



## **UK SHARED BUSINESS SERVICES LTD**

# **MAINTENANCE, SERVICING AND REPAIR OF LABORATORY AND SCIENTIFIC EQUIPMENT DYNAMIC PURCHASING SYSTEM (DPS)**

## **DPS Rules**

## **PART 1: INTRODUCTION**

### **1 GENERAL INFORMATION**

#### **DPS CATEGORIES**

- 1.1 The DPS has been divided into 41 Categories based on the areas of science and technology. The Categories breakdown is detailed below and is also contained within Appendix D – Categories Breakdown and Section 4 Specification of the main DPS tender documentation. Both documents are contained within the Stage One: Overview Section of the Delta eSourcing Portal.

#### **Period of validity of the DPS**

- 1.2 The anticipated period during which the DPS will be valid (i.e. during which Contracts for Maintenance, Servicing and Repair of Laboratory and Scientific Equipment may be entered into) will be two years (24 months) from November 2020. It is possible that the DPS may be extended further beyond this date and in particular it is currently envisaged that there may be two further one-year extensions. The total anticipated period of validity is therefore currently four years (48 months).
- 1.3 Should UK Shared Business Services Ltd (UK SBS) wish to renew the DPS beyond four years it will issue an OJEU Contract Notice.
- 1.4 Contracts may be entered into at any time during the period of validity of the DPS. It is possible that the term of any Contract entered into under the DPS may extend beyond the period of validity of the DPS.

#### **DPS value**

- 1.5 The estimated value of the Maintenance, Servicing and Repair of Laboratory and Scientific Equipment DPS is approximately £2.25M per annum (£4.5M over the minimum term, with the possibility of 2 x 1-year extensions to a maximum overall therefore of £9M).

<b>Number</b>	<b>Category</b>	<b>Product Examples</b>
1	<b>Microscope, Optical</b>	Optical Microscope Other optical equipment
2	<b>Microscope, Electron</b>	Electron SEM
3	<b>Microscope, X-ray</b>	X-ray X-ray CT
4	<b>Microscope, Other</b>	Light Sheet White Light interferometer Co-ordinate measuring machines LSM

		Confocal Fluorescent microscopes Others not mentioned above
5	<b>Imaging and quantification</b>	Gel documentation Quantification systems (bioanalyses, spectrophotometers) Tomography imaging systems (microCT, OPT) Film processors and imagers Protein quantification (PEGGY Sue) Immunoassays (bioplex bead array)
6	<b>Plate Readers</b>	Microplate Reader Plate Reader
7	<b>Spectrometers</b>	Mass Specs NMR Spectrometers Spectrophotometers Optical spectrometer
8	<b>Camera systems</b>	Optical X-ray Temporal
9	<b>Chromatography, Liquid</b>	HPLC LC Ultra -Fast Preparation & Purification Liquid Chromatography (UPLC)
10	<b>Chromatography, Gas</b>	GC
11	<b>Chromatography, Other</b>	High Throughput Fluorescence Detection Size Exclusion Chromatography System Size Exclusion Chromatography (SEC-MALS)
12	<b>Diffractionmeters</b>	X-ray Diffractionmeters Optical
13	<b>Local Exhaust Ventilation</b>	Extraction Systems. Cage change stations Allergen booths Fume hoods Biological safety cabinets Downdraft tables Laminar flow cabinets Laminar flow hoods
14	<b>Media Kitchen/ Glass wash</b>	Plate Pourers Water Disinfectors Food Fly System Glass Washer
15		VHP systems

