

Procurement Document

(Dynamic Purchasing System)

Application to enter

**Apprenticeship Levy Training Services
Providers**
Reference DN275540

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Introduction

Purpose

The purpose of this document is to provide instructions on applying entrance (“application”) into a Dynamic Purchasing System (“DPS”). The Application enables Dorset Council to receive sufficient information from Organisations (“Tenderers”) interested in supplying the required Goods, Services or Works and to allow: a) both the assessment of their capacity and suitability, and b) enable the Council to evaluate the application submitted to find the most suitable Tenderer who can meet the Selection Criteria to appointment on to the DPS. Only Tenderers who successfully enter the DPS will receive a further “Invitation to Tender” (“ITT”) for specific contract.

This application process has been issued by Dorset Council in connection with a competitive procurement in accordance with the Public Contract Regulations 2015 (“the Regulations”).

Title of Dynamic Purchasing System: Apprenticeship Levy Training and Assessment Providers DN275540

Aim of the Dynamic Purchasing System

The Apprenticeship Levy came into force in May 2017, from that time large employers with a pay bill of over £3 Million are only able to secure training programmes for their Apprentices via approved providers who are on the Skills Funding Agency Register of Approved Training Providers (RoATP).

As the Skills Funding Agency has now published the register, providers will have to be on the published list, this is because the Digital account that levy paying employers have access to is the only way to pay them for apprenticeship training delivered and any related assessments.

This DPS renewal shall be for a period of 4 years.

Notes for Completion

1. Glossary

- 1.1. **'Application'** means the process for applying for entrance into the Dynamic Purchasing System. It comprises of the minimum selection criteria, general service specification and contract terms and conditions;
- 1.2. **'Call-Off Contracts'** means the securing of contracts off the DPS via an Invitation to Tender;
- 1.3. **'Contract Terms and Conditions'** means the terms and conditions that will apply to all contracts secured from the Dynamic Purchasing System and forms part of the Application;
- 1.4. **'Council'** means Dorset Council;
- 1.5. **'Dynamic Purchasing System'** or **'DPS'** is the completely electronic tendering system for the selection of providers that comply with minimum selection requirements. A DPS must remain open throughout its duration for the admission of any Tenderer who meets the Selection Criteria. Tenderers admitted to the DPS will be invited to submit Tenders [Invitation to Tender] for specific call-off contracts for Goods, Services or Works when these requirements are identified by the Council;
- 1.6. **'E-tender system'** means the electronic tender system named Pro-Contract. It is provided by Proactis and is hosted via <http://www.supplyingthesouthwest.org.uk>;
- 1.7. **'General Specification'** means the service specification that indicates the nature of the Goods, Services or Works intended to be purchased under the Dynamic Purchasing System as provided in the General Specification and forms part of the Contract Terms and Conditions;
- 1.8. **'Invitation to Tender'** means the Tender process and all its components, inviting tenders for specific contracts following admittance into the Dynamic Purchasing System;
- 1.9. **'Rounds'** means the opening of the DPS system in set periods as stated in the DPS. Round 1 being the initial establishment of the DPS and further Rounds commence on closing of Round 1.
- 1.10. **'Selection Criteria'** means the minimum or essential criteria to be met by Tenderers in order to enter into the Dynamic Purchasing System and forms part of their Application. The selection criteria questions are within the e-tender system for Tenderers to respond to.

2. E-Tender System

- 2.1. Assistance in relation to the e-tender system is available to Tenderers via the Supplier Help Icon within the system.
- 2.2. Supplier Guidance documents are also available to view and download.

3. To View this Opportunity

- 3.1. To view the Tender (ITT) Information in detail click on the opportunity title within 'My activities' section. Click start, you can now view all the documents relevant to that opportunity.

4. Register Intent

- 4.1. Tenderers are able to click on “Register Intent” which will inform the Council of your intention to respond to this opportunity.
- 4.2. If a Tenderer does not wish to or is unable to submit an Application and not interested in proceeding, then they are required to click on 'No longer wish to respond' to decline the opportunity.

