

708935453 – COMMANDERS THERMAL OPTICS

DYNAMIC PRE-QUALIFICATION QUESTIONNAIRE FOR COMMANDERS THERMAL OPTICS FRAMEWORK AGREEMENT

DPQQ GUIDANCE INSTRUCTIONS

UK OFFICIAL

Contracting Authority: Dismounted Close Combat – Defence Equipment and Support

Issue date: 12 October 2023

Return date: 15 November 2023, 12:00 GMT

Please note that DPQQs must be submitted via the Defence Sourcing Portal (DSP) and that any submissions received after the return date will not be considered.

Version No	Changes
1	Not applicable

1. **Introduction**

- a) The Authority issues this Dynamic Pre-Qualification Questionnaire (DPQQ) for the Development and Procurement of Commander's Thermal Optics. Defence and Security Public Contracts Regulations 2011 apply to this requirement.
- b) The Authority requires the information sought in this DPQQ from each Potential Provider that wishes to proceed further in this procurement. Only Potential Providers who are successful at this stage will be invited to proceed to the next stage of the tender.
- c) There is no maximum number of Potential Providers that can be deemed successful for this DPQQ and be invited to proceed to the next stage of the tender.

2. **Notes for completion by Potential Provider**

- a) The following definitions are used in this document:

"We" or "Authority" means the Secretary of State for Defence of the United Kingdom of Great Britain and Northern Ireland, acting as part of the Crown. Where "we" is used in this DPQQ, this means the Authority, and specifically Dismounted Close Combat Delivery Team.

"You" or "Your" or the "Potential Provider" means the business or company which is completing this DPQQ.

"Potential Provider Entity" means the Potential Provider, each member of any Potential Provider Consortium and each entity in a Potential Provider supply chain where relied upon in responding to this DPQQ.

- b) Please ensure that you provide responses to all of the questions contained within this DPQQ. Failure to do so may result in your application to participate in the procurement being disqualified from further participation. If you fail to provide an answer to any question, the Authority reserves the right to seek further clarification or supplementary information.
- c) Please answer every question in English. If any of the required information is not in English, you must supply a copy of the original document and an English translation of that information. Documents translated into English from another language will take precedence over any original documents supplied as part of a DPQQ response in a different language.
- d) All questions should be answered without reference to general marketing or promotional material.
- e) You must inform the Authority of any material changes to the information provided as soon as you become aware of the change.
- f) When evaluating the DPQQ, the Authority will evaluate each question on the basis that the Authority has no previous knowledge of that Potential Provider. Please do not make any assumptions about the level of knowledge or awareness that the Authority's evaluation team have about any Potential Provider's capability or competence.

- g) Potential Providers will only be evaluated against the text contained within the text field on the Defence Sourcing Portal (DSP), except where a Document Upload has been specified. The Authority will NOT accept or mark any documents submitted by any other method (e.g. by email or by hard copy).

3. DPQQ Submission

- a) Please return your DPQQ submission on the DSP no later than 1200 GMT on 15 November 2023. The project code is 708935453. The Authority reserves the right not to consider responses submitted after this date.
- b) If you have any difficulties submitting your completed DPQQ please use the DSP messaging facility to send a message at least **48 hours prior** to the return date.
- c) The file size limit for documents uploaded to the DSP is 1GB per attachment. The DSP is accredited to handle information up to UK Official-Sensitive; information classified above UK Official-Sensitive must not be submitted via the DSP.
- d) Potential Providers must not upload to the DSP any US International Traffic of Arms Regulations (ITAR) or Export Controlled information as part of any response. You must ensure that you have the relevant permissions to transfer any Export Controlled or ITAR information to the Authority before doing so. If you wish to discuss transmission of ITAR or Export Controlled information, you must contact the Authority via the DSP messaging functionality to discuss.

