



# Memorandum of Information

**For** NHS Midlands and Lancashire  
Commissioning Support Unit

**On behalf of** NHS Blackpool Clinical Commissioning  
Group

**Project** Community Pulmonary Rehabilitation  
Service

**Project ref.** L16-21 itt\_462

**Date issued** 15<sup>th</sup> March 2017



## 1 PURPOSE, STRUCTURE AND NEXT STEPS FOR BIDDERS

### 1.1 PURPOSE OF THIS DOCUMENT

1.1.1 This Memorandum of Information (**MOI**) provides an overview of the:

- Procurement process;
- Procurement commercial framework; and
- Procurement governance and administration requirements

The purpose of this MOI is to provide potential Bidders with sufficient information to enable them:

- To make an informed decision about whether they wish to participate; and
- To submit a bid.

### 1.2 NEXT STEPS FOR BIDDERS

1.2.1 Interested parties wishing to participate in this procurement exercise **must** submit a completed ITT, via Bravo ITT 'Community Pulmonary Rehabilitation Service' \_ (the e-procurement system to be used for this procurement) by using the following hyperlink <https://mlcsu.bravosolution.co.uk>

1.2.2 Completed ITTs should be submitted by no later than 19<sup>th</sup> April 2017 at 2.00pm.

### 1.3 PROCUREMENT PURPOSE

Blackpool CCG has an exciting opportunity for a provider to deliver a community based Pulmonary Rehabilitation Service within Blackpool. Pulmonary rehabilitation is a program of exercise and education with the main aim of giving COPD patients the tools to self manage their condition and continue to function at the highest level possible.

It is an evidenced based treatment forming part of the NICE guidance in COPD management. Research shows that patients who attend Pulmonary Rehabilitation have a reduced incidence of hospital admission and readmission after an exacerbation, improved quality of life, reduced anxiety and depression, reduced breathlessness and improved exercise tolerance.

For patients, living with lung diseases such as COPD brings questions and anxiety about the future, we don't want any patient to face that alone and are looking for a provider to accompany us on the exciting journey of improving treatment and access to pulmonary rehabilitation services within Blackpool.

#### **Emma Bellamy**

Primary Care Clinical Commissioning Manager  
NHS Blackpool Clinical Commissioning Group

## 2 COMMISSIONING

### 2.1 COMMISSIONING ORGANISATION

2.1.1 The Commissioning Organisation ('The Commissioner') for this procurement is:

- NHS Blackpool Clinical Commissioning Group (CCG)

2.1.2 The Commissioner wishes to receive responses to the Invitation to Tender (ITT) from suitably qualified and experienced service providers with the necessary capacity and capability (or a demonstrable ability to provide the necessary capacity and capability) to provide the range of services required.

2.1.3 The procurement shall be managed by Midlands and Lancashire CSU (MLCSU)

### 3. SCOPE OF SERVICE

3.1 The Services are defined in the Services Specification.

It is expected that the Provider will address the following activity:

Activity Type	Total – Year 1
Patient Assessment	1000
Self-Management – Web based application	500
Face-to face programme 1 hour education + 1 hour exercise	250

This is based on an analysis of 2015/16 activity. These volumes are not guaranteed.

3.2 There is a maximum affordability envelope for the service of £105,000 (ex VAT) per annum for the service.

## 4 PROCUREMENT PROCESS – OVERVIEW

### 4.1 PROCUREMENT TIMELINE

4.1.1 The timeline for the procurement is set out in the table below. It should be noted that the dates are anticipated dates at the time of issuing this MOI and may be subject to change.

EVENT	INDICATIVE DATE
Invitation to Tender Issued	15 <sup>th</sup> March 2017
Deadline for ITT clarification	13 <sup>th</sup> April 2017 14:00
Deadline for receipt of ITT Submissions	19 <sup>th</sup> April 2017 14:00
Clarification meetings and / or site visits (if required)	17 <sup>th</sup> and 19 <sup>th</sup> May 2017
Anticipated Contract award	6 <sup>th</sup> June 2017
Mobilisation	8 <sup>th</sup> June 2017 to 1 <sup>st</sup> July 2017
Service commencement	1 <sup>st</sup> July 2017

### 4.2 ADVERT & MEMORANDUM OF INFORMATION

#### 4.2.1 ADVERT

4.2.1.1 Advertisements have been placed at national and local level including the Contracts Finder portal.

#### 4.2.2 MEMORANDUM OF INFORMATION (MOI)

4.2.2.1 This MOI provides details of the Procurement and accompanies the ITT.

4.2.2.2 This MOI and specification should provide potential Bidders with sufficient information to enable them to make an informed decision about whether they wish to register their interest in the Procurement.