	<b>Sterilisation/Purification Systems</b>	Lab water purification systems
16	<b>Flat optics</b>	10-30cm diameter (or equivalent) 30-50cm diameter (or equivalent) >50cm diameter (or equivalent)
17	<b>Lenses</b>	10-30cm diameter (or equivalent) 30-50cm diameter (or equivalent) >50cm diameter (or equivalent)
18	<b>Curved mirrors (parabolas, spherical etc.)</b>	10-30cm diameter (or equivalent) 30-50cm diameter (or equivalent) >50cm diameter (or equivalent)
19	<b>Gain media</b>	
20	<b>Active optical components</b>	
21	<b>Autoclaves/ Incubators/ Ovens</b>	Autoclaves Incubators Ovens
22	<b>Shakers</b>	Floor Standing Stacking
23	<b>Thin Film Coating Plants</b>	Sputter Systems Polymer Systems DLC system Thermal Evaporation Ebeam Deposition
24	<b>Critical point dryer</b>	
25	<b>Biochemistry, Electrophoresis</b>	Microscale thermophoresis Refractometer Light Scatterer Eclipse Separation System Molecular Detection System Bioprocessing System Molecular Interaction Analysis System Biological Calorimeters Multiplex Systems
26	<b>DNA preparation, amplification and analysis</b>	PCR (thermal cyclers, real time PCR, digital droplet PCR) Genotyping Sequencing Capillary electrophoresis Liquid handling robots OCTet Bio Molecule Analysis System Microscale Thermophoresis
27	<b>Cold storage</b>	Ultralow freezers (-40 to -80)

		Cryogenic Systems (-80 to -180) Cell banks Controlled rate freezers
28	<b>Centrifuges &amp; Rotors</b>	Floor Standing Centrifuges Benchtop Centrifuges Ultracentrifuges
29	<b>General Lab</b>	Irradiator Systems Systems Cell Disruption Animal water drinking system Robotic cage processing equipment/washer IVC caging equipment & cage and bottle washers Other general laboratory Equipment
30	<b>Micromachining Systems</b>	Diamond Turning Centres CNC Mills
31	<b>Medical Equipment</b>	Blood Analyser ECG Equipment Anaesthetic Equipment
32	<b>Clinical specimen analysis</b>	Clinical chemistry Histology Necropsy Calorimetry
33	<b>Animal measurements</b>	Scanners (CT, X-ray, MRI) Auditory (ABR) Neurological Metabolic (CLAMS oxymax) Mouse production (XYClone) Observational (BP, weight etc.)
34	<b>Cell handling equipment</b>	Cell sorters Electroporators Live cell analysis (Seahorse)
35	<b>Radiation monitoring equipment</b>	Dose monitoring equipment
36	<b>Pulsed Lasers</b>	Short Pulse Oscillators Q-Switched Oscillators Pump lasers Amplifiers Complete laser systems
37	<b>Electronic Equipment</b>	Oscilloscopes
38	<b>BioPhysics</b>	Isothermal titration calorimeter
39	<b>Vacuum Equipment</b>	Roughing Systems Hi-Vac UHV

		Cryogenic Freeze Driers
40	<b>Natural Environment Analysers</b>	Gas Analysers Water Analysers Air Analysers Soil Analysers Multi-purpose Analysers Telemetry Devices Acoustic Devices Seismographic Devices
41	<b>Weighing Equipment</b>	Balances Scales Hoists

- 1.6 The table above provides the broad outline of the Categories covered by this DPS. It may be the case that there are no Contracts awarded under a given Category. The need for Contracts will be driven by the requirements of the Contracting Authorities. The DPS does not guarantee any minimum spend and there will be no form of exclusivity or volume guarantee under this DPS.

#### **Availability of documents**

- 1.7 The DPS will be hosted on the Delta eSourcing Portal ("the DPS Portal") <https://uksbs.delta-esourcing.com/>. Should you wish to apply to join the DPS, you will need to register on the Delta eSourcing Portal and the details of how to do this are set out within the above link
- 1.8 The DPS Documentation will remain electronically accessible and available for the duration of the DPS and can be accessed via the Delta eSourcing Portal.
- 1.9 Information about the DPS (including the DPS Documentation) will also be publicly available on the Contracts Finder website. <https://www.contractsfinder.service.gov.uk/Search> .

#### **Communications**

- 1.10 All queries in relation to the DPS must be made in writing and submitted electronically via the DPS Portal.
- 1.11 UK SBS reserves the right to publish all queries and the responses to them on the Delta eSourcing Portal. This is to ensure transparency. Should you consider your query to be commercially sensitive, you must clearly specify this in the subject line of your communication. The decision on whether or not to publish a query and/or the response to it will however rest with UK SBS.

