



Crown
Commercial
Service

Phase 1 Selection Stage

Attachment 1 – About the Framework

**RM6335 Digital and Legacy Application
Services (DALAS)**

Restricted Procedure

Phase 1 – Lot 2a, Lot 2b, Lot 3 and Lot 5

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Welcome

We invite you to bid in this competition for RM6335 Digital and Legacy Application Services (DALAS). Our Phase 1 Selection Stage bid pack, covering Lots 2a, 2b, 3 and 5, comes divided into two main parts:

Attachment 1 – About the Framework (this document) – what the opportunity is, who can bid, the timelines for this competition, how to ask questions, the competition rules and obligations and rights between you and us.

Attachment 2 – How to Bid – guidance on how to submit your selection stage bid for Phase 1, how we will assess your bid, and the process we will use to determine which Bidders proceed to the Invitation to Tender (ITT) stage for Phase 1.

You must use our eSourcing suite, to submit your bid

<https://crowncommercialservice.bravosolution.co.uk>

Please read the Bidder guidance which can be found on the below link for help using our eSourcing suite and instructions on how to submit a compliant bid:

<https://www.gov.uk/government/publications/esourcing-tool-guidance-for-suppliers>

You can book for online training for the CCS eSourcing suite at:

<https://www.crowncommercial.gov.uk/esourcing-training>

There are also 14 additional attachments which form the Phase 1 Selection Stage bid pack.

These attachments are:

Attachment 2a – Selection Questionnaire – you must complete the questions detailed in this questionnaire online in the eSourcing Suite (qualification envelope).

Attachment 2b.i – Relevant Principal Services Template and **Attachment 2b.ii – Relevant Principle Services Certificate of Performance** – if you are bidding for Lot 2a, Lot 3 or Lot 5 you must provide a full and comprehensive list of all the Relevant Principal Services provided in the previous 3 years. You must then attach your certificates to the relevant questions in part 12 of the selection questionnaire in the eSourcing Suite (qualification envelope).

Attachment 2c – Lot 2a Certificate of Past Performance Template – if you are bidding for Lot 2a, you must complete the certificates and ask your customer contacts to certify that the information is accurate, in accordance with the instructions set out in the document. You must then attach your certificates to question 1.36.3 of the selection questionnaire in the eSourcing suite (qualification envelope).

Attachment 2d – Lot 2b Certificate of Past Performance Template – if you are bidding for Lot 2b, you must complete the certificates and ask your customer contacts to certify that the information is accurate, in accordance with the instructions set out in the document. You must then attach your certificates to question 1.36.4 of the selection questionnaire in the eSourcing suite (qualification envelope).

Attachment 2e – Lot 3 Certificate of Past Performance Template – if you are bidding for Lot 3, you must complete the certificates and ask your customer contacts to certify that the information is accurate, in accordance with the instructions set out in the document. You must then attach your certificates to question 1.36.5 of the selection questionnaire in the eSourcing suite (qualification envelope).

Attachment 2f – Lot 5 Certificate of Past Performance Template – if you are bidding for Lot 5, you must complete the certificates and ask your customer contacts to certify that the information is accurate, in accordance with the instructions set out in the document. You must then attach your certificates to question 1.36.6 of the selection questionnaire in the eSourcing suite (qualification envelope).

Attachment 2g – PPN 06/21 Carbon Reduction Plan Template – if you do not have a website, you must use this template to provide a copy of your Carbon Reduction Plan. You must then attach the plan to the relevant selection questions in part 11 of the selection questionnaire in the eSourcing Suite (qualification envelope).

Attachment 3 – Frequently Asked Questions – you do not need to submit this as part of your bid. This document contains a list of questions and answers relating to our competitions that may be helpful to you.

Attachment 4 – Information and Declaration Workbook – if you are relying upon any other organisation, including Key Subcontractors or consortium members, to meet the selection criteria, you must get **each of the organisations** to populate this attachment. You must then attach each of the populated attachments to the relevant selection questions in the eSourcing Suite (qualification envelope).

