



Procurement Document

Dynamic Purchasing System

Application to enter

Digital Innovation Dynamic Purchasing System (DPS)

Reference DN692291

Contents

	<i>Page Number</i>
<i>Introduction</i>	3
<i>Notes for Completion</i>	
1. <i>Glossary</i>	5
2. <i>E-Tender System</i>	5
3. <i>To View this Opportunity</i>	5
4. <i>Register Intent</i>	6
5. <i>Response Wizard</i>	6
6. <i>Confidentiality</i>	6
7. <i>Application Process</i>	6
8. <i>Communication</i>	6
9. <i>Other Documents and Supporting Evidence</i>	7
10. <i>Whistleblowing Policy and Procedure</i>	7
<i>Application Process</i>	
1. <i>Application to Enter the Dynamic Purchasing System</i>	7
2. <i>Applying for Admission at Initial Creation of the Dynamic Purchasing System</i>	7
3. <i>Application Validation Period</i>	7
4. <i>Applying for Admission into an Established Dynamic Purchasing System</i>	7
<i>Evaluation and Selection</i>	
1. <i>Evaluation</i>	8
2. <i>Selection Process</i>	8
3. <i>Selection Criteria</i>	9
4. <i>Procurement Timetable – Establishment of the DPS</i>	9
<i>Invitation to Tender for Call-Off Contracts</i>	
1. <i>Invitation to Tender</i>	10
2. <i>Invitation to Tender Response Time</i>	10
<i>Contract Terms and Conditions</i>	
1. <i>Terms and Conditions</i>	11
2. <i>Contract Documentation</i>	11
<i>Documentation</i>	12
<i>Disclaimer</i>	12

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”) which are 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 – Digital Innovation Dynamic Purchasing System (DPS)

Aim of the Dynamic Purchasing System - The work of the Digital Place Team, including the multi award-winning 5G Rural Dorset project, has earned the Dorset Council area a reputation for world-class telecoms R&D.

We want to further establish our county as a leading destination for digital innovation in sectors key to the success of our region and the UK. The Dorset Council Plan to 2024 identifies digital innovation as a key Cabinet commitment.

We now have an opportunity to continue supporting and growing this innovation ecosystem to create something of lasting local, national and international significance. It could draw in millions of pounds and create hundreds of skilled jobs in Dorset, helping support council priorities and regional aspirations such as those set out in the Great South West Prospectus.

We need an agile, pacy yet legally compliant way of working with current and future partners and suppliers to offer “innovation as a service”. Opportunities in this field can be high value and typically have short deadlines. Speedy but robust procurement arrangements are essential.

Mitigating Fraud and Corruption Risks

Public sector commercial activity can be attractive to organised criminals. It is therefore important for the Council to consider risk of fraud and corruption when commissioning and procuring goods, works and services. Effective management of risk in these areas are part of being a risk-aware council, that manages its resources efficiently to secure value for money outcomes. The Ministry of Housing and Local Communities (MHCLG) defines such fraud and corruption as:

“... any fraudulent or corrupt activity occurring within the entire procurement lifecycle, from decision to procure through to the conclusion of the contract and including all purchasing with a value below the level of a formal tender process. This will therefore include commissioning, contract management and purchasing, as well as the tendering process itself”. <https://www.local.gov.uk/review-risks-fraud-and-corruption-local-government-procurement>

The Council mitigates the risk of fraud and corruption using various tools, which includes before any contract award carrying out checks that will involve sharing personal and organisational information with fraud prevention agencies who will use it to prevent fraud and money-laundering and to verify identity. If fraud is detected, individuals or organisations could be refused certain services, finance, or employment. Further details on how

information will be used by the Council, fraud prevention agencies, and data protection rights is available on [\[Cifas\]](#).

The Council takes any fraud and corruption seriously. Any suspected fraud or corruption must be brought to the attention of Commercial & Procurement in the first instance, who will refer to Legal Services for guidance, investigation, or action with the appropriate authorities. Alternatively, issues can be raised via the Council's whistleblowing policy.

IR35 - Employment Status

When the Council engages a contractor to provide services, it must ascertain the contractor's employment status to meet the requirements of HMRC and IR35 legislation. Should the Council determine that the contractor is to be regarded as an employee, the Council is required to deduct income tax and national insurance contributions from payments to the contractor.

Accordingly, Tenderers are expected to fully co-operate with the Council to provide all necessary information to enable the Council to accurately determine employment status.

Data Protection Legislation

Where the services require the successful Tenderer to process or share personal data, the contract/framework will be subject to the Data Protection Act 2018, incorporating the UK GDPR as set out therein and the Privacy and Electronic Communications Regulations 2003 (SI 2003/2426).

The successful Tenderer must be familiar with all data protection legislation applicable within the UK, including their obligations as a data processor or controller, and will have all necessary systems and processes in place to ensure compliance. Guidance from the Information Commissioner's Offices is available here: [Guide to Data Protection | ICO](#)

If the service likely to result in high risk for individuals, the Council may be required to conduct a Data Protection Impact Assessment after contract/framework award but prior to any processing take place. The successful Tenderer must co-operate with this process as required.