- 1.12 All communications and documents (including Application Forms and Tenders) must be prepared in the English language and be submitted electronically via the DPS Portal.

## PART 2: APPLYING TO JOIN THE DPS

### 2 TIMETABLE

- 2.1 Maintenance, Servicing and Repair of Laboratory and Scientific Equipment Suppliers can apply to join the DPS either at the "Initial Joining Stage" or at any time during the period of validity of the DPS ("Ongoing Joining Stage"):

2.1.1 **Initial Joining Stage:** This relates to Application Forms submitted on or before the Deadline for Applications for the Initial Joining Stage (as defined at paragraph 3.3 below). Note. UK SBS will have an extended initial evaluation period as permitted by Regulation 34 (18) of the Public Contract Regulations. In accordance with Regulation 34 (19) the extended evaluation period is provided in the timetable below at 2.2 of this document.

2.1.2 **Ongoing Joining Stage:** This covers any Applications submitted after the Deadline for Applications for the Initial Joining Stage.

- 2.2 The indicative timetable for the procurement to initially establish the DPS is set out below. This is intended as a guide and, whilst UK SBS does not intend to depart from the timetable, it reserves the right to do so at any time.

Date	Activity
Friday 11 <sup>th</sup> September 2020	Submission of the OJEU Contract Notice.
Tuesday 15 <sup>th</sup> September 2020	Contract Notice Published in OJEU and DPS Open to applicants
Monday 19 <sup>th</sup> October 2020 11:00 am	Deadline for potential Suppliers to submit clarifications for the Initial Joining Stage
Wednesday 28 <sup>th</sup> October 2020 11.00 am	<b>Deadline for Applications for the Initial Joining Stage.</b> Closing date and time for Bidder to submit their response ('the Deadline').
Wednesday 28 <sup>th</sup> October 2020 – Thursday 5 <sup>th</sup> November 2020	Review and evaluation of the Initial Joining Stage submissions.
Friday 6 <sup>th</sup> November 2020	Notification of the outcome of the evaluation and successful bidders are added to the Initial DPS List.
Wednesday 11 <sup>th</sup> November 2020	Anticipated DPS Contract Start Date. Initial DPS List published.

- 2.3 Once the Initial DPS List is published, UK SBS may invite Tenders from Maintenance, Servicing and Repair of Laboratory and Scientific Equipment Suppliers who are on the DPS List in accordance with the procedure set out below.

- 2.4 Maintenance, Servicing and Repair of Laboratory and Scientific Equipment Suppliers are also able to apply to join the DPS **at any time** or to apply to

join additional Categories, during the period of validity of the DPS (including after the Deadline for Applications for the Initial Joining Stage) should they wish to do so (see Ongoing Joining Stage described at paragraphs 3.8 to 3.13 below).

### **3 ADMISSION PROCEDURE**

#### **Registration (applies to both the Initial Joining Stage and the Ongoing Joining Stage)**

- 3.1 The DPS will be hosted on the Delta eSourcing Portal. Maintenance, Servicing and Repair of Laboratory and Scientific Equipment Suppliers wishing to apply to join the DPS will need to register on the Delta eSourcing Portal in order that they can complete and submit their Application Forms electronically.
- 3.2 For technical support or queries in relation to use of the Delta eSourcing Portal, Maintenance, Servicing and Repair of Laboratory and Scientific Equipment Suppliers should contact <https://uksbs.delta-esourcing.com/> on 0845 270 7050

