

**INSTRUCTIONS TO PARTICIPATE**

**DYNAMIC PURCHASING SYSTEM (DPS) FOR COMPLIANCE WORKS**

1. **INTRODUCTION**
   1. This procurement will establish and maintain a Dynamic Purchasing System (DPS) for statutory compliance works. 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.
   2. EN:Procure (ENP) will not enter into a negotiation with Contractors in respect of any element of the instructions to participate (ITP) or the DPS Agreement during or after the procurement process. Contractors 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.
   3. The information provided by Contractors in response to this document will be used by ENP to select those Contractors that will be admitted to the DPS. Admission to the DPS only requires Contractors 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 Contractors who meet the selection criteria will be admitted to the DPS.
   4. There is no limit to the number of Contractors who may be admitted to the DPS.
   5. Unlike Framework Agreements, Contractors or Suppliers can apply to join the DPS at any time during its lifetime, which is managed by a series of ‘rounds’.
   6. When a Customer has a requirement for works or services, a further competition comprising the tender documentation will be issued to each Contractor 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**

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>.

If the query is of material significance to all Contractors in the procurement, ENP will publish both the question and the response to all Contractors in an anonymous format using the ProContract e-Tendering system. Queries and clarifications can be submitted at any time.

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

1. **ADMITTANCE INTO THE DPS**
   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](http://www.procontract.due-north.com). Contractors 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.

Document A Instructions to Participate

Document B Specification

Document C DPS Agreement

Document D1 JCT Amendments - Intermediate Building Contract (with design) 2016

Document D2 JCT Amendments - Intermediate Building Contract 2016

Document D3 JCT Amendments - Measured Term Contract 2016 (to follow)

Document D4 JCT Amendments - Minor Works Building Contract 2016 (to follow)

Document E List of Current Customers

Contractors are not required to sign a form of underlying contract (Documents D1-D4) as part of their application submission or if they are successful in securing a place on the DPS Agreement. The form of underlying contract is signed when an underlying contract is awarded. The final version of the form of underlying contract will be determined by each Customer (having regard to the requirements of each particular scheme) as part of the process by which a Contractor is selected from the DPS to carry out the works required.

* 1. 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 Contractors even if the information has only been requested by one Contractor (in accordance with section 2 of this document and subject to the duty to protect any Contractors commercial confidence). ENP will act reasonably as regards the protection of commercially sensitive information relating to the Contractor.

1. **SUBMISSION GUIDANCE**
   1. Contractors are required to complete their application using the ProContract E-tendering system. Where Contractors are required to upload documents, Contractors 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.

Unsuccessful Contractors 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 Contractors to re-confirm that they continue to satisfy the admittance criteria for the DPS. IF ENP makes any such request the Contractor shall respond to that request within 5 working days.

**5.0**  **LOT STRUCTURE**

**5.1** Appropriately qualified and experienced Contractors 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 Contractor can apply for. The requirements of the DPS are set out in Document B Specification.

* [Lot 1 Servicing, Installation and/or Repairs of Air Source Heat Pumps - Yorkshire and Humber](#_Toc16689924)
* [Lot 2 Servicing, Installation and/or Repairs of Solar PV - Yorkshire and Humber](#_Toc16689925)
* [Lot 3 Servicing, Installation and/or Repairs of Lightning Protection – Yorkshire and Humber](#_Toc16689926)
* [Lot 4 Water Hygiene (including water system management and services, water treatment equipment and products and Legionella risk assessment) - Yorkshire & Humber](#_Toc16689935)
* [Lot 5 Sprinkler Systems - Yorkshire & Humber](#_Toc16689936)
* [Lot 6 Fire Compartmentation Works - Yorkshire & Humber](#_Toc16689936)
* [Lot 7 Fire Alarm Systems - Yorkshire & Humber](#_Toc16689936)
* [Lot 8 Portable Fire Fighting Equipment - Yorkshire & Humber](#_Toc16689936)
* [Lot 9 CCTV Systems](#_Toc16689927) - Yorkshire & Humber
* [Lot 10 Access Controlled Entry](#_Toc16689927) - Yorkshire & Humber
* Lot 11 Warden Call Systems - Yorkshire & Humber
* Lot 12 Intruder Alarm Systems - Yorkshire & Humber

