

Welsh Procurement Alliance

North and Mid-Wales Residential Construction Framework

H1NW

Information Document 2:

Restricted Process Guidance (RPG)

(Version 1)
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SECTION 1: Overview of the Process

Part One: Process Outline

- 1.1. This document sets out the proposed Restricted Process (the 'Process') to be followed by WPA in accordance with the provisions of the Public Contract Regulations 2015 (the 'PCR').
- 1.2. **The first section of this document provides an overview of the Process. Whilst the second section describes the stages of the Process in detail. An 'at a glance' guide can be found onwards from page 9. The indicative timetable can be found at page 8.**
- 1.3. The Restricted Process is to be used because this opportunity may consist of up to sixty (60) lots in total. (Consisting of up to up to thirty-six (36) sized lots across eight (8) Welsh counties (2 lots covering Powys) and four (4) sized lots at an 'all county lots 1- 9 regional (Super-lot)' level. Plus, nine (9) specialist lots at a county level and a 'Super-lot' (1) for associated community buildings and potentially also (9) county lots for Accommodation and a 'Super-lot' (1), should this prove attractive to Bidders.) Therefore, a shortlisting stage is necessary to ensure that the time taken and costs of administering the Process are viable for Bidders, Clients and WPA alike.
- 1.4. The Process is planned to consist of the following seven (7) stages:
 - i. Market Consultation: with the issue of an on-line Survey, plus the opportunity for prospective Bidders to discuss the opportunity with WPA in meetings and / or telephone discussions;
 - ii. Qualification: with the issue of an on-line ESPD (European Single Procurement Document);
 - iii. Selection: with the evaluation of Selection Questionnaire (SQ) submitted by Bidders who have met the ESPD criteria, to identify the Bidders to be invited to submit a Tender on the basis of the basis of their ranking based on the scores achieved (highest score ranking as first);
 - iv. Tender, with the evaluation of Tenders submitted (in response to the ITT) by Bidders who have met the ESPD criteria and been shortlisted as a result of their responses to the SQ;
 - v. Framework Award to the Bidders who have achieved the highest scores in the evaluation of Tenders;
 - vi. Mini-Competition, with Clients issuing Mini-Tender documents in respect of their specific development projects ('Projects');
 - vii. And, Project Award.
- 1.4 Up to and including Framework Award¹, the Process will be administered using the 'ProContract' e-tendering system. All documents, questions received, and any answers provided will be published on ProContract. Prospective Bidders would be well advised to ensure that they are registered on ProContract to ensure that they can access details of the opportunity as soon as it is published.
- 1.5. Full details of the Process to be followed and evaluation guidance will be published in **Information Document 4: Tendering Guidance (TG)**, to be issued at the Qualification Stage of the Process.

SECTION 2: Process Stages

Stage One: Market Consultation

- 2.1. A Prior Information Notice ('PIN')² broadcasts the Market Consultation via the on-line edition of the Official Journal of the European Union – 'Tenders Electronic Daily' ('TED') and 'Sell to Wales'. Thereby inviting organisations to participate in the Consultation (be 'Contributors'),³ with the aim of providing information that can be used to:
- i. develop strategy;
 - ii. ensure sufficient market interest and identify sectors and geographical locations which may require market development support;
 - iii. improve the robustness and scope of the Framework and the Process;
 - iv. ensure non-discriminatory specifications;
 - v. package the Framework to create the highest degree of open competition, diversity of supply and accessibility of opportunity;
 - vi. explore commissioning scope for the creation of social value and community benefits as core requirements of developments;
 - vii. explore commissioning scope for the inclusion of energy efficiency buildings;
 - viii. explore the capabilities of the market to deliver projects using Modern Methods of Construction;
 - ix. understand specifically which Organisations may be interested in supplying some or all of the Works;
 - x. determine any particular risks and issues that need to be considered; and
 - xi. ultimately, to seek to derive maximum value for Clients; Suppliers, WPA; Contributors; other organisations and the wider community.
- 2.2. WPA and Clients will assess Contributions made and the outcome will be summarised in the **Market Consultation Document 4: Consultation Summary Report**, (published just prior to and / or at the Qualification Stage of the Process).

Stage Two: Qualification Stage

- 2.3. A Contract Notice ('CN') will be published on TED and 'Sell to Wales', with documents published on ProContract.
- 2.4. Bidders will be required to demonstrate their good standing and capability to participate in the Process by passing the criteria ('Qualification Criteria') set by the European Single Procurement Document (ESPD).⁴
- https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/558520/PPN_8_16_StandardSQ_Template_v3.pdf
- 2.5. In accordance with public policy and to decrease the administrative burden on Bidders, WPA is requiring that Bidders self-certify their compliance with the Qualification Criteria. However, prior to the confirmation of any Appointment to the Framework, Bidders will be required to provide evidence to evidence this compliance. Failure to provide satisfactory evidence may lead to the offer of Appointment being withdrawn by WPA.
- 2.6. It is essential therefore that all potential Bidders familiarise themselves with the contents of the ESPD prior to submission. If potential Bidders have any reason to believe that they may not be able to comply with the Qualification Criteria, then they should discuss this with WPA at the earliest possible opportunity.

² To be published on the online edition of the Official Journal of the European Union – Tenders Electronic Daily ('TED') and 'Sell to Wales'.

³ A number of contribution methods are available. Please see Market Consultation Document 1: Market Consultation Guidance (MCG) for further details.