Attachment 5 – Financial Viability Risk Assessment (FVRA) Guidance – for information only. It is important that you read this document before completing Attachment 5a – Gold FVRA Tool.

Attachment 5a – Gold FVRA Tool – you and each consortium member must complete this and then upload to the relevant questions in Part 5 Financial Risk in the [eSourcing tool](#) (qualification envelope). **Please read** Attachment 5 – Financial Viability Risk Assessment (FVRA) Guidance note before completing this document.

Attachment 6 Consortia Details – you should complete this spreadsheet if you are bidding as the lead member of a consortium and attach to question 1.8.3 of the selection questionnaire in the eSourcing Suite (qualification envelope).

Attachment 7 Key Subcontractor Details – you should complete this spreadsheet if you intend to use Key Subcontractors in your bid and attach to selection question 1.10.1 of the selection questionnaire in the eSourcing Suite (qualification envelope)

Make sure you **read all the attachments**, which can be found within the eSourcing suite. The guidance, information and instructions that we provide are there to help you to submit a compliant bid.

If anything isn't clear, see section 7 – When and how to ask questions.

Please read the Bidder Guidance which can be found on the below link for help using our eSourcing suite and instructions on how to submit a compliant bid:

<https://www.gov.uk/government/publications/esourcing-tool-guidance-for-suppliers#>

1. What you need to know

1.1 What 'we' and 'you' means

When we use “CCS”, “we”, “us” or “our” we mean Crown Commercial Service (the Authority).

When we use “you” or “your” we mean your organisation, or the organisation you represent, in this competition also referred to as Bidder.

We are a central purchasing body that procures common goods and services for Buyers including central government departments and the wider public sector.

1.2 Who are 'buyers'?

Buyers are the organisations named in the published contract notice as those able to place Call-Off orders for the deliverables via this Framework. The process Buyers will use to place Call-Off orders will be set out in the Framework terms and conditions that will be published at the Phase 1 ITT Stage.

1.3 What is a 'lot'?

A lot is a sub-division of the deliverables which are the subject of this competition, as described in the published contract notice.

1.4 What do we mean by 'deliverables'?

Deliverables are the goods and/or services that will be provided under this Framework. The full specification for lots included in Phase 1 will be provided at the Phase 1 ITT stage. The scope of the lots included in Phase 1 is set out below at section 3 – What a framework is.

1.5 Who are 'Key Subcontractors'?

Key Subcontractors are any other person other than you who under the Framework Contract will:

- be relied on to deliver any of the deliverables under the Framework Contract in their entirety (or any part of them)
- provide the facilities or services necessary for the provision of the deliverables (or any part of them)

- be responsible for the management, direction or control of the provision of the deliverables (or any part of them)

Please note we do not require all subcontractors to be named in your bid, we only want to know about Key Subcontractors who directly contribute to your ability to provide the deliverables under the Framework and any Call-Off Contracts. We do not need to know about subcontractors who supply general services to you (such as window cleaners etc.) that only indirectly enable you provide the deliverables under the Framework.

Because we are delivering our competition using the restricted procedure, Bidders that are successful at the selection stage will be required to provide their Key Subcontractor information at the ITT stage. However, please remember that if you are relying on subcontractors to meet the selection criteria you must provide details about them in your selection stage bid and ensure you submit a copy of Attachment 4 – Information and Declaration Workbook that has been completed by each subcontractor as applicable.

1.6 What is the difference between a bidder and supplier?

Successful Bidders at the ITT stage will become Suppliers.

1.7 The Public Contracts Regulations 2015

The Public Contracts Regulations 2015 (“the Regulations”) regulate how we procure. This means that we and you follow processes that are fair, transparent and equitable for all Bidders.

1.8 Government Security Classifications (GSC)

On 02/04/2014 the Government introduced its Government Security Classifications (GSC) classification scheme to replace the current Government Protective Marking System (GPMS). A key aspect of this was the reduction in the number of security classifications used.

