

Welsh Procurement Alliance

North and Mid-Wales Residential  
Construction Framework

H1NW

Market Consultation Document 1:

Market Consultation Guidance

(MCG)

# **Market Consultation on the Prospective Framework for North and Mid-Wales Residential Construction**

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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 the Framework to compete in Call-off Competitions to provide Works to Clients in respect of their residential Projects.
Bidders	Suppliers submitting Tender Documents to WPA (via LHC) in response to the Process undertaken to procure the potential Framework.
Clients	Organisations who commission their residential Projects through the Framework.
Commissioning Objectives	The essential outcomes to be achieved by the potential Framework.
Contributors	Organisations participating in this Market Consultation.
Consortium / Consortia	Two or more Suppliers acting jointly for the purpose of being Appointed to the Framework. (This includes joint bidding entities.)
Direct Award	Procedure by which a Project can be awarded by a Client via the Framework without reopening competition between Appointed Suppliers. Mechanisms are by applying Tender weights without adaptation or with adaptation or by rotation.
FOIL	Freedom of Information Act 2000 (FOIA); the Environmental Information Regulations 2004 (EIR) and all subordinate legislation under these.
The Framework	The potential Framework which is the subject of this Market Consultation.
Housing	Housing, bungalows, flats, apartments etc.
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 Framework on behalf of WPA. All references to WPA 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 WPA and views of Contributors expressed at Consultation Meetings. (Also referred to in this document as Responses).
Members	Members of Consortia.
Mini-Tenders / Mini-Competition	Offers submitted by Bidders in response to a Mini- Competition by which a Project can be awarded by a Client via the Framework.
Selection Questionnaires (SQ)	Selection Questionnaires (SQ) submitted by Bidders evaluated to identify the Bidders to be invited to submit a Tender on the basis of the basis of their ranking based on the scores achieved (highest score ranking as first);
Suppliers	Mean economic operators (including persons) who offer on the market 'Works' and who sought; who seeks, or would have wished, to be Appointed to the Framework.
PIN	Prior Information Notice published in TED to broadcast the Market Consultation.
The Project(s)	Residential Development Projects(s) which are to be commissioned via the Framework.
TED	Tenders Electronic Daily: The online version of the Official Journal of the European Union', dedicated to European public procurement. See the link below: <a href="http://ted.europa.eu/TED/main/HomePage.do">http://ted.europa.eu/TED/main/HomePage.do</a>
Tenders	Offers submitted by Bidders in response to an invitation to submit a tender (ITT) to be Appointed to the Framework.
Works	Works (for the purpose of this Framework to include Supplies or Supplies for Hire and / or Services) to be supplied to meet the needs of Clients in the delivery of Projects.
WPA	Welsh Procurement Alliance (incorporating a reference to LHC as the Central Purchasing Body concluding the Framework).

## 1. Introduction to the Potential Framework

- 1.1 Firstly, thank you for your interest in this opportunity. WPA (via LHC<sup>1</sup>), is consulting on behalf of Clients on the potential establishment of a Framework agreement for Residential Construction (and any associated community buildings and facilities) across North and Mid-Wales.
- 1.2 Further details of the scope of the Projects which may be commissioned via the potential Framework can be found in **Notice Document 1: PIN**.
- 1.3 Further details of the procurement approach are outlined **Information Document 2: Restricted Process Guidance**.
- 1.4 During the options appraisal phase, WPA is inviting organisations to contribute their views (be 'Contributors') in a Market Consultation to meet the following

## 2. Draft Commissioning Objectives

- 2.1 'Commissioning Objectives' are seen as the essential outcomes of the potential Framework. These are currently in draft, but the intention is that they will be used as 'golden threads' which will run through each stage of the Process. Bidder's Selection Questionnaires, Tenders and Mini-Tenders will be evaluated (as appropriate for each stage) on how successfully the evidence presented by Bidders ensures the achievement of the Commissioning Objectives.
- 2.2 The Commissioning Objectives considered to date are detailed in **Descriptive Document 1: Commissioning Objectives**.