⁴ The intention is that Bidders will be able to complete an on-line version via Pro-Contract.

- 2.7. Bidders have thirty (30) days from the date that the contract notice advertising the procurement is sent to TED to submit their ESPD. Bidders should ensure to clarify any issues identified with the ESPD with WPA prior to the submission of their ESPD.
- 2.8. All submitted ESPDs will first be checked to ensure that they comply with all of the Compliance Requirements as stated within the ESPD ('are Compliant').⁵ For the avoidance of doubt, non-Compliant ESPDs will not be evaluated. However, WPA will first clarify any issues with Bidder(s) to seek to rectify any potential non-Compliances, (in order to support Bidders as far as can be fairly and proportionately justified to submit a compliant ESPD.)
- 2.9. WPA will then evaluate the answers within Compliant ESPDs to ensure that the answers submitted satisfy or exceed the Qualification Criteria. (Again, ESPD answers which do not satisfy or exceed the Qualification Criteria may not be evaluated further, but WPA will first seek to resolve any such issues with Bidder(s) supportively). Bidders who pass the Qualification Criteria are described as having 'Qualified'.

Stage Three: Selection Stage

- 2.10. The SQs of Bidders who have Qualified to participate in the Process will be evaluated. It is the intention of WPA to invite the Bidder's whose SQs receive the highest scores in the evaluation to submit a Tender. Currently it is the intention to invite no more than twelve Bidders to submit a Tender for each lot.
- 2.11. All Bidders will be debriefed on the merits of their ESPD and SQ. Debrief meetings will be held if a Bidder so requests.
- 2.12. WPA will apply a voluntary standstill period (of a minimum of 10 calendar days) prior to the confirmation of Bidders to be invited to submit a Tender. Application of a voluntary standstill period gives Bidders the opportunity to consider the reasons for their non-Qualification or Selection and if any areas of contention are identified, discuss these with WPA. This then allows WPA to rectify any issues before the Framework Award is made.

Stage Four: Tender Stage

- 2.13. Shortlisted Bidders will be invited to submit a Tender. All submitted Tenders will be checked to ensure that they are compliant with the submission criteria. Compliant Tenders will then be evaluated to identify the most economically advantageous tenders ('MEAT') based on the quality and price criteria weightings stated within ***Information Document 4: Tendering Guidance (TG)***.
- 2.14. WPA will evaluate Tenders received to identify the Bidders to be appointed to the Framework, subject to the scrutiny and approval of the project lead and Clients. Whenever possible, it is WPA's intention to appoint six (6) Bidders to the Framework on each lot. However, WPA does reserve the right to appoint additional Companies (if merited on the results of the evaluation).
- 2.15. Tenderers will be requested to keep their Tenders open for acceptance by WPA for six months and if an Appointed Company is unable to participate in the Framework (for any reason) WPA reserves the discretion to appoint the next highest scoring Tenderer in the lot, within six months of the Framework award.

Stage Five: Framework Award

- 2.16. All Bidders will be debriefed on the merits of their Tender. Debrief meetings will be held should a Bidder so request.
- 2.17. Following approval of the appointment recommendation, WPA will issue an intention to award notice to all Bidders. WPA will apply a standstill period (of a minimum of 10 calendar days) prior to the appointment of Companies to the Framework.
- 2.18. As set out at paragraph 2.5, due diligence will be carried out Bidder's satisfaction of the Qualification Criteria prior to confirmation of Appointment. Confirmation and non-material clarifications of the terms of Tender may also be required. Failure to provide evidence of the satisfaction of the Qualification Criteria and / or confirmation of the terms of Tender, may result in the offer of Appointment being withdrawn.

⁵ To be compliant, Bidders are required to submit a Selection Questionnaire ('SQ') along with their ESPD.
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- 2.19. Should an offer of Appointment be withdrawn, WPA reserves the right to issue an intention to award a place on the Framework to the next highest ranked Bidder (that has not been issued with an offer of Appointment within the competed lot).
- 2.20. A Contract Award Notice will be published on TED and 'Sell to Wales'.