5. Response Wizard

- 5.1. After registering intent, Tenderers may then proceed to respond to the on-line questions.
- 5.2. To start the response Tenderers are required to click 'Start My Response'.

6. Selection of Lots

- 6.1. If this Dynamic Purchasing System is in respect of several Lots refer to Lots on page 10 for Guidance in Respect of Lots.
- 6.2. Tenderers may apply for admission onto the Dynamic Purchasing System for one or more Lots.
- 6.3. Tenderers must ensure that the correct selection of lots has been made before they submit their response.

7. Confidentiality

- 7.1. This Application process, including all documentation, must be treated as private and confidential. Tenderers must not release the details of the Dynamic Purchasing System and/or Application other than on an 'In Confidence' basis to those whom they need to consult for the purpose of preparing the response, such as professional advisors or partner organisations for joint applications or consortia partners.
- 7.2. The Application and/or the Dynamic Purchasing System shall not be canvassed for acceptance or discussed with the media, any other Organisation, member/officer of Dorset Council, or their representatives.

8. Application Process

- 8.1. If the Council issues an amendment to the original Application process, and if it regards that amendment as significant, an extension of the closing date may, at the discretion, of the Council be given to all Tenderers.
- 8.2. Tenderers must obtain for themselves all information necessary for the preparation of their Application response and all costs, expenses and liabilities incurred by the Tenderers in connection with the preparation and submission of the Application shall be borne by the Tenderer, whether or not their application to enter the Dynamic Purchasing System is successful.
- 8.3. Information supplied to the Tenderer by Council staff or contained in Council publications is supplied only for general guidance in the preparation of the Application.
- 8.4. Tenderers must satisfy themselves as to the accuracy of any such information and no responsibility is accepted by the Council for any loss or damage of whatever kind and howsoever caused arising from the use by Tenderers of such information.
- 8.5. Responses to each application question should be written concisely and clearly answer the question posed in English.

9. Communication

- 9.1. All contact during this procurement should be submitted in writing through the e-tender system.
- 9.2. Tenderers should seek to clarify any points of doubt or difficulty via the e-tender system. It is not acceptable for Tenderers to seek clarifications via telephone or e-mail outside of the e-tender system.
- 9.2.1. Where the Council considers any question or request for clarification to be of material significance it may communicate both the query and the response, in a suitably anonymous form, to all interested parties. Tenderers should therefore not include within the question placed their organisation's name and any potential commercially sensitive information.

10. Other Documents or Supporting Evidence

- 10.1. As instructed to do so within the e-tender system, the Tenderers must complete and upload other documentation that may be provided with this application process, or upload evidence to support their submission.

11. Whistleblowing Policy and Procedure

- 11.1. This policy describes the Council's commitment to supporting and protecting whistleblowers. It not only applies to council employees but also applies to supplies.
- 11.2. For details of the policy:
<https://moderngov.dorsetcouncil.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13280>

Application Process

1. Application to enter the Dynamic Purchasing System

1.1. Tenderers may apply to enter the Dynamic Purchasing System by submitting an Application which comprises of:

- Completed Selection Criteria questions regarding minimum entrance criteria [questions within e-tender system]
- Acceptance of the Contract Terms and Conditions
- Appendix 1 - Acceptance of the General Specification

2. **Applying for Admission at Initial Creation of the Dynamic Purchasing System** - *This is where the Dynamic Purchasing System is being established for the first time as part of a fully Public Contract Regulation 2015 (PCR15) compliant tender process.*

This Dynamic Purchasing System has now been established.

3. **Applying for Admission into an Established Dynamic Purchasing System** - *This is where the Dynamic Purchasing System has already been established but Organisations wish to apply to enter for the first time, or to re-apply, or to improve existing Application.*

- 3.1. Tenderers are required to submit their Application within the e-tender system by the date as specified on as stated in the DPS.
- 3.2. Tenderers may submit their Application within the e-tender system at any time in the duration of the Dynamic Purchasing System.
- 3.3. Tenderers to complete questions and upload documentation to the e-tender system, where requested to do so.
- 3.4. **It is the Tenderer's responsibility to ensure that their Application is submitted within the e-tender system by the closing date and time.**
- 3.5. **Failure** to answer and complete the Application in full within the e-tender system will result in the Council rejecting the Application as a failed submission

Evaluation and Selection

1 Evaluation

- 1.1 Evaluation of Applications will be undertaken by officers of the Council who will follow a systematic and comprehensive process using the selection criteria.

