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# Dynamic Purchasing System (DPS) Needs

RM6173 – Automation Marketplace  
Dynamic Purchasing System Agreement



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## Welcome

We invite you to join a Dynamic Purchasing System (DPS) to provide Automation services for the RM6173 Automation Marketplace DPS.

## What is a Dynamic Purchasing System (DPS)?

A DPS is a public sector sourcing tool for common goods and services under regulation 34 (Dynamic Purchasing Systems) of the [PCR 2015](#). You can apply to join at any point and don't require any special IT equipment as a DPS eliminates unnecessary activity for you up front. The DPS has to be run as a completely electronic process.

## Bid Pack (Parts 1 to 4)

The bid pack is divided into the following parts and includes the following documents:

### 1) Bid Pack Part 1 (General) contains:

#### DPS Needs:

- what 'we' and 'you' means
- who can request to participate
- how to request to participate
- economic and financial standing
- what is a DPS Appointment Form
- timelines for the request to participate
- the rules, obligations and rights between you and us;
- the DPS Appointment Form sign-off process;
- competition overview;

**Buyer Needs** – everything you need to know about what the Buyer needs.

Attachments: include the following

**Attachment 1** – RM6173 Automation Marketplace Products and Services Matrix

**Attachment 2** – Management Information (MI) Reporting Template

**Attachment 3** – Financial Assessment Template

**Attachment 4** – Additional Subcontractors – please complete this if you have more than 35 Subcontractors that you are detailing within the Selection Questionnaire. Detail the first 35 in the SQ and any additional Subcontractors over 35 must be recorded on this Attachment 4.

**Attachment 5** – Group of Economic Operators

**Attachment 6** – SQ PDF for information only for bidders to view in advance of completing the online SQ.

### 2) Attachment 7 - Bid Pack Part 2 (Terms and Conditions)

**DPS Core Terms** – This forms part of the DPS Contract with CCS and any DPS Order between a Buyer and Supplier.

**DPS Schedules** – This file contains the 9 schedules that apply at the DPS Contract level.

**DPS Appointment Form** – This is the contractual agreement between you and us. You will need to agree to electronically sign up to these T&C's which are non-negotiable.

**N.B. DPS Schedule 6 (Order Form Template and Order Schedules) and DPS Schedule 7 (Order Procedure) will be provided by the Buyer at contract award, bidders are therefore not required to populate this document as part of the bid pack.**

**3) Attachment 7a - Bid Pack Part 3 (Terms and Conditions)**

DPS Joint Schedules – This file contains the 12 schedules that may apply at DPS Contract level and Competition Procedure level.

**4) Attachment 7b - Bid Pack Part 4 (Terms and Conditions)**

DPS Order Schedules – This file contains the 23 schedules that may apply at Competition Procedure level.

Make sure you read all the guidance, information and instructions that we provide – they are there to help you to complete your request to participate.

We hope everything is clear – if it is not, we explain in the ‘how to request to participate’ section, when and how you can ask questions.

**What ‘we’ and ‘you’ means**

When we use “CCS”, “we”, “us” or “our” we mean Crown Commercial Service.

When we use “you”, “your” or “bidders” we mean your organisation, or the organisation you represent, in this competition.

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

The Public Contracts Regulations 2015 regulate how we procure. This means that we and you have to follow processes that are fair, transparent and equitable for all bidders.

**Who can request to participate?**

We are running this competition using the ‘restricted procedure’. This means that anyone can submit a request to participate (submit a bid) in response to the published OJEU contract notice.

You can submit a request to participate as a single legal entity. Alternatively, you can work together with other legal entities to form a Group of Economic Operators. If you do, we ask the Group of Economic Operators to choose a lead member who will submit the bid on behalf of the Group of Economic Operators and you will have to identify what each of the parties is contributing to the bid. You can do this in **Your Request to Participate**.