4.2.2.3 Parties wishing to participate in the Procurement **must** submit a completed ITT submission before the closing time and date for receipt stated in both the contract notice and the Contract Finder advertisement.

### **4.3 INVITATION TO TENDER**

4.3.1 The detailed requirements of the ITT, the information required from potential Bidders and the timescales for submission of bids shall be included in the ITT.

4.3.2 Further details of the ITT process and evaluation shall be set out in the ITT.

### **4.4 CONTRACT AWARD**

4.4.1 Based on the outcome of the ITT evaluation, recommendations shall be made to the Commissioner's Board for consideration. Following approval of the recommendation, The Commissioner and the recommended Bidder may enter into the contract.

### **4.5 SERVICE COMMENCEMENT**

4.5.1 Following contract award and in accordance with the Provider's mobilisation plan, the Commissioner and the Provider shall work together towards the commencement of the provision of the Service at the contractually agreed date (i.e. the Service Commencement Date).

### **4.6 EVALUATION MODEL**

4.6.1 The evaluation process will be conducted to ensure that Bids are evaluated fairly to ascertain the Potential Suppliers who can demonstrate the required skills qualities, technical ability and capacity, commercial stability and experience to ensure successful performance of the Contract.

4.6.2 The evaluation team may comprise staff from MLCSU, the CCG and any specific external stakeholders MLCSU deem required

4.6.3 Evaluation of Bids shall be based on a Selection questionnaire defined in the ITT.

4.6.4 The Bids shall be marked against the following Selection pass / fail criteria.

The questionnaire shall be marked against the following pass / fail criteria.

<b>Q No.</b>	<b>Question subject</b>
A11a	Conviction for participating in a criminal organisation
A11b	Conviction for corruption
A11c	Conviction for fraud
A11d	Conviction for terrorist offences or offences linked to terrorist activities
A11e	Conviction for money laundering or terrorist financing
A11f	Conviction for Child labour and other forms of trafficking in human beings
A11g	Grounds for conviction
A11h	Measures taken
A12	Payment of Taxes
A12a	Measures taken

A13a	Breach of environmental obligations
A13b	Breach of social obligations
A13c	Breach of labour law obligations
A13d	Bankruptcy
A13e	Grave professional misconduct
A13f	Entered into agreements with other economic operators aimed at distorting competition
A13g	Conflict of Interest
A13h	Been involved in the preparation of the procurement procedure
A13i	Deficiencies in performance
A13j (I to iii)	Serious misrepresentation in supplying information
A13k	Measure taken
A14	Freedom of Information / Environmental Information Regulations
A15	Insurance
A16	Form of Bid
A17	Certificate of Bona Fide Tender
A18	No inducement
SWI1	Compliance to Services Specification
SWI6	Face to face programme
SWI9	Equitable access
SWI11	Employment Policies
SWI12	Clinical staff
SWI13	English language
SWI14	Disciplinary action
SWI16	Disaster recovery plan
SWI17	N3 compliance
SWI18	IGSOC compliance
SWI19	IM&T patient information
QG1	References
QG1a	Alternative to references
QG2	CQC registration
QG3	NHS Employment check processes
QG4	Disclosure and barring service process
QG6	Systems to comply with legislation
QG7	Statutory safeguarding policies
QG8	Mental Health Act
CM3	Contract Exit
CM4	Acceptance of Contract Terms
FC1	Economic and Financial standing
P1	Binding offer
P3	Fixed price
P4	Price variation
P5	TUPE data
P6	Affordability envelope
P7	Price management
E1	Qualities policies
E2	Discriminations findings

E3	Discrimination formal investigations
E4	Patient dignity and privacy
E5	Equity of service and equality
H1	Compliance to the Health and Safety at Work etc Act 1974
H2	Health and Safety Policy
H3	RIDDOR
H4	Risk assessment
H5	Health and Safety training
H6	Contravention of the Health and Safety at Work etc Act 1974

4.6.5 In the event of a Potential Supplier failing to meet the requirements of a pass / fail criteria, MLCSU reserves the right to disqualify the Potential Supplier and not consider evaluation of the any of scoring question responses,

4.6.6 The questionnaires shall be marked against the following Award scoring criteria.

The evaluation model below shall be used for this ITT which will be determined to two decimal places.