2 Selection Process

- 2.1 The Council expects to make a decision on selection to enter the Dynamic Purchasing System within 10 working days of the submission of Applications.
- 2.2 The decision will be based on the evaluation criteria as outlined under Evaluation and Selection
- 2.3 Tenderers selected by the Council to enter into the Dynamic Purchasing System shall be notified in writing.
- 2.4 Tenderers who have not been successful in entering into the Dynamic Purchasing System shall also be notified in writing.
- 2.5 Admission on to the Dynamic Purchasing System shall not:
- 2.5.1 be a guarantee for any award of Contract for Goods or Services. There is no obligation on the Council to purchase any Goods or Services via the Dynamic Purchasing System;
 - 2.5.2 provide any guarantee of business;
 - 2.5.3 constitute a Contract nor the authorisation to supply Goods or Services to the Council nor carry out any Work on behalf of the Council.
- 2.6 Tenderers should note that the Council reserves the right to terminate this procedure without any Invitation to Tender. They should also note that, should they be successful in being selected to enter into the Dynamic Purchasing System, the Council reserves the right to terminate the selection, if at any time it is discovered that the Tenderer made any material misrepresentation and/or have not notified to the Council about any material changes in relation to the information provided in the application process.

3 Selection Criteria

- 3.1 Tenderer's completion of the On-Line Questions will give the selection outcome. Such questions shall include, but are not limited to, questions in relation to company policies, accreditations and memberships, or specific technical abilities in relation to the goods and services to be tendered for and are considered essential criteria to enter the Dynamic Purchasing System.
- 3.2 Table: Selection Criteria

SELECTION CRITERIA	
All Lots	Organisation Questionnaire Two Pass / Fail technical questions – as shown in Appendix A
Evaluation	The on-line questions within the e-tender system must be completed by Tenderers and, where requested to do so, Tenderers must attach required

	<p>documentation. All the individual questions are mandatory therefore Tenderers are required to submit a response. Failure to complete the on-line questions will result in a Fail as Evaluators will not be able to evaluate fully the submitted Application.</p> <p>Pass / Fail: Where sections or questions have the criteria as a Pass or Fail, it will be clearly stated as such. Section or questions scored as a Fail will result in the Application not being successful in entering the Dynamic Purchasing System.</p>
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4 Financial Evaluation

- 4.1 Financial evaluations **will not be** part of the selection criteria and will not be carried out at the stage of application for admission onto the DPS. Financial information will however be sought at the application stage and Financial Evaluations may subsequently be carried out using this information, when the Council tenders a contract under the DPS.
- The extent of the Financial Evaluation will depend on the value and strategic importance of the contract, whether a Public Contract or individual Call-Off Contracts from a Framework Agreement. The objectives of undertaking Tenderer's financial assessment as part of a procurement exercise are to: Assess the risk to public sector business and/or public money which would result if a Tenderer bidding for a contract were to go out of business, or have inadequate financial resources to perform the contract; and
 - When justified, eliminate from the procurement any Tenderer whose current financial capacity would pose an unacceptable risk to business and/or public money.
- 4.1 Financial evaluation will be a combination of both financial and non-financial factors and will consider:
- Applicant Acceptability - status of a Tenderer in relation to the requirements of Regulation 57 and 58 of the Public Contracts Regulations 2015.
- 4.2 Economic and Financial Standing
- 4.3 A Tender will be deemed to be a higher risk if the Tenderer appears to be an unrealistic candidate where the contract value represents a disproportionate volume of the Tenderer's business taking into account the nature, timescales, value and risk of the contract.
- 4.4 The review of the financial health of a Tenderer may include, but not be limited to, the following checks:
- General review of Financial Statements.
 - Review of ratios as appropriate, such as the areas of Financial Structure (such as liquidity and gearing), Operating Performance (such as efficiency, profitability, and working capital), and Investment.
 - A credit rating check.
 - Review for unusual accounting policies
 - Review for major business restructuring.
 - Review of Audit Opinion.
- 4.5 It is emphasised that financial standing is only a part of the overall selection criteria.

