

Bus 

[Find recommended](#)

Then scroll to the bottom of the screen and click on the “Continue registration” button. You will then see a Confirmation screen, please select “Yes, I am sure”

#### Confirmation

Are you sure you want to submit your registration application

[Yes, I am sure](#)
[No, Cancel](#)

You will be shown a confirmation message on the next screen. As outlined in the message below, you will need to wait for Proactis to approve your application.

**Supplier registration**

Next Steps

**Application submitted for approval**  
You have successfully submitted your application to register as a ProContract supplier. Your application has been submitted for approval.

**What happens next?**  
The ProContract team will now review your application. In most cases this review will take place within the hour and you will be notified by email if your application is successful.  
**NOTE:** The email you receive contains a link that you **must** follow in order to confirm your email address. Until this action has been completed you will not be able to login and buyers will be unaware of your company profile.  
If successful, you will receive confirmation of your username and a link to access your personal activity dashboard.  
As you log in to ProContract for the first time you will be asked to complete your registration process.  
Overnight, your interests will be matched against the latest published opportunities and you will be notified by email. The email will contain links to review, and if you wish, express your interest in each of the opportunities.  
**What if I don't receive confirmation?**  
If you don't receive an update regarding your application within 48 hours you should complete the following :-

- Check your junk and spam folders of the email account used to register.
- Register with the ProContract supplier support team [here](#) and raise a case describing the issue.

Once you are approved you will receive a confirmation email, please follow the links and instructions within that email to log into the portal.

If you require assistance with this registration process then please email [ProContractSuppliers@proactis.com](mailto:ProContractSuppliers@proactis.com) for Supplier Support.

### **Applications received before the DPS has commenced**

The proposed application timetable for Suppliers to apply before the DPS has commenced is as follows:

Event	Indicative Date
OJEU Contract Notice placed	02 June 2020
Application available for all who express an interest in the tender on the <a href="http://www.eastmidstenders.org">www.eastmidstenders.org</a> portal.	05 June 2020
Closing date for application submission	06 July 2020 (12 noon)
Assessment of submitted applications and Successful Suppliers notified	17 July 2020
Dynamic Purchasing System Commences	20 July 2020

### **Applications received after the DPS has commenced**

Once the DPS has commenced, new Suppliers may apply at any time on the tender portal: [www.eastmidstenders.org](http://www.eastmidstenders.org), and the submission deadlines shown in the table above will not apply.

Applications will be assessed by Leicestershire County Council within 10 days of submission. If they are successful, then those Suppliers will be added to the DPS and become eligible to participate in “further-competitions” to tender for individual contracts.

## Instructions for Finding, Completing and Submitting the Application

### Finding the Application

1. Click on the link below and use your login details to access the portal:

<https://procontract.due-north.com/Login>

2. Once logged in, enter “**DN474599**” in the search field that is located on the top-right side of the screen and press the green “Go” button. This will create a list of opportunities in the centre of the screen, as shown below:

Opportunities				
Title	Buyer	Expression Start	Expression End	Estimated value
<a href="#">Large Vehicle Passenger Transport Services (DPS BB4)</a>	Leicestershire County Council	03/05/2020	02/05/2029	N/A

3. In the opportunities section, click on blue link with the title “**Large Vehicle Passenger Transport Services (DPS BB4)**”, this will take you to a screen with “Expression of interest window” on the right side of the screen, as shown below:

### Large Vehicle Passenger Transport Services (DPS BB4)

Main contract details

Opportunity Id

Title **Large Vehicle Passenger Transport Services (DPS BB4)**

Categories 60000000-8 - Transport services (excl. Waste transport)

Expression of interest window

From 03/05/2020 14:21 to 02/05/2029 14:00

Register interest in this opportunity

4. Click on green “Register interest in this opportunity” button on the right side of screen, shown above, the following screen will appear:

Expression of interest successful

### Expression of interest successful

You have successfully registered interest in the following opportunity for Procurement :-

Large Vehicle Passenger Transport Services (DPS BB4)

You will receive an email notification shortly confirming your registration of interest.

#### What happens next?

- You have been invited to participate in the DPS event for this opportunity.
- Large Vehicle Passenger Transport Services (DPS BB4)** has been added as a new activity in your [activities centre](#).
- To view this DPS event now, click [here](#).

