



Crown
Commercial
Service

Invitation to Tender

Attachment 2 - How to Apply

RM1557.14 - G-Cloud 14

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1. How to Make Your Application

- 1.1 Your application must be made by the organisation that will be responsible for providing the goods and/or services if your application is successful.
- 1.2 You may apply for a place on one or more Lots. Ensure you read section 3 of Attachment 1.
- 1.3 Your application must be entered into the Digital Marketplace. We can only accept applications that we receive through the Digital Marketplace.
- 1.4 If you are applying as a consortium, please submit your application in the name of the lead member.
- 1.5 If you are applying as a single entity on a Lot and as a consortium on another Lot, you will need to set up an additional account in the Digital Marketplace. Please submit your application as follows:
 - For your application as a single entity, please apply in the Digital Marketplace in the name of your organisation.
 - For your application as a consortium, please create an additional account in the Digital Marketplace in the name of your consortium
- 1.6 If you are applying as a consortium, each consortium member (other than the lead member who is responsible for submitting the consortium's application) will be required to complete an Attachment 4a – Information & Declarations_Consortium. In this attachment, consortium members will respond, in their own right, to the questions in Part 1, Part 2 and Part 3.

There are some questions in the Digital Marketplace that the lead member is required to answer on behalf of all members of the consortium. These are clearly indicated.
- 1.7 We are using the Digital Marketplace to manage this procurement. No paper documents will be issued.
- 1.8 Make sure you answer every question.
- 1.9 You must submit your application before the application submission deadline given in section 5 "Timelines for the competition" of Attachment 1 - About the Framework.
- 1.10 It will be our decision whether we will accept applications submitted after the application submission deadline.
- 1.11 Until the closure of the event for applications, all communications (including the submission of applications) will be through the Digital Marketplace. You will receive a notification when new updates are broadcast on the Digital Marketplace.
- 1.12 Your clarification questions should be submitted through the Digital Marketplace. You will receive an email notification when a clarification

questions response log has been uploaded to the Digital Marketplace to view.

- 1.13 When the application window has closed you may receive messages from CCS via an inbox on the Digital Marketplace. You must regularly check your Digital Marketplace inbox for messages relating to your application. You must log in to your account on the Digital Marketplace to access your message inbox.
- 1.14 If anything is unclear, or you are unsure how to complete your application submission, you can raise a question before the clarification question deadline, via the Digital Marketplace. Read section 6 “When and How to Ask Questions” in Attachment 1 - About the Framework.
- 1.15 We may require you to clarify aspects of your application in writing and/or provide additional information. Failure to respond within the time required, or to provide an adequate response may result in the rejection of your application and your exclusion from this process.

2. Selection Stage

- 2.1 At the selection stage, we will ask a range of declaration questions appropriate to the procurement and we will check Applicants’ responses. It is important that you answer these questions accurately
- 2.2 When responding to declaration questions, you must respond on behalf of all relevant persons in your organisation as per PCR 2015, regulation 57(2), i.e., members of the administrative, management or supervisory body of your organisation including those with powers of representation, decision or control.
- 2.3 If a Key Subcontractor is being relied on to meet selection criteria, you must clearly tell us within Attachment 7 – Key Subcontractor Details which criteria you are relying on them for and you must ensure that each of these applicable Key Subcontractors completes Attachment 4b - Information and Declarations_Key Subcontractor_Guarantor and this is submitted via the applicable question within the Digital Marketplace.
- 2.4 If, following financial assessment, we require you to nominate a guarantor, we will contact you and tell you. You are not permitted to nominate a guarantor at the point of submission. You must undergo the financial assessment within your own right initially. Should we deem it appropriate to offer you the opportunity to nominate a guarantor post-application submission, we will also require the nominated guarantor to complete Attachment 4b – Information and Declarations_Key Subcontractor_Guarantor.

3. Selection Process

- 3.1 After the application submission deadline, we will check all applications to make sure we have received everything we have asked for.

- 3.2 We may ask you to clarify the information you provide. If that is necessary, the request will be through the Digital Marketplace messaging facility.
- 3.3 Don't forget to check for messages from your Digital Marketplace account throughout the full procurement process.
- 3.4 If your application is not compliant we will reject your application and you will be excluded from the tender. We will tell you why your application is not compliant.

4. Exclusion

- 4.1 We may exclude you from the process at the selection stage if:
 - you receive a 'Fail' for any of the declaration questions. These are in the "Your declaration overview" section of the Digital Marketplace.
 - you, or a member of your consortium, do not pass the economic and financial standing assessment to the satisfaction of CCS.
 - any of the information you have provided proves to be false or misleading.
 - you have broken any of the competition rules in Attachment 1- About the Framework, or not followed the instructions given in this ITT pack.
- 4.2 If we exclude you from the process we will tell you and explain why.

5. Completing your Application

- 5.1 When completing your application you must:
 - read through the entire ITT pack specifically the Framework Agreement carefully
 - read each question and the response guidance
 - read the contract terms
 - if you are unsure, ask questions before the application clarification deadline, see paragraph 5 'Timelines for the competition' and Section 6 'When and how to ask questions' in Attachment 1 - About the Framework document
 - allow plenty of time to complete your responses and ensure you complete the application in full
 - you can amend your application up until the window is closed
 - completed applications will be automatically submitted at the point the application window is closed.