**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 Contractors 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 25th October 2019.**

**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 Contractor of the outcome of the evaluation.

1. **TIMETABLE**

The timetable for the procurement is outlined below –

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| **ACTIVITY** | **EXPECTED DATE** |
| DPS Application online | 27th September 2019 |
| Application (Round 1) deadline | 25th October 2019 |
| Evaluation | 28th October 2019 to 9th December 2019 |
| Notification of the outcome of the evaluation | 10th December 2019 |
| DPS launch | 11th December 2019 |
| Re-opening of DPS for applications (Round 2) | 11th December 2019 |
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The initial DPS setting up stage will be Round 1.

**8.1**. Prior to the launch of the DPS, successful Contractors 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 Contractor does not wish to be appointed to the DPS and so shall entitle ENP to remove that Contractor from the list of successful Contractors. Contractors 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 Contractor as a result of that Contractor not being appointed to the DPS in these circumstances.

1. **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)**

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| **Section 2 and 3 Grounds for Mandatory and Discretionary Exclusion** |
| This is a self-declaration, made by you (the potential Contractor), 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 Contractor 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 - Selection Questions**

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| **Section 4 - Economic and Financial Standing (Pass/Fail)** |
| Initially, ENP will carry out a Creditsafe check on the Contractors (Creditsafe is an external credit reference agency). ENP will not exclude any Contractors purely on the grounds of an unsatisfactory Creditsafe report. A satisfactory report would indicate low or very low 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 Contractor in either of the following scenarios:   1. If the Contractors score falls below 51 (for both established and newly incorporated organisations) 2. If the Contractor does not appear on Creditsafe (or does not have a score on Creditsafe)   All Contractors are required to submit their accounts or an alternative means of demonstrating financial status, **if requested**. It is ENP’s preference that Contractors submit accounts that correspond with the number of years they have been trading. Where Contractors are unable to submit accounts, Contractors can provide an alternative means of demonstrating financial status over the length of time they have been trading. Contractors are advised that by choosing to submit an alternative means of demonstrating their financial status, it increases the chance that ENP will require the Contractor 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 Contractor. Contractors 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 Contractor, ENP may seek further clarification from the Contractor. If the Contractor is unable to satisfy ENP on the issues raised, ENP may exclude the Contractor from the procurement for the Lot(s) the Contractor is applying for. ENP reserves the right to reassess the financial standing of the successful Contractors throughout the term of the DPS. |

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| **Section 5 – Technical and Professional Ability (Pass/Fail)** |
| **Lot Specific Experience** |
| Contractors are required to provide two examples of their experience within the last 5 years working on a contract of a similar nature for each Lot they are bidding for. Contractors must confirm that that the examples provided are relevant to the works covered by the Lot(s) you are applying for.  Contractors are required to provide the name of the organisation to whom the works were provided (including contact name, telephone, email and address), a description of the works provided for the organisation, the size and value of the contract, the completion date and a performance summary giving targets and results of the works.  If the example provided in response to this section lacks relevance to the work covered by the Lot or the examples provided do not fall within the last 5 years or two examples are not provided for the Lot, the response will fail, and the Contractor will be excluded from that particular Lot.  ENP reserves the right to contact the Employer organisation to clarify and/or validate the responses provided. |

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| **Section 6 – Additional Questions** | | | |
| **6.1 Insurance (Pass/Fail)** | | **Scoring mechanism** | |
| 1 | Employers liability insurance | All Contractors must confirm the level of insurance that they currently hold and the expiry date of the policy.  Contractors 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. | |
| 2 | Public liability insurance | All Contractors must confirm the level of insurance that they currently hold and the expiry date of the policy.  Contractors 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. | |
| 3 | Professional indemnity insurance | All Contractors must confirm the level of insurance that they currently hold and the expiry date of the policy.  Contractors must also be able to confirm that if required that they are able to and will provide Professional liability insurance to a minimum level of £5,000,000. | |
| **Guidance – Insurance** | | |
| Contractors should note that the successful Contractor (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 Contractor does not currently have a particular type of insurance cover they should insert “N/A” into the applicable section. | | |