You are encouraged to make yourself aware of the changes and identify any potential impacts in your bid, as the protective marking and applicable protection of any material passed to, or generated by, you during this competition, or pursuant to any contract awarded to you as a result of this competition, will be subject to the GSC from 02/04/2014. The link below to the Gov.uk website provides information on the GSC:

<https://www.gov.uk/government/publications/government-security-classifications>

1.9 Public Procurement Note 01/22 Contracts with suppliers from Russia or Belarus

In March 2022, the Government introduced its Public Procurement Note 01/22 ‘Contracts with suppliers from Russia or Belarus’ (PPN 01/22) in response to the invasion of Ukraine by Russia, which was met with unprecedented global condemnation. The UK Government has introduced financial and investment

sanctions aimed at encouraging Russia to cease actions which destabilise Ukraine. This PPN requires that Contracting Authorities, such as CCS, should consider how they can further cut ties with companies backed by the states of Russia and Belarus including declining to consider tenders.

CCS will therefore apply PPN 01/22 to all Bidders (and any subcontractors named in a tender). Unless exceptions in the PPN apply, CCS may:

- i. exclude from this competition any tenders that are deemed from Bidders (or subcontractors) who are constituted or organised under the law of Russia or Belarus, or whose 'Persons of Significant Control' information states Russia or Belarus as the place of residency; or
- ii. request that a Bidder find a replacement subcontractor by a specified deadline before its tender can be included in this competition.

1.10 What is the difference between Phase 1 and Phase 2 of the competition?

The competition is being delivered in two phases. Phase 1 includes Lots 2a, 2b, 3 and 5. Phase 2 includes Lots 1, 4a and 4b.

We are using the restricted procedure and Phase 1 and Phase 2 will each have a selection stage and an ITT stage.

This Attachment 1, along with all the other attachments provided, is the Phase 1 Selection Stage bid pack. If you wish to bid in Phase 1 you must submit a selection stage bid before the bid submission deadline set out below in the table at section 6 – Timelines for the competition.

Bidders that are successful in the selection stage for Phase 1 will progress to the ITT stage for Phase 1. Please see sections 3, 4 and 5 below for more information.

The Phase 2 Selection Stage bid pack is expected to be published in May 2023 and this will include the Phase 2 timetable.

Bidders must monitor the Contract Notice for this competition (published on Find a Tender service <https://www.gov.uk/find-tender>) and the CCS upcoming deals page (www.crowncommercial.gov.uk/agreements/RM6335) for updates on Phase 2. We will notify the market when the selection stage for Phase 2 is launched by publishing a corrigendum to the Contract Notice and via a notification on the CCS upcoming deals page.

2. The Opportunity

The IT Digital and Legacy Application Services (DALAS) Framework will provide a strategic gateway to support the delivery of future application services. HMRC is a

key stakeholder in the Framework and DALAS will move HMRC toward an application services support model that is less dependent upon legacy technologies.

The Framework will provide a commercial vehicle to replace existing contractual arrangements that are due to expire between September 2023 and January 2025, and will provide the basis for letting a large proportion of HMRC future application services requirements alongside other customers who may use the agreement.

The competition will be delivered in two phases:

- Phase 1 includes Lots 2a, 2b, 3 and 5
- Phase 2 includes Lots 1, 4a and 4b

We are running the competition using the restricted procedure. The restricted procedure is explained below in section 4 – The restricted procedure.

The timetable for Phase 1 of the competition is set out below at section 6 – Timelines for the competition.

The full specification for Phase 1 will be provided at the Phase 1 ITT stage.

The selection stage bid pack for Phase 2 is expected to be released in May 2023. The indicative timetable for Phase 2 will be provided within this bid pack. However, confirmation that Phase 2 has commenced will be provided via a corrigendum to the Contract Notice in advance of Phase 2 selection stage release as per section 1.10 above.

3. What a Framework is

A Framework, with one or more suppliers, sets out terms that allow Buyers to make specific purchases ('Call-Offs') during the life of the Framework. This competition is for a multi-supplier Framework.

