

INSTRUCTIONS TO PARTICIPATE

DYNAMIC PURCHASING SYSTEM (DPS) FOR DESIGN AND CONSULTANCY SERVICE SPECIALISING IN GREEN RETROFIT AND DECARBONISATION STRATEGIES AND EXPERTISE

1. INTRODUCTION

- 1.1** This procurement will establish and maintain a Dynamic Purchasing System (DPS) for off-site manufacture and construction of housing. A DPS is a completely electronic process conducted in accordance with the Public Contracts Regulations 2015. The procurement is subject to a contract notice that has been published to the Official Journal of the European Union.
- 1.2** EN:Procure (ENP) will not enter into a negotiation with Consultants in respect of any element of the instructions to participate (ITP) or the DPS Agreement during or after the procurement process. Consultants are instructed to carefully read all documents that comprise the ITP to ensure they fully understand the requirement and are willing to be bound by the terms of the DPS Agreement and forms of underlying contract before submitting an application for evaluation.
- 1.3** The information provided by Consultants in response to this document will be used by ENP to select those Consultants that will be admitted to the DPS. Admission to the DPS only requires Consultants to demonstrate that their organisation meets the selection criteria, as set out in the Selection Questionnaire. There are no specific requirements or pricing schedules to complete at this stage, and all Consultants who meet the selection criteria will be admitted to the DPS.
- 1.4** There is no limit to the number of Consultants who may be admitted to the DPS.
- 1.5** Unlike Framework Agreements, Consultants or Consultants can apply to join the DPS at any time during its lifetime, which is managed by a series of 'rounds'.
- 1.6** When a Customer has a requirement for works or services, a further competition comprising the tender documentation will be issued to each Consultant that has been admitted to the relevant Lot. PLEASE NOTE that no guarantee is made that any Underlying Contracts will be placed under the DPS by any Customer.

2. QUERIES AND CLARIFICATIONS

- 2.1** Queries and clarification regarding any aspect of this procurement should be submitted through the message facility on ProContract e-Tendering system <https://procontract.due-north.com/register>.
- 2.2** If the query is of material significance to all Consultants in the procurement, ENP will publish both the question and the response to all Consultants in an anonymous

format using the ProContract e-Tendering system. Queries and clarifications can be submitted at any time.

- 2.3** ENP reserves the right to request clarification from Consultants where it is necessary to complete the evaluation of an application. Consultants are responsible for ensuring that they respond to ProContract e-Tendering system alerts promptly.

3. ADMITTANCE INTO THE DPS

- 3.1** Admittance into the DPS is conditional on the satisfactory completion of the questionnaire located on the e-Tendering system at www.procontract.due-north.com. Consultants are advised to contact ProContract via the e-Tendering system if the documents cannot be downloaded or they appear to be missing. Each of the documents are necessary to the completion of the application and to deliver the works and services covered by the DPS.

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| Document A | Instructions to Participate |
| Document B | Specification |
| Document C | DPS Agreement |
| Document D | List of Current Customers |

- 3.2** ENP may disclose any information relating to the bids to its directors, officers, employees, agents or advisers. ENP also reserves the right to disseminate information that is materially relevant to the procurement to all Consultants even if the information has only been requested by one Consultant (in accordance with section 2 of this document and subject to the duty to protect any Consultants commercial confidence). ENP will act reasonably as regards the protection of commercially sensitive information relating to the Consultant.

4. SUBMISSION GUIDANCE

- 4.1** Consultants are required to complete their application using the ProContract E-tendering system. Where Consultants are required to upload documents, Consultants are advised to ensure that the documents have been signed and authorised where required and that the content of the document can be viewed correctly when downloaded. Failure to upload documentation required for the purposes of evaluation may lead to the rejection of the application.

- 4.2** Unsuccessful Consultants may amend their applications and resubmit in a subsequent round of the application process. In accordance with Regulation 34(25) of the public Contracts Regulations 2015 ENP may, at any time during the life of the DPS, require Consultants to re-confirm that they continue to satisfy the admittance criteria for the DPS. IF ENP makes any such request the Consultant shall respond to that request within 5 working days.

5.0 LOT STRUCTURE

- 5.1** Appropriately qualified and experienced Consultants are required to select the Lots for which they would like to submit an application. There are no restrictions on the number

of Lots that the Consultant can apply for. The requirements of the DPS are set out in Document B Specification.