Questions marked 'for information only' do not contribute to the scoring model.

Q No.	Question subject	Maximum Score
SWI2	Service delivery team	8%
SWI3	Patient engagement	8%
SWI4	Patient monitoring	8%
SWI5	Mobilisation plan	6%
SWI7	Patient needs	2%
SWI8	Partnership working	2%
SWI10	IT systems for referrals	4%
SWI20	IT systems / integration	2%
QG5	Systems for triage	9.99%
QG9	Clinical governance	20.01%
CM1	Measurements of Key Performance Indicators	2.01%
CM2	Patient outcomes	3.99%
P2	Price schedule	24%
	<b>TOTAL</b>	<b>100%</b>

4.6.7

#### Evaluation of criteria

##### Non-Price elements

Each question will be judged on a score from 0 to 5, which shall be subjected to a multiplier to reflect the percentage of the evaluation criteria allocated to that question.

Where an evaluation criterion is worth 20% then the 0-5 score achieved will be multiplied by 4.

**Example** if a Potential Supplier scores 3 from the available 5 points this will equate to

12% by using the following calculation: Score/Total Points available multiplied by 20 (3 x 4 = 12)

Where an evaluation criterion is worth 10% then the 0-5 score achieved will be multiplied by 2.

**Example** if a Potential Supplier scores 3 from the available 5 points this will equate to 6% by using the following calculation: Score/Total Points available multiplied by 2 (3 x 2 = 6).

The same logic will be applied to groups of questions which equate to a single evaluation criterion.

The 0-5 score shall be based on (unless otherwise stated within the question):

Score	Description
0	The response has been omitted or completely fails to meet the stated requirements.
1	The response significantly fails to demonstrate a level of capability and to deliver the required services that is adequate to meet the stated requirements.
2	The response is lacking in detail and evidence and gives rise to some (but not significant) concerns that the Potential Suppliers capability and capacity to deliver the required services is adequate to meet the stated requirements.
3	The response demonstrates a level of capability and capacity and provides detail and evidence to deliver the required services that is adequate to meet the stated requirements in most aspects.
4	The response demonstrates a level of capability and capacity and provides detail and evidence to deliver the required services that fully meets the stated requirements in all material respects.
5	The response demonstrates a level of capability and capacity and provides detail and evidence to deliver the required services that fully meets the stated requirements in all material respects and exceeds some or all requirements.

Please be aware that the final score returned will be based on a moderated and agreed score in alignment with the above mechanism.

**Price elements** will be judged on the following criteria.

The lowest price for a response which meets the pass criteria shall score 5.

All other bids shall be scored on a pro rata basis in relation to the lowest price. The score is then subject to a multiplier to reflect the percentage value of the price criterion to two decimal places.

For example –

Bid 1 £10,000 scores 5.

Bid 2 £13,000 differential of £3,000 to Bid 1 or 30% remove 30% from price scores 3.50 out of 5.

Bid 3 £14,647 a differential of £4,647 to Bid 1 or 46.47% remove 46.47% from price scores 2.68. out of 5.

Bid 4 £30,000 differential £20,000 to Bid 1 remove 100% from price scores 0.

Where the scoring criterion is worth 50% then the 0-5 score achieved will be multiplied by 10

In the example if a supplier scores 4 from the available 5 points this will equate to 40% by using the following calculation: Score/Total Points multiplied by 10 ( $4 \times 10 = 40$ )

The lowest score possible is 0 even if the price submitted is more than 100% greater than the lowest price.

The evaluation process will feature some, if not all, the following phases.

4.6.8

### **Receipt and Opening**

Bid logged and opened by MLCSU's procurement team.