Stage Six: Call-Off Competition

- 2.21. WPA will consult with Clients and develop a Call-Off strategy. Currently (and depending on the construction of each county lot), Clients will be able to utilise either a Direct Award (with a choice of a variety of award mechanisms – see 2.26 below) or Mini-Competition procedure to award their Project. In all cases the procedure commences once a Project Registration Document ('PRD') has been received by WPA from the Client.
- 2.22. If a **Mini-Competition** is to be used, the DRP will be issued to the Appointment Companies within the selected lot, to enable them to express an interest in the opportunity. Appointed Companies have five (5) days to respond. Mini-Tender documents will then be issued to all Appointment Companies who express such an interest.
- 2.23. The deadline for submission of Mini-Tenders will be set for each individual Call-Off Competition.
- 2.24. All submitted Min-Tenders will be checked to ensure that they are compliant with any Project criteria. Compliant Mini-Tenders will then be evaluated to identify the MEAT based on the quality and price criteria weightings set out within the Call-Off Competition documents.
- 2.25. Client approval of the Project Award recommendation will be in accordance with the internal approval processes of the Client.
- 2.26. If the Project is to allocated via **Direct Award**, the Client will either select the highest ranked Appointed Company of meeting their needs:
- i. without adjusting the criteria evaluation weighting applied during the Tender Process ('Direct Award on Existing Weightings'). (N.B. When the highest ranked Appointed Company does not have the capability / and or capacity to meet the Client's needs, then the Direct Award will be 'cascaded' by selection of the next highest ranked Appointed Company. This 'cascade' procedure continuing until an Appointed Company with capacity and capability is identified. If no capable Appointed Companies with capacity within a county lot are identified, the Client can then compete their requirement within the 'Super-lot').
 - ii. on a rotational basis from Mini-Competition to Mini-Competition ('Direct Award by Rotation'). In other words, first selecting the highest ranking Appointed Company for their first Call-off, then the second highest ranking for the second Call-off etc. (Cascading selection in the case of no capability and / or capacity, as per 2.26(i) above.)
 - iii. by adapting the criteria evaluation weighting applied during the Tender Process ('Direct Award on Adapted Criteria'). Here the Client will identify the highest ranked Appointed Company, based on the adaptation of the evaluation weighting applied during the Tender Process (within the stated weighting bands) to reflect their specific commissioning requirements for the Project. (Again, cascading selection in the case of no capability and / or capacity, as per 2.26(i) above.)
- 2.27. As with a Mini-Competition, the Direct Award Call-off procedure commences with the issue by the Client of a PRD. For Direct Award, the Client will send the PRD to the Appointed Company selected by utilisation of the procedures described in 2.26(i) – (iii). This enables the selected Appointed Company to confirm their interest in the Project. Appointed Companies have five (5) days to respond.
- 2.28. Again, in both the case of a Direct Award and a Desktop Evaluation, if the identified highest ranked Appointed Company confirms their interest, they will send to the Client an Offer. This offer will be assessed by the Client to ensure that it meets their needs, subject to clarification and confirmation of terms. The deadline for the return of the Offer by the Appointed Company, will be set proportionately to the complexity of the Project, by the Client.

Stage Seven: Project Award

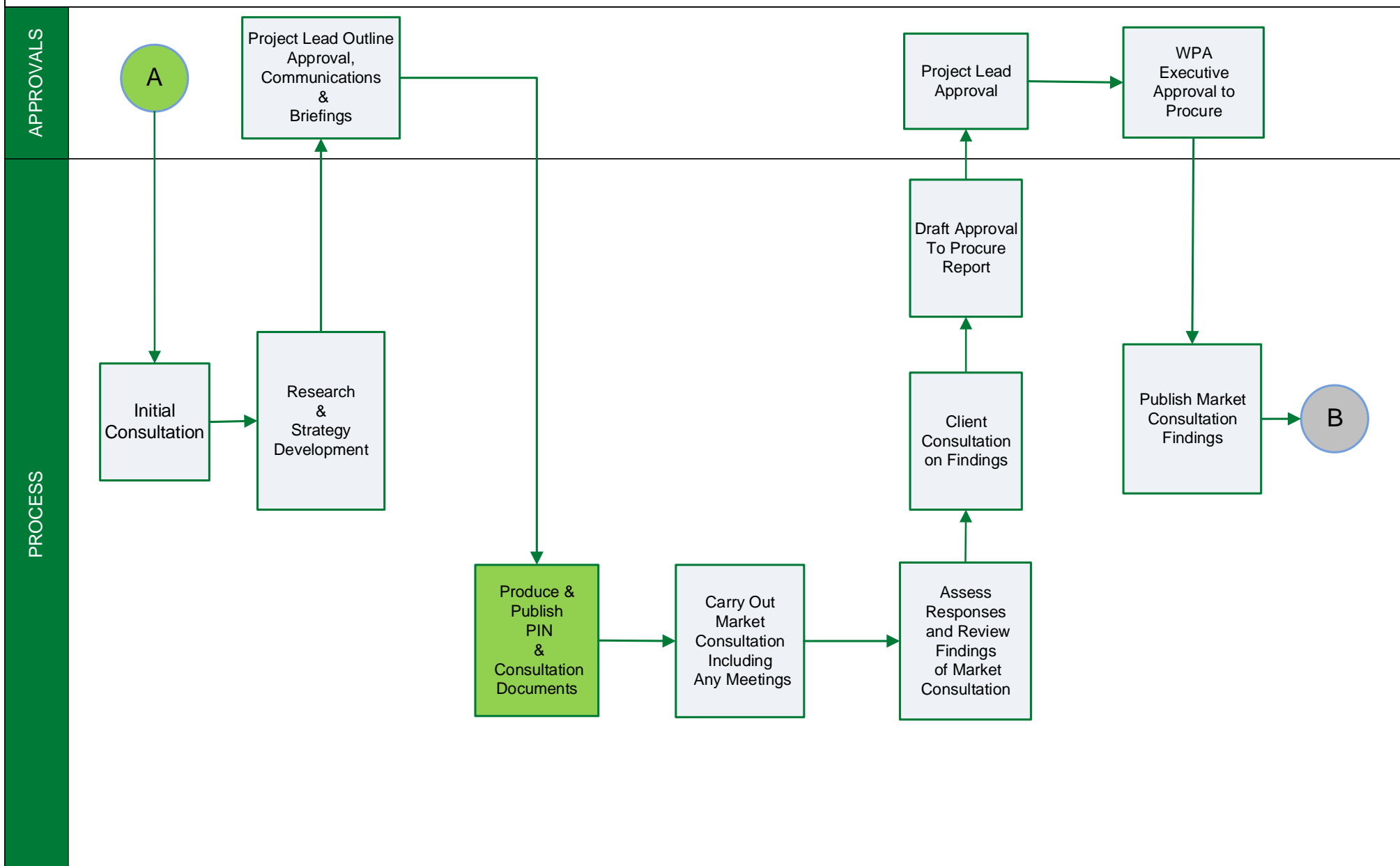
- 2.29. In the case of a **Mini-Competition**, all Mini-Tenderers will be debriefed on the merits of their Mini-Tender. Following approval by the Client of the Project Award recommendation, the Client will issue letters detailing the Project Award to all Mini-Tenderers. Debrief arrangements and whether a voluntary standstill period is to be implemented will be based on the policy of the Client and the arrangements will be outlined within the Mini-Tender Documents.
- 2.30. Confirmation and non-material clarifications of the terms of the Mini-Tender may be required prior to Project Award. Failure to provide confirmation of the terms of the Mini-Tender, may result in the offer of Appointment being withdrawn.
- 2.31. Should an offer of Appointment be withdrawn, the Client reserves the right to issue an intention to award the Project to the next highest ranked Mini-Tenderer in the Call-off Competition.
- 2.32. For **all Award procedures**, after Award has been confirmed, the Contract will be signed by the parties to it using DocuSign.⁶ And a Contract Award Notice will be published on 'Sell to Wales'.