- Lot 1 - Retrofit Strategy Advisor Services
- Lot 2 – Retrofit Assessor/Retrofit Evaluator Services
- Lot 3 – Retrofit Coordinator Services
- Lot 4 – Retrofit Designer Services
- Lot 5 – Thermographic Surveys

6.0 AWARD OF CONTRACTS UNDER THE DPS

- 6.1** The call-off process under the DPS will be by means of further competition with all the Consultants on the relevant Lot being invited to tender.

7.0 APPLICATION DEADLINE

- 7.1** The ProContract System handles applications to the DPS via a series of Rounds. The initial set up stage will be Round 1. **The deadline for the submission of completed applications for Round 1 is 17.00 on 5th February 2021**
- 7.2** Following the initial set up of Round 1 there will be no fixed deadlines for applications. New applications can be submitted at any point during the life of the DPS. ENP will evaluate any applications received within 10 working days of receipt (or 15 working days where additional evaluation time is required) and will inform the Consultant of the outcome of the evaluation.

8.0 TIMETABLE

- 8.1** The timetable for the procurement is outlined below –

| ACTIVITY | EXPECTED DATE |
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| Application (Round 1) deadline | 5 th February 2021 |
| Evaluation | 5 th February 2021 to 18 th February 2021 |
| Notification of the outcome of the evaluation | 19 th February 2021 |
| DPS launch | 22 nd February 2021 |
| Re-opening of DPS for applications (Round 2) | 22 nd February 2021 |

- 8.2.** Prior to the launch of the DPS, successful Consultants will be required to sign and return the DPS Agreement via the Docusign e-Signature process. Failure to sign the DPS Agreement within the timescale and instructions provided will entitle ENP to assume that the Consultant does not wish to be appointed to the DPS and so shall entitle ENP to remove that Consultant from the list of successful Consultants. Consultants will not be eligible to be awarded a supply contract unless the form of DPS Agreement has been signed. ENP shall not be liable for any loss of profits, loss of contracts or other costs or losses suffered or incurred by the Consultant as a result of that Consultant not being appointed to the DPS in these circumstances.

9.0 OVERVIEW OF THE EVALUATION PROCESS

Applications will be evaluated by an evaluation team comprising of representatives from ENP. All questions (except those asking for information) will be evaluated as PASS/FAIL.

Part 1 – Potential Supplier Information (Information only)

Section 1

Section 1.1 – Potential Supplier Information

Section 1.2 – Bidding Model

Part 2 – Exclusion Grounds (Pass/Fail)

Section 2 and 3 Grounds for Mandatory and Discretionary Exclusion

This is a self-declaration, made by you (the potential Consultant), that you do not meet any of the grounds for exclusion. If there are grounds for exclusion, there is an opportunity to explain the background and any measures you have taken to rectify the situation (this is called self-cleaning). If ENP is satisfied with the explanation provided, the Consultant will pass this element of the admittance criteria.

A completed Section 2 and 3 provides a formal statement that the organisation making the declaration has not breached any of the exclusions grounds.

Applications that are not materially complete or which are non-compliant with requirements will be rejected at this stage.

Part 3 - Section 4 - Economic and Financial Standing (Pass/Fail)

Initially, ENP will carry out a Creditsafe check on the Consultants (Creditsafe is an external credit reference agency). ENP will not exclude any Consultants purely on the grounds of an unsatisfactory Creditsafe report. A satisfactory report would indicate moderate financial risk (very low to low risk is a score of 51-100, moderate risk is a score of 30-50 and very high to high risk is a score of 1-29).

Further assessment will be carried out based on financial checks to accounts submitted by the Supplier in either of the following scenarios:

- a) If the Consultants score falls below 30 (for both established and newly incorporated organisations)
- b) If the Supplier does not appear on Creditsafe (or does not have a score on Creditsafe)

All Consultants are required to submit their accounts or an alternative means of demonstrating financial status, **if requested**. It is ENP's preference that Consultants submit accounts that correspond with the number of years they have been trading. Where Consultants are unable to submit accounts, Consultants can provide an alternative means of demonstrating financial status over the length of time they have been trading. Consultants are advised that by choosing to submit an alternative means of demonstrating their financial status, it increases the chance that ENP will require the Supplier to provide clarification in order to complete the assessment. ENP seeks to reduce the requirement for clarification in the procurement as it increases the cost of the procurement process to the Supplier. Consultants are therefore strongly advised to submit their accounts so that ENP can complete the assessment swiftly.