5. If you are ready to start your application, then click on the blue “here” link shown next to the arrow in the picture above.

6. Once you have registered your interest (as per point 5 above), but you would like to start or continue completing your application at a later date, then click on the link below and login:

<https://procontract.due-north.com/RfxResponse>

Search for “BB4” in the top right search box and follow the links labelled “Large vehicle passenger transport” in blue text, until you reach the screen shown in point 7 below.

7. The next screen will have a “Time remaining” countdown box on the right side of the screen, scroll to the bottom of this page and click on the “Start my response” button in the bottom right hand side of the screen (shown below). Please do not click on any text on the left side of the screen.

Activity documentation, files & links (0) [Hide](#)

No attachments

Question sets (1) [Hide](#)

Title	Summary
Large Vehicle Passenger Transport	Mandatory question set of 40 questions of which 40 are mandatory

**Your response**

The checklist below shows the current status of your response to this activity

This is your response submission progress checklist:

*Before you can submit your response you need to...*

- ☐ Indicate your intent to respond
- ☐ Start response or opt out the activity
- ☐ Complete the additional information section
- ☐ Complete mandatory question sets
- ☐ Submit your response

Options currently available to you are.....

[Start my response](#) [Opt out](#)

[Indicate your intent to respond](#)

8. On the next screen, in the “Additional information” section in the middle of the screen, click on “Edit”, as shown below:

Additional information [?](#)

Supplier reference, response information & additional comments:

You have acknowledged that you do not want to include a reference of your own, further response information or additional comments as part of your response





[Edit](#)

9. Please tick the box at the bottom of the screen and then click on the green “Save” button, as follows:

☒ I have read and understood this section and can confirm I am happy not to include any additional information [?](#)

[Save](#) [Cancel](#)





10. On the next screen, click on the “Edit” link at the bottom of the screen in the “Question Sets” section, shown in the picture below next to the arrow:

Question sets (1) 			
Title	Summary	Progress	Action
 Large Vehicle Passenger Transport Services (D	Optional question set of 40 questions of which 40 are mandatory		<a href="#">Edit</a> 


11. You will now arrive at the application form, as shown below. Please complete all questions fully and honestly. You will note the red circle markers next to each question indicating that those questions still need to be completed.

View evaluation questions



Questions

Title	Section status	Status	Flag
1 Potential Supplier Information	Incomplete section		
1.1 Full Legal Name of organisation tendering	Answer question		
1.2 Registered Office Address (please replicate the format outlined in the description section)	Answer question		
1.3 Type of organisation	Answer question		
1.4 Company Registration Number (if applicable)	Answer question		
1.5 Charity Registration Number (if applicable)	Answer question		

Progress (0%)





Key

-  The answer provided is valid and complete.
-  The answer has been automatically populated from a previous answer but it must be reviewed before submission.

12. As you work through the questions, you will notice that the progress bar on the right side of the screen will show the percentage of your application that is complete. Also, the red circle markers will turn to green circle markers to indicate that those questions have been completed.

Questions

Title	Section status	Status	Flag
1 Potential Supplier Information	Complete section		
1.1 Full Legal Name of organisation tendering	Answer question		
1.2 Registered Office Address (please replicate the format outlined in the description section)	Answer question		
1.3 Type of organisation	Answer question		
1.4 Company Registration Number (if applicable)	Answer question		
1.5 Charity Registration Number (if applicable)	Answer question		

Progress (30%)



Key

-  The answer provided is valid and complete.
-  The answer has been automatically populated from a previous answer but it must be reviewed before submission.

13. Once you have completed all questions and the progress bar shows 100%, then scroll to the bottom and click on the “Back” button, as shown below.

12 Submission Information

Complete section

12.1 Declaration 	Answer question	
12.2 Form completed and submitted by:	Answer question	

Back

14. You will now return to the “Response summary” page, it will have the countdown clock on the right side of the page. If you are happy with the completion of your application, scroll down and click on the green “Submit response” button at the bottom of the screen, as shown below.