We recognise that arrangements in relation to Subcontracting and Groups of Economic Operators may be subject to future change, and may not be finalised until a later date. However, any changes to those arrangements may affect your ability to deliver the RM6173 Automation Marketplace requirements, you must therefore tell us about any changes to the proposed Subcontracting or to the Group of Economic Operators. If you do not, you may be excluded from participating in this competition.

We do not require all Subcontractors to be disclosed. You need only disclose those Subcontractors who directly contribute to your ability to meet your obligations under the DPS Appointment Form (including under any Contract Agreement following a Competition Procedure). There is no need to specify Subcontractors providing general services to the Supplier (such as window cleaners etc.) that indirectly enable the Supplier to perform the DPS Appointment Form. Please read the definition of Subcontractor in the DPS Appointment Form.

If you are successfully appointed to the DPS and are awarded a RM6173 Automation Marketplace DPS Appointment, any changes to arrangements in relation to Subcontracting and Group of Economic Operators arrangements which are made following the award will be dealt with in accordance with DPS Schedule 6 (Key Subcontractors) of the DPS Appointment Form.

## Getting started - How to register on the Supplier Registration Service (SRS)?

All Suppliers are required to register on the SRS system prior to submitting a 'Request to Participate' (in accordance with the section below 'How to Request to Participate').

To register for the SRS system please follow the instructions below:

- 'register for an account' at the following link <https://supplierregistration.cabinetoffice.gov.uk/organisation/register>
- Step 1 - Select 'Supplier'
- Step 2 – **Click on the DUNS number radio button** (this ensures the correct DUNS number is utilised for your organisation) and complete the required information.

If you are already registered to SRS please 'sign in' to your account via the attached link <https://supplierregistration.cabinetoffice.gov.uk/login>.

**Please ensure the DUNS number associated to your registration details is the DUNS number you will be using in your Selection Questionnaire (SQ) at Question Number 4 of the SQ for RM6173 Automation Marketplace.**

In the event that your DUNS number does not reflect the DUNS number you wish to use for your RM6173 Automation Marketplace submission please contact Dun and Bradstreet (D&B) at the following link <https://www.dnb.co.uk/> to make the necessary amendments to your Dun and Bradstreet registration before proceeding with your SQ submission for RM6173 Automation Marketplace.

**NB – When registering at D&B please ensure you include any Trading Names you wish to use for the DPS Appointment Form, as the name you input as part of your D&B registration process will be the name generated when registering on the Supplier Registration Service when using your D&B number (as per Step 2 above)**

## How to Request to Participate?

1. **Your request to participate must be entered via the Supplier Registration Service (SRS) at:** <https://supplierregistration.cabinetoffice.gov.uk/dps>. We can only accept requests to participate through this route.
2. You must submit your response in English and through the SRS platform only, further guidance on how to complete the standard Selection Questionnaire (SQ) can be accessed at the following link:

**DPS Supplier journey** – (Please note the illustration does not specifically reference RM6173 Automation Marketplace, however the Supplier journey is the same).

- 2a. You must, in addition, register your organisation on the CCS eSourcing tool to ensure that, if your organisation is appointed to the DPS, that you are invited to Competition Procedure should they be undertaken by CCS.

To register on the CCS eSourcing tool access the link below and select 'I am a new supplier user' to commence the registration process.

<https://crowncommercialservice.bravosolution.co.uk/web/login.html>

- 2b. If you require support/training with the eSourcing tool registration process, you can access by booking a webinar at the following link:

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

**NB – the eSourcing tool is separate to the SRS platform.**

3. Your request to participate must be completed by the organisation that will be responsible for providing the Services, if appointed on to the RM6173 DPS.
4. Any supporting evidence will be requested via the DPS Mailbox messaging facility.
5. Do not upload any attachments we haven't asked for.
6. Make sure you answer every applicable question within the SQ.
7. Only select the Services in the SQ that can be delivered by your organisation.

