



Department
of Health

Invitation to Compete

for the Supply Chain Future Operating Model - Provision of Supporting Technologies and Infrastructure Services

Attachment 2 - Instructions to Potential Providers

Supply Chain Future Operating Model
Supporting Technologies and Infrastructure Services
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1. DOCUMENTATION FORMING THE INVITATION TO COMPETE

1.1 A list of the documents issued as part of the Invitation to Compete together with the relevant BMS and Data Room reference for each document is set out below:

Attachment Nos	BMS (Procurement Portal) Document Title	Published Yes/No
1	Supporting Technologies and Infrastructure Services Tender Letter	Yes
2	Invitation to Compete - Instructions to Potential Providers	Yes
3	Glossary of Invitation to Compete	Yes
4	Terms of Participation	Yes
5	Selection Questionnaire (SQ)	Yes
5a	Financial Compliance Template <i>(incorporating Financial Assessment Matrix)</i>	Yes
6	Selection Questionnaire Evaluation Guidance	Yes
7	Draft Invitation to Participate in Dialogue (ITPD)	Yes
8	Draft Outline Solutions Response Template (ITPD)	Yes
9	NOT USED	
10	Draft Financial Submission Guidance - (ITPD)	No
11	Draft Financial Submission Template- (ITPD)	No
12	Draft Allowable Assumptions Guidance - (ITPD)	Yes
13	Draft Allowable Assumptions Template - (ITPD)	Yes
14	Clarification Questions Submission Template	Yes

Data Room Ref	Data Room Document Title
SQ0001	2E NHSSC Enterprise Overview IaaS 2017 v9.0 24/04/2017
SQ0002	Market Engagement 1
SQ0003	Market Engagement 2
SQ0004	Market Engagement 3
SQ0005	Software Licensing & Status v 1.3 2017
SQ0006	Data Room Notes

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Attachment Nos	BMS (Procurement Portal) Document Title	Published Yes/No
15	Contract Response Matrix	Yes
16	NOT USED	N/A
17	Non Collusion and Canvassing Certificate	Yes
18	Confidential Information or Commercially Sensitive Information Request	Yes
19	Conflict of Interest Declaration	Yes
20	NOT USED	Yes
21	Form of Tender and Acceptance of Terms of Procurement Conditions	Yes
22	Changes to Contracting Arrangements Template	Yes
23	Draft Schedule 2.1 - Services Description	Yes
24	Draft Contract – Supporting Technologies and Infrastructure Services	Yes
25	NOT USED	N/A
26	NOT USED	N/A
27	NOT USED	N/A
28	Non-Disclosure Agreement	Yes

Data Room Ref	Data Room Document Title

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2. INTRODUCTION

- 2.1 This document contains important information about the Procurement and the contract that the NHS Business Services Authority (“**Authority**”) intends to award. The Authority is represented in this Procurement by the Department of Health.

Interpretation

- 2.2 Except where specified or the context requires, capitalised expressions in this Attachment and the rest of the Attachments forming the ITC shall have the meaning given to them in the Glossary.

Summary of the Procurement

- 2.3 The Authority is issuing the Attachments which form the ITC in connection with this Procurement of Supporting Technology and Infrastructure Services as part of the Procurement Transformation Programme. The Attachments are available on BMS.
- 2.4 Detailed background information about the Supporting Technology and Infrastructure Services and the Procurement Transformation Programme is set out in the ITPD and is included in other documents in the Data Room. Potential Providers are advised to study these documents carefully together with all Attachments.
- 2.5 A detailed description of the Services that the Authority requires is set out at Attachment 23 (Service Description) and a short description is contained in the OJEU Contract Notice (Ref: 2017/S 112-225799). A draft Contract has been made available as part of the Invitation to Compete. However, Potential Providers should note that this remains under review by the Authority and it is expected that a further updated draft will be made available during the Selection Stage.
- 2.6 The Procurement is managed in accordance with the competitive dialogue procedure under the Public Contracts Regulations 2015 (SI 2015/102) (the “**Regulations**”).
- 2.7 The Procurement is being conducted as a single lot and will consist of three Stages, the Selection Stage, the Dialogue Stage and the Final Tender Stage. Further details about these Stages are provided in paragraph 3 below.
- 2.8 At the conclusion of the Final Tender Stage, the Authority will evaluate Final Tenders and identify one (1) Potential Provider who will be awarded the contract.