SECTION 3: The Process Timetable

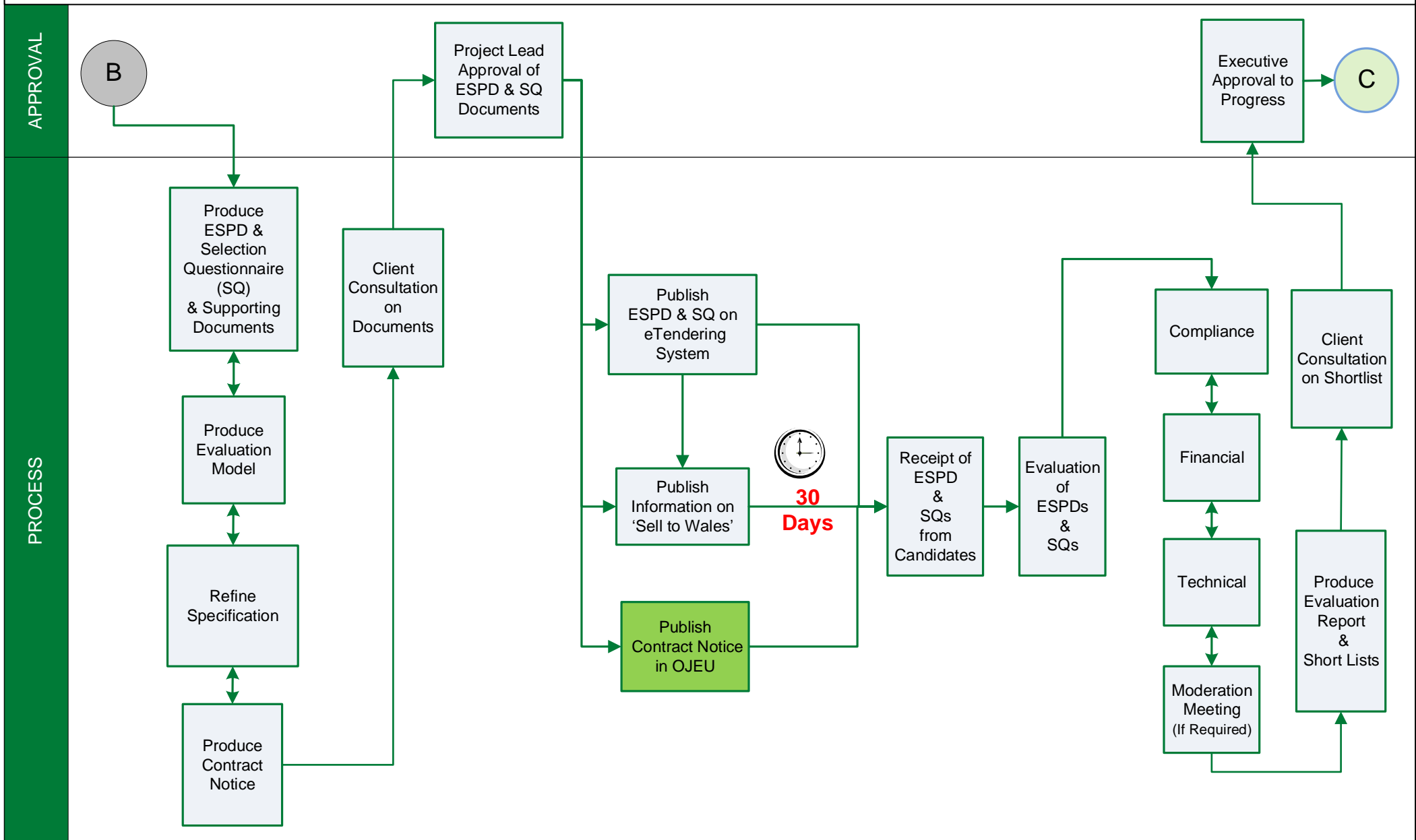
- 3.1 The table below outlines the proposed timetable for the Process. Bidders should be aware that the Tender Stage may involve their attendance at a clarification meeting either in person or via Zoom / telephone (however, this currently thought unlikely). Advance notice will be given of any meeting requirements and Bidders should ensure that they will be available to attend any meetings as notified.
- 3.2 All dates should be best viewed as indicative only. Should it be necessary for WPA to alter the structure and timings of any of the stages within the Process, WPA will endeavour to provide Bidders with as much notice as possible.
- 3.3 Should any Bidder identify any issues with any of the stages of the proposed timetable, such as errors or omissions, they should notify WPA immediately so that any issues can be rectified.