#### **Initial Joining Stage**

- 3.3 Maintenance, Servicing and Repair of Laboratory and Scientific Equipment Suppliers, who wish to be included on the Initial DPS List, must submit their Application Form on the DPS Portal on or before 11:00 am on Wednesday 28<sup>th</sup> October 2020 ("the Deadline for Applications for the Initial Joining Stage").
- 3.4 UK SBS will review and evaluate each Application Form to determine whether the Minimum Selection Criteria are met. UK SBS will endeavour to review and evaluate Application Forms within 10 working days, however this may be extended to 15 working days because of the need to examine additional documentation or to otherwise verify whether the selection criteria are met. It is anticipated that there may be a high volume of Application Forms received at the Initial Joining Stage which may affect this timeframe and UK SBS have therefore opted to apply an extended initial evaluation period in accordance with Regulation 34 (18) of the Public Contracts Regulations 2015. UK SBS expects to complete the review and evaluation of all Application Forms for this stage by Thursday 5<sup>th</sup> November 2020.
- 3.5 UK SBS will notify both successful and unsuccessful Maintenance, Servicing and Repair of Laboratory and Scientific Equipment Suppliers of the outcome and will publish the Initial DPS List. UK SBS anticipates that the Initial DPS List will be published on Wednesday 11th November 2020.
- 3.6 Where a Maintenance, Servicing and Repair of Laboratory and Scientific Equipment Suppliers makes a written request for information in relation to its unsuccessful Application Form via the DPS Portal, UK SBS will, within 15 calendar days of that request, give the Maintenance, Servicing and Repair



of Laboratory and Scientific Equipment Suppliers s reasons for the rejection of its Application Form.

- 3.7 Maintenance, Servicing and Repair of Laboratory and Scientific Equipment Suppliers are permitted to re-apply to join the DPS after an initial rejection of their Application Form.

### **Ongoing Joining Stage**

- 3.8 If a Maintenance, Servicing and Repair of Laboratory and Scientific Equipment Suppliers does not submit their Application Form before the Deadline for Applications for the Initial Joining Stage, the following procedure will apply.
- 3.9 Maintenance, Servicing and Repair of Laboratory and Scientific Equipment Suppliers who wish to join the DPS List must submit their Application Form on the Delta eSourcing Portal. Application Forms can be submitted at any time during the period of validity of the DPS.
- 3.10 UK SBS will review and evaluate each Application Form to determine whether the Minimum Selection Criteria are met, notify the Maintenance, Servicing and Repair of Laboratory and Scientific Equipment Suppliers as to whether its Application Form was successful or unsuccessful and update the DPS List within 15 working days of receipt of the Application Form. Note. UK SBS require 15 working days because of the need to examine additional documentation or to otherwise verify whether the selection criteria are met, as permitted by Regulation 34 (17) of the Public Contracts Regulations 2015.
- 3.11 Maintenance, Servicing and Repair of Laboratory and Scientific Equipment Suppliers are only entitled to submit Tenders and be awarded Contracts under the DPS after they have been both formally notified that they are successful, and their name has been added to the DPS List.
- 3.12 Where a Maintenance, Servicing and Repair of Laboratory and Scientific Equipment Suppliers makes a written request for information in relation to its unsuccessful Application Form via the DPS Portal, UK SBS will, within 15 calendar days of that request, provide reasons for the rejection of the Application Form.
- 3.13 Maintenance, Servicing and Repair of Laboratory and Scientific Equipment Suppliers are permitted to reapply to join the DPS after an initial rejection of their Application Form.

## **4 APPLICATION FORM SUBMISSION INSTRUCTIONS**

- 4.1 The Application Form is the same for both the Initial Joining Stage and the Ongoing Joining Stage. The form must be completed and submitted electronically on the Delta eSourcing Portal.
- 4.2 Maintenance, Servicing and Repair of Laboratory and Scientific Equipment Suppliers should note the requirements in the Application Form in respect of

the page limits for attachments. Bidder guidance is provided in the Delta eSourcing Portal at each question where guidance is deemed beneficial.