Any Bid received after the closing date will be rejected unless circumstances attributed to MLCSU or the e-sourcing tool beyond the Potential Supplier control are responsible for late submission

### **Compliance check**

Check all pass / fail requirements are acceptable to MLCSU

Unacceptable Bids maybe subject to clarification by MLCSU or rejection of the Bid

### **Scoring of the bid**

Evaluation team will independently score the Bid and provide a commentary of their scoring justification against the evaluation criteria.

### **Moderation**

Evaluation team may collectively meet to compare and debate their individual scoring and provide a commentary of any changes in their scoring against the evaluation criteria.

### **Clarifications**

The Evaluation team may require face to face and / or written clarification to Bids from shortlisted Potential Suppliers

### **Re - scoring of the Bid and Clarifications**

Where relevant, Evaluation team will independently re-score the Bid and Clarifications and provide a commentary to support their re-scoring.

### **Moderation**

Evaluation team may collectively meet to compare and debate their individual scoring and provide a commentary of any changes in their scoring against the evaluation criteria following re-scoring of the Bids and Clarifications

## **Self-Certification or Declaration checks**

MLCSU may request evidence at any time to support any questions where Shortlisted Potential Suppliers have been permitted to self-certify or declare their response to evaluation questions. Such evidence will be considered against the pass / fail criteria to ensure compliance to the requirements of the question.

## **Issue of letters to unsuccessful Potential Suppliers**

Provide details of scoring and relative feedback on the unsuccessful Potential Suppliers Bid in comparison with the successful Potential Suppliers Bid.

## **Issue award letter**

Provide confirmation of award of Contract to the successful Supplier.

## **5 COMMERCIAL FRAMEWORK**

The Potential Bidders' attention is drawn to the following commercial information:

### **5.1 CONTRACT**

5.1.1 The contract to be entered into by the Commissioner and the selected Provider(s) for the Services shall be the **NHS Shorter Form Contract 2017/18**.

The relevant documents are NHS Contract particulars <https://www.england.nhs.uk/nhs-standard-contract/17-18/> supported by the specific scheduled for this contract which are available within the ITT attachments.

Service conditions <https://www.england.nhs.uk/wp-content/uploads/2016/11/5-service-conditions-sf-v2.pdf>

General conditions <https://www.england.nhs.uk/wp-content/uploads/2016/11/6-general-conditions-sf.pdf>

5.1.2 The Contract is separate to and independent of any existing contract currently in place between the Provider and the Commissioner unless otherwise agreed.

### **5.2 CONTRACT DURATION**

5.2.1 The contract duration is for **3 years – 1<sup>st</sup> July 2017 – 30<sup>th</sup> June 2020 with an option to extend for a further 18 months**.

### **5.3 CURRENCY**

5.3.1 Bids at the ITT stage shall only be accepted in pounds sterling.

### **5.4 SERVICE**

5.4.1 The Commissioner is looking for providers with the necessary capacity and capability (or a demonstrable ability to provide the necessary capacity and capability) to deliver high quality, Service User-centred and value for money services, delivered in a safe and effective manner.

### **5.5 WORKFORCE**

## **5.5.1 POLICIES AND STRATEGIES**

5.5.1.1 Potential Bidders shall be required to provide evidence that all proposed workforce policies, strategies, processes and practices comply with all relevant employment legislation applicable in the UK and as defined in the tender questionnaires.

## **5.5.2 STAFF TRANSFERS (TUPE)**

Staff who are employed by the current Provider(s) may be subject to the Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE"). Therefore, potential Bidders must consider whether or not TUPE would apply to any such staff and are recommended to seek appropriate independent legal advice regards this.

## **5.6 PREMISES, FACILITIES MANAGEMENT & EQUIPMENT**

### **5.6.1 PREMISES**

5.6.1.1 It is expected that the provider will provide the required service out of a number of appropriate locations within Blackpool.

### **5.6.2 EQUIPMENT**

5.6.2.1 The Service Provider shall be responsible for the provision and cost of equipment where this is not already in place.

## **5.7 INFORMATION MANAGEMENT AND TECHNOLOGY (IM&T)**

5.7.1 The Service Provider shall be responsible for provision of all IM&T equipment necessary to meet the requirements of the service specification where this is not already provided.

5.7.2 Access to the Pulmonary rehabilitation self management software will be provided at no cost to the Potential Supplier.

5.7.3 Initial training to utilise the functionality of the Pulmonary rehabilitation self management software will be provided at no cost to the Potential Supplier.