Stage	Anticipated Dates
Market Consultation Preparation	Tuesday 24 th – Friday 27 th September 2019
Date PIN sent to Sell2Wales (and from there onto TED)	Tuesday 1 st October 2019
Market Consultation	Thursday 3 rd – Friday 18 th October 2019
Market Consultation Closing Date	Friday 18 th October 2019 16:00
Strategy Confirmation & Tender Preparation	Monday 21 st – Thursday 24 th October 2019
Date Contract Notice Sent Sell2Wales (and from there onto TED)	Friday 25 th October 2019
Clarification Period Closes	Tuesday 5 th November 2019 noon
Clarifications Answered By: (Jo P-N on holiday from 8 th – 24 th November)	Thursday 7 th November 2019 - 16.00
Closing date for submission of Selection Questionnaire	Tuesday 26 th November 2019 noon
Evaluation and shortlisting	Tuesday 26 th November – Thursday 5 th December 2019
Issue of Intention to shortlist and start of Voluntary Standstill Period	Friday 6 th – Wednesday 18 th December 2019 24:00 midnight
Issue of ITT	Thursday 19 th December 2019
Clarification Period Closes	Friday 17 th January 2020 noon
Clarifications Answered By:	Friday 24 th January 2020 - 16:00
Closing date for submission of ITT	Friday 31 st January 2020 noon
Evaluation and shortlisting	Monday 3 rd February 2020
Issue of Intention to Award and Start of ITT Standstill Period	Monday 2 nd March 2020
ITT Standstill Period Closes	Thursday 12 th March 2020 - 24:00 midnight
Award of Framework	Friday 13 th March 2020
Mobilise Framework	Monday 16 th – Tuesday 31 st March 2020
Framework Commencement	Wednesday 1 st April 2020