## 3. Introduction to the Market Consultation

- 3.1 To this end, a set of survey questions ('Market Consultation Survey / The Survey') has been prepared to gather the views of the supply market ('Market Consultation Responses / MCRs'). The Survey is available via Survey Monkey via the link below.  
<https://www.surveymonkey.co.uk/r/LVH3WTG>
- 3.2 In addition, WPA is offering the opportunity for Contributors to discuss via telephone calls, telephone conferences or face to face meetings with WPA to discuss the issues raised by the Consultation in more depth ('Consultation Meetings') and gather the views of Contributors ('Contributions'). It is WPA's intention to hold Consultation Meetings with all Contributors who express an interest in so meeting.
- 3.3 The aim of the meetings is to further discuss the questions within the 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 WPA's e-tendering system ProContract). No additional weight will be given to MCRs received from Contributors attending a Consultation Meeting.
- 3.4 Contributors should also be assured that all Contributors' views will be taken account of before the procurement strategy for the potential Framework is finalised.
- 3.5 WPA 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.
- 3.6 WPA 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.

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<sup>1</sup> Acting as the Central Purchasing Body.  
Welsh Procurement Alliance  
Market Consultation Survey (MCG1) (V1.0)

## 4. Objectives of the Market Consultation

- 4.1 Key objectives for WPA are to approach the potential Programme in a spirit of partnership with Contributors to ensure that Contributions are gathered to:
- develop strategy.
  - ensure sufficient market interest and identify sectors and geographical locations which may require market development support.
  - improve the robustness and scope of the Framework 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 WPA, 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 Framework to create the highest degree of open competition, diversity of supply and accessibility of opportunity.
  - further, to understand which organisations 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; WPA; Contributors; Suppliers; other organisations and the wider community.
- 4.2 In addition, WPA considers 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 Framework including the feasibility of the proposed delivery models; specifications and Framework management.

## 5. Consultation Process and Approach

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

- 5.1.1 Publish PIN to broadcast the Market Consultation, thereby inviting Contributors to provide information to meet the Objectives set out at para 3.1 above.
- 5.1.2 Consultation Documents (as listed in **Information Document 1: Document Schedule**) will be made available via WPA's e-tendering site ProContract at the earliest at 12:00 noon on (whichever is the later of) the 2<sup>nd</sup> October 2019 or 12.00 noon on the day of the publication of the PIN on TED, (or the day after if a non-working day), via the web address below:

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

### 5.2 Stage 2 - Consultation Meetings

- 5.2.1 Contributors should consider the Consultation Documents and request a Consultation Meeting with WPA if required. Consultation Meetings will be held between the 4<sup>th</sup> and the 18<sup>th</sup> October 2019. Meetings can be held via telephone, teleconference, Zoom or face to face.

If a face to face meeting is preferred, the current intention is to hold meetings as far as possible at convenient locations for Contributors (but this will depend on the interest generated). Our currently identified meeting locations are Ewloe and St Asaph.

Exact arrangements be confirmed at the same time as your appointment is confirmed.

Available appointment times are:

10:00 – 11:00

11:30 – 12:30

13:30 – 14:30

15:00 – 16:00

Consultation Meeting requests should be made as soon as possible via ProContract.

5.2.2 To assist with scheduling Contributors are asked to select 3 alternative appointment times. (Please note the provision of alternatives is only to provide us with greater flexibility in scheduling. Each Contributor will only be allocated one appointment.) A form has been included for convenience (**Market Consultation Document 3: Consultation Appointments**), however Bidders may just prefer to note their preferences on a message. Bidders may also wish to list any topics for discussion.

5.2.3 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.

5.2.4 Please note that attendees at the meetings will be limited to a maximum of three representatives from Contributors.

