

Welsh Procurement Alliance

**Housing Construction –
South Wales**

Dynamic Purchasing System

DPS-HCSWa

Market Consultation Document 1:
Market Consultation Guidance
(MCG1)

(Version 2)
20th August 2020

Market Consultation on the Prospective Dynamic Purchasing System for Housing Construction - South Wales

Table of Contents

Glossary	3
1. Introduction to the Proposed Dynamic Purchasing System	4
2. Draft Commissioning Objectives	4
3. Introduction to the Market Consultation	4
4. Objectives of the Market Consultation	5
5. Consultation Process and Approach	5
6. Anticipated Consultation Timetable	6
7. General Guidance	7
8. Submission of Market Consultation Responses ('MCRs')	7

Glossary

Accommodation	Sheltered accommodation, care homes, extra care (e.g. dementia) student accommodation etc.
Appointed Companies	Bidders who are 'Appointed' to participate the DPS to compete in Call-off Competitions to provide Works to Clients in respect of their residential Projects.
Candidates	Suppliers submitting Requests to Participate to WPA (via LHC) in response to the Process undertaken to procure the potential DPS.
Clients	Public sector organisations who commission their residential Projects through the DPS.
Commissioning Objectives	The essential outcomes to be achieved by the potential DPS.
Contributors	Organisations participating in this Market Consultation.
Consortium / Consortia	Two or more Suppliers acting jointly for the purpose of being Appointed to the DPS. (This includes joint bidding entities.)
Dynamic Purchasing System (DPS)	The potential Dynamic Purchasing System (DPS) which is the subject of this Market Consultation.
FOIL	Freedom of Information Act 2000 (FOIA); the Environmental Information Regulations 2004 (EIR) and all subordinate legislation under these.
Housing	Housing, bungalows, flats, apartments etc.
Invitation to Submit a Tender (ITT)	A request to submit a Tender issued by a Client to Appointed Companies, so initiating the process by which a Project will be awarded.
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 DPS 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.
The Process	The restricted procurement procedure used to award Projects, consisting of the issue of an Invitation to participate in the DPS, qualifying Candidates, therefore becoming Appointed Companies, to which Invitations to Tender would be issued.
Requests to Participate	Requests to Participate in the DPS submitted by Candidates in response to the Request to Participate.
Suppliers	Mean economic operators (including persons) who offer on the market 'Works' and who sought; who seeks, or would have wished, to participate in the DPS.
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 DPS.
TED	Tenders Electronic Daily: The online version of the Official Journal of the European Union', dedicated to European public procurement. See the link below: http://ted.europa.eu/TED/main/HomePage.do
Tenders	Offers submitted by Appointed Companies in response to an invitation to submit a tender (ITT) by which a Project will be awarded by a Client via the DPS.
Works	Works (for the purpose of this DPS 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 DPS).

1. Introduction to the Potential DPS

- 1.1 Firstly, thank you for your interest in this opportunity. WPA (via LHC¹), is consulting on behalf of Clients on the potential establishment of a DPS 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 DPS can be found in **Notice Document 1: PIN** and in the **Descriptive Document 1: DPS Scope and Potential Client Profiles** included within the Market Consultation Documents.
- 1.3 Further details of the procurement approach are outlined in **Notice Document 1: PIN** and **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 DPS. Tenders will be evaluated on how successfully the evidence presented by Appointed Companies ensures the achievement of the Commissioning Objectives as may be appropriate to meet the needs of Projects.
- 2.2 The Commissioning Objectives considered to date are detailed in **Descriptive Document 2: 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 Suppliers ('Market Consultation Responses / MCRs'). The Survey is available via Survey Monkey via the link below.
<https://www.surveymonkey.co.uk/r/L6GQXLW>
- 3.2 In addition, WPA is offering the opportunity for Contributors to attend one to one on-line or telephone 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 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 DPS 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.

¹ Acting as the Central Purchasing Body.

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.
 - 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.
 - ensure sufficient market interest and identify sectors and geographical locations which may require market development support.
 - improve the robustness and scope of the DPS 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 DPS to create the highest degree of open competition, diversity of supply and accessibility of opportunity.
 - further, to understand which Suppliers 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; Suppliers; Appointed Companies; Contributors; Participants; 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 DPS including the feasibility of the proposed delivery models; specifications and DPS 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 4.1 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 12:00 noon on Tuesday 18th August 2020 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 Wednesday 19th August and Tuesday 8th September 2020.
- 5.2.2 The current intention is to hold virtual meetings via the Zoom teleconferencing web application. This system is free and easy to use. Further details of this system can be access here. <https://zoom.us/>

5.2.3 However, telephone appointments or meetings via other teleconferencing web applications can also be accommodated (such as via Skype or Microsoft Teams), however these meeting arrangements would need to be set up by contributors.

5.2.4 Available appointment times for meetings 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.

5.2.5 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 Contributors may just prefer to note their preferences on a message. Contributors may also wish to list any topics for discussion.

5.2.6 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.

5.3 Stage 3 – Submission of Completed Surveys

5.3.1 Completed Surveys (MCRs) should be submitted via Survey Monkey by **12:00 on Wednesday 9th September 2020**.

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 / Supplier 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 Invitation to Participate Stage.

6. Anticipated Consultation Timetable

Consultation Timetable	Anticipated Dates
Market Consultation Preparation	Fri 24 th July – Tues 11 th August 2020
Date PIN sent to Sell2Wales (and from there onto TED)	Wed 12 th August 2020
Market Consultation Appointments	Wed 19 th August – Tues 8 th September 2020
Market Consultation Closing Date	Noon on Wed 9 th September 2020
Strategy Confirmation & Tender Preparation	Thurs 10 th – Fri 11 th September 2020
Date Contract Notice Sent to Sell2Wales (and from there onto TED)	Fri 11 th September 2020

6.1 Please see above the anticipated Consultation Timetable (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.

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 WPA² 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 9 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 (including rates and prices to be quoted) of any prospective Tender;
 - enter into any agreement or arrangement with any other person that a person shall refrain from submitting a MCR, Request to Participate or any prospective Tender;
 - offer, give or agree to give any inducement or reward in respect of this Consultation or any prospective Tender.

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 **12:00 noon on Wednesday 9th September 2020.**
- 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

² 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 respond to all 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 or the helpdesk via either of the following addresses:

support@proactis.com

<https://www.proactis.com/uk/support/>

8.6 Should no response be received from the above email then via:

Neil Barker – Director

Neil.Barker@welshprocurement.cymru

07786 730867

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.