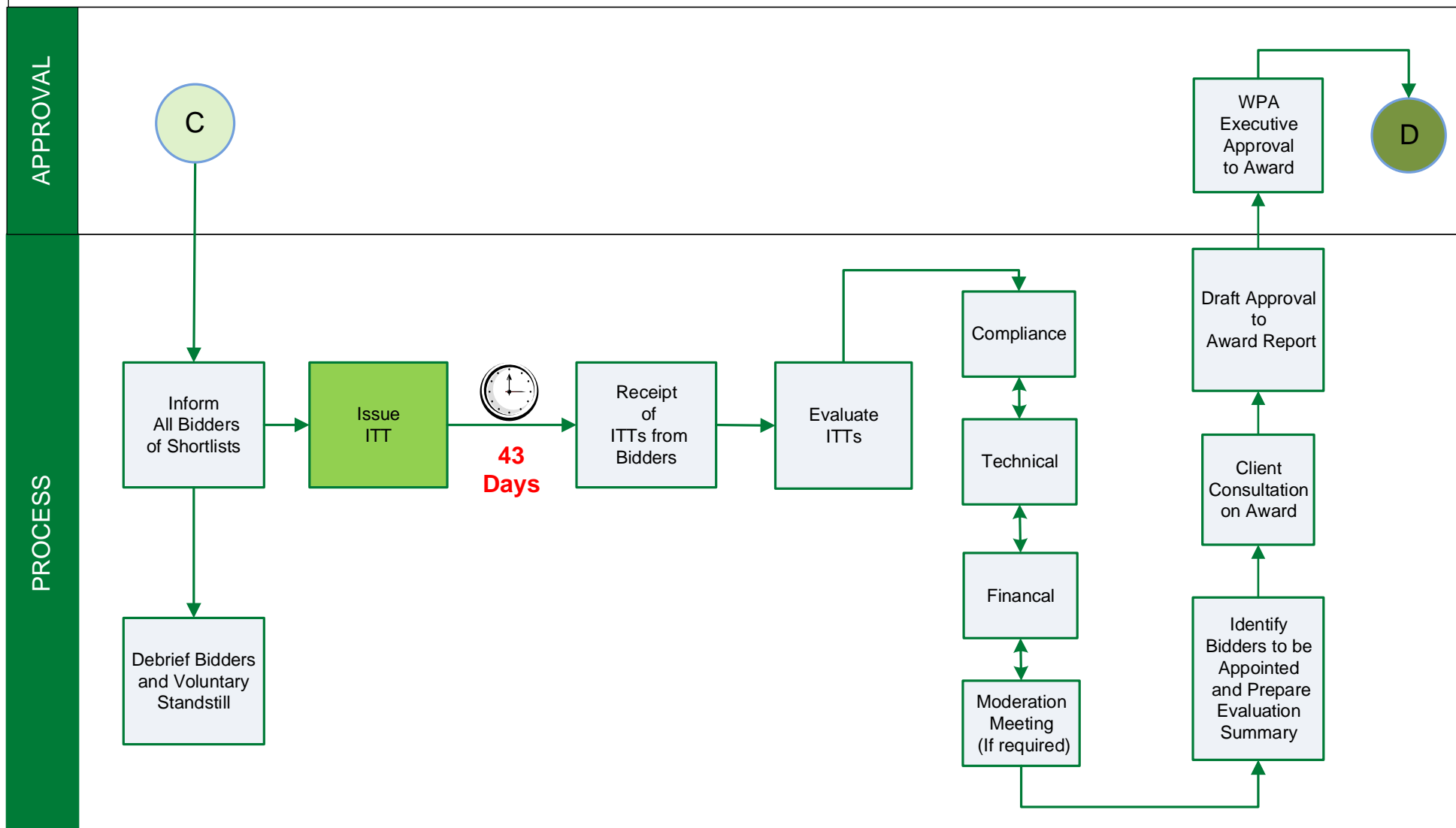
STRATEGY / CONSULTATION

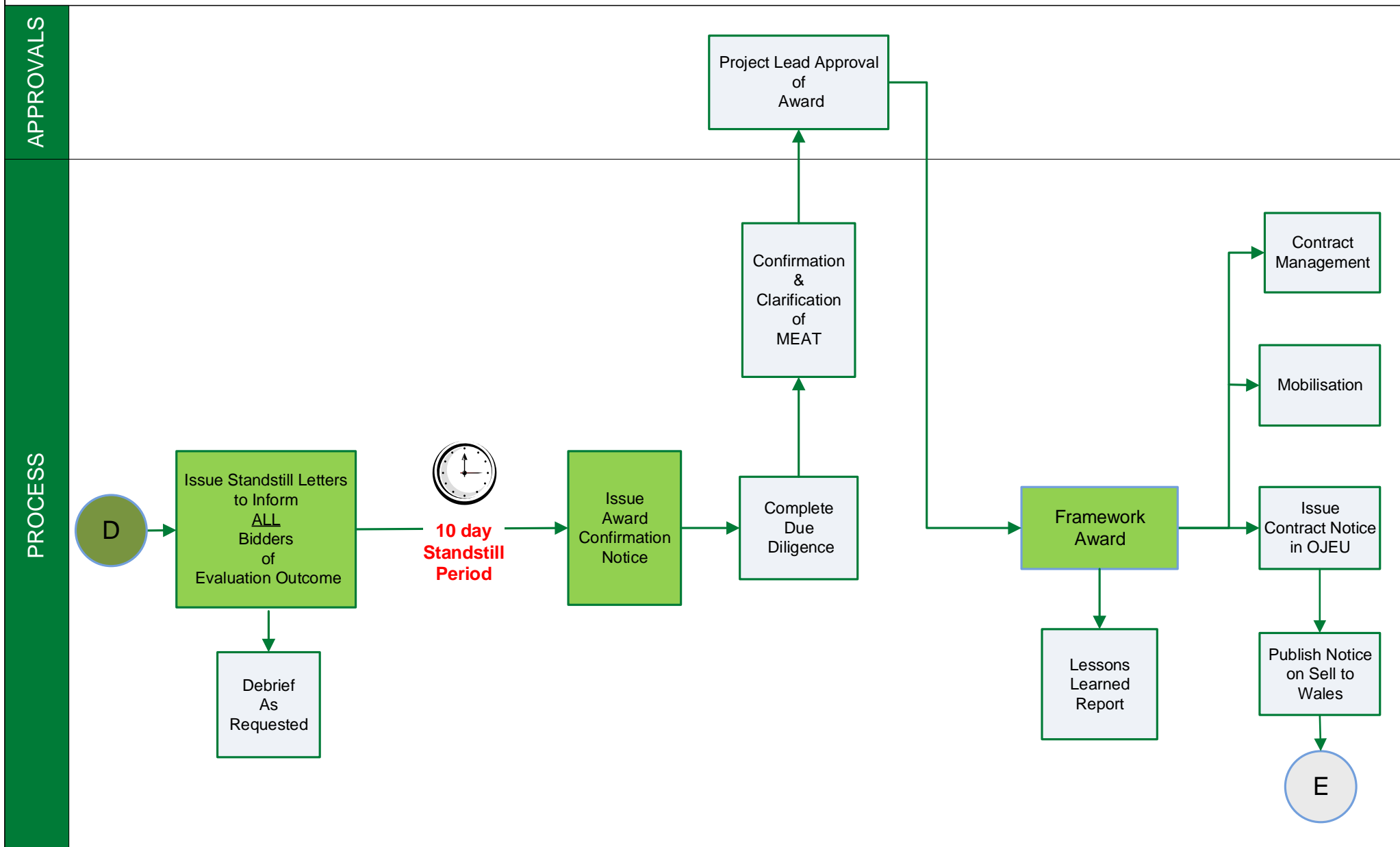


