

**Welsh Procurement Alliance**

**Housing Construction –  
South Wales**

**Dynamic Purchasing System**

**DPS-HCSWa**

Information Document 2:  
Restricted Process Guidance  
(RPG)

(Version 1)

12<sup>th</sup> August 2020

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## **SECTION 1: Overview of the Process**

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### **Part One: Process Outline**

- 1.1 This document sets out the proposed Restricted Process (the 'Process') to be followed by WPA in accordance with the provisions of the Public Contract Regulations 2015 (the 'PCR'). The Restricted Process is to be used because this opportunity is to establish a Dynamic Purchasing System (DPS) under regulation 34 of the PCR.
- 1.2 The proposed lot structure consists of 17 lots across 16 South and Mid-Wales counties:
  - Blaenau Gwent;
  - Bridgend;
  - Caerphilly County;
  - Cardiff;
  - Carmarthenshire;
  - Ceredigion;
  - North Powys;
  - South Powys;
  - Merthyr Tydfil;
  - Monmouthshire;
  - Neath Port Talbot;
  - Newport;
  - Pembrokeshire;
  - Rhondda Cynon Taff;
  - Swansea;
  - Torfaen;
  - Vale of Glamorgan.
- 1.3 This document sets out the proposed Restricted Process (the 'Process') to be followed by WPA in accordance with the provisions of the Public Contract Regulations 2015 (the 'PCR'). The Restricted Process is to be used because this opportunity is to establish a Dynamic Purchasing System (DPS) under regulation 34 of the PCR.
- 1.4 The Works (including associated Services and / or Supplies) to be delivered include the development of new build housing projects, including 'Housing' (housing, bungalows, flats, apartments etc.) and 'Accommodation' (sheltered accommodation, care homes, extra care (e.g. dementia) student accommodation etc.)
- 1.5 WPA anticipates a wide range of projects being delivered under the DPS, from single smaller sites to complex multi-site projects.
- 1.6 This is reflected in a value banded sub-lots structure within each county for delivery of developments of varying sizes: up to 5 units; 5 – 15 units; 16 – 49 units; 50 units and above.
- 1.7 It may be that a specialist lot within each county will be included to provide for the construction of Accommodation, in addition to the 4 value-banded lots which would then be specifically for the construction of Housing.
- 1.8 The DPS may also provide for the delivery of associated community buildings to residential developments (such as hubs and sporting facilities e.g. meeting places; health and care centres; recreational facilities and libraries). Plus, any associated commercial facilities such as car parks and retail units. Further the DPS may also allow for the refurbishment of existing

buildings as part of a new build construction scheme and the conversion of buildings from non-residential to residential usage.

- 1.9 **The first section of this document provides an overview of the Process. Whilst the second section describes the stages of the Process in detail. An ‘at a glance’ guide can be found onwards from page 8. The indicative timetable can be found at page 7.**
- 1.10 The Process is planned to consist of the following four (4) stages:
- i. **Market Consultation:** with the issue of an on-line Survey, plus the opportunity for prospective Bidders to discuss the opportunity with WPA in meetings and / or telephone discussions;
  - ii. **Invitation to Participate (ITP) in the DPS:** with the issue of an ESPD (European Single Procurement Document) in the Welsh Government’s SQUID format, otherwise known as the Qualification Questionnaire (QQ);
  - iii. **Call-Off Competition:** Invitation to Tender (ITT) issued by Clients to Appointed Companies in the relevant DPS lots in respect of Projects
  - iv. **And, Project Award:** to the Appointed Company which submits the most economically advantageous tender (MEAT) based on the criteria as stated within the ITT.
- 1.11 Up to and including Project Award, the Process will be administered using the ‘ProContract’ e-tendering system. All documents, questions received, and any answers provided will be published on ProContract. Prospective Candidates would be well advised to ensure that they are registered on ProContract to ensure that they can access details of the DPS as soon as it is published.
- 1.12 Full details of the Process to be followed and evaluation guidance will be published in **Information Document 5: Participation Guidance (PG)**, to be issued at the Qualification Stage of the Process.