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| **6.2 Professional Accreditations (Pass/Fail)** | | |
| Contractors who would like to submit an equivalent accreditation to those listed must in the first instance contact ENP via the ProContract e-Tendering system to notify ENP of the equivalent accreditation they intend to submit. ENP reserves the right to clarify if the proposed accreditation is equivalent and may reject the alternative if it proves not to be equivalent to the accreditations requested. | | |
| **Information required** | | **Scoring mechanism** |
| 1 | SSIP (Safety Schemes in Procurement) or equivalent is a requirement for Lots 1,2,3,4,5,6, and 7. All other Lots require either SSIP or that a Health & Safety policy is evidenced. | Contractors must confirm they hold an SSIP or equivalent accreditation in a Health and Safety Scheme.  Please visit:  <http://www.ssip.org.uk/index.html>  to see the qualifying schemes.  Contractors who fail to upload a valid certificate will fail this criteria and may be excluded from the procurement. |
| 2 | Lot 1 Servicing, Installation and/or Repairs of Air Source Heat Pumps | Please upload a copy of your Microgeneration Certification Scheme (MCS) or equivalent accreditation ensuring that it is in date.  Contractors who fail to upload a valid certificate will fail this criteria and may be excluded from the procurement. |
| 3 | Lot 2 Servicing, Installation and/or Repairs of Solar PV | Please upload a copy of your Microgeneration Certification Scheme (MCS) or equivalent accreditation ensuring that it is in date.  Contractors who fail to upload valid certificates will fail this criteria and may be excluded from the procurement. |
| 4 | Lot 4 Water Hygiene (including water system management and services, water treatment equipment and products and Legionella risk assessment) | Please upload a copy of your certificate of membership of the Legionella Control Association (LCA) or equivalent accreditation ensuring that it is in date.  Contractors who fail to upload a valid certificate will fail this criteria and may be excluded from the procurement. |
| 5 | Lot 5 Sprinkler Systems | Please upload a copy of your FIRAS, LPCB or IFC or equivalent accreditation ensuring that it is in date.  Contractors who fail to upload a valid certificate will fail this criteria and may be excluded from the procurement. |
| 6 | Lot 6 Fire Compartmentation Works | Please upload a copy of your relevant FIRAS or equivalent accreditation ensuring that it is in date.  Contractors who fail to upload valid certificates will fail this criteria and may be excluded from the procurement. |
| 7 | Lot 7 Fire Alarm Systems | Please upload a copy of the relevant BAFE or LPCB or equivalent accreditation ensuring that it is in date.  Contractors who fail to upload a valid certificate will fail this criteria and may be excluded from the procurement. |
| 8 | Lot 8 Portable Fire Fighting Equipment | Please upload a copy of the relevant BAFE or LPCB or equivalent accreditation ensuring that it is in date.  Contractors who fail to upload a valid certificate will fail this criteria and may be excluded from the procurement. |
| 9 | Lot 9 CCTV Systems | Please upload a copy of your Security Systems and Alarms Inspection Board (SSAIB) scheme certification for CCTV Surveillance or NSI or equivalent accreditation ensuring that it is in date.  Contractors who fail to upload a valid certificate will fail this criteria and may be excluded from the procurement. |
| 10 | Lot 10 Access Controlled Entry | Please upload a copy of your SSAIB Access Control Systems or NSI or LPCB or equivalent accreditation ensuring that it is in date.  Contractors who fail to upload a valid certificate will fail this criteria and may be excluded from the procurement. |
| 11 | Lot 12 Intruder Alarm Systems | Please upload a copy of your SSAIB Intruder Alarms or NSI or LPBC or equivalent accreditation ensuring that it is in date.  Contractors who fail to upload a valid certificate will fail this criteria and may be excluded from the procurement. |

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| **Section 6.3 – Lot Selection** | | |
| **6.3 Lot Selection (Information Only)** | | **Scoring mechanism** |
| 1 | Indicate Lot(s) | All Contractors must confirm which Lot(s) they are applying for. |

**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 10th December 2025.