## **5.8 PAYMENT MECHANISM**

5.8.1 Payment will be linked to the price set out in the bidder's proposal and paid in monthly.

5.8.2 Payment shall be made based on the successful Supplier evidencing that Patients have completed a self management course or a face to face rehabilitation course.

## **5.9 FINANCIAL STANDING**

5.9.1 Financial standing requirements for the Service shall be limited at the ITT stage to confirmation of identity, solvency and proposed business structure. Financial documents supplied shall be analysed and reviewed and it shall be the results of that analysis that shall determine if a potential bidder has successfully passed the financial requirements on the ITT. Failure to provide financial evidence requested, within deadlines specified, would negatively affect the review of the potential bidder.

5.9.2 If the potential Bidder's financial circumstances change or, financial information required at ITT stage that is not available to submit to the Commissioner as part of the ITT submission becomes available later on during the Procurement, the Commissioner should be informed immediately and provided with the relevant associated information. The Commissioner reserves the right to take this additional information into consideration in evaluating a potential Bidder's financial standing.

## 5.10 INSURANCE

5.10.1 The ITT asks potential bidders to evidence current insurance arrangements.

The Commissioner requires the following levels of insurance for this Service:

Insurance Type	Minimum Level Required (£)
Professional Indemnity	10,000,000
Public Liability	5,000,000
Employer's Liability	5,000,000

5.10.2 Potential Bidders must confirm whether or not they currently have the required levels of insurance in their answers within the ITT, and if not, must provide confirmation that such levels of insurance shall be put in place should the potential Bidder be successful in the Procurement.

5.10.3 The commissioner requires Service providers to ensure that:

- The Commissioner's interests are fully protected; and
- Members of the public utilising the Service are fully protected to the extent that they have a valid claim against the Service provider and/or The Commissioner

5.10.4 Providers shall be required to indemnify The Commissioner against any claims that may be made against The Commissioner arising from the provision of the Service by the Provider. The Commissioner shall expect the Provider(s) to offer evidence that they have sourced appropriate (and sufficient) insurance or other arrangements. For the avoidance of doubt, this shall include provisions for clinical negligence insurance covering all staff and operational risk in the facilities from which the Provider's services are to be provided.

## 6 GOVERNANCE AND ADMINISTRATION

### 6.1 PROCUREMENT COSTS

6.1.1 Each potential Bidder shall be responsible for its own costs incurred throughout each stage of the **procurement** process. Neither the Commissioner, NHS England, Midlands & Lancashire CSU, nor the Department of Health shall be responsible for any costs incurred by the potential Bidder or any other person through this procurement.

### 6.2 CONSULTATION

6.2.1 **The Commissioner** shall lead on all local stakeholder engagement issues relevant to this Procurement exercise. All Clinical Commissioning Group Schemes are subject to on-going Service User and public consultation under the provision of the National Health Service Act 2006.

### 6.3 THE PUBLIC CONTRACT REGULATIONS 2015

6.3.1 The Service to which this MOI relates fall below the Light Touch Regime threshold stipulated in the Public Contract Regulations 2015. (**"the Regulations"**).

### 6.4 CONFLICTS OF INTEREST

6.4.1 In order to ensure a fair and competitive procurement process, The Commissioner requires that all actual or potential conflicts of interest that a potential Bidder may have are identified and resolved to the satisfaction of The Commissioner.

6.4.2 Potential Bidders should notify The Commissioner of any actual or potential conflicts of interest in their response to the ITT. If the potential Bidder becomes aware of an actual or potential conflict of interest following submission of the ITT it should

immediately notify The Commissioner via the Bravo messaging system. Such notifications should provide details of the actual or potential conflict of interest.

- 6.4.3 If, following consultation with the potential Bidder(s), such actual or potential conflict(s) are not resolved to the satisfaction of The Commissioner, then The Commissioner reserves the right to exclude at any time any potential Bidder from the Procurement process should any actual or potential conflict(s) of interest be found by The Commissioner to confer an unfair competitive advantage on one or more potential Bidder(s), or otherwise to undermine a fair and competitive procurement process.