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## **SECTION 2: Process Stages**

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### **Stage One: Market Consultation**

- 2.1 A Prior Information Notice ('PIN')<sup>1</sup> broadcasts the Market Consultation via the on-line edition of the Official Journal of the European Union – 'Tenders Electronic Daily' ('TED') and 'Sell to Wales'. Thereby inviting organisations to participate in the Consultation (be 'Contributors'),<sup>2</sup> with the aim of providing information that can be used to:
- i. develop strategy;
  - ii. 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.
  - iii. ensure sufficient market interest and identify sectors and geographical locations which may require market development support;
  - iv. improve the robustness and scope of the DPS and the Process;
  - v. ensure non-discriminatory specifications;
  - vi. package the DPS to create the highest degree of open competition, diversity of supply and accessibility of opportunity;
  - vii. explore commissioning scope for the creation of social value and community benefits as core requirements of developments;
  - viii. explore commissioning scope for the inclusion of energy efficient buildings;
  - ix. explore the capabilities of the market to deliver projects using Modern Methods of Construction;
  - x. understand specifically which Suppliers may be interested in supplying some or all of the Works and / or Services;
  - xi. determine any particular risks and issues that need to be considered; and
  - xii. ultimately, to seek to derive maximum value for Clients; Suppliers; Appointed Companies; WPA; Contributors; other organisations and the wider community.
- 2.2 WPA and Clients will assess Contributions made and the outcome will be summarised in the ***Market Consultation Document 4: Consultation Summary Report***, (published just prior to and / or at the ITP Stage of the Process).

### **Stage Two: Invitation to Participate**

- 2.3 A Contract Notice ('CN') will be published on TED and 'Sell to Wales', with documents published on ProContract.
- 2.4 Candidates will be required to demonstrate their good standing and capability to participate in the DPS by passing the Qualification Criteria set by the European Single Procurement Document (ESPD), based on the Welsh Government's SQUID format as set out in ***Completion Document 1: Qualification Questionnaire (QQ)***.
- 2.5 Candidates who pass or exceed the Qualification Criteria shall be confirmed as eligible to participate in the DPS.
- 2.6 In accordance with public policy and to decrease the administrative burden on Bidders, WPA is requiring that Candidates self-certify their compliance with the Qualification Criteria. However, prior to the confirmation of eligibility to participate in the DPS, Candidates may be required to provide documents to evidence this compliance<sup>3</sup>. Failure to provide satisfactory evidence may lead to the confirmation of eligibility to participate being withdrawn by WPA.

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<sup>1</sup> To be published on the online edition of the Official Journal of the European Union – Tenders Electronic Daily ('TED') and 'Sell to Wales'.

<sup>2</sup> A number of contribution methods are available. Please see Market Consultation Document 1: Market Consultation Guidance (MCG) for further details.

<sup>3</sup> As considered necessary to ensure the ensure proper conduct of the procedure (reg. 58(8) of the PCR).

- 2.7 It is essential therefore that all potential Candidates familiarise themselves with the contents of the ITP prior to submission. If potential Candidates identify any issues with the ITP or have any reason to believe that they may not be able to comply with the Qualification Criteria, then they should discuss this with WPA at the earliest possible opportunity.
- 2.8 Candidates have thirty (30) days from the date that the contract notice advertising the procurement is sent to TED to submit their Request to Participate (RTP) for evaluation prior to the commencement of the DPS. Further, Candidates will be able to Request to Participate at any time during the lifetime of the DPS. WPA will evaluate all RTPs within 10 working days of receipt<sup>4</sup>.
- 2.9 All submitted RTPs will first be checked to ensure that they comply with all of the Compliance Requirements as stated within the RTP ('are Compliant').<sup>5</sup> For the avoidance of doubt, non-Compliant RTPs will not be evaluated. However, WPA will first clarify any issues with Candidates to seek to rectify any potential non-Compliances, (in order to support Bidders as far as can be fairly and proportionately justified to submit a compliant RTP.)
- 2.10 WPA will then evaluate the answers within Compliant RTPs to ensure that the answers submitted satisfy or exceed the Qualification Criteria. (Again, RTPs which do not satisfy or exceed the Qualification Criteria may not be evaluated further, but WPA will first seek to resolve any such issues with Bidder(s) supportively). Bidders who pass the Qualification Criteria (and successfully submit any supporting documentation required) will be confirmed as 'Appointed Companies' who can participate in the DPS.
- 2.11 Any Candidates which do not pass the Qualification Criteria will be provided a debrief in the respect of the reasons for this. Debrief meetings will be held if a Candidate so requests. A Candidate may re-apply to Participate in the DPS despite previous non-qualification.

