



DYNAMIC PURCHASING SYSTEM

For: Construction Management Services

CMS2018 DPS

INVITATION TO PARTICIPATE

OJEU Contract Notice 2018/S 225-514918

OVERVIEW

1 INITIAL APPLICATION TO PARTICIPATE

You are invited to apply for a position as a participating supplier (hereinafter "supplier") on the Westworks Contractor Management Services DPS which is being procured for the benefit of "Collaboration" consortia which is described in more detail below.

The questionnaire and supporting documents should be received into the Westworks in-Tend portal (<https://in-tendhost.co.uk/westworks/asp/Home>) by:

date: 20/12/2018

time: 12-00

Analysis of responses will commence after the above deadline.

Initial analysis of submissions will be completed by 2/1/2018, this will be dependent upon the number of submissions received and may change.

No further tenders (mini-competition) will commence until after all initially received submissions have been assessed.

Unsuccessful bidders will be informed once all initial submissions have been assessed.

Applications to join the DPS will then remain open.

2 SUBSEQUENT APPLICATIONS TO PARTICIPATE IN THE DPS

Applications received after the initial submission date will be assessed and notified of award or decline in a timely manner. Those received after the initial close date and during the initial evaluation will be evaluated as soon as practicable after the initial evaluation has been completed.

All applications and correspondence must be via the Westworks in-Tend portal.

Applications after the initial submission period will be reviewed and assessed by Westworks within 10 working days of submission. This may be subject to change due to numbers of applications and resources availability.

3 AN INTRODUCTION TO WESTWORKS AND THE "COLLABORATION" CONSORTIA

Westworks is a Cabinet Office backed consortium made up of a continually expanding group of public sector bodies; from housing associations to local authorities, government departments and services to charities. Westworks provides access to fully compliant works, services and supplies by managing the process to suit the needs and abilities of the users whether that be a fully managed mini-competition to giving access to our e-procurement system so that the user can run their own process with our oversight. Westworks also has users that are not necessarily Contracting Authorities in their own right but that would benefit from the arrangements; such as charities and community enterprises.

Westworks are a part of the "Collaboration" group of consortia working together to bring further economic and social efficiencies and value to our combined users. "Collaboration" is currently made up of Westworks, Efficiency East Midlands, South East Consortium and Advantage Southwest and this DPS will be available for all members to use. This means that the DPS will cover all of England and Wales and into other UK areas when required.

In all, Collaboration members currently have over 2 million properties; from housing to commercial to corporate, under management and are constructing new property at an unprecedented rate.

Westworks will conduct the DPS for and on behalf of the members of all of the Collaboration consortia (hereinafter referred to as "users") and may invite other consortia to join the collaboration at any time. Westworks is the Contracting Authority for the purposes of this DPS procurement. All Collaboration consortia are constantly growing their usership and to see current users please look at their respective websites whose addresses can be found within this notice. Potential users of the consortia may be found at gov.uk and local.direct.gov.uk also central and devolved government bodies, charities, educational establishments, police, fire and health services, social enterprises and similar organisations are entitled to access the DPS.

How are Westworks funded?

This is an important part of the process; Westworks and its Collaboration partners are not-for-profit organisations wholly owned by their members. We are completely self-funded and we do this by charging either an access fee to an arrangement (framework, DPS etc), or by charging a levy against a very small percentage of the contract invoice value on a monthly basis.

NOTE: Potential Providers need to allow for the Westworks, Levy currently at 1.5%, as part of their tender submission for this Framework Agreement.

WPL is financed by levy payments through its Framework Agreements and contracts.

As part of the mini competition process, Westworks will verify the Levy.

During the Framework and / or any Contract called-off from the Framework, Providers are to submit to WPL, within 7 days after the end of each month, a Levy Report detailing the amount of Westworks Levy that they have received from Users of the Framework. The amount of levy detailed within the monthly report is to be paid by the Provider to WPL within one month of WPL raising an invoice for the relevant amount.