Title	Summary	Progress	Action
Large Vehicle Passenger Transport	Optional question set of 40 questions of which 40 are mandatory	<div><div></div></div>	<a href="#">Edit</a>

15. You will be asked to confirm that you wish to submit your response, please click on the green “Submit response” button, shown below.

16. You will then receive email confirmation in due course to confirm that the application has been submitted successfully.

## **Completing the Application**

The following sets out the information which is required by the Council in order to assess the suitability of potential Suppliers in terms of their technical knowledge and experience, capability/capacity, organisational standing to meet the requirements of contracts tendered through the DPS.

To enable the Council to assess your suitability, you must ensure that all questions are completed in full, and in the format requested. Failure to do so may result in your submission being disqualified.

In the event that you consider that any information you provide is either commercially sensitive or confidential in nature, this should be specifically highlighted with the reasons for its sensitivity given and an explanation of the grounds for exempting that information from disclosure. You should note that even where you have indicated that you consider any

information to be commercially sensitive or confidential in nature, the Council may be required to disclose it under the Freedom of Information Act or if a request is received and the final decision as to whether information should be disclosed shall be the Council's. Please note that information marked as commercially sensitive or confidential by you should not be taken to mean that the Council accepts any duty of confidence by virtue of that marking.

Potential Suppliers must be honest, explicit and comprehensive in their application responses as this will be the single source of information on which responses will be assessed. Potential Suppliers are advised neither to make any assumptions about their past or current supplier relationships with the Council nor to assume that such prior business relationships will be taken into account in the evaluation procedure.

Questions should be answered as instructed:

- Please complete all of the sections in full.
- Questions should be answered in English as accurately and concisely as possible.
- When posed with Yes / No questions, please select one.
- All other questions will require you to input text or numbers, or to tick boxes.
- Any figures requested should be stated in full (i.e. £4,000,000 not £4m) and in GBP. Where information relates to foreign accounts, amounts in alternative currencies may be stated, but must also be converted to GBP.
- If the question does not apply to you please write N/A; if you don't know the answer please write N/K.
- Supporting documents should be provided in English and should be clearly marked with the name of your organisation and the number of the question to which they refer.
- All questions should be answered specifically for your organisation, not for the group if you are part of a group of companies.
- If you have any queries regarding how to complete the application, then please address them through the questions and answers stage of the tender. Failure to provide the required information, make a satisfactory response to any question, or supply documentation referred to in responses within the specified timescale may lead to your tender being judged to be non-compliant.

Any information and/or documents submitted on or with the application must relate to the Supplier only - the Supplier being the organisation which it is proposed will enter into a formal contract should their tender be successful. The Council may seek further clarification from the Supplier following submission of completed forms where required. Suppliers will not be permitted to add to their submission.

Should you need to provide additional Appendices in response to the questions, these should be numbered clearly and listed as part of your declaration.

Responses to questions will be checked for completeness and compliance before being evaluated. At all times the Council reserves the right to terminate the procurement and where appropriate to consider alternative procurement options and/or re-advertise the procurement.

## **Submitting your Application**

In order to submit your application, you must ensure that all sections are completed fully, the '**submit response**' button will then become available in the bottom right side of the portal screen, click this button to submit your application.

**In order to be eligible to receive details of all tenders from the start of the DPS completed applications for must be submitted by 06 July 2020 (12:00 midday).**

Any amendments to the submission deadline shown above will be communicated through the portal. Applications submitted after the designated time and date shown above will either be considered within 10 days of that application being submitted or within 10 days following the start of the DPS, whichever is later.

Applications submitted by the deadline shown above will be evaluated as soon as possible and if successful, that supplier will then be eligible to receive details of all tenders from the start of the DPS.

Applications submitted after the deadline shown above will be evaluated as soon as possible but will not receive details of tender opportunities until their application has been evaluated and approved onto the DPS.

## **Evaluation Approach**

In assessing the response in the applications, the Council will be seeking evidence of the potential Supplier's suitability to deliver the requirements of the contract. Qualification criteria will be a combination of factors and will be in accordance with Regulations 23 to 26 of the Public Contract Regulations 2015. Responses to the questions will be evaluated in accordance with the Evaluation Approach detailed below.

- The provision of false information will disqualify Suppliers from further consideration.