If you are a successful Bidder, we will use the information you provide in your bids at selection stage and ITT stage (including your pricing) to personalise your Framework Contract. Each successful Bidder will have their own Framework Contract, which will be signed by you and us. The Framework will be managed by you and us.

Buyers can then use the Framework to make Call-Offs. Each Call-Off Contract will be signed and managed by you and the Buyer.

The Framework terms and conditions will be published at the ITT stage.

The estimated value of Call-Off Contracts that may be placed under this Framework is set out in the Contract Notice published on Find A Tender (FTS). There may be multiple Call-Off Contracts under one Framework.

How the Framework is structured and the scope of the lots

The Framework will be established for 4 years. Lots in Phase 1 will be awarded before lots in Phase 2. However, **ALL** lots with expire at the same time (i.e. the term will be 4 years from the award of the Phase 1 lots).

This Framework will have 7 lots.

The scope of the lots in Phase 1 is set out below:

Lot 2a – Large Scale Digital, Integration and Programme Development Services

Key Services:

- User-centred design
- Integration of software lifecycle from apps dev through release and IT Ops
- Process, workflow, forms and application development, deployment and live support using automated tooling to support rapid release of stable products and microservices, through discovery, alpha and beta phases, built on Dev/Sec/Ops principles by design.
- Dev-Ops engineering and platform development
- Rapid forms creation and deployment
- Application hyper and enduring care in Dev/Sec/Ops contexts
- Multi-supplier strat-hacks and hackathons
- Minimum costed supplier workshare commitment to encourage investment and innovation.

Lot 2b – Digital, Integration and Programme Development Services

Key Services:

- User-centred design
- Integration of software lifecycle from apps dev through release and IT Ops
- Process, workflow, forms and application development, deployment and live support using automated tooling to support rapid release of stable products and microservices, through discovery, alpha and beta phases, built on Dev/Sec/Ops principles by design.
- Dev-Ops engineering and platform development
- Rapid forms creation and deployment
- Application hyper and enduring care in Dev/Sec/Ops contexts

- Multi-supplier strat-hacks and hackathons
- Minimum costed supplier workshare commitment to encourage investment and innovation.

Lot 3 – Digital, Application and Integration Run Services

Key Services:

- Managing, augmenting and supporting:
 - new or existing custom applications or BDApps
 - new or existing enterprise applications
 - packaged software applications
- New or existing middleware, including APIs, API platforms and ESBs
- ESCROW services where required
- Network-delivered applications
- Data, database and middleware management and integration practices, techniques and tooling for achieving consistent access and smart use-case-based recovery to structured and unstructured data across federated technology stacks
- Maintenance of infrastructure as code, PaaS and SaaS run and integration via technology or service stacks
- Infrastructure as Code

Lot 5 – Capability Pipeline Services

Key Services:

- Dev-Ops academy
- Scala academy
- Pega academy
- MS Dynamics and Power Platform academy
- SAP academy

- Service Now academy
- Kong academy
- TOGAF architecture academy
- NICE academy
- Rapid upskilling of existing staff

The number of successful Bidders to be awarded a Framework Contract in each lot (following the ITT stage) is set out below:

Lot	Lot name	Number of places	Phase
<i>1</i>	<i>Transformation and Innovation Services</i>	<i>5</i>	<i>2</i>
2a	Large Scale Digital, Integration and Programme Development Services	5	1
2b	Digital, Integration and Programme Development Services	8	1
3	Digital, Application and Integration Run Services	5	1
<i>4a</i>	<i>Multi Product Configuration Services</i>	<i>5</i>	<i>2</i>
<i>4b</i>	<i>Specialist Product Configuration Services</i>	<i>5</i>	<i>2</i>
5	Capability Pipeline Services	5	1

You can submit a bid in any or all of Lots 2a, 2b, 3 and 5, but you cannot be awarded a Framework Contract in Lot 2a **AND** Lot 2b following the subsequent ITT stage.

