

eAuction Rules

RM3781 – Lot 4: Records Information Management Services

eAuction Rules Summary			
Bidders should note that the following details may be altered by the Authority with prior notification			
eAuction Type	Reverse English Price only	Minimum Bid Decrement	The minimum Bid decrement will be determined and communicated prior to the eAuction.
Entry Pricing	Opening Bid	Bidding Type	Total “Basket” Price (Sub Basket prices entered)
Extension Rule	Remaining bid time returns to 5 minutes if any bid is placed in the last 5 minutes until the time notified by the Authority that the eAuction will ultimately close in accordance with paragraph 6 (The Live eAuction)	Login Time	20 minutes before scheduled eAuction Start time
Minimum Duration	30 minutes	Award Decision	Lowest Price
Date of eAuction:	Tuesday, 15 November 2016	eAuction Start Time:	09:30 am

URL for Crown Commercial Service eSourcing Suite:

<https://gpsesourcing.cabinetoffice.gov.uk>

GLOSSARY

“Authority”

means the Minister for the Cabinet Office (**“Cabinet Office”**) represented by Crown Commercial Service which is a trading fund of the Cabinet Office whose offices are located at 9th Floor, The Capital, Old Hall Street, Liverpool, L3 9PP;

“eAuction”/“eAuction tool”

means the procurement tool used by the Authority, using web-based software which allows Bidders to compete electronically online and in real time by submitting their prices for the provision of the goods and/or services required by the Authority as more fully described in these eAuction;

“Bidder”

shall have the meaning given to it in paragraph 1.1 and the plural shall include the singular and vice versa and ‘Bidder’ shall also mean **‘Potential Provider’** – the latter which is defined in the Invitation to Tender;;

“eSourcing Suite”

means the online tender management and administration system used by the Authority to facilitate its procurement exercises as found at: <https://gpsesourcing.cabinetoffice.gov.uk>

“Framework Lot”

means a discrete sub-division of the goods and/or services as referred to in the Invitation To Tender (described therein as a “Lot”);

“Invitation to Tender”

means the invitation to tender and attachments issued to potential providers by the Authority in respect of the **RM781 Multifunctional Devices, Managed Print and Content Services and Records Information Management** procurement;

“Lot”

for the purpose of these eAuction Rules alone, shall mean an item of the goods and/or services or set of items of the goods and/or services required by the Authority as set out in Invitation to Tender for which Bidders shall submit prices under the eAuction;

“Opening Bid”

shall have the meaning given to it in paragraph 4 and is referred to as a “preliminary bid” on the Authority’s eAuction tool;

“Tender”

means a Bidder’s formal offer to provide the goods and/or the services required by the Authority in response to the Invitation to Tender;

RULES

1. Participation in the eAuction

- 1.1 The Authority shall invite to participate in the eAuction, those Bidders who have submitted admissible Tenders (the **“Bidders”**). For the avoidance of doubt, an admissible Tender is a Tender that has been submitted by a Bidder, who has not been excluded pursuant to any of the mandatory grounds for exclusion under the Public Contracts Regulations 2015 and who meets the selection criteria, and whose Tender is in conformity with the technical specifications without being irregular, unacceptable or unsuitable.

2. eAuction Type

- 2.1. The Authority will use a ‘Reverse English Price Only eAuction’ to determine which Bidder(s) with whom a framework agreement will be concluded. The Reverse English Price Only eAuction requires Bidders to compete to offer the lowest price to supply the goods and/or services that are being procured by the Authority.
- 2.2. During and throughout the eAuction Bidders will have visibility of their ranking in the eAuction, their respective bids and the leading bid.

3. Award Decision

- 3.1. The Bidders whose prices are the lowest and are ranked from 1 to 4 at the end of the eAuction will have framework agreements concluded with them.
- 3.2. Bidders should ensure that their closing bids reflect their best and final offer. If exceptional circumstances should arise and it is not feasible or possible for a successful

Bidder to be awarded a contract by or to conclude a framework agreement with the Authority, the Authority may award the contract to or conclude the framework agreement with the Bidder ranked in the next highest in place and so forth thereafter.