**Selection process:**

8. The Selection Questionnaire is split into two (2) distinct sections. The first is a standard Selection Questionnaire (SQ) and this must be completed and submitted via the Supplier Registration Service to progress to the next section of the SQ process, referred to as the DPSQ (these are DPS specific questions, and also contain the Service filters that buyers will also select when running Competition procedures). When you have completed the SQ you need to select either 'Save and Continue' at the end of the questionnaire, or, you can select 'Save and view answers' to review your responses, allowing you to make any changes prior to submitting the SQ, once done this will direct you to the DPSQ.

**Please note – you CANNOT amend your responses to any of the standard Selection Questionnaire responses once you have progressed on to the DPSQ.**

**Assessing Process:**

9. Your submission will be set to 'Assessing' status. Following which we will complete further compliance checks of your SQ to ensure you have provided everything that we have requested as part of the selection criteria.
10. We may seek clarification of any information you provide to validate and verify your responses. Don't forget to check for messages regularly at frequent intervals in your internal mailbox system (this will be the email address you input into Q104 of the Standard Selection Questionnaire throughout the competition).
11. If you are unsure about how to complete any part of the SQ, you can raise a question via the DPS Marketplace clarification link (on SRS) or through the DPS Mailbox at [info@crowncommercial.gov.uk](mailto:info@crowncommercial.gov.uk)
12. If we are satisfied with the responses you have provided to the compliance issues we have raised, you will be appointed to the DPS. Following which we will amend your DPS submission from 'Assessing' to 'Agreeing' status.



13. Once we complete the Assessing process, you will be contacted to say that your submission has entered an 'Agreeing' stage – this means you will need to re-enter the submission on SRS and agree to the DPS Appointment Form electronically – once you have completed this your status will show as 'Appointed'.

#### Agreeing process:

14. The screenshot below shows an example (from another DPS Agreement) of what your application on the SRS system will look like, you can see that the blue status box is showing the current status of the application as 'Agreeing'. You now need to select the 'Agree' link on the application.

The screenshot displays the SRS system interface. At the top, there are two tabs: 'Profiles' and 'Buyers'. Below the tabs is a search bar with the placeholder text 'Search name or description' and a magnifying glass icon. Under the search bar, there are three dropdown menus: 'Questionnaires' (set to 'Passenger Transport Sc'), 'Status' (set to 'Any'), and 'Sort by' (set to 'Name A-Z'). Below these filters, the application ID '1548684010' is displayed in large bold text. To the right of the ID is a blue button labeled 'AGREEING'. Below the ID, the profile name 'Passenger Transport Solutions DPS' is shown. A table lists the application details:

ID	DPS2609
Description	TEST
Score	--
Created	28/01/19 14:00
Last edited	28/01/19 15:23
Assigned user	-

At the bottom right of the application details, there are four links: 'Agree', 'Update DPSQ', 'View', and 'Share'.

## Electronic Signature Process

15. Once you have clicked on the 'Agree' link you will be taken to the page shown below, here you can review the DPS Appointment Form, the Privacy statement, your Selection Question answers, DPS answers (DPSQ element of the Selection Questionnaire) and the DPS Bid Pack. If you are happy to progress, you then check the 'I agree' box and click on the orange highlighted 'Join DPS' link. This will now change your status to 'Appointed'.

[Home](#) > [Your dashboard](#) > [Passenger Transport Solutions DPS-1548684010](#)

### Confirm DPS Agreement

You have successfully completed the SQ for Passenger Transport Solutions DPS. The DPS agreement will be electronically signed and managed by Crown Commercial Service (CCS) and you.

Final sign off to ensure a legally binding DPS agreement between CCS and you is complete by you ticking your acceptance in the below box.

By ticking, you are confirming that you comply with the following agreements and documentation, which you should download and retain:

- [DPS Agreement](#) (which includes provision of Management Information and Payment of management Levy)
- [Privacy Statement](#)
- [Selection Question Answers](#)
- [DPS Answers](#)
- [DPS Bid Pack](#) (which includes the DPS Needs and Customer Needs documents)

If you are electronically signing the DPS Agreement for the RM16121 Passenger Transport Solutions DPS as the lead contact for a Group of Economic Operators (consortia) your electronic signature will be the signature that represents all members of the consortia as detailed within your submission for this DPS.

