

South West Procurement Alliance

Low Carbon Offsite Construction – South West

Dynamic Purchasing System

**Market Consultation Document 1:
Market Consultation Guidance
(MCG1)**

(Version 1)

**Market Consultation on the Prospective Dynamic Purchasing System
for
Low Carbon Offsite Construction - South West**

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Glossary

Accommodation	Sheltered accommodation, care homes, extra care (e.g. dementia) student accommodation etc.
Appointed Companies	Bidders who are 'Appointed' to participate the DPS to compete in Call-off Competitions to provide Works to Clients in respect of their residential Projects.
Candidates	Suppliers submitting Requests to Participate to SWPA (via LHC) in response to the Process undertaken to procure the potential DPS.
Clients	Public sector organisations who commission their residential Projects through the DPS.
Commissioning Objectives	The essential outcomes to be achieved by the potential DPS.
Contributors	Organisations participating in this Market Consultation.
Consortium / Consortia	Two or more Suppliers acting jointly for the purpose of being Appointed to the DPS. (This includes joint bidding entities.)
Digital Toolkit	From Constructing Modern Methods (CMM) allows clients to optioneer against a full spectrum of systems, organisations and performance options
Dynamic Purchasing System (DPS)	The potential Dynamic Purchasing System (DPS) which is the subject of this Market Consultation.
FTS	Find a Tender - the new UK e-notification service where notices for new procurements are required to be published in place of the Official Journal of the European Union's Tenders Electronic Daily (OJEU/TED)
FOIL	Freedom of Information Act 2000 (FOIA); the Environmental Information Regulations 2004 (EIR) and all subordinate legislation under these.
Housing	Housing, bungalows, flats, apartments etc.
Invitation to Submit a Tender (ITT)	A request to submit a Tender issued by a Client to Appointed Companies, so initiating the process by which a Project will be awarded.
LHC	The London Housing Consortium, a joint committee formed under s101(5) of the Local Government Act 1972. LHC is acting as the Central Purchasing Body to conclude the DPS on behalf of SWPA. All references to SWPA should be construed as incorporating this relationship.
Market Consultation	This Market Consultation as outlined within the Market Consultation Documents.
Market Consultation Documents	Consisting of documents relating to the Market Consultation such as this document; the PIN; the Survey; any Market Consultation meetings and presentations (and linked documents) and any feedback provided including any summary of results and any questions and answers published.
Market Consultation Responses (MCRs)	Completed Surveys returned to SWPA and views of Contributors expressed at Consultation Meetings. (Also referred to in this document as Responses).
Members	Members of Consortia.
The Process	The restricted procurement procedure used to award Projects, consisting of the issue of an Invitation to participate in the DPS, qualifying Candidates, therefore becoming Appointed Companies, to which Invitations to Tender would be issued.
Requests to Participate	Requests to Participate in the DPS submitted by Candidates in response to the Request to Participate.
Suppliers	Mean economic operators (including persons) who offer on the market 'Works' and who sought, who seeks, or would have wished, to participate in the DPS.
PIN	Prior Information Notice published in FTS to broadcast the Market Consultation.
Tenders	Offers submitted by Appointed Companies in response to an invitation to submit a tender (ITT) by which a Project will be awarded by a Client via the DPS.
Works	Works (for the purpose of this DPS to include Supplies or Supplies for Hire and / or Services) to be supplied to meet the needs of Clients in the delivery of Projects.
SWPA	South West Procurement Alliance (incorporating a reference to LHC as the Central Purchasing Body concluding the DPS).

1. Introduction to the Potential DPS

- 1.1 Firstly, thank you for your interest in this opportunity. SWPA (via LHC¹) in partnership with CMM, is consulting on behalf of several local authorities in the West of England on the potential establishment of a DPS agreement for Low Carbon Offsite Construction (and any associated community buildings and facilities) across South West England. This DPS will be the first of a new approach which places outcome-led procurement at the heart of housing delivery.
- 1.2 Further details of the scope of the Projects which may be commissioned via the potential DPS can be found in **Notice Document 1: PIN**.
- 1.3 Further details of the procurement approach are outlined in **Notice Document 1: PIN** and will also be provided via the webinar sessions.
- 1.4 During the options appraisal phase, CMM and SWPA are inviting organisations to contribute their views (be 'Contributors') in a Market Consultation process.

