

Procurement Document

(Dynamic Purchasing System)

Application to enter

Dynamic Purchasing System for Road Surface Treatment Services

Reference DN318931

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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 interested in supplying the required goods or services 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 Organisation who can meet the Selection Criteria to appointment on to the DPS. Only organisations that successfully enter the DPS will receive a further “Invitation to Tender” (“ITT”) for specific contracts.

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: Road Surface Treatment Services

Purpose and Scope of the Dynamic Purchasing System

The Council is looking to establish a Dynamic Purchasing System (DPS) with suitable Contractors to tender road surface treatment works.

A ‘**Dynamic Purchasing System**’ or ‘**DPS**’ is a 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 Organisation that meets the Selection Criteria. Organisations admitted to the DPS will be invited to submit Tenders [Invitation to Tender] for specific call-off contracts for Goods or Services when these requirements are identified by the Council. Being admitted onto a DPS is not a guarantee of business.

In addition to Dorset Council (Dorset Highways Operations), the DPS will also be accessible to the following authorities: ***Bournemouth, Christchurch & Poole Council, Devon County Council, Plymouth City Council and Swindon Borough Council.***

NOTE: This is version 2 of the Procurement Document following the initial establishment of the Dynamic Purchasing System

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 Organisation that meets the Selection Criteria. Organisations admitted to the DPS will be invited to submit Tenders [Invitation to Tender] for specific call-off contracts for Goods or Services 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 Due North and is hosted via <http://www.supplyingthesouthwest.org.uk>;
- 1.7. **'General Specification'** means the service specification that indicates the nature of the Goods or Services intended to be purchased under the Dynamic Purchasing System as provided in Appendix 1 – 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 Organisations 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 Organisations to respond to.

2. E-Tender System

- 2.1. Assistance in relation to the e-tender system is available to Organisations 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. Organisations 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 a 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, Organisations may then proceed to respond to the on-line questions.
- 5.2. To start the response Organisations 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 11 for Guidance in Respect of Lots.
- 6.2. Organisations may apply for admission onto the Dynamic Purchasing System for one or more Lots.
- 6.3. Organisations 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. Organisations 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 their 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 Organisations.
- 8.2. Organisations must obtain for themselves all information necessary for the preparation of their Application response and all costs, expenses and liabilities incurred by the Organisation in connection with the preparation and submission of the Application shall be borne by the Organisation, whether or not their application to enter the Dynamic Purchasing System is successful.
- 8.3. Information supplied to the Organisation by Council staff or contained in Council publications is supplied only for general guidance in the preparation of the Application.
- 8.4. Organisations 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 Organisations 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. Organisations should seek to clarify any points of doubt or difficulty via the e-tender system. It is not acceptable for Organisations 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. Organisations 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 Organisations must complete and upload other documentation that may be provided with this application process, or upload evidence to support their submission.

Application Process

1. Application to enter the Dynamic Purchasing System

- 1.1. Organisations may apply to enter the Dynamic Purchasing System by submitting an Application which comprises of:
 - Selection Criteria questions regarding minimum entrance criteria [Technical and Professional Ability Questionnaire within the e-tender system]
 - Contract Terms and Conditions

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 EU 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. Organisations are required to submit their Application within the e-tender system by the date as specified on as stated in the DPS.
- 3.2. Organisations may submit their Application within the e-tender system at any time in the duration of the Dynamic Purchasing System.
- 3.3. Organisations must complete questions and upload documentation to the e-tender system, where requested to do so.
- 3.4. 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 Organisations selected by the Council to enter into the Dynamic Purchasing System shall be notified in writing.
- 2.4 Organisations that 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 Organisations 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 Organisation 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 An Organisation'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	
Road Surface Treatments	Technical and Professional Ability Questionnaire within the online Selection Questionnaire template
Evaluation	The on-line questions within the e-tender system must be completed by the Organisation and, where requested to do so, Organisations must attach required documentation. All the individual questions are mandatory therefore Organisations are required to submit a response. Failure to complete the on-

	<p>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.
- 4.2 The extent of any Financial Evaluation undertaken will depend on the value and importance of the contract to be tendered through the DPS. 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.
- 4.3 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.
- 4.4 Economic and Financial Standing
- 4.5 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.
- 4.6 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.

5 Procurement Timetable: Establishment of the Dynamic Purchasing System

- 5.1 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.

This has now been established.

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 Organisations that 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 will be an evaluation based on Price Only 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 Organisations to meet the particular circumstances of the individual requirement and no element of quality is to be evaluated.
- 1.3 When conducting an Invitation to Tender for call-off contracts from the Dynamic Purchasing System, Organisations will be provided with a work specification, plus any additional terms and conditions specific to the call-off requirements (which shall be in addition to the already agreed Contract Terms and Conditions). Such Invitation to Tenders shall be commensurate to the size and complexity of the individual requirement.

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.

3 Invitation to Tender Call-Off Contract Specifications

- 3.1 Specifications are provided as part of the DPS Tender Document Pack, this comprises of the following:
- 01 Road Surface Treatments **General Specification**
 - 02 Sub Specification for **Premium Surface Dressing**
 - 03 Sub Specification for **Micro Asphalt and Footway Surface Treatments**
 - 04 Additional Sub Specification for **Premium Surface Dressing and Micro Asphalt**
 - 05 Sub Specification for **Carriageway Retexturing**
 - 06 Sub Specification for **Joint Sealing**
 - 07 Sub Specification for **Asphalt Preservation**
 - 08 Sub Specification for **In-Situ Road Recycling**
 - 09 Sub Specification for **Spray Injection Patching**
- 3.2 Where an Organisation receives an Invitation to Tender for a specific contract following entrance into the Dynamic Purchasing System, the Road Surface Treatments General Specification will be incorporated into the contract as well as the Sub Specification relevant to the individual contract, unless otherwise stated or amended by the Council in 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 Organisation'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 an Organisation 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. Organisations by submitting an Application to enter the DPS 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 Organisation, to sign paper based contract documentation as it is a requirement for all elements of the process to be fully electronic and 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 Organisations has been provided with the following documentation. Where indicated by ✓ these are required to be completed and uploaded within the e-tender system.

DOCUMENT TITLE	COMPLETE AND UPLOAD
1. Procurement Document – Dynamic Purchasing System	x
2. Contract Terms & Conditions	x
3. 01 General Specification	x
4. 02 Sub Specification for Premium Surface Dressing	x
5. 03 Sub Specification for Micro Asphaltting and Footway Surface Treatments	x
6. 04 Additional Sub Specification for Surface Dressing and Micro Asphaltting	x
7. 05 Sub Specification for Carriageway Retexturing	x
8. 06 Sub Specification for Joint Sealing	x
9. 07 Sub Specification for Asphalt Preservation	x
10. 08 Sub Specification for In-Situ Road Recycling	x
11. 09 Sub Specification for Spray Injection Patching	x

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 or Services