3. SUMMARY OF THE PROCESS

Selection Stage

- 3.1 To participate in the Selection Stage, Potential Providers must complete and return the Selection Questionnaire and supporting documentation as requested in the Selection

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- Questionnaire and Non-Disclosure Agreement (if not already provided to gain access to the Data Room) by the relevant deadline stated in paragraph 4.
- 3.2 Following receipt by the Authority of the Selection Stage Response, the evaluation of the Selection Questionnaire and the selection of Potential Providers to participate in the Dialogue Stage will be conducted using the Evaluation Methodology set out in the Selection Questionnaire Evaluation Guidance (Attachment 6).
- 3.3 The Selection Questionnaire Evaluation Guidance is provided to Potential Providers to ensure full understanding of how answers to the Selection Questionnaire will be evaluated by the evaluating panel.

Dialogue Stage

- 3.4 Following the completion of the Selection Stage, the Authority shall proceed to the Dialogue Stage, which shall commence with the issue of the finalised version of the ITPD to those Potential Providers that are invited to participate in the Dialogue.
- 3.5 The Dialogue shall proceed as described in the ITPD..
- 3.6 The Authority reserves the right to have a single Dialogue period to run from the completion of the Selection Stage until the conclusion of the Dialogue Stage and the issue of the ISFT. This would mean that the only Responses required to be submitted will be Outline Solutions and Final Tenders (i.e. no Interim Solution).
- 3.7 The Authority will only exercise its right under paragraph 3.6 in the event the evaluated Outline Solutions and the progress of the Dialogue provide the Authority with a level of confidence and assurance that the relevant Potential Providers are capable of delivering the Authority Requirements such that there is no need for an interim stage (comprising further Dialogue sessions and submission of an Interim Solution).

Final Tender Stage

- 3.8 Following the conclusion of the Dialogue Stage, those Potential Providers that remain in the Dialogue shall be invited to submit their Final Tenders.
- 3.9 Evaluation of Final Tenders in the Final Tender Stage is based on the most economically advantageous tender in accordance with the Evaluation Methodology set out in the ITPD.
- 3.10 Subject to a Standstill Period and the resolution of any outstanding issues in accordance with the process set out in paragraph 5.11 of the ITPD, the Potential Provider who achieves the highest Final Score will be awarded the Contract.

4. PROCUREMENT TIMETABLE

- 4.1 The indicative timetable for the Procurement is set out in the tables below.
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4.2 This timetable may be changed by the Authority at any time. The Potential Providers will be informed through BMS if changes to this timetable are made.

Procurement Stage	Procurement Activities	Description	Target Date
Selection Questionnaire	SQ	OJEU and Contract Finder notices issued	13-Jun-17
		Potential Provider clarification period opens	13-Jun-17
		Potential Provider Event	29-Jun-17
		Potential Provider clarification period closes	07-Jul-17
		Deadline for receipt of Selection Stage Responses at 15:00hrs	13-Jul-17
		Evaluation of Selection Stage Responses	14 to 24-Jul-17
		Issue Potential Provider successful/unsuccessful letters & optional debrief	25-Jul-17
Dialogue Stage	Invitation to Participate in Dialogue (ITPD) & Submission of Outline Solution	ITPD (including invitation to submit Outline Solution) Issued	31-Jul-17
		Potential Provider clarification period opens	31-Jul-17
		Individual Potential Provider led Clarification Sessions	7, 8 & 9-Aug-17
		Potential Provider clarification period closes	21-Aug-17
		Authority to respond to clarifications	24-Aug-17
		Deadline for receipt of Outline Solutions at 15:00hrs	29-Aug-17
		Evaluation/Authority clarification	04-Sep-17
		Potential Provider Presentations	11, 12 & 13 Sep-17

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Procurement Stage	Procurement Activities	Description	Target Date
		Evaluation / Authority clarification	18-Sep-17
		Close of Authority clarification period	25-Sep-17
		Panel Moderation and shortlisting	26-Sep-17
		Recommendation Reports	02-Oct-17
		Approval to proceed	09-Oct-17
		Issue Potential Provider successful/unsuccessful letters & optional debrief	10-Oct-17
	Invitation to Submit Interim Solutions (ISIS) and Interim Solution Dialogue weeks 1 – 3	ISIS Issued	16-Oct-17
		Potential Provider clarification period opens	16-Oct-17
		Potential Provider Site visits to Alfreton (1 to 2 days)	17-Oct-17
		Dialogue week 1	23-Oct-17
		Dialogue week 2	30-Oct-17
		Potential Provider clarification period closes	06-Nov-17
		Deadline for receipt of Interim Solutions at 15:00hrs	13-Nov-17
		Evaluate & issue Interim Solution (Potential Provider) Reports	14 to 24-Nov-17
		Dialogue week 3 (at Authority's discretion)	27-Nov-17
		Close of Dialogue	01-Dec-17