2. Introduction to the Market Consultation

- 2.1 CMM and SWPA will launch the market consultation stage with a webinar providing further information on the proposed Low Carbon offsite DPS. This will contain information on how suppliers can obtain a place on the DPS as well as the benefits for clients.

The webinar will also include material relating to the new approach including CMM's digital toolkit, demonstrating how this innovative solution will be incorporated into the DPS process as well as the benefits and advantages it will have for both suppliers and clients.

The Live webinar will take place at 14:00 on Thursday 8th April. A recording of the session will be made available on Friday 9th April. Subsequent Q&A sessions will take place at 15:00 on Thursday 15th April and 22nd April with specific support from local authority and industry partners. Please register your interest via the web address below:

<https://procontract.due-north.com/Procurer/Advert/AdvertSummary?projectId=35227cbb-9185-eb11-810c-005056b64545&projectStepId=37227cbb-9185-eb11-810c-005056b64545>

- 2.2 A set of survey questions ('Market Consultation Survey') will be prepared to gather the views of Suppliers ('Market Consultation Responses / MCRs'). This will be available after the final Q&A session from Monday 12th April via the ProContract portal.
- 2.3 In addition, SWPA is offering the opportunity for Contributors to attend one to one on-line or telephone meetings with to discuss the issues raised by the Consultation in more depth ('Consultation Meetings') and gather the views of Contributors ('Contributions'). It is SWPA's and CMM's intention to hold Consultation Meetings with all Contributors who express an interest.
- 2.4 The aim of the meetings is to further discuss the questions within the webinar and survey. Not least to allow Contributors to provide information on aspects of answers which are not easily communicated through the Survey format, such as the provision of documented examples or illustrations. However, Contributors who are unable to attend a meeting will be able to support documents in support of their MCR (via SWPA's e-tendering system ProContract). No additional weight will be given to MCRs received from Contributors attending a Consultation Meeting.
- 2.5 Contributors should also be assured that all Contributors' views will be taken account of before the procurement strategy for the potential DPS is finalised.
- 2.6 SWPA and CMM welcomes MCRs from Consortia and if possible would appreciate that any potential Members should submit their response collectively (i.e. as a single Response) and in so doing, set out their proposed arrangements as far as this is possible at this stage.

¹ Acting as the Central Purchasing Body.

- 2.7 SWPA and CMM welcomes and will be actively seeking contributions from the full spectrum of potential Suppliers from MSMEs to large organisations and from all sectors of the community e.g. private, public and civil society sectors.

3. Objectives of the Market Consultation

- 3.1 Key objectives for SWPA and CMM are to approach the potential Programme in a spirit of partnership with Contributors to ensure that Contributions are gathered to:
- develop strategy.
 - confirm the feasibility of commissioning Projects via a DPS and understand the potential advantages and disadvantages of this commissioning approach: and further, how such advantages might be maximised, and any disadvantages managed or off-set.
 - ensure sufficient market interest and identify sectors and geographical locations which may require market development support.
 - improve the robustness and scope of the DPS and the Process; to ensure non-discriminatory specifications.
 - explore commissioning scope for the creation of social value and community benefits as core requirements of development projects. This to be considered both generally and specifically as part of a programme of social value creation ('SV Programme') to be co-ordinated by SWPA and CMM, based on the residential development pipeline across Clients. This is to enable the creation of a sustainable SV Programme across concurrent and consecutive Projects.
 - explore commissioning scope for the inclusion of energy efficiency buildings.
 - explore the capabilities of the market to deliver projects using Modern Methods of Construction.
 - package the DPS to create the highest degree of open competition, diversity of supply and accessibility of opportunity.
 - further, to understand which Suppliers may be interested in supplying some or all of the Works.
 - determine any particular risks and issues that need to be considered.
 - And ultimately, to seek to derive maximum value for Clients; SWPA; CMM; Suppliers; Appointed Companies; Contributors; Participants; other organisations and the wider community.
- 3.2 In addition, SWPA and CMM consider it particularly important to conduct this Market Consultation at a time when the public sector is seeking to create efficiencies and savings, so as to investigate how these might be best achieved within any potential DPS including the feasibility of the proposed delivery models; specifications and DPS management.