- 4.3 In completing the Application Form, Maintenance, Servicing and Repair of Laboratory and Scientific Equipment Suppliers should not assume that UK SBS has any prior knowledge of the Maintenance, Servicing and Repair of Laboratory and Scientific Equipment Suppliers, its practice, reputation or its involvement in existing services, Projects or procurements. In evaluating Application Forms, UK SBS will only consider information requested in the Application Form.
- 4.4 Further information about the Application Form is set out below including how the information in the form will be taken into account by UK SBS in reviewing and evaluating a Maintenance, Servicing and Repair of Laboratory and Scientific Equipment Suppliers 's Application Form.
- 4.5 Maintenance, Servicing and Repair of Laboratory and Scientific Equipment Suppliers must complete all relevant sections and questions of the Application Form. UK SBS reserves the right to reject Maintenance, Servicing and Repair of Laboratory and Scientific Equipment Suppliers who have submitted an incomplete Application Form or who have not completed the Application Form correctly.
- 4.6 UK SBS will require Maintenance, Servicing and Repair of Laboratory and Scientific Equipment Suppliers to submit supporting documents alongside the Application Form to enable UK SBS to verify that the Exclusion Grounds do not apply (subject to self-cleaning) and that the Minimum Selection Criteria are met.
- 4.7 In addition, UK SBS may at any time during the life of the DPS require Maintenance, Servicing and Repair of Laboratory and Scientific Equipment Suppliers who have been admitted to the DPS to submit renewed Application Forms and supporting documents to verify that the Exclusion Grounds continue to not apply (subject to self-cleaning) and that the Minimum Selection Criteria continue to be met.

## 5 APPLICATION FORM CONTENT AND EVALUATION

- 5.1 The Application Form is divided into three sections:
  - 5.1.1 **Section A:** Section A is divided into three parts:
    - (a) Part 1 requests information about Maintenance, Servicing and Repair of Laboratory and Scientific Equipment Suppliers.
    - (b) Part 2 contains the Exclusion Grounds and is assessed on a pass/fail basis.
    - (c) Part 3 contains a number of general selection questions which apply to all Lots. These questions are assessed on a pass/fail basis.
  - 5.1.2 **Section B:** Section B of the Application Form contains information about the Categories. Maintenance, Servicing and Repair of Laboratory and Scientific Equipment Suppliers must clearly indicate in this Section which Category(ies) they are applying for. Maintenance, Servicing and Repair

of Laboratory and Scientific Equipment Suppliers will only be admitted to the DPS for Category(ies) for which they have applied and for which they have passed the Minimum Selection Criteria.

- 5.2 Full details of each question, bidder guidance, exclusion grounds and minimum selection criteria are given in the DPS Portal.

## **6 PASSING THE APPLICATION STAGE**

- 6.1 In order to pass the Application stage and be admitted to the DPS List, the Maintenance, Servicing and Repair of Laboratory and Scientific Equipment Suppliers must complete all relevant sections of the Application Form and achieve a "pass" for all relevant sections and questions in the Application Form. A fail in any section or for any question will result in the Application Form being rejected in respect of the Lot to which it relates.
- 6.2 The basis on which Maintenance, Servicing and Repair of Laboratory and Scientific Equipment Suppliers may be excluded (i.e. may Fail) a question is explained in the Applicant Guidance for each question contained within the Application Form.

## **PART 3: THE OPERATION OF THE DPS: THE TENDER PROCESS**

### **7 MINI COMPETITION (MC)**

- 7.1 UK SBS may award Contracts to Maintenance, Servicing and Repair of Laboratory and Scientific Equipment Suppliers who are on the DPS List by following the procedure set out below.
- 7.2 Where UK SBS wishes to use the Maintenance, Servicing and Repair of Laboratory and Scientific Equipment DPS to meet its requirements for Maintenance, Servicing and Repair of Laboratory and Scientific Equipment Suppliers Services in respect of a particular Category, and provided that there is more than one Maintenance, Servicing and Repair of Laboratory and Scientific Equipment Suppliers on the DPS List for that Category, it will complete an Mini Competition (MC).
- 7.3 This will include details of the category under which the Contract is being awarded the information that Maintenance, Servicing and Repair of Laboratory and Scientific Equipment Suppliers who wish to submit a Mini Competition response are required to submit and the evaluation criteria for the award of the Contract. A Template Mini Competition has been provided as part of the DPS Documentation.
- 7.4 The Mini Competition will contain a Specification of requirements and details of how the evaluation criteria that the Mini Competition will be evaluated against.
- 7.5 UK SBS reserves the right to adapt the Template Mini Competition at any time during the period of validity of the DPS including to meet their

requirements in respect of specific Contracts (for example to evaluate on a price only basis).

