



Dorset
Council

Procurement Document

(Dynamic Purchasing System)

Application for Selection to

Passenger Transport - Dynamic Purchasing System

Reference DN245509

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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 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: Passenger Transport – Dynamic Purchasing System DN245509

Scope of the Dynamic Purchasing System:

This Dynamic Purchasing System will be used to procure passenger transport services as required by Dorset Council. These requirements may include, but are not limited to, transport for Children to School, Children with Special Education Needs and Children in Care. It may also be used to procure supported public passenger transport services and transport for various social care purposes.

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. Dorset Council reserves the right to carry out fraud checks on any supplier awarded onto the DPS prior to awarding any contract. 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.

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. Confidentiality

- 6.1. 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 the a 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 discretion, of the Council be given to all Organisations.
- 7.2. 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.
- 7.3. 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.
- 7.4. 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.
- 7.5. Responses to each application question should be written concisely and clearly answer the question posed in English.

8. Communication

- 8.1. All contact during this procurement should be submitted in writing through the e-tender system.
- 8.2. 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.
 - 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. Organisations should therefore not include within the question placed their organisation's name and any potential commercially sensitive information.

9. Other Documents or Supporting Evidence

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 participate in the Dynamic Purchasing System

- 1.1. Organisations may apply to participate in the Dynamic Purchasing System by submitting an Application which comprises of:
 - Completed Selection Questionnaire [questions within e-tender system]
 - Acceptance of the General Contract Terms and Conditions
 - Acceptance of the General Service Specification

2. Applying to participate 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.*

- 2.1. Organisations are required to submit their Application within the e-tender system by **2.00pm [14:00hrs] on Wednesday 19th April 2017.**
- 2.2. Organisations must complete all questions and upload and required documentation to the e-tender system, where requested to do so.
- 2.3. It is the Organisation'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. Applying to participate in the 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.
- 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. It is the Organisation'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 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	
Evaluation	Pass/Fail against the minimum requirements of all selection criteria. More detail of the full selection criteria is provided within the e-tendering portal.
Criteria	The questions within the e-tender system must be completed by 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-line questions will result in a Fail as Evaluators will not be able to evaluate fully the submitted Application.

	Pass / Fail: The minimum requirements to pass will be clearly stated. If any question(s) is assessed as a Fail it will result in the Application not being successful in entering the Dynamic Purchasing System.
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4 Financial Evaluation

- 4.1 No minimum financial criteria have been set for applications to participate in this DPS.
- 4.2 The authority reserves the right to consider financial evaluation at call for competition stage where relevant and a specific risk is identified through unacceptable financial standing. Where this is done the following will apply:
- 4.3 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.
- 4.4 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.
- 4.5 Economic and Financial Standing
- 4.6 A Tender may 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.
- 4.7 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.
- 4.8 It is emphasised that financial standing is only a part of the overall selection criteria.

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.

Table: Indicative Procurement Timetable

Date or Target Date	Activity
21 March 2017	Establishment of DPS [Round 1] – Start Date
19 April 2017	Establishment of DPS [Round 1] – Return Date
28 April 2017	Establishment of DPS [Round 1] – Evaluation completed
28 April 2017	Establishment of DPS [Round 1] – Applicants Notified
01 May 2017	Specific Call(s) for competition (Invitation to tender) from the DPS
01 May 2017 (Ongoing)	DPS open for new requests to Participate

Tenders for Call-Off Contracts

1 Call for Competition

- 1.1 If the Council decides to conduct a call for competition through the Dynamic Purchasing System in respect of individual call-off contracts, only those Organisations that have been admitted to 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 will evaluate tenders based 100% on the price offered for the service requirement. Only organisations that demonstrate an ability to conform to the particular circumstances and specification for the individual requirement will be evaluated. The price evaluation may be formulated in more detail for each call for competition. No element of quality is to be evaluated.
- 1.3 When conducting a Call for Competition for call-off contracts from the Dynamic Purchasing System, Organisations will be provided with a work specification, any service specification related terms and conditions specific to the call-off requirements. These shall be **in addition to** the agreed Contract Terms and Conditions, and general service specification agreed at the selection to the Dynamic Purchasing System.
- 1.4 Demonstrations, interviews, presentations and/or site visits may be required as part of an Invitation to Tender for call-off contracts, but only on very rare occasions.

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 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 incorporate 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 constituted and become binding on both parties under any pursuant Contract.

2. Signed Contract

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 held within the system.

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	PURPOSE	COMPLETE AND UPLOAD
1. Procurement Document – DPS DN245509	Information	✗
2. General Terms & Conditions - DPS DN245509	Information	✗
3. General Specification – DPS DN245509	Information	✗
4. Summary Document – DPS DN245509	Information	✗

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.