## **6.5 NON-COLLUSION AND CANVASSING**

- 6.5.1 Each potential Bidder and Bidder must neither disclose to, nor discuss with any other potential Bidder, or Bidder (whether directly or indirectly), any aspect of any response to any part of The Commissioner procurement exercise (including the ITT).

- 6.5.2 Each potential Bidder and Bidder must not canvass or solicit or offer any gift or consideration whatsoever as an inducement or reward to any officer or employee of, or person acting as an adviser to, either the commissioners, NHS or the DH in connection with the selection of Bidders or the Service provider in relation to this (or any other) Procurement.

## **6.6 FREEDOM OF INFORMATION**

- 6.6.1 The Commissioner is committed to open government and meeting its legal responsibilities under the Freedom of Information Act 2000 (FOIA). Accordingly, any information created by or submitted to The Commissioner (including, but not limited to, the information contained in the MOI or ITT and the submissions, bids and clarification answers received from potential Bidders and Bidders) may need to be disclosed by The Commissioner in response to a request for information.

- 6.6.2 In making a submission or bid or corresponding with the Commissioner at any stage of the Procurement, each potential Bidder acknowledges and accepts that The Commissioner may be obliged under the FOIA to disclose any information provided to it:

- Without consulting the potential Bidder or Bidder; or
- Following consultation with the potential Bidder or Bidder and having taken its views into account.

- 6.6.3 Potential Bidders and Bidders must clearly identify any information supplied in response to The Commissioner that they consider to be confidential or commercially sensitive and attach a brief statement of the reasons why such information should be so treated and for what period.

- 6.6.4 Where it is considered that disclosing information in response to an FOIA request could cause a risk to the Procurement process or prejudice the commercial interests of any potential Bidder or Bidder, The Commissioner may wish to withhold such information under the relevant FOIA exemption.

- 6.6.5 However, potential Bidders should be aware that The Commissioner is responsible for determining at its absolute discretion whether the information requested falls within an exemption to disclosure, or whether it must be disclosed.

6.6.6 Potential Bidders should therefore note that the receipt by The Commissioner of any information marked “confidential” or equivalent does not mean that The Commissioner accepts any duty of confidence by virtue of that marking, and that The Commissioner has the final decision regarding the disclosure of any such information in response to a request for information.

## 6.7 **TRANSPARENCY**

6.7.1 The government has set out the need for greater transparency across its operations to enable the public to hold public bodies and politicians to account. This includes commitments relating to public expenditure intended to help achieve better value for money.

6.7.2 As part of the transparency agenda, the government has made the following commitments with regard to procurement and contracting:

- All new central government tender documents for contracts over £10,000 to be published on a single website from September 2010, with this information to be made available to the public free of charge.
- New items of central government spending over £25,000 to be published online from November 2010.
- All new central government contracts to be published in full from January 2011.

6.7.3 The above rules apply to the Commissioner, therefore potential Bidders should be aware that there is a requirement to publish the contract documents, which may include parts of or all of the successful Bidder's response and the contract price, following contract award.

## 6.8 **DISCLAIMER**

6.8.1 The information contained in this MOI is presented in good faith and does not purport to be comprehensive or to have been independently verified.

6.8.2 Neither The Commissioner nor any of their advisers accept any responsibility or liability in relation to its accuracy or completeness or any other information which has been, or which is subsequently, made available to any potential Bidder, Bidder, Provider, Bidder Member, Clinical Services Supplier, financiers or any of their advisers, orally or in writing or in whatever media.

6.8.3 Interested parties and their advisers must therefore take their own steps to verify the accuracy of any information that they consider relevant. They must not, and are not entitled to, rely on any statement or representation made by The Commissioner, NHS England the DH, the Ministry of Justice or any of their advisers.

6.8.4 This MOI is intended only as a preliminary background explanation of The Commissioner's activities and plans and is not intended to form the basis of any decision on the terms upon which the Commissioner shall enter into any contractual relationship.

6.8.5 The Commissioner reserves the right to change the basis of, or the procedures (including the timetable) relating to the Procurement, to reject any, or all, of the bids, not to invite a potential Bidder to proceed further, not to furnish a potential Bidder with additional information nor otherwise to negotiate with a potential Bidder in respect of this Procurement.

6.8.6 The Commissioner shall not be obliged to appoint any of the Bidders and reserves the right not to proceed with this Procurement, or any part thereof, at any time.