- 7.6 All Maintenance, Servicing and Repair of Laboratory and Scientific Equipment Suppliers who is on the DPS List in respect of the relevant Category will be invited to tender for Contracts that fall within the scope of that Category.
- 7.7 If a Maintenance, Servicing and Repair of Laboratory and Scientific Equipment Suppliers is invited to tender, it may choose whether it wishes to submit a Tender or not. Maintenance, Servicing and Repair of Laboratory and Scientific Equipment Suppliers are therefore not required to tender for any work. Similarly, there is no guarantee of any Contracts or volumes under the DPS.
- 7.8 Where only one Maintenance, Servicing and Repair of Laboratory and Scientific Equipment Suppliers has been admitted to the relevant Category only that Maintenance, Servicing and Repair of Laboratory and Scientific Equipment Suppliers may be invited to tender (and the Template Mini Competition may be adapted accordingly). Alternatively, UK SBS may choose to approach that Maintenance, Servicing and Repair of Laboratory and Scientific Equipment Suppliers directly in relation to a Contract rather than issuing an MC.
- 7.9 The Mini Competition will be sent to the email address provided on registration with the DPS Portal. It is the responsibility of the Maintenance, Servicing and Repair of Laboratory and Scientific Equipment Suppliers to maintain the validity of this email address and check it for any Mini Competitions.

## **8 AWARD CRITERIA**

- 8.1 The Award Criteria and weightings which will be used to evaluate the best Tender for a Contract will be set out in the MC. The precise Award Criteria to be used will depend on UK SBS's or the Contracting Authorities requirements in respect of that particular Contract.
- 8.2 The Template MC table below provides an indication of the Award Criteria and weightings which UK SBS intends to use for Mini Competitions under the DPS. UK SBS may use some or all of the indicative Award Criteria shown in the table below in any given Mini Competition and more precisely formulated Award Criteria/sub-criteria/factors and weightings may be used to suit the particular requirements of the Contract to be awarded. This flexibility is required due to the needs which will vary from Contract to Contract.

<b>Criteria</b>	<b>Percentage Weightings</b>
Quality	60% - 95%
Price	5% - 40%

## 10 MINI COMPETITION (MC) SUBMISSION REQUIREMENTS

- 10.1 Mini Competitions must be submitted electronically via the Delta eSourcing Portal by completing the online Tender document
- 10.2 Tenderers must submit a full response for every quality question and, where requested, must upload attachments. Unless specifically requested, please do not include appendices or additional documents to support your response as these will not be considered.
- 10.3 All attachments must be submitted in pdf form and must clearly indicate which question they relate to. The attachments must not exceed the maximum page limit specified for each question. The specified Maximum Page Limit refers to sides of A4 when printed out in hard copy.
- 10.4 All responses to Mini Competition questions and any attachments must comply with the following parameters:

Font	Arial
Font size	Minimum of 11pt
Font spacing	Normal
Font scaling	Normal
Line spacing	Single
All margins	2.54cms

- 10.5 Responses to the quality questions (including any requested attachments) that exceed the stated maximum page limit for a question will be cropped at the limit set. Any excess words over the limit will not be evaluated.

## 11 ABNORMALLY LOW MINI COMPETITIONS

- 11.1 Where UK SBS receives a Mini Competition response which is abnormally low, it will require the Tenderer to explain in writing the price or cost proposed. UK SBS will assess the information provided by the Tenderer and may reject the response where the evidence supplied does not satisfactorily account for the low level of price or cost proposed.