If you submit a bid at the selection stage for both Lot 2a and Lot 2b and are successful in both and subsequently invited to the ITT stage, you will be required to state your preference to be appointed to Lot 2a **OR** Lot 2b at ITT stage.

At ITT stage, in the event that you are successful in both Lot 2a and Lot 2b you will be appointed to the lot you expressed preference for. Your bid for the other lot will be removed from the competition.

4. The restricted procedure

We are running this competition using the restricted procedure. This means the Phase 1 will be delivered in 2 stages – the selection stage and the ITT stage. These stages will be repeated for Phase 2.

In this selection stage, Bidders are required to submit a selection stage bid. Bidders will be assessed against the selection criteria set out in this bid pack. This includes the qualitative selection criteria that will be used to determine which Bidders progress to the ITT stage.

Please read Attachment 2 – How to bid, which sets out how Bidders are required to make their bids and how bids will be evaluated at the selection stage.

For each lot in Phase 1, the maximum number of Bidders that will progress to the ITT stage is set out below:

Lot	Maximum number of Bidders that will progress to the Phase 1 ITT Stage
Lot 2a	10
Lot 2b	16
Lot 3	10
Lot 5	10

In each lot, Bidders that rank below the places set out above will be unsuccessful at the selection stage and will not progress to the ITT stage. **In each lot, the maximum number of Bidders that progress to the ITT stage may only increase where 2 or more Bidders have tied scores in the last successful position.**

At the ITT stage, we will provide the full specification and Framework terms and conditions to those Bidders that remain in the competition. The award criteria for the Framework will be set out in the ITT documents.

Phase 1 and Phase 2 of the competition will each have a selection stage and an ITT stage.

Bidders that submit a response in the selection stage for Phase 1 will still be required to submit a response for the selection stage in Phase 2 (if they wish to bid for Phase 2). However, as long as their Phase 1 responses remain valid, they will only be expected to provide new responses to the Phase 2-specific selection questions. For questions that are not Phase 2-specific (i.e. general selection questions that apply to both phases) we will carry forward the responses from Phase 1 of the competition as appropriate. We will indicate at Phase 2 which questions are specific to that phase.

For Bidders that bid in Phase 1 and Phase 2, we reserve the right to re-verify the general selection question responses submitted at Phase 1.

If a Bidder fails the selection stage for Phase 1 they will only be excluded from further participation in Phase 1 and will still be permitted to submit a response in the selection stage for Phase 2.

For information, for each lot in Phase 2, the maximum number of Bidders that will progress to the ITT stage is set out below:

Lot	Maximum number of Bidders that will progress to the Phase 2 ITT Stage
Lot 1	10
Lot 4a	10
Lot 4b	10

5. Who can bid

Anyone can submit a selection stage bid in response to the published contract notice. Those Bidders that are successful at the selection stage will progress to the ITT stage.

The contract notice can be found on Find a Tender (FTS) and our website:
www.crowncommercial.gov.uk/agreements/RM6335

You can submit a bid as a single legal entity. Alternatively, you can take one or both of the following options:

- work with other legal entities to form a consortium. If you do, we ask the consortium to choose a lead member who will submit the bid on behalf of the consortium.
- bid with named Key Subcontractors to deliver parts of the requirements. This applies whether you are bidding as a single legal entity or as a consortium.

However, you cannot bid as a single entity and as a consortium member in the same lot.

Bidders are permitted to bid as a single entity **OR** as a consortium member **AND** be a named Key Subcontractor in another bid in the same lot.

We recognise that subcontracting and consortium plans can change. You must tell us about any changes to the proposed subcontracting or to the consortium as soon as you know. If you do not, you may be excluded from this competition.