6.8.7 Nothing in this MOI is, nor shall be relied upon as, a promise or representation as to any decision by The Commissioner in relation to this Procurement. No person has been authorised by The Commissioner or its advisers or consultants to give any

information or make any representation not contained in this MOI and, if given or made, any such information or representation shall not be relied upon as having been so authorised.

- 6.8.8 Nothing in this MOI or any other pre-contractual documentation shall constitute the basis of an express or implied contract that may be concluded in relation to the Procurement, nor shall such documentation/information be used in construing any such contract. Each Bidder must rely on the terms and conditions contained in any contract when, and if, finally executed, subject to such limitations and restrictions that may be specified in such contract. No such contract shall contain any representation or warranty in respect of the MOI or other pre-contract documentation.

## **7.0 E SOURCING**

- 7.1 MLCSU shall utilise the Bravo e-sourcing <https://mlcsu.bravosolution.co.uk> to conduct this procurement. There will be no electronic auction following the conclusion of the evaluation of the Bids. Potential Suppliers will be specifically advised where attachments are permissible to support a question response within the e-sourcing tool. If you have any software queries refer to online help in the first instance. If you still have an issue email or phone the BravoSolution helpdesk, ensure you have the ITT description and project code, the web address of the portal, a clear description of the problem and your contact details (ensure that you leave plenty of time for issues to be resolved prior to any deadlines). All enquiries with respect to access to the e-sourcing tool and problems with functionality within the tool may be submitted to Bravo Helpdesk 0800 368 4850 email [help@bravosolution.co.uk](mailto:help@bravosolution.co.uk).
- 7.2 Please utilise the messaging system within the e-sourcing tool located at <https://mlcsu.bravosolution.co.uk> if you have any doubt as to what is required or will have difficulty in providing the information requested. Potential Suppliers should note that any requests for clarifications may not be considered by MLCSU if they are not articulated by the Potential Supplier within the clarification forum within the e-sourcing tool.
- 7.3 We would recommend Potential Suppliers familiarise themselves with the Bravo on-line 'Help' function, it provides support for both the screen you are in and for key processes, e.g. 'How to Express Interest' (it also has a help function and an e-sourcing glossary).
- 7.4 You are encouraged to save for Bid responses regularly. For security reasons your access to the portal will 'time out' if inactive for circa 15 minutes or if you do not click "Save" within this time. Failures to do so means you risk losing your work. Please note this is part of strict government requirements to maintain security and tender integrity and cannot be changed. You should be aware that typing does not mean you are active on the portal - you must click 'Save' to ensure the page remains active.
- 7.5 We would recommend Potential Suppliers ensure that 'pop ups' are not blocked on your browser. Should you be inactive for circa 15 minutes, the portal will notify you through a 'pop up'. It is vital that that you are able to see this in order to click the 'Refresh' link in this 'pop up' so you are not disconnected from the portal and lose any unsaved information.
- 7.6 We would encourage Potential Suppliers to not leave completing and submitting your response until the last minutes before the deadline (if you experience connection problems you will miss the deadline and your response may be deemed non-compliant and rejected by the Procurement team - always upload generic information and permitted attachments early to avoid last minute time pressure).
- 7.7 Please attach files only into the specific Questions where attachments are permitted and ensure the title of the attachment cross references to the Question number.

7.8 We would recommend Potential Suppliers do not use the 'Back' or 'Forward' buttons on your browser, you could potentially lose your work. Please use the links on the eTendering portal to navigate through the tenders.

7.9 Mac users should use a Firefox browser (available free of charge at: <http://www.mozilla.com/firefox>) as the Safari browser does not support certain Java scripts, if you still experience problems with Firefox please call the Bravo Helpdesk.

7.10 Use the 'Legend' to understand icons, note text responses are deliberately capped. Also note that Numeric fields will not accept text, spaces, symbols etc. Note the red asterisk indicates a mandatory field - this must be completed in order to submit your response to the buyer.

7.11 Potential Suppliers need to treat your Bravo portal logins securely - if you believe that you have lost your password - please log onto the website and click onto "Forgotten your password?" and follow the instructions.

## **APPENDICES**

### **8.0**

Appendix A – Services Specification

Appendix B – Contract Terms

Appendix C – Price Schedule

Appendix D – TUPE data