Once you have ticked your agreement to the covenants above you will be formally 'Appointed' to the DPS for Passenger Transport Solutions.

Failure to tick your agreement at this stage will prevent you from securing your appointment on to the DPS for Passenger Transport Solutions, as there will be no legally binding DPS agreement between CCS and you.

☐ I Agree

[Join DPS](#)

**NB – Please refer to Annex A for full details of the status flags and the order that they will appear through the application process.**



## Updating Answers in the Dynamic Purchasing System Questionnaire (DPSQ) section:

16. You are able to update your responses as described in the sections below, however please be aware that all bidders who update their Service requirements will re-enter into the 'assessing' stage, to enable us to monitor changes to submissions to ensure an effective audit trail.
17. Once you have completed the update answers process, we will contact you by email from [info@crowncommercial.gov.uk](mailto:info@crowncommercial.gov.uk) to confirm approval of the requested change and to advise that your status is in 'Agreeing' stage. You are then required to complete an electronic sign off within the Supplier Registration Service portal as directed.

Following completion of above, your status will revert to 'Appointed'.

### Assessing

18. Following our assessment of your Selection Questionnaire, if we are not satisfied with the response(s) you have provided, we will transfer your organisation from the 'Assessing' stage to 'Registered 1' stage.
19. Once your submission has been returned to 'Registered 1' stage, you will be able to update your answers to 'Quality Assessment – Section 1' and 'Quality Assessment – Section 2' of the DPSQ section of the Selection Questionnaire.
20. To update these answers, select the 'Respond' option which can be located on 'Your Dashboard' by setting your 'Questionnaires' filter to 'Automation Marketplace DPS', and your 'Status' filter to 'Assessing'.
21. All your previous answers will be pre-populated and you can navigate through the DPSQ, where you can amend your response(s) as appropriate and resubmit your submission to us for further assessment.

### Agreeing

22. If your organisation successfully meets all of the selection criteria for RM6173 Automation Marketplace DPS, we will advance your DPS submission from the 'Assessing' stage to the 'Agreeing' stage, which will require your sign off to enable appointment to the DPS.
23. Once your submission has been assessed and is in the 'Agreeing' stage, you will be able to update your answers to 'Quality Assessment – Section 2' questions only within the DPSQ section of the Selection Questionnaire.
24. To update your answers in the above section, select the 'View' option on your DPS submission, which can be located on 'Your Dashboard' by setting your 'Questionnaires' filter to 'Automation Marketplace DPS', and your 'Status' filter to 'Agreeing'.
25. By completing the above process, you will be navigated to an overview of your answer sheet, where you are required to select 'Update Automation Marketplace DPSQ' from the 'Options' section on the right hand side of the screen.
26. All your previous answers will be pre-populated and you can navigate through the DPSQ, where you can amend your response(s) as appropriate and resubmit your submission to us.

**Appointed**

27. If your organisation is successfully appointed to the DPS, you can update your answers and/or contact details provided in the 'Quality Assessment – Section 2' only of the DPSQ section of the Selection Questionnaire.
28. To update your answers in the above section, select the 'View' option on your DPS submission, which can be located on 'Your Dashboard' by setting your 'Questionnaires' filter to 'Automation Marketplace DPS', and your 'Status' filter to 'Appointed'.
29. By completing the above process, you will be navigated to an overview of your answer sheet, where you are required to select 'Update Automation Marketplace DPSQ' from the 'Options' section on the right hand side of the screen.
30. All your previous answers will be pre-populated and you can navigate through the DPSQ, where you can amend your response(s) as appropriate and resubmit your submission to us.