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Procurement Stage	Procurement Activities	Description	Target Date
Final Tender Stage	Submission of Final Tenders	ISFT Issued	04-Dec-17
		Potential Provider clarification period opens	04-Dec-17
		End of Potential Provider clarification period	08-Dec-17
		Deadline for receipt of Final Tenders at 15:00hrs	11-Dec-17
	ISFT Evaluation and Moderation and Approval	Final Tender evaluation and Authority clarification	18-Dec-17
		Xmas Break	25-Dec-18
		Moderation/selection of Preferred Provider and recommendation	02-Jan-18
		Discussions (at the Authority's option) with the Potential Provider identified as Preferred Provider in accordance with Regulation 30(20)	08-Jan to 16-Mar-18
		Approval to proceed	08-Jan to 16-Mar-18
	Approval to Award, Potential Provider Notification, Alcatel and Contract Award	Issue unsuccessful/successful notification(s) to Potential Providers.	26-Mar-18
		Standstill Period commences	26-Mar-18
		Standstill Period closes	05-Apr-18
		Contract Award (16 th April)	09-Apr-18

5. BUSINESS MANAGEMENT SYSTEM (“BMS”) AND THE DATA ROOM

- 5.1 The Authority is using the Department of Health’s e-tendering portal, [BMS](#), to manage this Procurement. Responses must be submitted via BMS. Responses submitted by any other means will not be accepted. All communications relating to this Procurement will be conducted through BMS, unless otherwise instructed by the Authority.

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- 5.2 Please note that the Department of Health is in the process of changing its e-tendering systems and may change the e-tendering portal during this Procurement. The Department of Health will try to minimise the impact this will have on this Procurement and all Potential Providers will be kept informed of any changes.
- 5.3 All Responses and other information to be submitted must be uploaded via the Sourcing Home Page using the 'Actions' window and selecting 'Create Quote'. Documents uploaded using the 'New Message/Documents' tab are not correctly linked to the Invitation to Compete and therefore will be rejected. Potential Providers should refer to the [BMS e-Tendering Manual](#) for guidance on how to use BMS.
- 5.4 In order to ensure the primary contact receives messages in relation to this Procurement (including responses to questions), Potential Providers should send an online message via BMS using their primary login. Online messaging is accessible via the 'Actions' drop down in the top right hand corner of the screen. **Messages from the Authority are only sent to Potential Providers who have sent an initial acknowledgment (the initial online message) that they wish to participate (Note: this is a technical requirement and not the same as submitting the Selection Stage Response).** For further assistance please refer to [BMS](#).
- 5.5 Should Potential Providers experience any technical difficulties uploading their Response, they must contact the BMS Helpdesk prior to the Tender Submission Deadline. If a Potential Provider needs assistance using BMS, the BMS helpdesk is available between 10am and 4pm, Monday to Friday (excluding public and bank holidays). Please call telephone number 0113 254 5777.
- 5.6 Additional supporting information for this Invitation to Compete is available within the Data Room. .
- 5.7 To request access or raise any queries in relation to the Data Room, please send an email to: SupportingTechnologies@dh.gsi.gov.uk.
- 6. SUBMITTING A SELECTION STAGE RESPONSE**
- 6.1 These Instructions to Potential Providers contain the information and instructions Potential Providers need to submit a Selection Stage Response.
- 6.2 To participate in the Selection Stage of this Procurement, Potential Providers are required to comply fully with the instructions in this document, the Selection Questionnaire and elsewhere in the Invitation to Compete. Potential Providers are strongly advised to read through all documentation first to ensure they understand how to submit a fully compliant Selection Stage Response. Failure to follow these instructions may result in the rejection of a Selection Stage Response.
- 6.3 The Potential Providers' attention is also drawn to the Terms of Participation which apply throughout this Procurement. (Potential Providers should note that paragraph 10 of these Instructions to Potential Providers shall apply throughout this Procurement).
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- 6.4 By submitting a Selection Stage Response, unless otherwise disclosed in writing to the Authority with that Response, any information supplied by the Potential Provider shall be true and accurate at the time of submitting the Selection Stage Response and remain so (or be correctly updated) during this Procurement.
- 6.5 At the Selection Stage, some information is self-certified by Potential Providers as accurate. At any time prior to any contract award, the Authority will require the successful Potential Provider to provide the information (or update the information previously provided) as referenced in the Selection Stage.
- 6.6 Potential Providers should also note that the Authority reserves the right to undertake a further assessment of updated Financial Information and Minimum Turnover (as such terms are defined in question SQ4.3 of the Selection Questionnaire) at any stage during the Procurement.