6. Award Process

6.1 You will not be able to continue with your application if you:

Do not answer 'Yes' to question 1 - *Providing suitable services*

Do not answer "Yes" to questions 2 to 5 *What it means to be on G-Cloud 14*

Do not answer "Yes" to questions 29 to 31 *Application Accuracy*

For other questions, you will not be able to continue with your application until you have provided a 'Yes' or 'No' response or given more information to the current question.

6.2 Grounds for mandatory exclusion and Grounds for discretionary exclusion.

In certain circumstances, we are required by the Regulations to exclude an Applicant from participating in this procurement. If an Applicant cannot answer 'No' to every statement under the section *Grounds for mandatory exclusion*, their application will, save in exceptional circumstances, be rejected and disqualified from further participation in this procurement.

CCS is entitled (in its sole discretion) to exclude an Applicant from further participation in this procurement if an Applicant cannot answer 'No' to any of the statements in response to questions under the section *Grounds for discretionary exclusion*. If an Applicant cannot answer 'No' to every statement, it is possible that its Application will be rejected and disqualified from further participation in this procurement.

6.3 Requirements under Modern Slavery Act 2015

Applicants must answer all questions in this section.

If your organisation has an annual turnover of £36 million or more, you must comply with the annual reporting requirements of Section 54 of the Modern Slavery Act (2015) and provide a slavery and human trafficking statement.

If an Applicant does not comply, the application will be rejected and they will be disqualified from further participation in this procurement.

6.4 Self Cleaning

If an Applicant provides sufficient evidence that it has taken remedial action subsequently that effectively 'self-cleans' the situation, we could decide that the Applicant will not be excluded from this procurement.

As a minimum, you will have to demonstrate that you have:

- paid or undertaken to pay compensation in respect of any damage caused by any criminal offence or misconduct

- clarified the facts and circumstances in a comprehensive manner by actively collaborating with the investigating authorities
- taken concrete technical, organisational and personnel measures that are appropriate to prevent further criminal offences or misconduct
- the measures you have taken will be evaluated taking into account the gravity and particular circumstances of the criminal offence or misconduct

6.5 You may be excluded from the procurement process if you do not answer the mandatory questions for each service in the Lots you are applying for and mark this complete once done.

7. Intention to Award

We will tell you if you have been successful or unsuccessful via the Digital Marketplace. We will send Intention to Award letters to all Applicants who are still in the competition i.e. who have not been excluded.

At this stage, a standstill period of ten (10) calendar days will start; the term standstill period is set out in regulation 87(2) of the Regulations. During this time, you can ask questions that relate to our decision to award. We cannot provide advice to unsuccessful Applicants on the steps they should take and they should seek independent legal advice, if required.

If, during standstill, we receive a substantive challenge to our decision to award and the challenge is for a certain Lot, we reserve the right to conclude a Framework Agreement with successful Applicants for the Lot(s) that have not been challenged.

Following the standstill period, and if there are no challenges to our decision, successful Applicants will be formally awarded a Framework Contract subject to signatures.

8. Final Decision to Award

Following evaluation of applications in accordance with the process set out in this ITT, those Applicants who have submitted Applications which meet the criteria set out in the Supplier Declaration and who have submitted at least one service in accordance with the instructions in this ITT will be awarded a Framework Contract.

CCS will inform all Applicants via the Digital Marketplace of its intention to award a Framework Contract.

All successful Applicants will be required to sign the Framework Contract electronically through their Digital Marketplace account within 10 calendar days of being notified by CCS that it is available to sign. CCS reserves the

right to exclude the Supplier from this Procurement if the Supplier does not meet this timescale.

Following a 10-day Standstill Period and subject to there being no substantive challenge to that intention, a Framework Contract will be formally awarded, subject to contract, to the successful Applicants.

The term Standstill Period is set out in Regulation 87 (2). In summary, it is the 10 calendar days after CCS (in this instance by electronic means) sends its decision to conclude the Framework Agreement tendered via the Digital Marketplace (DMP) and published on a Find A Tender Service, during which CCS must not conclude the Framework Agreement with the successful Supplier(s). Unsuccessful Applicants can raise any questions with CCS that relate to the decision to award before the Framework Agreement is concluded. CCS cannot advise unsuccessful Applicants on the steps they should take. Applicants should always seek independent legal advice, where appropriate.

The conclusion of a Framework Agreement is subject to contract (including the satisfaction of any conditions precedent).

9. Framework Contract

You must electronically sign the Framework Contract through the Digital Marketplace within 10 calendar days of being asked, You will need to do this by making a legal declaration in the G-Cloud 14 electronic signature process. If you do not make the declaration, we may withdraw our offer of a Framework Contract.

The conclusion of a Framework Contract is subject to the provision of due certificates, statements and other means of proof where Applicants have, to this point, relied on self-certification.

10. After you have Signed your Framework Contract

If your application is successful and you have electronically signed the Framework Contract through the Digital Marketplace, your company details and service offer(s) will be made available for buyers to search and view through the Contract Award Service (CAS).