4. Selection of Potential Providers

- a) The DPQQ is intended to identify Potential Providers and evaluate their DPQQ submissions based on the DPQQ Questions and Marking Scheme set out at Annex A.
- b) Potential Providers will be marked against the following PQQ questions:
- (1) the Mandatory and Discretionary grounds for exclusion relating to the Potential Providers' situation (see Part 1: Forms B and C of PQQ);
 - (2) the minimum levels of Economic or Financial Standing specified in this PQQ that the Authority requires (which must be related and proportionate to the subject matter of the contract) (see Part 1: Form D of PQQ);
 - (3) the requirements relating to Insurances and Electronic Trading (see Part 1: Form E of PQQ); and
 - (4) Technical Questions (see Part 2: Technical Envelope).
- c) There are two types of scoring characteristics: PASS/FAIL as outlined at Annex A and the PASS/FAIL marking scheme for the Economic and Financial Standing PQQ attached to the DSP. Each DPQQ question is clearly marked within this document to indicate which type of scoring characteristic will apply. Where any DPQQ questions are noted as 'for information only', any information submitted by a Potential Provider will not be evaluated but will be taken into consideration by the Authority.

- d) The decision to award a 'PASS or 'FAIL' shall be at the sole discretion of the Authority.
- e) The Authority reserves the right to disqualify a bidder(s) from this DPQQ on the basis of evidence, including protected data sources, where the Authority identifies that the bidder(s) do not possess the reliability necessary to exclude risks to the security of the Participants or beneficiaries to requirement.
- f) A Potential Provider will be disqualified and deemed 'non-compliant' if any of the following are triggered during evaluation;
 - (1) The DPQQ response is submitted late, is completed incorrectly, is incomplete or fails to meet the Authority's submission requirements in the DPQQ or as otherwise notified to Potential Providers prior to the deadline for submission of PQQ responses;
 - (2) Any grounds for Mandatory Rejection in Part 1: Form B has been met;
 - (3) The Authority invokes its discretionary Rejection privileges in Part 1: Form C;
 - (3) Any DPQQ question that receives a 'Fail' score;
 - (4) Following pre-qualification of a Potential Provider for the next stage of the procurement where there is a change in identity, control, financial standing or other factor affecting the Potential Provider unless approved by the Authority;
 - (5) If the Authority becomes aware, that information provided by the Potential Provider in response to the DPQQ is intentionally or unintentionally false, misleading or incorrect;
 - (6) The Potential Provider is guilty of serious misrepresentation in relation to its application and/or the process.
- g) The Authority intends to invite all Potential Providers that are deemed compliant to proceed to tender. The Authority will contact you again following the completion of the DPQQ evaluation to advise whether you have been successful during the DPQQ.

5. PQQ Questions

- a) The DPQQ questions that shall apply are as follows:
- b) Part 1: Form A:

1.4 - Part 1: Form A - Organisation, Legal Status and Contact Details

1.5 - Part 1: Form A - Organisation, Legal Status and Contact Details (Persons of Significant Control)

1.6 - Part 1: Form A - Consortia and Subcontracting

1.7 - Part 1: Form A - Declaration and Contact Details

Potential Providers must provide information for all required fields regarding their organisation, legal status and contact details, as well as any information regarding consortia/subcontracting, as required. These fields must be completed with the organisation and contact details that are applicable to the organisation that would be the party to any subsequent contract if successful.

Potential Providers are required to answer all questions in this section in order to achieve a PASS. If a Potential Provider does not answer all questions, the Authority will reserve the right to give the Potential Provider a FAIL.

This question will be assessed as a PASS or FAIL.

c) 1.9 - Part 1: Form B: Grounds of Mandatory Rejection

This section is required to establish details of any convictions that could exclude a Potential Provider. If the Potential Provider has answered “Yes” to any of the questions relating to mandatory rejection, there will be serious doubts about propriety and the Authority shall mark the Potential Provider as scoring a FAIL. The Authority shall exclude the Potential Provider from this DPQQ and procedure.

This question will be assessed as a PASS or FAIL.

d) 1.10 - Part 1: Form C: Grounds for Discretionary Rejection

This section is required to establish the propriety of the Potential Provider. If the Potential Provider has answered “Yes” to any of the questions relating to discretionary rejection, there may be serious doubts about propriety and the Authority shall at its discretion mark the Potential Provider as scoring a FAIL. The Authority reserves the right to exclude the Potential Provider from this DPQQ and procedure.