### **Stage Three: Call-Off Competition**

- 3.1 WPA will consult with Clients and develop a Call-Off strategy in respect of their Project. This may involve consultation with Participants in the relevant lots in the DPS. In all cases the Call-Off Competition commences once a Project Registration Document ('PRD') has been received by WPA from the Client.
- 3.2 The PRD will be issued to the Appointment Companies within the selected lot, to pre-warn them of the opportunity. Appointed Companies will have the opportunity to confirm their level of interest in the ITT. Any Appointed Companies not wishing to participate in the ITT should withdraw their interest in receiving the ITT, as this will assist Clients in ensuring that sufficient resources are in place to ensure the expedient conduct of the Tender process. Should a disproportionate level of interest<sup>6</sup> be generated from Appointed Companies, then a Client may withdraw their PRD.
- 3.3 Tender documents will be sent to all Appointed Companies within the selected lot (that have not withdrawn their interest in the Project).
- 3.4 The deadline for submission of Tenders will be set for each individual Call-Off Competition.
- 3.5 All submitted Tenders will be checked to ensure that they are compliant with the submission criteria within the ITT. Compliant Tenders will then be evaluated to identify the most economically advantageous tender(s) ('MEAT') based on the quality and price criteria weightings and the guidance stated within **Information Document 5: Participation Guidance (PG)**. In particular, it is anticipated that Clients may well wish to substitute or add project specific criteria 'supplementary criteria' (as may be appropriate to their operational requirements) or adapt existing weightings and themes (as per the guidance set out in **Information Document 5: Participation Guidance (PG)**).

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<sup>4</sup> Unless this is not possible due to the specific circumstances of the due diligence required, in which case the period may be extended to 15 days or longer in agreement with the Candidate.

<sup>5</sup> To be compliant, Bidders are required to submit a Selection Questionnaire ('SQ') along with their ESPD.

<sup>6</sup> Considered in the context of the Client's opinion of the value, strategic importance, complexity and timescales of the Project and the need to ensure effective competition, balanced with considerations of conducting a process efficiently, with a proportionate level of resource investment.

#### **Stage Four: Project Award**

- 4.1 All Tenderers will be debriefed on the merits of their Tender. Following approval by the Client of the Project Award recommendation, the Client will issue letters detailing the Project Award to all Tenderers. Debrief arrangements and whether a voluntary standstill period is to be implemented will be based on the policy of the Client and the arrangements will be outlined within the ITT.
- 4.2 Confirmation and non-material clarifications of the terms of the Tender may be required prior to Project Award. Failure to provide confirmation of the terms of the Tender, may result in the offer of Appointment being withdrawn.
- 4.3 Should an offer of Appointment be withdrawn, the Client reserves the right to issue an intention to award the Project to the next highest ranked Tenderer in the Call-off Competition.
- 4.4 To this end, Tenderers will be requested to keep their Tenders open for acceptance by Clients for six months and if an Appointed Company is unable to fulfil its obligations under the Project Award (for any reason), the Client reserves the discretion to appoint the next highest scoring Tenderer in the lot, within six months of the Project Award.
- 4.5 A Contract Award Notice will be published on TED and 'Sell to Wales'.