4. Consultation Process and Approach

4.1 Stage 1- PIN Publication and Access to Market Consultation Documents.

- 4.1.1 Publish PIN to broadcast the Market Consultation, thereby inviting Contributors to provide information to meet the Objectives set out at para 3.1 above.
- 4.1.2 Consultation Documents will be made available via SWPA's e-tendering site ProContract from 12th April via the web address below:

<https://procontract.due-north.com/Procurer/Advert/AdvertSummary?projectId=35227cbb-9185-eb11-810c-005056b64545&projectStepId=37227cbb-9185-eb11-810c-005056b64545>

4.2 Stage 2 – Webinar and Q&A sessions

- 4.2.1 A live webinar will take place at 14:00 on Thursday 8th April followed by a Q&A session
- 4.2.2 The live session recording will be made available from Friday 9th April
- 4.2.3 Live Q&A sessions will be made available on Thursday 15th April and Thursday 22nd April at 15:00.
- 4.2.4 Please register your interest via the ProContract portal using the web address as detailed in 4.1.2

4.3 Stage 3 – Market Consultation Survey

- 4.3.1 A Market Consultation Survey will be available via Survey Monkey between 12th April 2021 and 7th May 2021 via the ProContract Portal.

4.4 Stage 4 - Consultation Meetings

- 4.4.1 Contributors should consider the Consultation Documents and request a Consultation Meeting with SWPA and CMM if required. Consultation Meetings will be held between 26th April 2021 and 7th May 2021.
- 4.4.2 The current intention is to hold virtual meetings via the Microsoft Teams or Zoom web applications.
- 4.4.3 However, telephone appointments can also be accommodated however these meeting arrangements would need to be set up by contributors.
- 4.4.4 Available appointment times for meetings will be offered via ProContract from 12th April 2021.
- 4.4.5 Due to the short time available for consultation meetings, appointments will be allocated as soon as requests are received on a first come, first served basis.

4.5 Stage 4 – Submission of Completed Surveys

- 4.5.1 Completed Surveys (MCRs) should be submitted via Survey Monkey by 7th May 2021. However, account may be able to be taken of MCRs received after this deadline. Please do not include promotional material.

4.6 Stage 4 – Procurement Scoping and Feedback

- 4.6.1 SWPA and CMM will collate and analyse MCRs received and develop / scope the procurement strategy and process(es) with the MCRs in mind. The strategy and process(es) will not be scoped to give direct or indirect advantage to any Contributor / Supplier indeed it

is the transparent avoidance of such advantage that is an inherent objective of the Consultation.

- 4.6.2 It is the intention of SWPA and CMM to provide generalised feedback to Contributors on the MCRs received, detailing how these Responses have contributed to the shaping of SWPA’s and CMM’s commissioning approach. This feedback will be published as part of or just prior to the documents issued at the Invitation to Participate Stage.

5. Anticipated Consultation Timetable

Consultation Timetable	Anticipated Dates
Date PIN sent to FTS	16 th March 2021
Live Webinar incl. Q&A	8 th April 2021
Publish recording of live webinar	9 th April 2021
Q&A Session 2	15 th April 2021
Q&A Session 3	22 nd April 2021
Access to Market Consultation Survey	12 th April 2021
Completed surveys deadline	7 th May 2021
Market Consultation Appointments	26 th April 2021 – 7 th May 2021
Market Consultation Closing Date	7 th May 2021
Strategy Confirmation & Tender Preparation	10 th May 2021 – 14 th May 2021
Date Contract Notice Sent to FTS	31 st May 2021

- 5.1.1 Please see above the anticipated Consultation Timetable (which is provided for guidance only). SWPA and CMM reserve the right to amend the timetable; withdraw the Consultation or any stages at any time, whatever stage in the process may have been reached. The timetable represents the minimum timescales that may be required.