If ENP's assessment raises doubt as to the financial standing of the Supplier, ENP may seek further clarification from the Supplier. If the Supplier is unable to satisfy ENP on the issues raised, ENP may exclude the Supplier from the procurement for the Lot(s) the Supplier is applying for. ENP reserves the right to reassess the financial standing of the successful Consultants throughout the term of the DPS.

Part 3 – Section 5 - Insurance

| Information required | | Scoring mechanism |
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| 1 | Employers liability insurance | <p>All Consultants must confirm the level of insurance that they currently hold and the expiry date of the policy.</p> <p>Consultants must also be able to confirm that if required that they are able to and will provide Employer liability insurance to a minimum level of £10,000,000.</p> |
| 2 | Public liability insurance | <p>All Consultants must confirm the level of insurance that they currently hold and the expiry date of the policy.</p> <p>Consultants must also be able to confirm that if required that they are able to and will provide Public liability insurance to a minimum level of £5,000,000.</p> |
| 3 | Professional indemnity insurance | <p>All Consultants must confirm the level of insurance that they currently hold and the expiry date of the policy.</p> <p>Consultants must also be able to confirm that if required that they are able to and will</p> |

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| | | provide Professional liability insurance to a minimum level of £5,000,000. |
| Guidance – Insurance | | |
| Consultants should note that the successful Consultant(s) may be required to obtain additional insurance cover or to provide evidence that they have the necessary insurance policies in place in order to be considered eligible for call off for a particular underlying contract. | | |
| If a Consultant does not currently have a particular type of insurance cover they should insert “N/A” into the applicable section. | | |

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| Part 3 – Section 6 - Equality | | |
| Information required | | Scoring mechanism |
| 1 | Equality Act 2010 | Consultants must confirm that they recognise and comply with their legal obligations under the Equality Act 2010. |
| Guidance – Equality | | |
| Consultants who cannot confirm and do not recognise and comply with their legal obligations under the Equality Act 2010 will fail this criteria and will be excluded from the procurement. | | |

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| Part 3 – Section 7 - Equality Modern Slavery Act 2015: Requirements under Modern Slavery Act 2015 | | |
| Consultants are to confirm if they are a relevant commercial organisation as defined by section 54 ("Transparency in supply chains etc.") of the Modern Slavery Act 2015 ("the Act") | | |
| If yes, then Consultants must confirm they are compliant with the annual reporting requirements contained within Section 54 of the Act and provide the relevant URL | | |
| Consultants who are defined as a relevant commercial organisation under the Modern Slavery Act 2015 and fail to confirm they are compliant with the annual reporting requirements and/or fail to provide a relevant URL shall fail and the Supplier will be excluded | | |

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| Part 3 – Section 8 - General Requirements | | |
| 1 | Health and Safety Policy (All Lots) | <p>Please self certify that your organisation complies with all current and relevant Health and safety legislative requirements</p> <p>If 5 or more people are employed, please provide a copy of your organisation's Health & Safety Policy or a statement of how your organisation ensures compliance with Health & Safety legislation (if less than 5 people are employed)</p> <p>Consultants who fail to self-certify that their organisation complies with all current and</p> |

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| | | relevant health and safety legislative requirements and fail to provide their policy/statement (as relevant) shall fail this criterion and their admittance refused |
| 2 | Member of a TrustMark approved Retrofit Coordinator Scheme (Lots 1,2 & 3) | <p>Does your organisation hold membership of a TrustMark approved Retrofit Coordinator Scheme?</p> <p>If “yes” please provide either a valid copy of your accreditation certificate.</p> <p>Consultants who fail to provide this, shall fail this criterion and their admittance refused</p> |

Part 3 – Section 9 – Lot Specific Experience & Technical Ability (Each Lot)

9.1 - Lot Specific Experience

Consultants are required to provide 1 example of their experience within the last 6 years of undertaking works of a similar nature for each Lot they are bidding for.

Within the response Consultants are required to provide:

- i) Description of the Commission
- ii) Client details

10. Award of position into DPS

Following evaluation of the questionnaire responses, those applicants that:

- submit a fully completed online SQ (Part 1)
- are not excluded under the provisions of the Grounds for Exclusion (Part 2);
- meet the economic and financial standing requirements (Part 3);
- pass the additional questions (Part 3) ; and
- sign the DPS Agreement;

will be admitted into the DPS.

The DPS will expire on 19th February 2027.