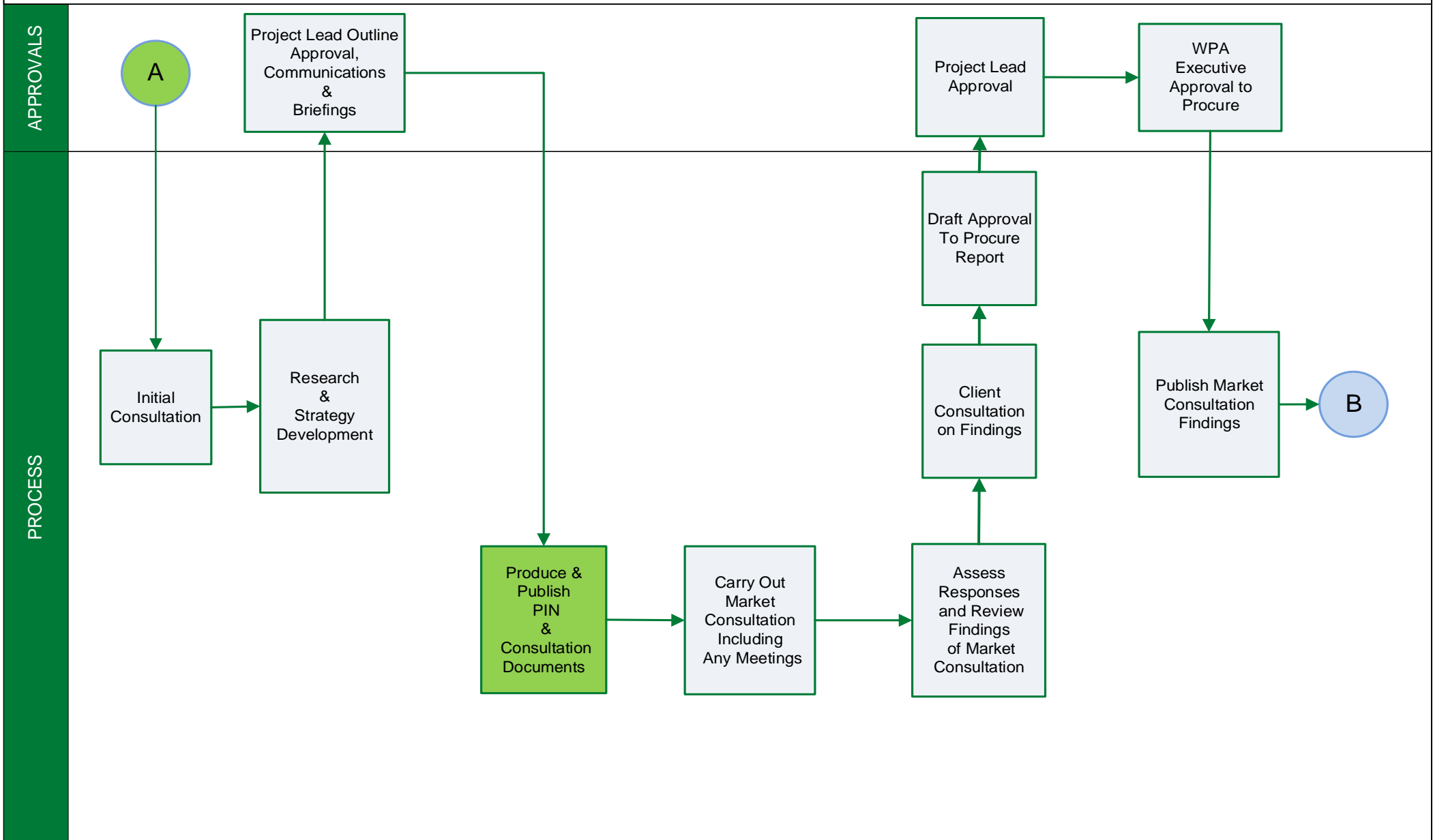
### **SECTION 3: The Process Timetable**

- 2.11 The table below outlines the proposed timetable for the Process.
- 2.12 All dates should be best viewed as indicative only. Should it be necessary for WPA to alter the structure and timings of any of the stages within the Process, WPA will endeavour to provide Bidders with as much notice as possible.
- 2.13 Should any Bidder identify any issues with any of the stages of the proposed timetable, such as errors or omissions, they should notify WPA immediately so that any issues can be rectified.