4 INTRODUCTION TO THE DYNAMIC PURCHASING SYSTEM

A Dynamic Purchasing System (DPS) is an electronic system through which users can invite applications from suppliers who have registered with Westworks and have met certain minimum criteria. In effect, it is much like a centrally managed Approved Supplier List.

Suppliers are able to apply to join the DPS at any time during the life of the DPS. This differs from a "Framework" in that companies may be added to a DPS following the initial award whereas once the initial award of a frameworks is completed it is closed for four years.

All applying suppliers who meet the selection criteria will be admitted to the DPS, so there is a likelihood of multiple providers.

There is no pricing exercise or technical specification process during the initial application (request to participate) – this will come during the call-off stage. What is required is a demonstration and evidence that the applicant organisation can provide the services specified. In this case of this DPS it is for the provision of contract management on new-build development or major projects, for housing and commercial properties. Westworks will disregard any applications from organisations that cannot provide such evidence.

During the call-off stage (mini-competition) all qualifying suppliers on the DPS in the appropriate category and post-code area(s) will be invited to bid. Suppliers may decline opportunities presented via mini-competition by “opting-out” on the Westworks portal and providing a reason. Failure to acknowledge opportunities by opting in or opting out may result in removal from the DPS.

If you have any further queries regarding the setting up and management of the DPS please use the correspondence facility in the in-Tend procurement system to address them to us.

5 WHAT ARE THE BENEFITS TO USERS AND SUPPLIERS OF A DPS?

A DPS provides users with a number of key benefits, the main ones being:

It simplifies and thereby reduces the cost of procuring all manner of works, services and supplies whilst making the process compliant with UK and EU regulations and providing best value.

By having an open DPS smaller businesses can be encouraged to apply to join and thereby gain access to public spending where larger frameworks with greater values and geographical coverage would be a barrier.

It simplifies the processes required of public spending bodies to engage with stakeholders and comply with other regulations outside of Public Contract Regulations and EU law.

Unlike a framework, a DPS remains open to new suppliers after the initial procurement round. This means that potential suppliers are not “locked out” of the arrangement for four years and also it allows smaller businesses access to works that larger suppliers would struggle to deliver.

Suppliers can opt in or opt out of each qualifying call-off as suits their business at the time, rather than being forced to bid when it would not be economically practical for either party.

6 DPS CREATION PROCESS

The creation of this DPS is a single stage process with a single questionnaire.

Within the Questionnaire there are a number of exclusion and selection criteria. These are included so that providers can demonstrate that they have the capacity and capability to work on the types of contract which are the subject of the DPS.

All applicants who meet the minimum requirements will be awarded a place on the DPS.

To encourage the widest participation there will be no minimum turnover requirements at the application to join stage. However, individual users may require some additional criteria to be satisfied and this will be made clear in the mini-competition call-off stages.

7 ABOUT THE SERVICE

This DPS is being established for the provision of professional construction management services for new-build developments and major projects including refurbishments to housing and commercial properties.

Successful applicants will be awarded a place on the DPS from December 2018 from which time Users may award Contracts. Users are able to enter into Contracts with the suppliers which may outlast the duration of the DPS. Users may also enter into partnering arrangements with one or a number of providers to establish provision for longer term, multi-project contracting arrangements.

The qualification criteria required to be awarded a place on the DPS will be such that requires continual verification and validation. There will be a self-cleansing process which providers will be required to monitor and maintain. Failure to do so will result in removal from the DPS.

The maximum spend on this DPS is £100,000,000 Please note that this value is for indication only and may not be reached. If, however this maximum spend is reached the DPS will be re-procured and the existing one will be closed.

8 OVERVIEW OF OUR REQUIREMENT

The Authority wishes to select a number of Suppliers to form a DPS to provide professional construction management services to Westworks and Collaboration consortia users. The purpose of this DPS is to ensure we have a range of suppliers that can cater for the varied demands of the client group.

Increasing supply of housing of all tenures is a key government priority and consortium users are responding to this challenge.