6. Timelines for the competition

These are our intended timelines. We will try to achieve these however, for a range of reasons, dates can change. We will tell you if and when timelines change:

Start date (this is the date we submitted the contract notice to be published)	05/10/2022
Publication date (this is the date the Phase 1 Selection Stage bid pack will be published)	05/10/2022
Clarification questions deadline	5.00pm on 21/10/2022
Deadline for our responses to clarification questions	28/10/2022
Bid submission deadline	3.00pm on 04/11/2022
Compliance	From the bid submission deadline through to the issue of selection stage outcome notices to successful and unsuccessful Bidders
Issue of notices to successful and unsuccessful Bidders confirming which Bidders will proceed to the Phase 1 ITT stage	27/01/2023
End of voluntary standstill period	Midnight at the end of 06/02/2023

Phase 1 ITT stage (<i>please note that the full timetable for the ITT stage will be provided in the ITT documentation</i>)	07/02/2023 – July 2023
Expected Award date for Phase 1	July 2023

7. When and how to ask questions

We hope everything is clear after you have this selection stage bid pack (including all of the attachments).

If you have any questions you need to ask them as soon as possible after the contract notice is published. This is because we have set a deadline for submitting questions - the clarification questions deadline.

You need to send your questions to us through the eSourcing suite. This is the only way we can communicate with Bidders. Try to ensure your question is specific and clear. Do not include your identity in the question. This is because we publish all the questions and our responses, to all Bidders.

If you feel that a particular question should not be published, you must tell us why when you ask the question. We will decide whether or not to publish the question and response.

8. Management information and management charge

If you are awarded a Framework Contract you will need to send to us management information every month. We will use this information to calculate the management charges you must pay us for sales made through the Framework.

Suppliers will pay, excluding VAT, management charges of 1% of all the charges for the deliverables invoiced to the Buyer under all Call-Off Contracts. Further information on management information and the management charge will be provided at the ITT stage.

9. Transfer of Undertakings (Protection of Employment) Regulations 2006 (“TUPE”)

We don't think TUPE will apply to this procurement at **Framework** level because:

- No services are provided to CCS under the any existing Framework Contract or arrangements that this Framework will replace

- Services will only be provided to Buyers under Call-Off Contracts, no services will be provided to CCS under the Framework Contract

We encourage you to take your own advice on whether TUPE is likely to apply and to carry out due diligence accordingly.

We think that TUPE may apply to **Call-Off Contracts** because:

- Services which are fundamentally the same as what we need under this procurement may currently be provided either in-house or by a supplier
- There may be organised groupings of employees delivering services
- The responsibility for delivering those or comparable services may transfer to the supplier who is awarded the Call-Off Contract

Again, we encourage you to take your own advice on whether TUPE is likely to apply and to carry out due diligence accordingly.

Provisions we make and the indemnities which will be given if TUPE is to apply under a Call-Off Contract shall be set out in the Framework terms and conditions that will be published at the ITT stage.

We can't provide information in respect of employees at this stage because it's not available. It will be provided at Call-Off stage if required.

10. Competition rules

We run our competitions so that they are fair and transparent for all Bidders. This section, sets out the rules of this competition. It needs to be read together with the rest of the Phase 1 Selection Stage bid pack. Our competition rules also apply to the Phase 1 ITT Stage.

10.1 What you can expect from us

We will not share any information from your bid which you have identified as being confidential or commercially sensitive with third parties, apart from other central government bodies (and their related bodies). However, we may share this information but only in line with the Regulations, the Freedom of Information Act 2000 (FOIA) or any other law as applicable.

10.2 What we expect from you

You must comply with these competition rules and the instructions in this selection stage bid pack and in the ITT bid pack and any other instructions given by us. You must also ensure members of your consortium, key subcontractors or advisers comply.

Your selection stage bid must remain valid for the duration of the competition.

The required bid validity at the ITT stage will be specified in the ITT stage documentation.

At the selection stage and ITT stage you must submit your bid in English and through the eSourcing suite only.

10.3 Involvement in multiple bids

If you are connected with another bid for the same requirement or in the same lot, we may make further enquiries. For example, where you submit a bid:

- in your own name and as a Key Subcontractor and/or a member of a consortium connected with a separate bid
- in your own name which is similar to a separate bid from another Bidder within your group of companies.

This is so we can be sure that your involvement does not cause:

- potential or actual conflicts of interest
- supplier capacity problems
- restrictions or distortions in competition

We may require you to amend or withdraw all or part of your bid if, in our reasonable opinion, any of the above issues have arisen or may arise.