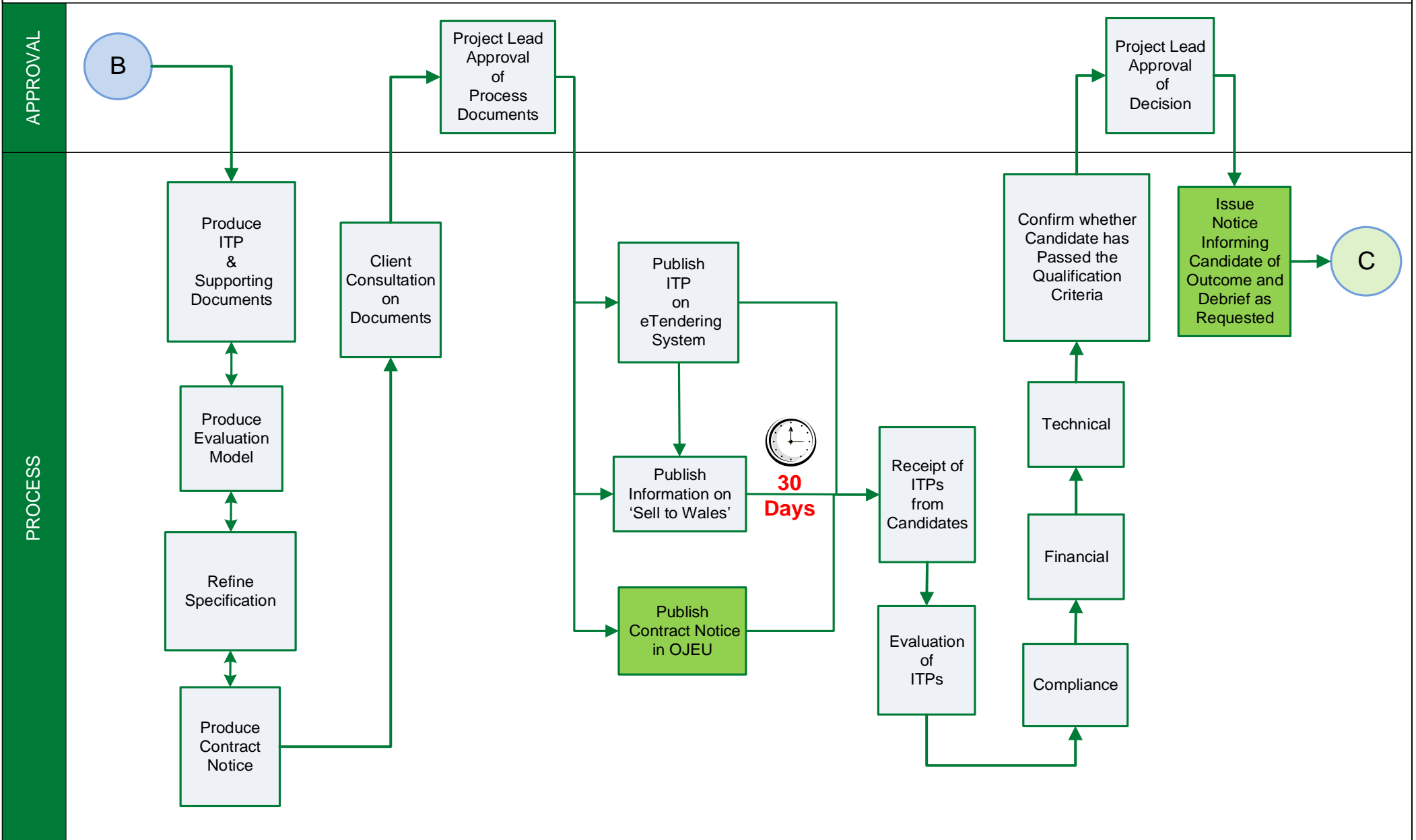
<b>Stage</b>	<b>Anticipated Dates</b>
Market Consultation Preparation	Fri 24 <sup>th</sup> July – Tues 11 <sup>th</sup> August 2020
Date PIN sent to Sell2Wales	Wed 12 <sup>th</sup> August 2020
Date of Publication on TED	Tues 18 <sup>th</sup> August 2020
Market Consultation Appointments Available	Wed 19 <sup>th</sup> August – Tues 8 <sup>th</sup> September 2020 (inclusive)
Market Consultation Closing Date	Wed 9 <sup>th</sup> September 2020 12:00 noon
Strategy Confirmation & Tender Preparation	Thurs 10 <sup>th</sup> – Fri 11 <sup>th</sup> September 2020
Date Contract Notice Sent Sell2Wales	Fri 11 <sup>th</sup> September 2020
Anticipated Date of Publication on TED	Tues 15 <sup>th</sup> September 2020
Initial Closing date for submission of RTP to enable all submissions received to be evaluated prior to DPS commencement (however the DPS will remain perpetually open for RTP submissions).	Thurs 15 <sup>th</sup> October 2020 12:00 noon
DPS Mobilisation	Friday 16 <sup>th</sup> – Friday 23 <sup>rd</sup> October 2020
DPS Commencement:	Mon 26 <sup>th</sup> October 2020