6. General Guidance

- 6.1 SWPA and CMM has an obligation to carry out the Market Consultation transparently and openly; reciprocally Contributors should request clarification of any issues within the Market Consultation documents and bring to the attention to SWPA and CMM any errors; omissions or concerns. If SWPA or CMM considers that a query may have a material effect on the Consultation, all Contributors will be notified via ProContract.
- 6.2 SWPA and CMM undertakes to honour the confidential nature of any information provided, however please note that SWPA² and its Clients are subject to the Freedom of Information Act 2000 (FOIA) and all subordinate legislation under this and the Environmental Information Regulations 2004 (EIR) (collectively Freedom of Information Legislation ‘FOIL’). As part of its duties under FOIL SWPA may disclose information in response to a valid request unless the information is covered by an exemption under FOIL. SWPA is required to determine whether the public interest in maintaining the exemption from disclosing it outweighs the public interest in disclosing it.
- 6.3 In Responding, Contributors acknowledge that the information provided could be disclosed to a FOIL request. SWPA will proceed on the basis of disclosure unless an appropriate exemption applies: information may still be disclosed, despite the availability of some exemptions, if the public interest in its disclosure outweighs the public interest in maintaining

² By virtue of section 102(1)(b) of the Local Government Act 1972

the exemption. Please indicate any information within your MCR that you consider to be Commercially Sensitive or Confidential.

6.4 In Responding, Contributors confirm that they have not, and they will not:

- canvass MCRs for acceptance with any member(s) or officer(s) of LHC, SWPA, CMM or Clients nor discuss MCRs with the media;
- attempt to fix or fix with any other person, the amount (including rates and prices to be quoted) of any prospective Tender;
- enter into any agreement or arrangement with any other person that a person shall refrain from submitting an MCR, Request to Participate or any prospective Tender;
- offer, give or agree to give any inducement or reward in respect of this Consultation or any prospective Tender.

For the avoidance of doubt, the above instructions do not apply to discussions with professional advisers and prospective Members of a Consortium.

7. Instructions for Submission of MCRs

7.1 Contributors should submit their Response via the completion of the Survey by

7th May 2021

Unfortunately, SWPA or CMM will not be able to consider any MCRs submitted after this time. Please allow sufficient time prior to the deadline to upload documents to your email and for onward transmission to SWPA.

7.2 Contributors shall communicate all material queries enquiries (the answer to which would be of benefit to other Contributors) via the ProContract system as below:

<https://procontract.due-north.com/Procurer/Advert/AdvertSummary?projectId=35227cbb-9185-eb11-810c-005056b64545&projectStepId=37227cbb-9185-eb11-810c-005056b64545>

7.3 In order to best support organisations who are interested in this opportunity, initial telephone and email enquires will be accepted. However, to ensure transparency, equality of opportunity and equal treatment, access to the documents and any material communications should be directed via the ProContract system above. Any material enquiries sent via any other method will be requested to respond / redirected via ProContract. This is to ensure resilience and consistent and transparent handling of all enquiries.

SWPA or CMM will respond to all material enquiries via ProContract. All answers will be published on ProContract. Contributors are advised to regularly check ProContract for updates and prior to submitting their MCR.

7.4 Should any issue be encountered with the ProContract system, contact should be made in the first instance via email or the helpdesk via either of the following addresses:

support@proactis.com

<https://www.proactis.com/uk/support/>

7.5 Should no response be received from the above email then via:

Phil Blackmore – Regional Procurement Manager

Phillip.blackmore@swpa.org.uk

07944 971288

7.6 The procurement lead for this Market Consultation is:

(Mr) **Phil Blackmore**