Increasingly registered providers and other clients are building more than just social housing. They are also procuring contractors/developers to construct public spaces, commercial space, community facilities as well as a range of types of housing for a range of different tenures. Schemes range from infill and garage sites to major greenfield and regeneration schemes. Some opportunities derived from this DPS may include broader requirements such as joint ventures and community led schemes.

The aim is to deliver sustainably i.e. at the best value to the most people and we need a range of contractors and developers to help meet this challenge in a flexible and proactive way.

Westworks and Collaboration's Users cover a wide geographical area. Applicants do not need to be able to service all of this area but are required to indicate the postcodes that they would be able to service. During the operation of the DPS it will be possible for companies to add or remove postcodes as their businesses develop.

Westworks will invite suppliers to bid for specific contracts by Category and Post Code.

9 OFF SITE MANUFACTURING AND MODERN METHODS OF CONSTRUCTION

There will be requirement for Off Site Manufacturing / Modern Methods of Construction to be utilised in call-off contracts. This will be determined by the user and clearly defined within the call-off competition process.

Westworks and its partners have access to frameworks and contracts specifically for this provision and may require suppliers to access these on the behalf of users. Applicants are required to present their approach and experience of managing OSM/MMC projects. There may also be the requirement of some input from applicants prior to mini-competition. This will be made clear at the time of call-off.

10 THE CALL-OFF PROCESS

Westworks will facilitate further tendering exercises with and on behalf of users. These will be conducted through the Westworks procurement portal as mini-competitions.

Contracts will be awarded according to the criteria published at the time of the call-off within the mini-competition documentation. Users may award to more than one provider from the process, this will be identified within the mini-competition documentation.

Dependent on their specific requirements, users specify their own award criteria based on Quality and/or Price which may be weighted as is suitable for their requirement. This will be made clear in the call-off documentation.

During the call-off period, users may include a scored or un-scored interview presentation as part of their selection process and may restrict this to only bidders who have a mathematical chance of being successful.

Call-off competitions may be conducted in a number of ways to achieve the best possible outcome for users and suppliers. Because we anticipate that there will be a relatively large number of potential suppliers for each mini-competition, the majority will proceed as follows:

Stage 1 Expression of Interest will be a call for expressions of interest (EoI) in a project that will be outlined within the project brief. This will be posted on the portal and qualifying suppliers will be invited to review the opportunity and then either opt in or opt out of the opportunity. If opting out a sufficient reason must be posted. Suppliers should not ignore these EoIs as to do so will result in removal from the DPS.

Stage 2 ITT this will be the full document set, employer's requirements etc. that will result in the award of the project / partnership.

Some call-off minicomps will be a one stage process without the EoI process. Qualifying suppliers are required to opt in or out of these opportunities in the same way.

11 INSURANCES, CERTIFICATION & ACCREDITATION DOCUMENTATION

To reduce the administration of managing the DPS, suppliers will not be required to provide certain certification and documents at the time of application. However, these documents **will** be required to be uploaded on the Westworks procurement portal once award of a place on the DPS has been confirmed via the portal or by other correspondence.

There is an obligation on all suppliers to ensure that all certification and insurances are uploaded and maintained on the portal at all times. On an annual basis, on the anniversary of appointment to the DPS, suppliers are required to affirm that they are still compliant with all relevant exclusion grounds and liabilities under EU and UK procurement law. This is achieved via a self-certification process and may be either conducted via the Westworks portal as a questionnaire or via a recognised ESPD (European Single Procurement Document) service. See the following link for advice on ESPD

<https://ec.europa.eu/tools/espd>

Westworks will also reserve the right to call on any supplier to submit a renewed ESPD within 5 working days.

Providers that fail to properly upload or keep their documents up to date, will be barred from bidding for any call-off until such time as the correct and up to date documents are uploaded. This is an automated system and will alert all providers of documents going out of date 30 days beforehand.

Failure to resolve out of date documents within 10 working days will result in exclusion from any call-off contract mini-competitions. Failure to resolve documentation within 30 days of expiry will result in removal from the DPS.

Providers removed from the DPS may reapply at any time and their application will be reviewed and assessed as described above.