4. Opening Bids

- 4.1. Bidders are required to submit initial prices as part of their Tender in accordance with the instructions provided within the Invitation to Tender. The total bid value for each of the 6 sub-baskets will be uploaded into the eAuction (the “Opening Bid”). Your Ranking within the eAuction will be determined by the sum total of the 6 sub baskets. Bidders should use the Pricing Matrix when developing their bidding strategy, making sure that they are familiar with how prices are calculated for the purposes of the evaluation.
- 4.2. In the event that two or more Bidders submit Opening Bids of equal value then those Bidders will be ranked equally at the start of the eAuction.

5. Preparation for the eAuction

- 5.1. The Authority shall, in advance of the date of the eAuction, provide Bidders with guidance on how to use the eAuction tool.
- 5.2. In order to take part in the live eAuction Bidders are strongly advised to attend a demonstration of the eAuction tool via webinar. Bidders will receive an invitation via the webinar system in advance of the demonstration.
- 5.3. Following the demonstration, referred to in paragraph 5.2 above, Bidders will be invited to a practice eAuction in order to familiarise themselves with the eAuction tool and to practice placing bids.
- 5.4. It is important that Bidders prepare for the bidding before the eAuction commences. The eAuction will be conducted within a limited time and therefore pricing decisions will need to be made quickly in a real-time, dynamic environment. For this reason, it is important that Bidders:
 - (a) become familiar with the software by participating in the webinar demonstration and practice eAuction;
 - (b) mobilise participation from the right people within their respective organisations who can make bidding decisions on the spot during the live eAuction; and
 - (c) develop a price negotiation strategy and calculate a ‘walk-away’ price that the Bidder can commit to before the eAuction commences.
- 5.5. The Authority will invite Bidders to log-on to the eSourcing Suite by 18:00 on the day before the date of the eAuction in order to view and “accept” their Opening Bids. Please note that Bidders will not be able to place bids in the eAuction until they have “accepted” their respective Opening Bids.
- 5.6. Bidders must log on to the eSourcing Suite tool at least 20 minutes before the eAuction is due to start to ensure that their respective connections are fully working and that they are able to participate.

6. The Live eAuction

- 6.1. The duration of the eAuction will initially be 30 minutes. The Authority reserves the right to extend or reduce this initial time before or during the eAuction.
- 6.2. Subject to paragraph 6.7 if a bid is received at any time within the last five minutes of the eAuction, the remaining time will automatically reset to five minutes. Each subsequent bid will trigger a further time extension, resetting the time to five minutes remaining. Please note that where the goods and/or services to be procured are divided into Lots, a time extension for one Lot will be applied to all Lots synchronously. The Authority reserves the right to extend/reduce this time before or during the eAuction.
- 6.3. The eAuction will end when the 'time remaining' clock shows zero on the date reflected on the clock and the status is 'closed'.
- 6.4. The Authority advises Bidders to place their bids well in advance of the last remaining minutes of the eAuction in order to avoid the risk of not being able to place their bid prior to the eAuction closure. The Authority cannot be held responsible for the latency of a Bidder's connection and the time it takes to transmit information from the Bidder's system to the Authority's system across the internet. Only bids registered in the Authority's system (eSourcing Suite) before the eAuction closes will be accepted as valid bids.
- 6.5. The eAuction may be paused at any time at the sole discretion of the Authority. Should this happen, the Bidder will receive notification via instant messaging or by phone. Bidders should please ensure that the correct telephone numbers for their designated contacts are recorded in the eSourcing Suite so that the Authority can contact them during the eAuction if required. This may be different from the normal contact number set out in a Bidder's Tender.
- 6.6. It is recommended that those persons in a Bidder's organisation whose participation is required in the eAuction should block out *a minimum* of two hours in their respective diaries from the start of the eAuction in case the eAuction is extended. Bidders should however note that the eAuction may last longer than two hours.
- 6.7. Should the eAuction still be running at 16:00 the event will be paused and Bidders will be notified that the eAuction will no longer be extended in the event of a bid in the final 5 minutes. Following such notification, the eAuction will be extended by 30 minutes with no further extensions, and from this point the 'Auction Remaining Time' window will indicate the amount of time left in which to place further bids. Bidders should therefore pay close attention to the 'Auction Remaining Time' window to ensure that they place their bids in good time before the event closes.
- 6.8. Following the close of the eAuction there will be no further opportunities for bidding either on the eSourcing Suite or via any other method. All bid adjustments must be completed during the currency of the eAuction.