7. SUBMITTING RESPONSES FOR OTHER STAGES OF THE PROCUREMENT

- 7.1 When participating in the Dialogue Stage or Final Tender Stage, Potential Providers are required to comply fully with the instructions in any document issued by the Authority concerning the Dialogue Stage or Final Tender Stage as relevant and elsewhere in the Procurement Conditions.

8. CONTRACTING ARRANGEMENTS (SUB-CONTRACTORS AND GROUPS OF ECONOMIC OPERATORS)

- 8.1 The Authority welcomes participation in this Procurement by any Economic Operators and whether bidding, for example, as a single entity or Group of Economic Operators and with or without Sub-Contractors.
- 8.2 It is important, however, that a Potential Provider's Selection Stage Response accurately conveys how it will satisfy the minimum requirements for economic and financial standing and technical and professional ability (that is, it can demonstrate it possesses the necessary human and technical resources and experience to perform the Contract in accordance with the Authority Requirements), as the Authority needs clarity on the organisational structure that each Potential Provider intends to use..
- 8.3 The Selection Questionnaire provides guidance on specific questions where Potential Providers who are Groups of Economic Operators or include Sub-Contractors in their bids must answer those questions also in respect of all members of their Group of Economic Operators and/or proposed Sub-Contractors.

Group of Economic Operators

- 8.4 Where a Potential Provider is a Group of Economic Operators the provisions of paragraphs 8.5 to 8.10 must be followed.
- 8.5 A Lead Contact should be nominated to lead the bidding process and to complete the Responses on behalf of all the other members of the Group of Economic Operators.
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- 8.6 Details of the members of the proposed Group of Economic Operators and the percentage of contractual obligations assigned to each member should be provided in question 1.2(a) of the Selection Questionnaire.
- 8.7 The Selection Stage Response must be completed in the name and 'voice' of all the members of the Group of Economic Operators that, if successful, would enter into a contract with the Authority.
- 8.8 Reliance on one or more members of the Group of Economic Operators to provide the Services must be described in the relevant Selection Stage Response. The Lead Contact must clearly identify in responses to questions when it is relying on a member of the Group of Economic Operators and explain the member's role, capability and experience as the context of the question requires.
- 8.9 If the Group of Economic Operators is successful, it may provide the Services to the Authority with all its members signing the contract and assuming joint and several responsibility for performance.
- 8.10 The Authority may require the Group of Economic Operators to assume a specific legal form for the purpose of concluding the contract. In that case, the Authority may require the members of the Group of Economic Operators to nominate a guarantor (or guarantors) for the single legal entity's performance of the contract, and following such requirement the Authority reserves the right to request and assess information on the economic and financial standing of the proposed guarantor(s) and to disqualify a Group of Economic Operators from further participation in this Procurement in the event that the Group of Economic Operators do not nominate a guarantor(s) that resolves any Authority concerns in relation to the economic and financial standing of such single legal entity.