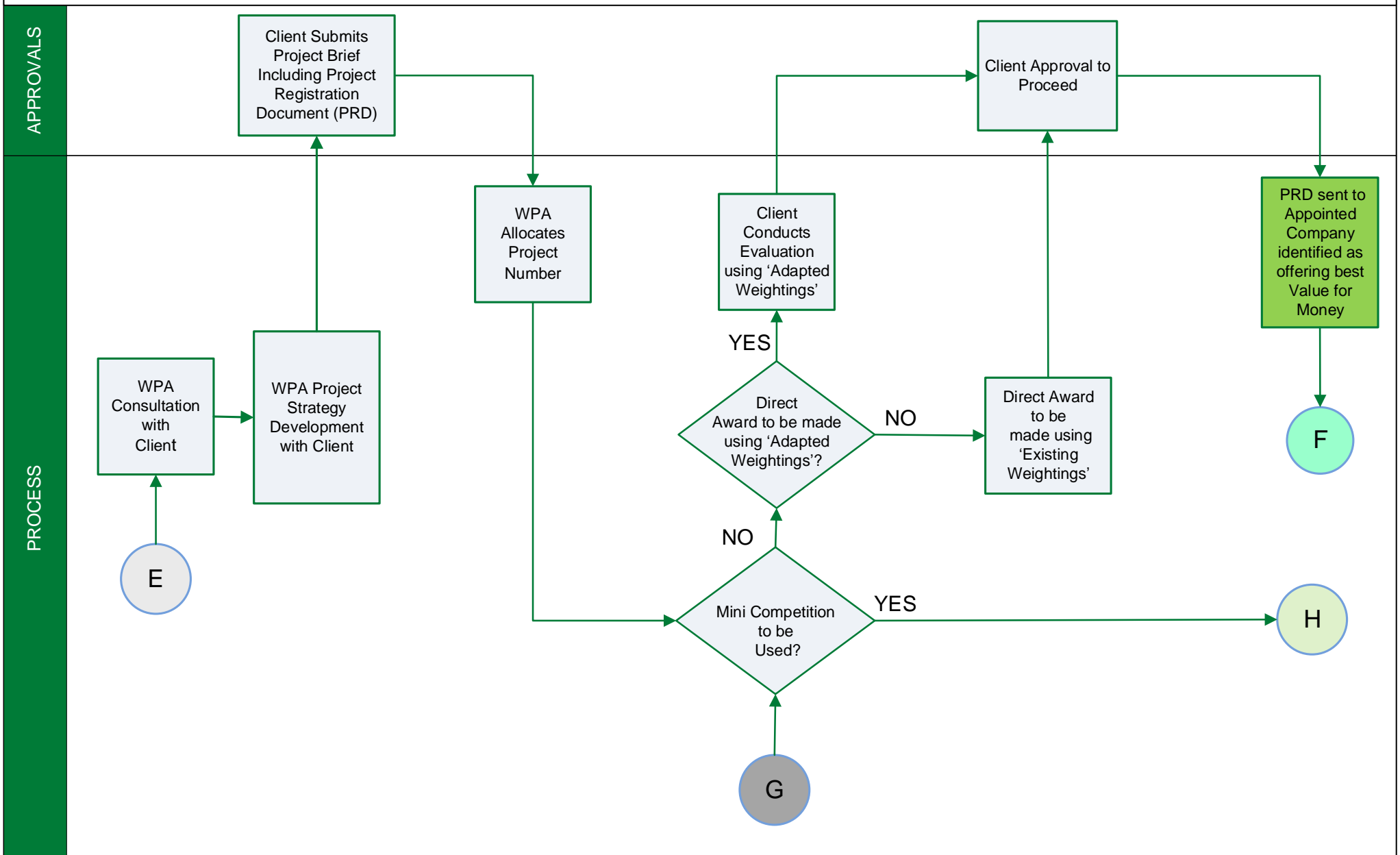
QUALIFICATION AND SELECTION

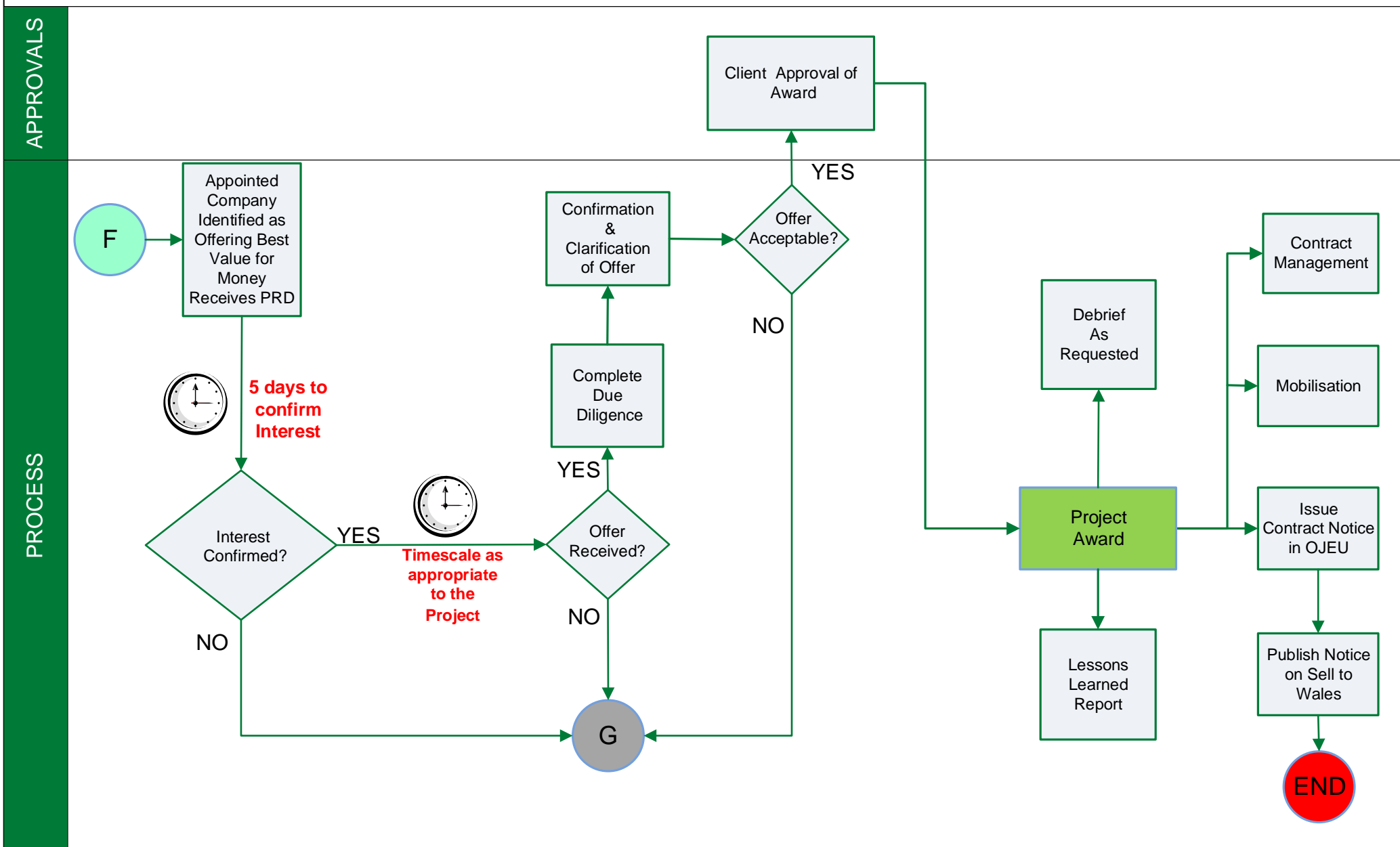


ITT STAGE