- 6.9 Should any Bidder experience any technical difficulties during the eAuction, they must report the problem to the Authority immediately. In the first instance contact with the Authority should be via the e-Sourcing Suite messaging facility, but if network connectivity is lost then Bidders should please call: **0151 672 2046**.
- 6.10 The Authority may, at its sole discretion, pause the eAuction and resume it from the point at which it was paused or in very rare cases, suspend the eAuction. Where the Authority suspends the eAuction, it will cancel all previous bids and restart the eAuction. The Authority may pause or suspend the eAuction at any time acting reasonably, for any reason, including but not limited to technical difficulties and will notify all Bidders accordingly. The Authority will advise Bidders when the eAuction will resume or be restarted.
- 6.11 Where the goods and/or service to be procured are divided into Lots, pause, suspension and resumption activities are applied synchronously to all Lots.
- 6.12 Where problems in respect of the eAuction are reported by Bidders in the last two minutes the Authority cannot guarantee that such problems will be resolved prior to eAuction closure. It is therefore highly recommended that Bidders place their bids well in advance of the eAuction closing time.

7. Placing bids

- 7.1. All bids must be placed using the eAuction tool and the Authority will not consider bids made using any other means.
- 7.2. It is the Bidder's responsibility to ensure that they have understood the guidance provided by the Authority on the use of eAuctions (including how to place a bid), these eAuction Rules and all other documentation relating to the procurement in respect of the eAuction.
- 7.3. All bids must comply with the requirements set out in the Invitation to Tender.

8. Binding nature of bids

- 8.1. All bids placed are binding on the Bidder. The eAuction tool requires Bidders to confirm their bid. By confirming their bid each Bidder will be deemed to have made a formal offer to supply the stated goods and/or services at the price submitted in the bid. It is the Bidder's responsibility to ensure that it is familiar with its own bidding strategy prior to the eAuction in order to avoid submitting incorrect bids during the eAuction. Once a Bidder has confirmed a bid, the Authority will not accept any increase in price in respect of that bid. If a Bidder makes an error it should notify the Authority immediately via an e-Sourcing Suite message and the Authority may, having the sole and absolute discretion to do so, allow the Bidder to adjust that bid. The Authority may be unable to allow for the adjustment of bids submitted during the final two minutes of the eAuction and reserves the right to not allow for the adjustment of such bids submitted during the final two minutes of the eAuction. As such, where Bidders submit erroneous bids during the final

two minutes of the eAuction, they may be bound by such erroneous bids.

9. Tied bids

- 9.1. The eAuction tool will not allow a tie in respect of the leading bid (1st place). Any bids submitted which equal the leading bid (1st place) will be automatically rejected by the eAuction tool and the Bidder advised to submit a revised bid. Bidders are advised that ties are permitted in all other ranked positions.

10. Minimum decrement

- 10.1. A minimum bid decrement amount will be stipulated. This means that a Bidder **must** reduce their bid by at least this amount in order to successfully place a valid bid in the eAuction tool.

The minimum bid decrement for this eAuction will be determined and confirmed.

- 10.2. The Authority reserves the right to change the minimum bid decrement before or during the eAuction by notifying Bidders of the change.

11. Currency

- 11.1. All bids must be displayed in GBP (£ sterling).

12. Messaging

- 12.1. Bidders may be sent messages at various times throughout the eAuction via the eSourcing Suite and/or contacted by telephone. All messages will be sent to the Bidder's designated contact using the contact details for each Bidder that have been recorded in the eSourcing suite. It is important that Bidders respond promptly as necessary.