Guidance in Respect of Lots

1 Evaluation of Lots

1.1 This procurement procedure is for the following Lots; therefore, Applications will be evaluated per Lot. The Apprenticeship DPS is comprised of 15 overarching lots. The below table reflects the lots and the 2021 Apprenticeship standards which they equate to.

Apprenticeship DPS Lots	2021 Apprenticeship Standards
Lot 1 – Agriculture, Environmental and Animal Care	As 2021 Apprenticeship standard – Agriculture, Environment and Animal Care
Lot 2 – Business Administration and Support Services	As 2021 Apprenticeship standard – Business and Administration
Lot 3 – Catering and Hospitality	As 2021 Apprenticeship standard – Catering and Hospitality
Lot 4 – Childcare and Education	As 2021 Apprenticeship standard – Education and Childcare
Lot 5 – Digital and IT	As 2021 Apprenticeship standard – Digital
Lot 6 – Engineering and Construction	As 2021 Apprenticeship standard – Construction As 2021 Apprenticeship standard – Engineering and Manufacturing
Lot 7 – Transport and Logistics	As 2021 Apprenticeship standard – Transport and Logistics
Lot 8 – Management and Leadership	As 2021 Apprenticeship standard – Business and Administration
Lot 9 – Social Care – Adults	As 2021 Apprenticeship standard – Care Services
Lot 10 – Service Enterprises	As 2021 Apprenticeship standard – Hair and Beauty
Lot 11 – Creative and Design	As 2021 Apprenticeship standard – Creating and Design

Lot 12 – Health and Science	As 2021 Apprenticeship standard – Health and Science
Lot 13 – Legal, Finance and Accounting	As 2021 Apprenticeship standard – Legal, Finance and Accounting
Lot 14 – Sales, Marketing and Procurement	As 2021 Apprenticeship standard – Sales, Marketing and Procurement
Lot 15 – Protective Services	As 2021 Apprenticeship standard – Protective Services

- 1.2 Tenderers may re-apply to enter the DPS for other lots at any point during the life of the DPS, if they so wish to do so, and/or improve their original application.

Invitation to Tender for Call-Off Contracts

1 Invitation to Tender

1.1 If the Council decides to conduct a tender competition through the Dynamic Purchasing System in respect of individual call-off contracts, only those Tenderers who have successfully entered the Dynamic Purchasing System (and the Lot if Lots are applied) shall receive an Invitation to Tender. The basis of the Contract Terms and Conditions, selection criteria, and any overarching general service specification shall not be substantially changed.

1.2 The Council reserves the right to conduct an Invitation to Tender based on the most economically advantageous tender as declared in the individual Invitation to Tender. This may be an evaluation based on the following:

Price Only

- The Council will conduct an Invitation to Tender based on evaluation of Price only where seeking the best price from Tenderers to meet the particular circumstances of the individual requirement and no element is to be evaluated.

Both Quality and Social Value

- The Council will conduct an Invitation to Tender based on both Quality and Social Value from Tenderers which meet the particular circumstances of the individual requirement, such as where the commissioning is fixed core funding, and no element of price is to be evaluated.

Price, Quality and Social Value

- The Council will conduct an Invitation to Tender based on an evaluation of Price, Quality and Social Value from Tenderers where the award criteria of price / quality / social value split will be weighted to meet the particular circumstances of the individual requirement

1.3 When conducting an Invitation to Tender for call-off contracts from the Dynamic Purchasing System, Tenderers will be provided with a work specification, any service specification related terms and conditions specific to the call-off requirements which shall be in addition to the already agreed Contract Terms and Conditions, and award criteria. Such Invitation to Tenders shall be commensurate to the size and complexity of the individual requirement.