12 PUBLIC CONTRACTS REGULATIONS 2015 (appendix B in the download documents)

This procurement and all subsequent call-off competitions by "Contracting Authorities" may be subject to PCR2015 and any amendments, revisions and subsequent legislation (including EU regulations). Non-Contracting Authorities permitted to access this DPS that are not subject to UK or EU public procurement regulations will be required to act in the spirit of the regulations with regard to process and clarity.

13 SERVICE CHARGES (CONSULTATION REQUIREMENTS - ENGLAND) REGULATIONS 2003

Some call-off contracts may be subject to other legislation and may therefore form "qualifying long term agreements" according to these Regulations. The User may carry out consultations arrangements with relevant stakeholders in compliance with the appropriate legislation. Supplier will be notified at the time of call-off whether these provisions will be required.

14 METHOD OF EVALUATION

Applicants are to provide all information requested and in the format specified. Westworks is under no obligation to seek missing information, assess variant submissions, call for correct format information or any other remedial activity from applicants. Westworks will disregard incomplete or non-compliant applications.

Westworks will assess each application for compliance with the Minimum Requirements set out. Applications that are not compliant with the Minimum Requirements will be excluded.

All scoring questions that are not automatically marked will be evaluated by panel. The resulting scores will be moderated and then awarded for each question.

Please note, where evidence is required and not provided the question will automatically score zero.

If answers to questions are uploaded where there is a facility provided to answer within the questionnaire, the upload will not be reviewed and the question will score zero. Failure to answer a pass/fail question will automatically result in the rejection of the application.

Where there is provision to upload for an answer this will be made clear in the question and only one document is to be uploaded and as a .pdf unless otherwise instructed. Multiple uploads for a single question unless specifically requested, will not be evaluated and the question will score zero. Zip files are not acceptable and will be automatically rejected.

15 CONTACT DETAILS

For information concerning the scope of the framework or completing this DPS questionnaire please contact Westworks via the correspondence facility on the procurement portal.

A contact name and details are required as part of your submission. This is the only person / contact point that will be used.

16 INSTRUCTIONS FOR COMPLETION AND SUBMISSION OF APPLICATIONS

All applications MUST be submitted via the Westworks portal. This ITP and all documents are accessed via the Westworks portal.

Registering on the Westworks portal

To participate in this and any future Westworks tenders or applications, you will be required to register your company details on this website.

At the point of registration, Suppliers are asked to include a single point of contact in their organisation for their response to the procurement.

The Authority will not be responsible for contacting the Supplier through any route other than the nominated contact.

The Supplier must therefore undertake to make any changes relating to the contact promptly via the Westworks portal. When registering, please make sure the `publish e-mail address` field is completed accurately. This is the e-mail address which will receive automated emails from the system including details on application progress.

When you have done this you will then be able to access the various tender areas of the website. You will then be informed by automated email once documentation has been published. You may then access the application documents by logging into the website again and going to the "my tenders" area of the website. Again, click on the relevant tender and access the documents by clicking on the red button "view documents".

17 FORMAT OF APPLICATIONS

All submissions for this procurement will be via the Westworks portal as described above. Suppliers are invited to submit an application that complies with this instruction. The on-line suite of questionnaires and procurement documents should be submitted, together with any requested supporting information, to the Authority by the due date for return in accordance with the procedures set out in this section.

Suppliers should follow the instructions outlined below when completing this application

Suppliers should answer all questions as accurately and concisely as possible in the same order as the questions are presented. Where a question is considered as not relevant to the Supplier's organisation, this should be clearly indicated, with an explanation where appropriate.

All questions are to be answered **in the boxes provided** and unless specifically required, **no uploaded documentation for answers will be considered**. Suppliers should check readability and content of answers in these boxes before submitting. Some questions contain a word limit which is applied automatically by the Westworks portal. Please note that the number of characters counted by the Westworks portal is not necessarily the same as the character count by MS Word.

Questions should be answered in English.