The Council will liaise with the winning Tenderer to complete the data processing schedule which will form part of the contract/framework agreement entered into.

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 <https://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 goods, services, or works for specific contracts following admittance into the Dynamic Purchasing System;
- 1.9. **'Rounds - DPS'** 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. Confidentiality

- 6.1. 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.
- 6.2. 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.

7. Application Process

- 7.1. 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 sole discretion, of the Council be given to all Tenderers.
- 7.2. 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.
- 7.3. It is the Tenderers responsibility to ensure that they obtain the legal and specialist advice required to ensure they submit a compliant and complete Application and will be deemed by the Council to have done so.
- 7.4. 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.
- 7.5. 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.
- 7.6. Responses to each application question should be written concisely and clearly answer the question posed in English.
- 7.7. It is the Tenderers responsibility to ensure that their answers are responded directly to the questions. The Council will not evaluate any response or documentation submitted elsewhere by Tenderers in the e-tender system; only answered responses made direct to question placed will be evaluated. Refer to [Supplier resources and top tips for tendering - Dorset Council](#)

8. Communication

- 8.1. All contact during this procurement should be submitted in writing through the e-tender system.
- 8.2. 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.

- 8.2.1. 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.

9. Other Documents or Supporting Evidence

- 9.1. 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.

10. Whistleblowing Policy and Procedure

- 10.1. This policy describes the Council's commitment to supporting and protecting whistleblowers. It not only applies to council employees but also applies to suppliers.
- 10.2. 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 will comprise of:
- Selection Criteria questions regarding minimum entrance criteria [questions within e-tender system]
 - DPS Terms & Conditions - Digital Innovation Dynamic Purchasing System (DPS)

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 compliant tender process in accordance with the Public Contract Regulations 2015.*

- 2.1. Tenderers are required to submit their Application within the e-tender system by **3.00pm on Wednesday 14th February 2024.**
- 2.2. Tenderers must complete questions and upload documentation to the e-tender system, where requested to do so.
- 2.3. **It is the Tenderer's responsibility to ensure that the Application is submitted within the e-tender system by the closing date and time.**
- 2.4. Failure to answer and complete in full the Application within the e-tender system will result in the Council rejecting the Application as a failed submission.

3. Application Validation Period

- 3.1. All Tenderers shall keep their Application valid and open for acceptance by the Council for a period of 60 calendar days from the date of submission of Application.

4. 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.*

- 4.1. Tenderers may submit their Application within the e-tender system at any time in the duration of the Dynamic Purchasing System;
- 4.2. Tenderers to complete questions and upload documentation to the e-tender system, where requested to do so.
- 4.3. **It is the Tenderer's responsibility to ensure that their Application is submitted within the e-tender system by the closing date and time.**
- 4.4. **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 closing date for 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 or Works 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	
Evaluation	<p>The on-line questions within the e-tender system must be completed by Tenderers and, where requested to do so, Tenderers must attach required 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>

4 Procurement Timetable: Establishment of the Dynamic Purchasing System

4.1 The indicative timetable for the procurement to initially establish the Dynamic Purchasing System is set out below. This is intended as a guide and, whilst the Council does not intend to depart from the timetable, it reserves the right to do so at any time.

Table: Procurement Timetable

Date or Target Date	Activity
14/02/2024 at 3pm	Return date for submissions for Round 1 of the DPS Opening of next Round
28/02/2024	Evaluation Concluded
29/02/2024	Successful & unsuccessful applicants – notified
01/03/2024	Establishment of DPS

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 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 either Price Only, Quality Only or both Price and Quality as detailed below:

Price Only

- The Council will conduct an Invitation to Tender based on evaluation of 100% price where is seeking the best price from Tenderers to meet the particular circumstances of the individual requirement and no element of quality is to be evaluated.

Quality Only

- The Council will conduct an Invitation to Tender based on 100% quality 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.

Both Price and Quality

- The Council will conduct an Invitation to Tender based on an evaluation of both price and quality from Tenderers where the award criteria of price / quality 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 a 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 Dynamic Purchasing System, Tenderers are agreeing to the Contract Terms and Conditions and shall thereby be 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 Tender 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	Procurement Document – Digital Innovation Dynamic Purchasing System (DPS)	✗
Advert / EOI	DPS Terms & Conditions - Digital Innovation Dynamic Purchasing System (DPS)	✗
Advert / EOI	Prospectus - Digital Innovation Dynamic Purchasing System (DPS)	✗

Disclaimer

The information in this document does not purport to be comprehensive. It has not been independently verified. It is not intended to provide the basis of any investment decision and should not be considered as a recommendation by Dorset Council nor as an invitation to negotiate.

The Council does not accept any qualifications or additions to invitations to tender except those raised and responded to in the clarification stage or where a response to a question is requested. The Council will not accept any amendments or alterations to the terms and conditions raised before, during or after the tender submission.

Any errors in this procurement document shall not invalidate the Tender procedure nor release any Tenderer from any obligation under a Contract. Errors or omissions corrected by the Council that affect the contract shall be made by agreement.

The Council reserves the right to change the Tender procedure without prior notice and to terminate discussions and the delivery of information at any time before the signing of any contract.