**Entering into an 'Assessing' status:**

31. In the 'Assessing' status, we undertake the necessary review of your responses to the SQ to determine which question(s) has triggered a risk flag.
32. We and you have a maximum of fifteen (15) working days to work jointly to rectify the issue where possible in accordance with Regulation 34 (Dynamic Purchasing Systems) of PCR 2015.
33. In the event that the issue cannot be rectified within the fifteen (15) working days, we will 'reject' your DPS submission as an interim measure whilst the necessary further actions are undertaken. You can then reapply to join the DPS within a timescale specified by us via the SRS platform.

**If we accept your Request to Participate:**

34. Once your response has been fully electronically assessed and is considered as having met the published selection criteria, you will be appointed to the DPS.

**The DPS Appointment Form sign-off:**

35. If you are successful and therefore 'Appointed' on to the DPS, the DPS Appointment Form will be electronically signed and managed by you and us.
36. The DPS Terms and Conditions that you agreed to comply with at the beginning of the SQ, will require your final sign off.
37. To ensure a legally binding DPS Appointment Form between you and us is complete, you must select 'Yes' in the required box on the summary page that you are presented with at the end of the SQ and prior to appointment.
38. Failure to select 'Yes' at this stage will prevent you from securing your appointment on to the DPS for RM6173 as there will be no legally binding DPS Appointment Form between you and us.

**NB – you must either save or print a copy of the non-watermarked DPS Appointment Form at this stage, as you cannot return and view this non-watermarked version once you have pressed 'Join this DPS'**

39. If you are submitting a tender as part of a consortium bid, and you are acting as the lead bidder, please note that in selecting 'Yes' you are signing the DPS Appointment Form electronically on behalf of all the consortium members.

**Selection criteria:**

40. We may reject your bid or exclude you from the competition at the selection stage for any of the following reasons:
- i) If you receive a “Fail” for any of the selection questions. We will reject your request to participate if you:
    - (a) Fail to accept the DPS Appointment Form;
    - (b) Answer No that you have an Equality and Diversity Policy that complies with current legislation;
    - (c) Answer No that you and any Subcontractors will comply with the ‘Supplier Code of conduct’;
    - (d) Confirm that the Modern Slavery Act applies to your organisation and do not provide evidence of your compliance with that act;
    - (e) Do not confirm that you have Employer’s (Compulsory) Liability Insurance of £5,000,000.00 minimum;
    - (f) Do not confirm that you have Public Liability Insurance of £1,000,000.00 minimum;
    - (g) Do not confirm that you have Professional Indemnity Insurance of £1,000,000.00 minimum;
    - (h) Do not confirm that you have Cyber Essential basic certification (Question 155 of the Selection Questionnaire refers); and
    - (i) Select ‘Yes’ in response to any of the grounds for mandatory and discretionary exclusion and do not provide sufficient evidence of self-cleaning that remedial action has taken place;
  - ii) Where any of the information you have provided proves to be false or misleading.
  - iii) Where you have broken any of the competition rules (as detailed in this DPS Needs document), or not followed the instructions given.
41. We will tell you if your bid has been rejected or if your organisation has been excluded at the Selection Stage via the DPS Mailbox.

**Grounds for Exclusion**

42. In certain circumstances CCS is required by law to exclude bidders from participating if you cannot answer ‘No’ to every statement in Part 2 (Mandatory grounds for Exclusion) of the Selection Questionnaire. Your request to participate shall then be excluded from further participation in the SQ (except where disproportionately small amounts of tax or social security obligations are involved).
43. CCS is entitled (in its sole discretion) to exclude a bidder from further participation if any of the statements in response to Part 2 (Discretionary grounds for exclusion) of the Selection Questionnaire apply. If you cannot answer ‘No’ to every statement it is possible that you will be excluded from this request to participate.