The information supplied will be checked for completeness and compliance with the instructions before responses are evaluated. However, because of the volumes of responses received for this type of application, the Authority may not seek clarification to any part of Suppliers' responses. It is therefore imperative that submissions are checked for completeness and accuracy prior to submission. There is a declaration at the end of the electronic questionnaire that reminds applicants of the necessity to check all parts of the application.

Suppliers should note that it is possible to resubmit right up until the close date and that only the last submission will be visible to the Authority. For further instructions and clarifications please see the help links on the Westworks portal.

Only information **specifically** requested should be provided and **ALL** uploaded documents should be in the format stipulated within the electronic questionnaire section. Failure to provide documents in the correct format will result in the response being disregarded and may mean the Supplier will be eliminated from the process. When answering questions within the electronic questionnaires the space provided should be used to answer the questions. It should be noted that references to other documents will not be accepted as answers and that such a response will not be marked.

Corporate brochures or any other marketing information is deemed as being not appropriate as a response to this application and will therefore not be accepted

For clarity; all text files should be .pdf format and the post code declaration in MS Excel file format only and unchanged from the original layout and formatting. Files uploaded in

other formats or with changed formatting will be disregarded and their content not taken into consideration.

Zip or compressed files will be rejected without being viewed. DO NOT load your documents up as zip files your application will be rejected!

Throughout the process there will be a number of "pass / fail" questions which will be evaluated first. The Authority will not automatically seek clarification for any of these questions. Any of these "pass / fail" questions which are failed will result in automatic exclusion from the rest of the application process.

Where uploaded documents are explicitly required these are restricted to one per question unless otherwise directed. Therefore, any supporting evidence for a question should be consolidated into a single document prior to uploading.

The Authority reserves the right to seek clarification to any part of submissions should this be deemed necessary by the evaluation panel. However, this will not be the Authority's priority or default position. Failure to provide the required information, make a satisfactory response to any question or supply documentation referred to in responses, within the specified timescale, may mean that a Supplier will not be invited to participate further. Suppliers will not be prompted for missing information.

In the event that none of the responses are deemed satisfactory, the Authority reserves the right to terminate and where appropriate, to re-advertise the procurement.

Suppliers must be explicit and comprehensive in their responses to this procurement as this will be the source of information on which qualitative and selection responses will be scored and ranked.

Suppliers are advised neither to make any assumptions about their past or current supplier relationships with the Authority or its users, nor to assume that such prior business relationships will necessarily be taken into account in the evaluation procedure.

19 CONSORTIA AND SUB-CONTRACTING

Where a consortium or sub-contracting approach is proposed, all information requested should be given in respect of the proposed prime contractor or consortium leader. In the event of a consortium application, the Authority may require either that one member of the consortium undertakes primary liability for the works, or that the consortium forms a legal entity in accordance with Regulation 28 of the Public Contracts Regulations. Relevant information should also be provided in respect of consortium members or sub-contractors who will play a significant role in the delivery of services or products under any ensuing contract. Responses must enable the Authority to assess the overall service proposed.

Where the proposed prime contractor is a special purpose vehicle or holding company, information should be provided about the extent to which the SPV/holding Company will call upon the resources and expertise of its members to fulfil the requirement.

The Authority recognises that arrangements in relation to consortia and sub-contracting may be subject to future change. Suppliers should therefore respond in the light of such arrangements as are currently envisaged. Suppliers are reminded that any future change in relation to consortia and sub-contracting must be notified to the Authority so that it can make a further assessment by applying the selection criteria to the new information provided.

Where information about the Supplier is requested, details should be provided in relation to each sub-contractor and the proportion of any contract awarded that the Supplier proposes to subcontract.

20 ADDITIONAL INFORMATION

The Authority expressly reserves the right to require a Supplier to provide additional information supplementing or clarifying any of the information provided in response to the requests set out in this procurement. The Authority may seek independent financial and market advice to validate information declared, or to assist in the evaluation. However, the Authority will not prompt Suppliers for missing or unclear information.

If the Authority discovers arithmetic or typographical errors in any application the Authority may give detail of those errors to the Supplier and the Supplier will be given the opportunity to confirm or correct their application.