1.4 Demonstrations, interviews, presentations and/or site visits may be required as part of an Invitation to Tender for call-off contracts.

2 Invitation to Tender Response Time

2.1 The response time for submission of tenders for call-off contracts may vary to meet the particular circumstances of the individual requirement and shall be declared within the Invitation to Tender.

Contract Terms and Conditions

1. Terms and Conditions

- 1.1. The terms and conditions as set out in Contract Terms and Conditions and Appendices form part of the Tenderer's Application to enter the Dynamic Purchasing System and as such:
 - 1.1.1. These terms may not be qualified or amended with the submission of an Application for selection to the Dynamic Purchasing System.
 - 1.1.2. Where a Tenderer receives an Invitation to Tender for specific contract following entrance into the Dynamic Purchasing System, these terms and conditions will wholly be incorporated in the said contract, unless otherwise amended by the Council in the Invitation to Tender.
 - 1.1.3. Further terms and conditions may be incorporated within a specific contract by the Council and details of which will be included within the Invitation to Tender relating to the Contract.
- 1.2. By submitting an Application to enter the DPS Tenderers are agreeing to the Contract Terms and Conditions and shall thereby constituted and become binding on both parties under any pursuant Contract.

2. Contract Documentation

- 2.1. It is not a requirement of the Dynamic Purchasing System for both parties, Council and the Tenderer, to sign paper-based contract documentation as it is a requirement for all elements of the process to be fully electronic held within the system. The Council however reserves the right to seek a hard copy signature between both parties for any specific contract and should this be a requirement, the details of which will be included in the Invitation to Tender.

Documentation

Within this Application process Tenderers have been provided with the following documentation. Where indicated by ✓ these are required to be completed and uploaded within the e-tender system.

LOCATION OF DOCUMENT	DOCUMENT TITLE	COMPLETE AND UPLOAD
Advert / EOI	1. Procurement Document – Dynamic Purchasing System – DN275540	✗
Advert / EOI	2. Contract Terms & Conditions - DPS DN275540	✗
Advert / EOI	3. Appendix 1 - General Specification	✗

Disclaimer

This information in this document does not purport to be comprehensive or have been independently verified. This document is not intended to provide the basis of any investment decision and should not be considered as recommendation by Dorset Council as an invitation to negotiate.

Any errors in this document shall not invalidate the Dynamic Purchasing System or release any Providers from any obligations under a Contract. Errors or omissions corrected by Dorset Council that affect the supply of Goods or Services will be made by agreement.

Dorset Council reserves the right to change the Tender process procedure without prior notice and to terminate discussions and the delivery of information at any time before the signing of any contract relating to the supply of Goods, Works or Services

Appendix A – Specific DPS Technical Pass / Fail Questions

SPECIFIC DPS TECHNICAL PASS/FAIL QUESTIONS			
Question	Title	Description	Supplier Help
1.	REGISTRATION OF PROVIDER ON REGISTER OF APPRENTICESHIP TRAINING PROVIDERS (RoATP).	Provide confirmation that you have been accepted onto the Register of Apprenticeship Training Providers. Provide your Registration Number.	As DCC (and others) are only able to pay providers the costs of Apprenticeships, via a Digital Account, to providers who have been accepted onto the Skills for Learning Register of Apprenticeship training Providers (RoATP). If your organisation is not on this register this constitutes a fail of your application. If however, you do successfully enter the RoATP, you can apply again to gain admittance onto the DPS as a later date. FAIL = Not a provider on the Register of Apprenticeship Training (RoATP). PASS = Is a Registered Provider of Apprenticeship Training and has supplied Registration details – confirmation (registration number) etc.
2.	OFSTED (or equivalent) RATING	Where there is a legal requirement, please provide confirmation that your Apprenticeship provision has been inspected by Ofsted (or equivalent) and has a rating of Good or Above. Provide your Ofsted Registration Number.	As DCC (and others) are seeking good quality Apprenticeship Training Providers. Therefore, if a legal requirement for Ofsted Inspection (or equivalent) exists a rating of Good or above only is our standard.

Please note that any reference to DCC means Dorset Council.