## 12 TIME PERIODS FOR THE RETURN OF MINI COMPETITIONS

- 12.1 The deadline for return of Mini Competitions will be specified in the Mini Competition document.
- 12.2 Where practicable, UK SBS intends to allow a minimum period of 10 calendar days for the return of Mini Competition responses, however UK SBS reserves the right to specify a longer period in appropriate circumstances.
- 12.3 UK SBS reserves the right to reject Mini Competition responses that are submitted after the deadline for the return of responses.
- 12.4 UK SBS may sometimes make purchases from outside of the DPS. There is no requirement for UK SBS to use the DPS in all situations. This process

is, however, only anticipated to be used where there are exceptional circumstances and most purchases are expected to take place through the Maintenance, Servicing and Repair of Laboratory and Scientific Equipment DPS.

### **13 CONTRACT AWARD**

- 13.1 UK SBS is not bound to accept the lowest or any Mini Competition response.
- 13.2 If and when a Tender is successful and a Contract award decision made, a written notification will be sent to all Maintenance, Servicing and Repair of Laboratory and Scientific Equipment suppliers who submitted a Mini Competition response for that Contract informing them whether they were successful or not.
- 13.3 There is no requirement for UK SBS to run a "standstill period" before awarding a Contract to a Maintenance, Servicing and Repair of Laboratory and Scientific Equipment supplier. In some instances, UK SBS may decide to run a short standstill period (in which case suppliers will be notified of this when they are notified whether their response has been successful or not) however this shall be in UK SBS's absolute discretion.
- 13.4 Maintenance, Servicing and Repair of Laboratory and Scientific Equipment supplier are reminded that no Contract is entered into until the relevant contractual documents have been duly signed on behalf of UK SBS, the successful Maintenance, Servicing and Repair of Laboratory and Scientific Equipment supplier and all other relevant parties and declared unconditional. No dialogue or communication with UK SBS shall imply acceptance of any offer or constitute an indication that the Maintenance, Servicing and Repair of Laboratory and Scientific Equipment supplier will be awarded the contract.

## **PART 4: THE OPERATION OF THE DPS: CONTRACT PERFORMANCE**

### **14 SPECIFICATION**

- 14.1 The Mini Competition documentation will set out the requirements for the Maintenance, Servicing and Repair of Laboratory and Scientific Equipment to be provided under the DPS.

### **15 CONTRACT TERMS AND CONDITIONS**

- 15.1 The terms and conditions which will apply to Contracts awarded under the DPS will be those set out in the Maintenance, Servicing and Repair of Laboratory and Scientific Equipment supplier Contract and supplemented by Special Conditions set out in the Mini Competitions.

### **16 PERFORMANCE**

- 16.1 Maintenance, Servicing and Repair of Laboratory and Scientific Equipment supplier' performance will be assessed in accordance with the key performance indicators (KPIs) in Appendix C. Where a Maintenance,

Servicing and Repair of Laboratory and Scientific Equipment supplier fails to achieve three of those KPIs in a given Review Period giving rise to a Material Breach of the Contract (as defined in the Contract), UK SBS shall be entitled to suspend the Maintenance, Servicing and Repair of Laboratory and Scientific Equipment supplier's appointment to the DPS for the relevant Category or for all Categories by giving notice of the Material Breach and the suspension and requesting details of how the supplier proposes to prevent such failures occurring on future Contracts.

- 16.2 If UK SBS provides notice to the suppliers of a suspension, the supplier shall be suspended from the DPS until the information requested in the notice has been provided to UK SBS and until UK SBS confirms that the information provided is satisfactory.
- 16.3 Suspension from the DPS shall not affect other Contracts which have been awarded to the supplier prior to the date of the notice of suspension. However, suppliers will not be invited to tender for new Contracts during a suspension period.
- 16.4 For the avoidance of doubt, UK SBS reserves the right to request suppliers to provide an updated Application Form and supporting documentation at any time in the life of the DPS (as confirmed at paragraph 4.7 above), but in particular where there have been failures to meet KPIs. UK SBS will reassess the Application Form in accordance with the process outlined at paragraph 5 above.

## **PART 5: IMPORTANT NOTICES**

### **17 GOVERNING LAW**

- 17.1 The DPS procurement and operation (including all Mini Competitions procedures run and subsequent Contracts awarded under the DPS) will be subject to English law and the exclusive jurisdiction of the English courts.