Where confirmation of certification, insurances and accreditations have been provided, successful Suppliers will also be required to upload all relevant documentation onto the Westworks portal on an on-going basis as described above. It is a pre-requisite to the award of any call-off contract that accreditations, insurances, banking details and licences are maintained within the Authority's database through the Westworks portal. Any Supplier not able or willing to do this may be eliminated from the process. There will be an annual verification process which all Suppliers are obliged to observe.

21 SERVICE DELIVERY AND QUALITY AND HEALTH & SAFETY AWARD CRITERIA

The assessment of the Service Delivery and Quality and Health & Safety questions of the applications for each category will be based on the evaluation of responses to questions in the ITP Questionnaire, which is completed via the Westworks portal.

A common marking system will be adopted for scoring the responses to these questions across all categories and questions. The tables below set out the scoring system and identify which responses will score high marks. Questions should be answered accurately and as succinctly as possible, whilst covering all the specified topics. Some questions contain a word limit which will be applied automatically by the system. **DO NOT** upload answers as a separate document **unless specifically requested to do so and then only in the format requested.**

The responses to the scored questions in the completed ITP questionnaires will be marked by a panel established by the Authority. This may involve members of staff, professional advisers, board members and/or residents. Each member of the Evaluation Panel will allocate a score out of 5 to the responses from each Supplier to the part of the ITP they are marking. The scores from each member of the Evaluation Panel for each question will be averaged to give an average score for each question out of 5.

The scores for each question will be scrutinised by a moderator who will discuss those scores with the Evaluation Panel members if there is a notable discrepancy and where appropriate. The moderator will agree a single score (and set of reasons for that score) with all members of the Evaluation Panel if this is not possible. The moderator will be a senior member of The Authority's staff.

The scores out of 5 for each question will be then multiplied by the percentage weighting allocated to that question, so that they are expressed as a percentage of the

100% available for that question group.

Each scoring question on the electronic questionnaire has the weighting displayed.

The percentage weightings allotted to individual sections are shown against each question and within the electronic ITT questionnaire. Unless otherwise stated within the questionnaire each scored question will have an equal distribution of the section score.

Question Group	Weighting
Legal Status and Standing	20%
Environmental	5%
Equality & Diversity	5%
Organisation & Personnel	20%
Health, Safety & Environmental	10%
Insurance & Accreditation	5%
Service Delivery & Quality	35%

Each of the questions will be scored in accordance with the table below.

Score	Interpretation
5	An excellent answer. Fully answered the question and added additional value with new ideas, concepts and/or perspectives. Provided comprehensive, detailed and specific evidence of actual examples that demonstrate the methodologies used to lead to successful delivery. Must be relevant to meeting the requirements of this procurement.
4	A good answer. Fully answered the question. Provided detailed and specific evidence of actual examples that demonstrate the methodologies used to lead to successful delivery. Must be relevant to meeting the requirements of this procurement.
3	A satisfactory answer. Mostly answered the question. Provided some evidence of general examples that demonstrate the methodologies used to lead to successful delivery.
2	A poor answer. Answered some aspects of the question. Little significant evidence of capability or ability relevant to meeting the requirements of this procurement.
1	A very poor answer. Answered very few aspects of the question. Very little evidence of capability or ability relevant to meeting the requirements of this procurement. Significant omissions or mistakes in the answer.
0	Failed to answer the question or answer in a compliant way or contained no relevant material.

Where the panel considers that the response falls between the requirements for two whole mark scores, half marks may be awarded.

22 DPS AGREEMENT (appendix C in download documents)

Following the procurement, the Authority will enter into a DPS Agreement with the Supplier. The draft of the DPS Agreement is attached at Appendix C to this ITP.

There will be no negotiations over the terms of the DPS Agreement and only minor amendments to clarify terms may be considered.

It is intended that the Suppliers will be appointed to the DPS for the full duration of the DPS, provided that the contractor successfully meets, complies with and actively maintains performance standards and registration requirements. Suppliers may remove themselves from the DPS at any time.

All contracts called-off from the DPS will remain in the management of the Authority until such time as they are completed or determined in another way by the User.