### 5.3 Stage 3 – Submission of Completed Surveys

5.3.1 Completed Surveys (MCRs) should be submitted via Survey Monkey by **16:00 on 18<sup>th</sup> October 2019**.

However, account may be able to be taken of MCRs received after this deadline.

Please do not include promotional material.

### 5.4 Stage 4 – Procurement Scoping and Feedback

5.4.1 WPA 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 / Economic Operator indeed it is the transparent avoidance of such advantage that is an inherent objective of the Consultation.

5.4.2 It is the intention of WPA to provide generalised feedback to Contributors on the MCRs received, detailing how these Responses have contributed to the shaping of WPA's commissioning approach. This feedback will be published as part of or just prior to the documents issued at the Qualification Stage.

## 6. Anticipated Consultation Timetable

6.1 Please see the anticipated Consultation Timetable below (which is provided for guidance only). WPA reserves 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.

Consultation Timetable	Anticipated Dates
Market Consultation Preparation	Tuesday 24 <sup>th</sup> – Friday 27 <sup>th</sup> September 2019
Date PIN sent to TED	Monday 30 <sup>th</sup> September 2019
Market Consultation	Thursday 3 <sup>rd</sup> – Friday 18 <sup>th</sup> October 2019
Market Consultation Closing Date	Friday 18 <sup>th</sup> October 2019 16:00
Strategy Confirmation & Tender Preparation	Monday 21 <sup>st</sup> – Thursday 24 <sup>th</sup> October 2019
Date Contract Notice Sent to TED	Friday 25 <sup>th</sup> October 2019

## 7. General Guidance

- 7.1 WPA 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 of WPA any errors; omissions or concerns. If WPA considers that a query may have a material effect on the Consultation, all Contributors will be notified via ProContract.
- 7.2 WPA undertakes to honour the confidential nature of any information provided, however please note that WPA<sup>2</sup> 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 WPA may disclose information in response to a valid request unless the information is covered by an exemption under FOIL. WPA is required to determine whether the public interest in maintaining the exemption from disclosing it outweighs the public interest in disclosing it.
- 7.3 In Responding, Contributors acknowledge that the information provided could be disclosed to a FOIL request. WPA 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 the exemption. Please indicate any information within your MCR that you consider to be Commercially Sensitive or Confidential by completing Question 8 on the Survey.
- 7.4 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, WPA or Clients nor discuss MCRs with the media;
  - attempt to fix or fix with any other person, the amount (inc. rates and prices to be quoted) of any prospective Tender or Mini-Tender;
  - enter into any agreement or arrangement with any other person that a person shall refrain from submitting a MCR, Expression of Interest, ESPD, Selection Questionnaire or any prospective Tender or Mini-Tender or respond to any Direct Award selection;
  - offer, give or agree to give any inducement or reward in respect of this Consultation or any prospective Tender or Mini-Tender or Direct Award selection.

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

## 8. Instructions for Submission of MCRs

- 8.1 Contributors should submit their Response via the completion of the Survey by **16:00 on Friday 18<sup>th</sup> October 2019**.
- Unfortunately, WPA may 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 WPA.
- 8.2 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/Login>
- 8.3 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

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<sup>2</sup> By virtue of section 102(1)(b) of the Local Government Act 1972

other method will be requested to respond / redirected via ProContract. This is to ensure resilience and consistent and transparent handling of all enquiries.

8.4 **WPA will only respond to 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.

8.5 Should any issue be encountered with the ProContract system, contact should be made in the first instance via email to the following address:

**Andrew Hamar - Client Support Manager**

andrew.hamar@welshprocurement.cymru

07985 219463

**Ibrar Mian - Technical Support Manager**

ibrar.mian@welshprocurement.cymru

07487 515824

8.7 The procurement lead for this Market Consultation is:

(Ms) **Jo Parkes-Newton - Strategic Procurement Adviser**

jo@welshprocurement.cymru

Tel: 07950 266515

Jo is an independent consultant who is supporting WPA during the procurement process.