## **Sections 1 – 3:**

Initial questions to collect general information on the applicant.

All other questions have Pass / Fail criteria attached to them.

Applicants must pass the following minimum standards to be accepted onto the DPS.

## **Section 4:**

- **Mandatory Exclusion Criteria** –mandatory exclusion criteria apply to the applicant organisation, please see document entitled: Mandatory Exclusion Grounds Public Contract Regulations 2015 R57.pdf which is attached to the question. This outlines how the question will be evaluated.
- **Discretionary Exclusion Criteria** –discretionary exclusion criteria apply to the applicant organisation, or a satisfactory explanation has been provided if any of the discretionary exclusion criteria. Please see document entitled: Discretionary exclusions Grounds

Public Contract Regulations.pdf which is attached to the question. This outlines how the question will be evaluated.

## **Section 5:**

- **Satisfactory Insurance Cover for Employers Liability, Public Liability and Motor Vehicle insurance** – an organisation must hold the appropriate insurance cover to meet the minimum levels specified below:
  - a. A fully comprehensive motor insurance policy with Public Liability cover to the value of at least £5 (five) million in respect of motor vehicle related property damage  
And either:
  - b. (i) A fully comprehensive motor insurance policy with Public Liability cover to the value of at least £5 (five) million in respect of non-motor vehicle related property damage  
Or
  - b. (ii) A standalone Public Liability Policy to the value of at least £5 (five) million in respect of non-motor vehicle related property damage

Combined Motor Vehicle/ Public Liability Policies will be accepted. Insurance cover value should not be less than the amounts detailed above for each and every claim.

Where necessary, the Supplier shall at its own cost also effect and maintain with a reputable insurance company a policy or policies of Employer's Liability insurance with a limit of indemnity of not less than £10 (ten) million **OR** in accordance with any legal requirement for the time being in force in relation to any one claim or series of claims;

(the **Required Insurances**). The cover shall be in respect of all risks which may be incurred by the Supplier, arising out of the Supplier's performance of the Contract, including death or personal injury, loss of or damage to property or any other loss. Such policies shall include cover in respect of any financial loss arising from any advice given or omitted to be given by the Supplier.

An applicant must select:

- That they have the correct levels of insurance as outlined in the table above

Or

- The stated levels must be in place and certificates will be provided when requested prior to the contract award.

Both options will be awarded a pass.

## **Section 6:**

- **Training:** the organisation must confirm that all current and future employees have undertaken or will undertake relevant training within six months of the organisation being

awarded a place on the DPS and confirm that all employees will refresh their training periodically or undertake new training as required.

An applicant must confirm this statement in order to be awarded a pass.

### **Section 7:**

- **Health and Safety** – An applicant must select one of the following options, which will be scored as outlined in the grid:

Statement	Scoring
We are an organisation with five or more employees with a health and safety policy statement that is kept under regular review. We have an organisational structure of responsibilities which includes individual responsibilities and communications lines. We are able to provide details of the arrangements our organisation has in place to protect our employee's health and safety. (e.g. First aid, Fire, Chemical Safety, reporting accidents (RIDDOR) etc.)	Pass
We are an organisation with fewer than five employees with a health and safety policy statement that is kept under regular review. We have an organisational structure of responsibilities which includes individual responsibilities and communications lines. We are able to provide details of the arrangements our organisation has in place to protect our employee's health and safety. (e.g. First aid, Fire, Chemical Safety, reporting accidents (RIDDOR) etc.)	Pass
We are an organisation with fewer than five employees that has measures in place to ensure our employees' health and safety. We identify hazards, risks and suitable control measures within our organisation	Pass
None of the above options apply to our organisation. (Selecting this will result in a supplier not reaching the minimum standards for working with the LCC on this contract)	Fail

### **Section 8:**

- **Disclosure and Barring Service** – To be awarded a pass in this section, applicants must:
  - 8.1 - Confirm the statement outlined in the description section of the question, failure to do so, will mean that the applicant will not be able to submit their application
  - 8.2 - Provide a full list of all Staff, Drivers and Escorts employed by the organisation

Please note that once a supplier is awarded a place on the DPS they will be required to provide the Council with updated lists as their workforce changes.