10.4 Collusive behaviour

You must make sure that your directors, employees, subcontractors, key subcontractors, advisors, companies within your group or members of your consortia do not:

- fix or adjust any part of your bid by agreement or arrangement with any other person, except where, getting quotes necessary for your bid or to get any necessary security
- communicate with any person other than us the value, price or rates set out in your bid or information which would enable the precise or approximate value, price or rates to be calculated by any other person except where such communication is undertaken with persons who are also participants in your bid submission, namely those where disclosure to such person is made in confidence in order to obtain quotes necessary for your bid or to get any necessary security
- enter into any agreement or arrangement with any other Bidder, so that Bidder does not submit a bid
- share, permit or disclose to another person, access to any information relating to your bid submission (or another bid submission to which you are party)

- offer or agree to pay or give any sum or sums of money, inducement or valuable consideration directly or indirectly to any other person for doing or having done or causing or having caused to be done in relation to its bid submission

If you do breach paragraph 10.4, we may (without prejudice to any other criminal or civil remedies available to it) disqualify you from further participation in this competition.

We may require you to put in place any procedures or undertake any such action(s) that we in our sole discretion considers necessary to prevent or stop any collusive behaviour.

10.5 Contracting arrangements

Only you or, as applicable, your key subcontractors (as set out in your bid) or consortium members can provide the deliverables through the Framework Contract.

10.6 Contracting arrangements for consortium

We may require a consortium to form a specific legal entity when signing a Framework Contract.

Otherwise, each member will sign the Framework Contract.

10.7 Bidder conduct and conflicts of interest

You must not attempt to influence the contract award process. For example, you must not directly or indirectly at any time:

- collude with other others over the content and submission of bids. However, you may work in good faith with a proposed partner, supplier, consortium member or provider of finance.
- canvass any Minister, officer, public sector employee, member or agent our staff or advisors in relation to this competition.
- try to obtain information from any of our staff or advisors about another Bidder or bid.

You must ensure that no conflicts of interest exist between you and us. If you do not tell us about a known conflict, we may exclude you from the competition. We may also exclude you if a conflict cannot be dealt with in any other way.

10.8 Confidentiality and freedom of information

You must keep the contents of this selection stage bid pack and the ITT pack confidential unless it is already in the public domain, you must keep the fact you have received it confidential. This obligation does not apply to anything you have to do to:

- submit a bid
- comply with a legal obligation.

10.9 Publicity

You must not make statements to the media regarding any bid or its contents. You are not allowed to publicise the outcome of the competition unless we have given you written consent.

10.10 Our rights

We reserve the right to:

- waive or change the requirements of this selection stage bid pack, or the ITT pack, from time to time without notice
- verify information, seek clarification or require evidence or further information in respect of your bid. You **MUST** ensure you are regularly checking your messages to ensure you are able to respond to our clarifications
- withdraw this selection stage bid pack, or the ITT pack at any time, or re-invite bids on the same or alternative basis
- choose not to award any Framework Contracts or lots as a result of the competition
- choose to award different lots at different times
- make any changes to the timetable, structure or content of the competition
- exclude you if:
 - you submit a non-compliant bid
 - your bid contains false or misleading information
 - you fail to respond to any clarifications from us
 - you fail to tell us of any change in the contracting arrangements between bid submission and contract award
 - the change in the contracting arrangements would result in a breach of procurement law
 - for any other reason set out elsewhere in this selection stage bid pack or the ITT pack
 - for any reason set out in the Regulations

10.11 Consequences of misrepresentation

If a serious misrepresentation by you induces us to enter into a Framework Contract with you, you may be:

- excluded from bidding for contracts for three years under regulation 57(8)(h)(i) of the Regulations
- sued by us for damages, and we may rescind the contract under the Misrepresentation Act 1967
- If fraud, or fraudulent intent, can be proved, you may be prosecuted and convicted of the offence of fraud by false representation under s.2 of the Fraud Act 2006, which can carry a sentence of up to 10 years or a fine (or both).
- If there is a conviction, then your organisation must be excluded from the procurement procedure for five years under regulation 57(1) of the Regulations (subject to self-cleaning).