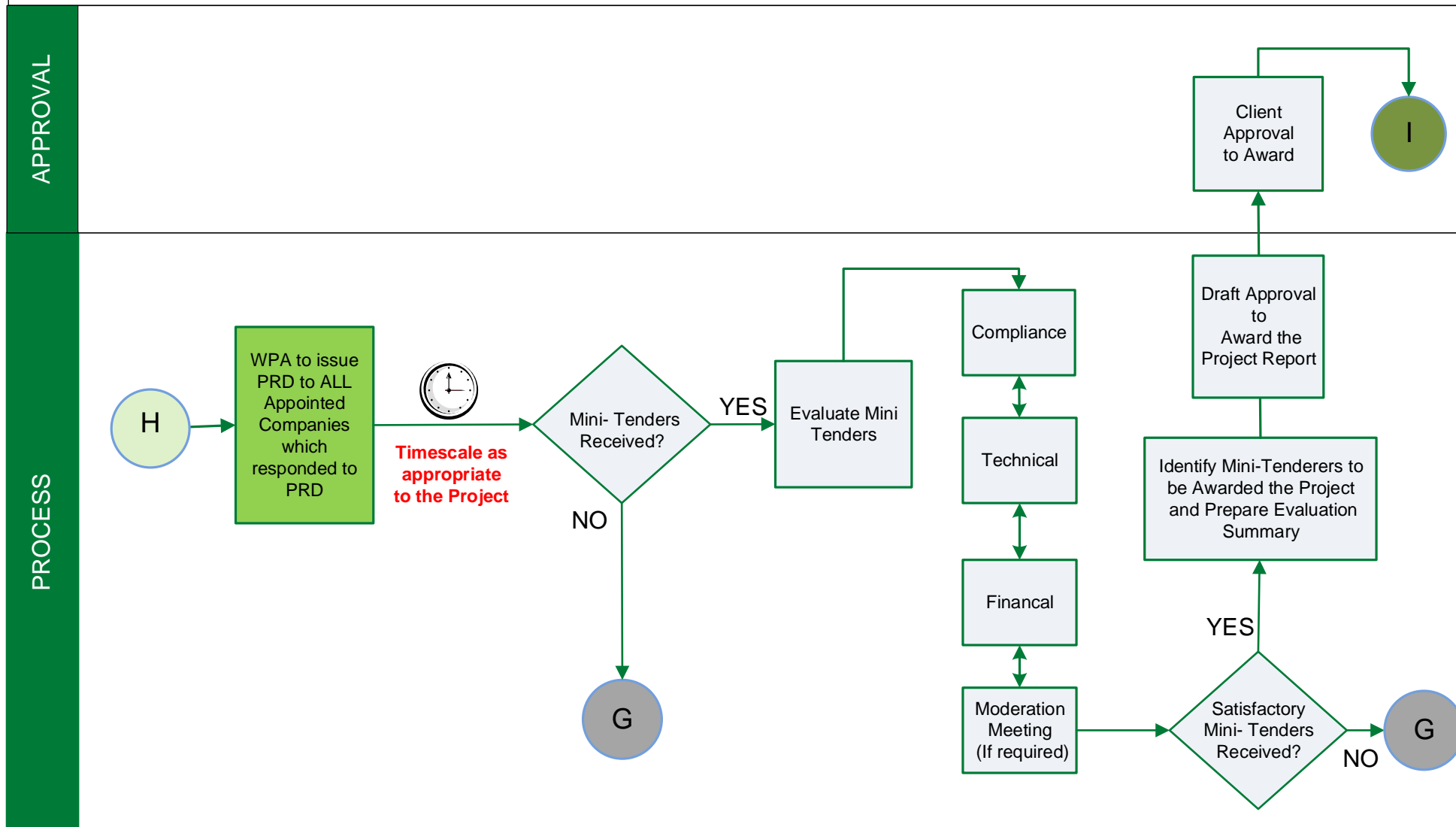




MINI-COMPETITION STRATEGY



MINI-TENDER STAGE



MINI-TENDER AWARD