## **Section 9:**

- **Safeguarding and Security** – To be awarded a pass, applicants must confirm that they have reviewed the guidance and will operate in accordance with the policies and procedures outlined in the two websites (links to the websites are provided in the description section).

## **Section 10:**

- **GDPR - Audit and Information Security:** Tenderers are required to demonstrate compliance with the EU General Data Protection Regulation (“GDPR”) and the Data Protection Act 2018 (DPA 2018).

The Council’s Information Governance (IG) team will carry out an assessment based on the tenderers’ responses to the information security questions. Based on this assessment, the Council will either pass or fail the responses to this section, however, if a fail mark is given, the applicant will be given feedback and an opportunity to respond to the council’s concerns via an applicant’s next DPS application.

The IG team will review an applicant’s response to evaluate whether an applicant has the human and technical controls in place to ensure compliance with GDPR and DPA 2018 and confidence that the applicant will ensure the protection of the rights of data subjects.

Failure to convince the IG team that the bidding organisation complies, or will comply by contract commencement, with its legal obligations under GDPR and DPA 2018 will result in a fail mark being given.

A pass will be given if the applicant demonstrates that they comply, or will comply by contract commencement, with its legal obligations under GDPR and DPA 2018 to ensure the protection of rights of data subjects.

## **Section 11:**

- **Supplier Code of Conduct:** Applicants must confirm that they comply with Leicestershire County Council’s Supplier’s code of conduct (document attached to the question). Applicants must confirm in order to be awarded a pass.

## **Section 12:**

- **Submission Information:** Applicants must confirm that they accept the declaration as outlined in the description section of the question and confirm that they have read, understood and agree to operate under the terms and conditions as set out in the attached documents.

This application **MUST** be submitted by a member of staff with the relevant powers of representation, decision-making or control within the organisation outlined in section 1.1.

## **Verification of Information Provided**

The Council expressly reserves the right to require a Supplier to provide additional information supplementing or clarifying any of the information provided in response to the requests set out in the application. The Council may seek independent financial and market advice to validate information declared, or to assist in the evaluation.

Failure to provide the required information, make a satisfactory response to any question, or supply documentation referred to in responses, within the timescale given, may mean that the supplier will not be considered further.

You are not required to submit supporting evidence e.g. certificates, financial information, copies of policies at the time you submit your application, but you may be required to submit this information should you be successful following a further competition. If so, you will be required to provide the information within **five working days** from the date of request.

Notwithstanding the above, the Council however, reserves the right to request information at any time.

Any award of contract following a further competition will be conditional upon the submission of the relevant supporting evidence for representations and self-certifications made in the application by a Supplier. Failure to provide supporting evidence and/or a failure of such supporting evidence to support the representations/self-certifications made will result in the tender being disqualified.

Where a successful tenderer is disqualified pursuant to the preceding paragraph then the Council reserves the right at its absolute discretion to award the Contract to the Supplier that tendered the next lowest bid. Where this Supplier is similarly disqualified then the right reserved in this paragraph applies to the Supplier that tendered the next lowest bid and so on.

## **Sub-contracting Arrangements**

Where the Supplier proposes to use one or more sub-contractors to deliver some or all of the contract requirements, a separate Appendix should be used to provide their details.

The Council recognises that arrangements in relation to sub-contracting may be subject to future change and may not be finalised until a later date. However, Suppliers should be aware that where information provided to the Council indicates that sub-contractors are to play a significant role in delivering key contract requirements, any changes to those sub-contracting arrangements may affect the ability of the Supplier to proceed with the procurement process or to provide the supplies and/or services required. Suppliers should therefore notify the Council immediately of any change in the proposed sub-contractor arrangements. The Council reserves the right to deselect the Supplier prior to any award of contract, based on an assessment of the updated information.

## **Consortia Arrangements**

If the Supplier completing the Application is doing so as part of a proposed consortium, the following information must be provided;

- names of all consortium members;
- the lead member of the consortium who will be contractually responsible for delivery of the contract (if a separate legal entity is not being created); and

- if the consortium is not proposing to form a legal entity, full details of proposed arrangements within a separate Appendix.