10.12 Bid costs

We will not pay your bid costs for any reason, for example if we terminate or amend the competition.

10.13 Warnings and disclaimers

We will not be liable:

- where parts of the selection stage bid pack or the ITT pack are not accurate, adequate or complete
- for any written or verbal communications

You must carry out your own due diligence and rely on your own enquiries.

This selection stage bid pack and the ITT pack is not a commitment by us to enter into a contract.

10.14 Intellectual Property Rights

This selection stage bid pack remains our property. You must use it only for this competition. The ITT pack published at the ITT stage shall also remain our property.

You allow us to copy, amend and reproduce your bid so we can:

- run the competition
- comply with law and guidance
- carry out our business

Our advisors, subcontractors and other government bodies can use your bid for the same purposes.

10.15 Government Security Classifications (GSC)

At the ITT stage (if you are successful at the selection stage), you allow us to amend any security related term or condition of the draft contract accompanying the ITT pack to reflect any changes introduced by the Government Security Classifications (GSC) classifications scheme.

11. Additional information

11.1 In this section 11, “Procurement Regulations” means each of:

- a) the Public Contracts Regulations 2015 (SI 2015/102) / The Public Procurement (Amendment etc.) (EU Exit) Regulations 2020 No. 1319;
- b) the Concession Contracts Regulations 2016 (SI 2016/273);
- c) the Utilities Contracts Regulations 2016 (SI 2016/274);
- d) the Defence and Security Public Contracts Regulations 2011 (SI 2011/1848);
- e) the Remedies Directive (2007/66/EC);
- f) Directive 2014/23/EU of the European Parliament and Council;
- g) Directive 2014/24/EU of the European Parliament and Council;
- h) Directive 2014/25/EU of the European Parliament and Council; and
- i) Directive 2009/81/EC of the European Parliament and Council.

11.2 Some purchases under this Framework may have requirements that can be met under this Framework but the purchase of which may be exempt from the Procurement Regulations. In such cases, Call-Offs from this Framework will be unregulated purchases for the purposes of the Procurement Regulations, and the Buyers may, at their discretion, modify the terms of the Framework and any Call-Off Contracts to reflect that Buyer’s specific needs.

12. The Armed Forces Covenant

12.1 The Armed Forces Covenant is a public sector pledge from Government, businesses, charities and organisations to demonstrate their support for the armed forces community. The Covenant was brought in under the Armed Forces Act 2011 to recognise that the whole nation has a moral obligation to redress the disadvantages the armed forces community face in comparison to other citizens, and recognise sacrifices made.

12.2 The Covenant’s 2 principles are that:

- the armed forces community should not face disadvantages when compared to other citizens in the provision of public and commercial services
- special consideration is appropriate in some cases, especially for those who have given most such as the injured and the bereaved.

We encourage all Bidders, and their suppliers, to sign the Corporate Covenant, declaring their support for the Armed Forces community by displaying the values and behaviours set out therein. We encourage you to make your [Armed Forces Covenant pledge](#).

- 12.3** The Corporate Covenant gives guidance on the various ways you can demonstrate your support.
- 12.4** If you wish to register your support you can provide a point of contact for your company on this issue to the Armed Forces Covenant Team at the address below, so that the MOD can alert you to any events or initiatives in which you may wish to participate. The Covenant Team can also provide any information you require in addition to that included on the website.

Email address: covenant-mailbox@mod.uk

Address: Armed Forces Covenant Team, Zone D, 6th Floor, Ministry of Defence, Main Building, Whitehall, London, SW1A 2HB

- 12.5** Paragraphs 12.1 – 12.4 above are not a condition of working with CCS now or in the future, nor will this issue form any part of the tender evaluation, contract award procedure or any resulting contract. However, CCS very much hopes you will want to provide your support.