This question will be assessed as a PASS or FAIL.

e) Part 1: Form D: Economic and Financial Standing

The Potential Provider must provide responses to the questions in Part 1: Form D in order for the Authority to carry out a financial health assessment. The Authority will use the information provided in the responses to Part 1: Form D to assess the financial standing of each Potential Provider in accordance with the qualification standards set out in ‘708935453-CTO_Economic_Financial_Standing_Guidance-O’ reference document provided on DSP.

The resulting Economic and Financial Standing assessment will lead to a PASS/FAIL evaluation based on whether the Potential Provider or Potential Provider Entity has demonstrated, through meeting the qualification standards, that it has sufficient economic and financial standing to develop and deliver the Commanders Thermal Optics.

The Authority may choose not to award a FAIL despite a Potential Provider or Potential Provider Entity not meeting a qualification standard if:

(1) the Potential Provider or Potential Provider Entity can provide a parent company guarantee that:

- a) meets the requirements set out in '708935453-CTO_Economic_Financial_Standing_Guidance-O'; and
- b) in the Authority's opinion, gives the Authority sufficient comfort that the risks associated with the Potential Provider not meeting the qualification standard(s) will be effectively managed by the guarantee; and/or

(2) the Authority considers that there are appropriate mitigating factors demonstrating that the reason(s) behind not meeting the qualification standard(s) are either:

- a) unlikely to recur; or
- b) unlikely to expose the Authority to a significant degree of risk if a contract were to be awarded to the Potential Provider at the end of the procurement.

f) 1.11 – Insurance:

Should a Potential Provider be assessed as a 'FAIL' score for not providing sufficient evidence of insurances, the Authority reserves the right to exclude them from this procedure, making the Potential Provider ineligible to be invited to tender.

The question under this section assesses whether the Potential Provider has appropriate insurance policy or policies in place appropriate for delivery of this requirement. The Potential Provider will be required to self-certify that they hold the appropriate insurances or provide evidence of what insurances will be sought in the event that the Potential Provider is identified as the 'preferred bidder' in relation to this requirement.

This question will be assessed as a PASS or FAIL.

Should a Potential Provider be assessed as a 'FAIL' score for not providing sufficient evidence of insurances, the Authority reserves the right to exclude them from this procedure, making the Potential Provider ineligible to be invited to tender.

1.13 Electronic Trading

The Authority will trade electronically with the Contractor during the life of the Contract using the Contracting, Purchasing and Finance (CP&F) system. Whilst the use of CP&F is a mandatory requirement for this Contract, the Authority does not require you to be already connected electronically to the CP&F system. The Authority does need to be assured however that you have the technical ability to trade electronically and connect to the CP&F system if you were awarded the Contract. You can find details of the CP&F system and how to connect to the CP&F system at <https://www.gov.uk/government/publications/mod-contracting-purchasing-and-finance-e-procurement-system>

This question will be assessed as a PASS or FAIL.

1.14 Technical Questions – 2. Technical Envelope

This section is required to establish the relevant experience, technical and professional ability of the Potential Provider. Potential Providers are required to provide evidence to demonstrate compliance or relevant experience in relation to all questions within this section. The project specific questions are as set out on the DSP under Section 2 – Technical Envelope.

These questions will be assessed as a ‘PASS’ or ‘FAIL’ or provided For Information Only.

These questions are required to be read in conjunction with Table 1 and 2.

8. Clarification Process

- a) The deadline for submission of clarification questions is before **17:00 (BST) on 27 October 2023**. The Authority reserves the right not to respond to clarification requests submitted after this date. All questions requesting clarification should be submitted via the DSP.
- b) Only questions relating to this DPQQ shall be responded to. The Authority will endeavour to respond to each clarification question within 3 working days of receipt.
- c) All responses received and any communication from the Potential Provider will be treated in confidence. However, where the Authority considers any question or request for clarification to be of material significance to the procurement, it may communicate both the query and the response, without identifying the originator, to all Potential Providers who are participating in the process.
- d) If you do not wish for a query or response to be disclosed to other Potential Providers, you must tell the Authority this and the reason why when raising the query. The Authority will consider the request and may choose to discuss with you whether it is appropriate to disclose the query or the response, or both, to other Potential Providers. In cases where the Authority would disclose the question and the answer to other Potential Providers you will be entitled to withdraw the question.
- e) A Clarification Log will be attached to the DPQQ upon receipt of first Clarification Question on the DSP so that Potential Providers are able to access the questions and responses at any time, even if the questions were submitted and/or responded to prior to them accessing the DPQQ. Should

additional updates be made to the Clarification Log following further questions, the Authority will inform Potential Providers of changes through the DSP messaging facility.