Please note that the Council may require the consortium to assume a specific legal form if awarded the contract, to the extent that a specific legal form is deemed by the Council as being necessary for the satisfactory performance of the contract.

Where you are proposing to create a separate legal entity, such as a Special Purpose Vehicle (SPV), you should provide details of the actual or proposed percentage shareholding of the constituent members within the new legal entity in a separate Appendix.

The Council recognises that arrangements in relation to a consortium bid may be subject to future change. Suppliers should therefore respond on the basis of the arrangements as currently envisaged. Suppliers are reminded that the Council must be immediately notified of any changes, or proposed changes, in relation to the bidding model so that a further assessment can be carried out by applying the selection criteria to the new information provided. The Council reserves the right to deselect the Supplier prior to any award of contract, based on an assessment of the updated information.

### **Confidentiality**

The Council confirms that it will keep confidential and will not disclose to any third parties (other than its external professional advisers as appropriate) any personal, sensitive or commercially sensitive information obtained from the application, other than to the Cabinet Office (Crown Commercial Service) and/or contracting authorities defined by the Public Contract Regulations 2015.

### **Council's Rights**

The Council reserves the right to:

- Seek clarification or documents in respect of a Supplier's submission at any time.
- Disqualify any Supplier that does not submit a compliant application in accordance with the instructions in this document.
- Disqualify any Supplier that is guilty of serious misrepresentation in relation to its tender process or submission.
- Withdraw this application process at any time, or to re-invite applications on the same or any alternative basis.
- Make whatever changes it sees fit to the Indicative Procurement Timetable, structure or content of the application process, depending on approvals processes or for any other reason.

### **Consequences of misrepresentation**

If you seriously misrepresent any factual information in your submission, and so induce the Council to allow you onto the DPS and to enter into a contract, there may be significant consequences. You may be excluded from the procurement procedure and from bidding for

other contracts in the future. If a contract has been entered into you may be sued for damages and the contract may be rescinded. If fraud, or fraudulent intent, can be proved, you or your responsible officers may be prosecuted and convicted of the offence of fraud by false representation, and you must be excluded from further procurements for five years.

### **Questions and Contact Details**

All requests for clarifications (whether in relation to this document, the requirement, or the procurement process) should be submitted as soon as possible using the “Messaging” facility on the [www.eastmidstenders.org](http://www.eastmidstenders.org) procurement portal.

A copy of all questions and answers will be maintained and distributed periodically to all Suppliers that have registered an expression of interest in this procurement exercise (and have not opted out – see below). If the Supplier expresses that the question is confidential and the Council agree that it is then the response will be sent only to the Supplier raising the question. If the Council does not agree the Supplier may then choose to withdraw the question. If the question is not withdrawn then the question and the Council’s response will be published to all Suppliers.

Please note that any questions relating to the operation of the portal itself should be submitted to ProActis (please see contact details in the following section on Instructions for completing and submitting the Application).

**Please note that any correspondence issued to you from the Council, via the portal, will be sent to the person who is the registered person on the portal for your organisation.** If your organisation has registered multiple contacts, communication will be directed to the person who expressed an interest in this specific contract. You are advised to make sure that this named person shares correspondence with all colleagues who are participating in this procurement exercise. The Council is not responsible if the named person does not share such information.

If having expressed an interest you do not wish to submit an application, please “Opt Out” on the [www.eastmidstender.org](http://www.eastmidstender.org) procurement portal. Under no circumstances should you pass this document on to a third party.

### **Portal Technical Support**

Full instructions on how to bid for contract opportunities on the portal can be found on the East Midlands Procurement website. If you are unable to resolve your issue by this method and require additional assistance, please contact the Technical Support Team:

#### **ProActis Technical Support Team**

You should email [ProContractSuppliers@proactis.com](mailto:ProContractSuppliers@proactis.com) for all support issues. This will auto-log a support ticket in the new PROACTIS Supplier Support Helpdesk. <http://proactis.kayako.com/default>

On logging a ticket, if you have not already logged one before, you will be issued with a registration email that will give you instructions to allow you to log in, log, review and update your own tickets.

In emergency situations you can contact the Supplier Support Service Desk on +44 (0)330 005 0352 this should be by exception and not as a rule and you should already have logged a support ticket prior to your call.