Sub-Contracting Proposals

- 8.11 Where a Potential Provider (whether a single entity or a Group of Economic Operators) proposes to Sub-Contract elements of their obligations, the provisions of paragraphs 8.12 to 8.16 must be followed.
- 8.12 Where Potential Providers propose to use one or more Sub-Contractors, they must complete question SQ1.2(b) in the Selection Questionnaire.
- 8.13 Subject to paragraph 8.14, only Sub-Contractors identified in the Selection Stage Response will be able to provide Services through the contract if the Potential Provider is successful. Any organisation, group company, subsidiary, parent company, holding company, associated company, franchise or fellow franchise, strategic partner or organisation in any other relationship with the Potential Provider to whom the Potential Provider sub-contracts part of their obligations must be identified as a Sub-Contractor in the Selection Stage Response.
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- 8.14 The Authority does not require all sub-contractors to be disclosed. Only those who directly contribute to the ability to meet obligations under the Contract must be disclosed. There is no need to specify sub-contractors supplying general services to the Potential Provider (such as window cleaners, lawyers, desktop software providers etc.).
- 8.15 Reliance on the capability and/or experience of one or more Sub-Contractors to demonstrate ability to provide the Services must be described in the Selection Stage Response. Potential Providers must clearly identify in responses to questions when they are relying on a Sub-Contractor and explain the Sub-Contractor's role, capability and experience as the context of the question requires.
- 8.16 Details should also be provided in Potential Providers' relevant responses of the proportion of any contract awarded that the Potential Provider proposes to Sub-Contract.

Changes to contracting arrangements

- 8.17 The Authority recognises that arrangements in relation to Groups of Economic Operators and/or Sub-Contractors may be subject to future change, and may not be finalised until a later date. However, any changes to those arrangements may affect the ability to deliver the Services. Potential Providers must notify the Authority as soon as they become aware of any such changes to the Group of Economic Operators and/or proposed Sub-Contractors by completing the 'Changes to Contracting Arrangements' template (see Attachment 22). The notification should be submitted to the Authority via BMS.
- 8.18 The Authority will assess the new information provided and reserves the right to exclude the Potential Provider in accordance with the Terms of Participation.
- 8.19 Failure to notify the Authority of any changes in accordance with paragraph 8.17 may lead to a Potential Provider being disqualified from the Procurement.
- 8.20 The Authority reserves the right to require Potential Providers to put in place appropriate arrangements to provide additional reassurance to the Authority in circumstances of change in their Sub-Contractors or members of Groups of Economic Operators such as those described in paragraph 8.17.

9. QUESTIONS AND CLARIFICATIONS

- 9.1 Potential Providers may raise questions or seek clarification regarding any aspect of this Procurement at any time prior to the relevant deadlines in the timetable in paragraph 4. Questions must be submitted using the Clarification Questions Submission Template and submitted via the following email box: SupportingTechnologies@dh.gsi.gov.uk.
- 9.2 If a Potential Provider believes that their question is commercially sensitive, then it must indicate this in advance in the Clarification Questions Submission Template. The Authority will then consider the sensitivity of the question, and if it deems the question not to be commercially sensitive give the Potential Provider the opportunity to retract the question without receiving an answer or, if not retracted, the question and response
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will be circulated to all Potential Providers. If the Authority considers that a question is commercially sensitive and that a response to the relevant Potential Provider would not provide it with an unfair advantage, the Authority may issue its response only to the relevant Potential Provider.

- 9.3 Subject to paragraph 9.2, to ensure that all Potential Providers have equal access to information regarding this Procurement, the Authority will publish all its responses to questions (in an anonymised format) raised by Potential Providers via BMS.
- 9.4 The Authority will endeavour to respond to clarification questions within two (2) working days from when received but, ultimately, by the date the Authority has set for responses to clarification questions in the timetable in paragraph 4. The Authority reserves the right not to provide a response to a clarification question.
- 9.5 From time to time the Authority may issue communications through BMS, including updates to the timetable in paragraph 4 or other timetables published in other documentation relating to the Procurement. Therefore Potential Providers must ensure that they review their BMS primary contact's mailbox on a regular basis.
- 9.6 Under no circumstances should Potential Providers approach the Authority and/or staff including nominated representatives, senior managers, Department of Health staff or advisers, seeking further information in relation to the Procurement.
- 9.7 Any such approach (direct or indirect) may result in the Potential Provider(s) being excluded from further consideration in the Procurement. It is recognised that contact may be made between Potential Providers and Authority staff in the course of normal business.

10. ACKNOWLEDGEMENT

- 10.1 In submitting any Response or other information at any stage of the Procurement, Potential Providers (including any member of its Group, Group of Economic Operators and/or any Sub-Contractor) will be deemed to have read, understood and accepted the Procurement Conditions.

11. PROCUREMENT CONTACT

- 11.1 The main contact for this Procurement is:

Jesca Ackell, Procurement Officer

Email: SupportingTechnologies@dh.gsi.gov.uk

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