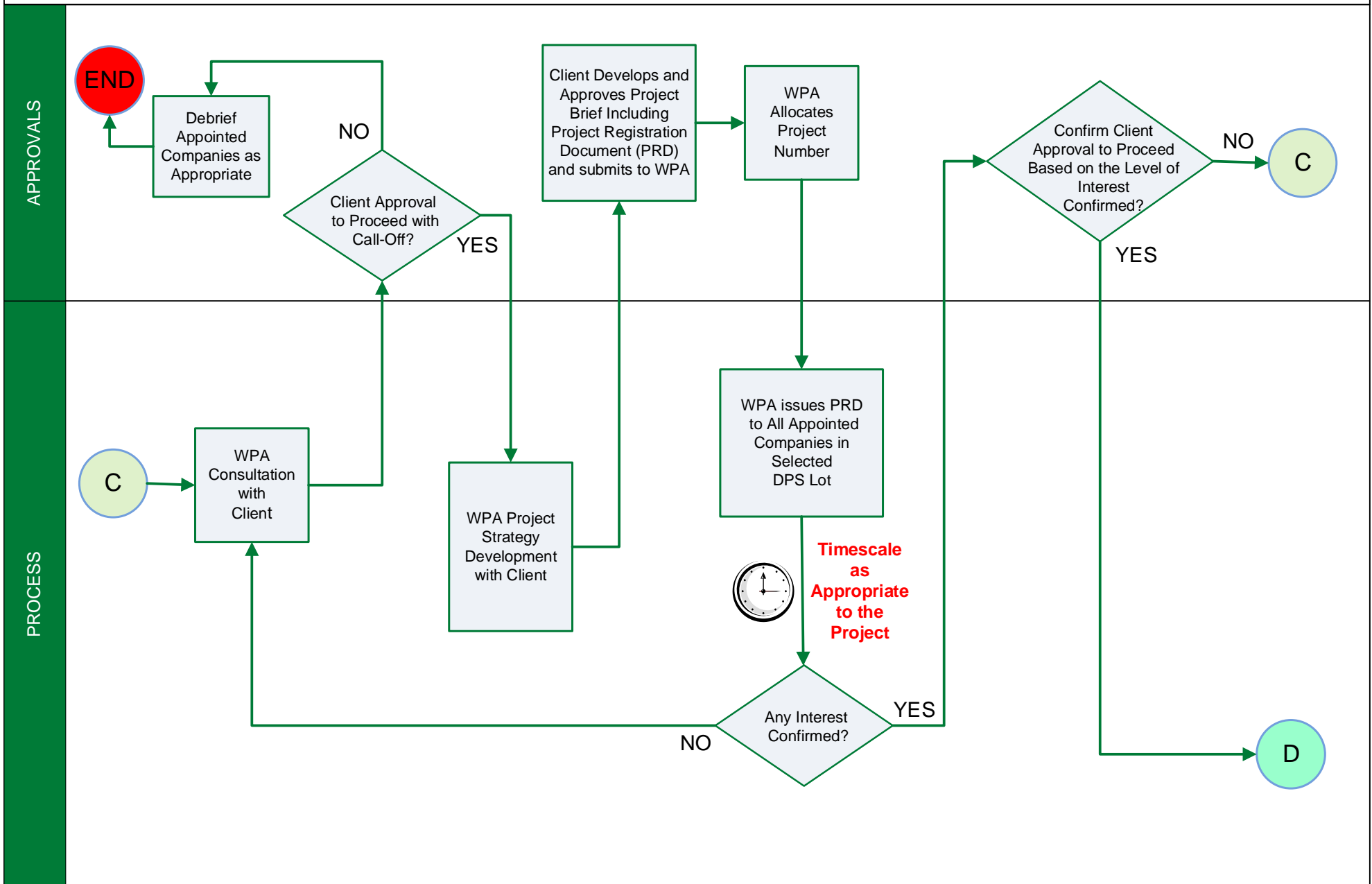


### A. STRATEGY / CONSULTATION



## B. INVITATION TO PARTICIPATE (ITP)





### D.TENDER STAGE