9. Costs and Expenses

- a) Potential Providers are responsible for their costs and expenses incurred in connection with the preparation and submission of the DPQQ and all future stages of the selection and tender evaluation process. The Authority, or any of its advisers, does not accept any liability in respect of this DPQQ or any supporting documentation or liability for any costs or expenses borne by the Potential Provider or any of their Sub-Contractors or advisers in this process.

10. Cyber Requirements

- a) You are invited to note that any Potential Providers that are invited to tender for Commanders Thermal Optics will be required to comply with the Authority's Cyber requirements, as per DEFCON 658 - Cyber (Edition. 10/22) and DEF STAN 05-138 – Cyber Security for Defence Suppliers.
- b) The Cyber Risk Profile for this requirement identified by the Cyber Risk Assessment is 'Very Low' against Risk Assessment Reference: RAR-473129326. Compliance of the Potential Provider for this Cyber Risk Profile will be expected prior to contract award.

11. Right to Cancel or Vary the DPQQ Process

- a) The Authority reserves the right to:
 - (1) Cancel the pre-qualification process and evaluation process at any stage;
 - (2) Amend the terms and conditions of the procurement process; and
 - (3) Not to award a contract as a result of the procurement process.
- b) Should the Authority take any of the above actions, it shall not be liable for any costs the Potential Provider may have incurred.

12. Verification of Information Provided

- a) Not all questions require supporting documents at this stage (for example certificates or statements). Each question in the DPQQ will state what documentary evidence is required and when it is required to be submitted. The Authority may ask to see these documents at a later stage, so it is advisable you ensure that they can be made available upon request. Where specific documents are requested as part of the DPQQ they must be provided with the DPQQ submission.
- b) You may also be asked to clarify your answers or provide more details about certain issues.
- c) The Authority may seek independent financial and market advice to validate information declared by you or to assist in the evaluation. Reference site visits, demonstrations, or presentations are unlikely to be requested at this stage, but the Authority reserves the right to request these as a part of the DPQQ process.

- d) Any serious misrepresentation in providing the information requested or failure to provide any of the information requested in the DPQQ or in response to a request for clarification by the Authority may result in the Respondent's exclusion from the competition on discretionary grounds.

13. Rectification of Irregularities in DPQQ Submission & Authority Request for Clarification

- a) The Authority reserves the right, but is not obliged to seek clarification or additional documents in respect of a Potential Provider's submission during the DPQQ evaluation where necessary for the purpose of carrying out the evaluation.
- b) The Authority may, in its own absolute discretion allow the Potential Provider to rectify any irregularities identified in the DPQQ submission by the Authority or provide clarification after the DPQQ return date.
- c) Potential Providers will be provided with instructions via the DSP on how they can correct such irregularities which must be completed by the deadline set. The Authority will cross reference the amended DPQQ with the original DPQQ submitted to the DSP before the DPQQ return date to ensure that no other amendments, other than in relation to the specific irregularity/clarification communicated by the Authority, have been made.
- d) Should Potential Providers make additional amendments to the PQQ other than those relating to the specific irregularity/clarification communicated to the Potential Provider by the Authority, the Authority reserves the right to exclude the Potential Provider from the DPQQ and tender.
- e) Where a Potential Provider has cause to believe that the Authority has incorrectly formatted a 'Question Type' box for the Potential Provider's response on the DSP, e.g. by selecting a 'Text Box' instead of an 'Attachment', the Potential Provider may upload answers to the general attachments area. Should the Potential Provider upload answers to this area, the Potential Provider shall notify the Authority via the messaging option in the DSP.

14. DPQQ Documents

- a) This Guidance, Instructions and Notices, the DPQQ and any related documents (referred to as the "DPQQ Documents") have been prepared by the Authority for the purpose of providing an application procedure for individuals or organisations interested in tendering for the Commanders Thermal Optics requirement and to assist Potential Providers in making their own evaluation of the potential opportunity.
- b) Whilst prepared in good faith, the DPQQ Documents are intended only as a preliminary background explanation of the Authority's activities and plans and it is not intended to form the basis of any decision on whether to enter into any contractual relationship with the Authority. The DPQQ Documents do not purport to be all-inclusive or to contain all of the information that a Potential Provider may require in the performance of a contract.
- c) Any persons considering entering into contractual relationships following receipt of the DPQQ Documents should make their own independent assessment of the Authority requirements for the Commanders Thermal Optics and should seek their own professional, financial and legal advice.
- d) None of the Authority, its advisors, or the directors, officers, members, partners, military or civilian personnel, employees, other staff, agents or advisers of any such body or person:
 - (1) makes any representation or warranty (express or implied) as to the accuracy, reasonableness or completeness of the DPQQ Documents;
 - (2) accepts any responsibility for the information contained in the DPQQ Documents or for its accuracy or completeness; or

- (3) shall be liable for any loss or damage (other than in respect of fraudulent misrepresentation) arising as a result of reliance on such information or any subsequent communication.
- e) Only the express terms of any written contract relating to the subject of the DPQQ Documents if and when it is executed shall have any contractual effect in connection with the matters to which it relates. Any contract will be governed by English law, as specified in the contract.
- f) Nothing in the PQQ Documents is, or should be, relied upon as a promise or a representation as to the Authority's ultimate decisions in relation to the Commanders Thermal Optics requirement. The publication of the DPQQ Documents in no way commits the MOD to award any contract or pursue any tender process for the Commanders Thermal Optics.

15. Data Protection

- a) The Authority will process personal data provided in any DPQQ response, only for evaluation for the selection of Potential Providers under this procurement for the stated requirement. The Authority will comply with its obligations as a data controller under General Data Protection Regulations 2016 for this procurement.

16. Confidentiality

- b) The information in the DPQQ Documents is made available on condition that it is treated as confidential by the Potential Provider and is not disclosed, copied, reproduced, distributed or passed to any other person at any time except for the purpose of enabling a submission to be made (for example, disclosure by a Potential Provider to its insurers or potential suppliers who are directly involved in the bid is permitted provided they have each given an undertaking at the time of receipt of the relevant information (and for the benefit of the Authority) to keep such information confidential).

18. Anti-Competitive Behaviour

- a) The Authority seeks to ensure that all Potential Providers are treated equally and in a non-discriminatory way during the procurement process. The Authority therefore needs to prohibit anti-competitive behaviour so as to ensure a fair and non-discriminatory procurement process.
- b) You are required to report any final convictions or settlements with regard to anti-competitive behaviour (and if so, any measures that you have taken to prevent such behaviour happening again) in your response to the appropriate question(s) in Part 1: Forms B and C (which depends on the nature of the conviction or settlement).
- c) If the Authority suspects anti-competitive behaviour, the Authority will require evidence from you that your arrangements are not anti-competitive. Any evidence of any anti-competitive behaviour in relation to this procurement could result in you being disqualified from the procurement.

Annex A - Scoring Characteristic and Response Indicators for DPQQ Questions

1. For the purposes of this DPQQ, the scoring schemes to be used for DPQQ questions that are evaluated using PASS/FAIL (except for Economic and Financial Standing as set out at Part 1: Form D), shall be as per Table 1:

Mark	Evaluation of Evidence Presented
PASS	The evidence provided contains a Appropriate, Significant or Comprehensive level of detail and information that is relevant to the requirement, and therefore instils a Satisfactory, High or Very High confidence in the Potential Provider's capability. It is assessed that there is Minimal risk associated with the ability of the Potential Provider to deliver the capability requested.
FAIL	The evidence provided is not answered, no evidence or Inadequate evidence provided, which instils No confidence with the Potential Provider's capability. It is assessed that there is Unacceptable risk associated with the ability of the Potential Provider to deliver the capability requested.

The definitions to support the Technical Envelope are detailed within Table 2:

Confidence Level Definition	Explanation
With multiple detailed and significant	The information provided meets the acceptance level of 'with significant', but with several examples of compliance
Detailed	The information provided shows an attention to detail, clearly explains the response and provides a clear narrative in answer to the question.
With minimal	The information provided lack of substance and is only covered in the most basic terms to qualify as a communication
Without any	An absence of any information of worth