**‘Self Cleaning’ (Covering both mandatory and discretionary exclusion):**

44. If you provide sufficient evidence that remedial action has taken place subsequently that effectively “self cleans” the situation, we may decide that you shall not be excluded from this request to participate. As a minimum, you will have to demonstrate that you have:

- (a) paid or undertaken to pay compensation in respect of any damage caused by any criminal offence or misconduct;
  - (b) clarified the facts and circumstances in a comprehensive manner by actively collaborating with the investigating authorities; and
  - (c) taken concrete technical, organisational and personnel measures that are appropriate to prevent further criminal offences or misconduct.
45. The measures you have taken will be considered taking into account the gravity and particular circumstances of the criminal offence or misconduct.
46. The detailed grounds for mandatory and discretionary exclusion of an organisation are set out on this [webpage](#), **which should be referred to before completing these questions in the SQ.**

### **Economic and Financial Standing**

47. We will undertake an assessment of your economic and financial standing using the DUNS number (as provided by Dun and Bradstreet) for your organisation which you input when registering on the SRS registration system at the following link: <https://supplierregistration.cabinetoffice.gov.uk/organisation/register>
48. If you indicate as part of the standard SQ that a financial guarantor will be provided, as you do not initially meet the required credit reference agency score as described in paragraph 50 below, we will perform an assessment of the proposed financial guarantor's economic and financial standing.
49. The report provided by the credit reference agency (Dun and Bradstreet) will be used to determine the level of financial risk you represent. If the score provided by the credit reference agency is 35 or more, then your Request to participate will continue to proceed in the DPS Selection process.
50. If any of the following circumstances arise:
- a. the score provided by the credit reference agency is less than 35 and/or;
  - b. no standard credit reference agency score is available for your organisation,
  - c. then we may ask you to provide a copy of your audited accounts for the most recent two (2) years and/or one (1) or more of the following in respect of your organisation or the proposed financial guarantor (as the case may be):
    - a statement of your turnover, profit and loss account/income statement, balance sheet/statement of financial position and statement of cash flow for the most recent year of trading;
    - a statement of your cash flow forecast for the current year and a bank letter outlining the current cash and credit position; and/or
    - an alternative means of demonstrating financial status.
51. We will use this information as detailed in paragraph 50(c) above, in addition to a detailed credit reference agency report (where available) to assess whether your organisation's or your proposed financial guarantor's financial risk is acceptable. This will be performed using our financial assessment template that can be viewed at Attachment 3 – Financial Assessment Template of the RM6173 participation bid pack, which covers a range of financial risk indicators.
52. If we then determine that the financial risk is acceptable, then your request to participate will continue to proceed through the DPS Selection Stage process.

53. If we determine that your financial risk is determined as being unacceptable, then we may (in our sole discretion) request that you nominate a financial guarantor. If you nominate a financial guarantor, a financial assessment will be undertaken of your nominated guarantor. In the event that your nominated guarantor fails to meet the required financial threshold score of 35, we will undertake the steps as detailed at paragraph 50(c) above in respect of the proposed financial guarantor.
54. If, after evaluating all the information requested and provided, the level of financial risk is still deemed unacceptable, or where the requested information has not been provided, then you will be rejected as an interim measure from further involvement in the RM6173 procurement, until you are able to provide the required financial information.
55. If you are bidding as Lead Contact for a Group of Economic Operators, the assessment of economic and financial standing will be carried out in respect of each member of the Group of Economic Operators. If one (1) or more members of the Group of Economic Operators is determined as having an unacceptable risk level following this assessment, then the relevant member(s) will be required to obtain a financial guarantee. We will undertake the steps as detailed above in respect of the proposed financial guarantor. If a financial guarantor cannot be provided and the level of financial risk remains unacceptable, then the Group of Economic Operators will be excluded from further involvement in this Procurement.

#### **Suppliers Approach to Payment**

56. In order to comply with Procurement Policy Notice (PPN) 04/19 on Supplier's approach to payment in the procurement of major contracts, a set of questions have been devised that Suppliers must respond to.
57. This PPN applies to Suppliers who will be using a supply chain to deliver the Services for the RM6173 DPS.
58. Question 52 of the DPSQ asks if Suppliers intend to use a supply chain for this DPS contract. If you respond 'No' to this question, you can progress to Question 65 of the DPSQ, as this section does not apply to your organisation.  
  
If you respond 'Yes' to this question you will be required to complete Questions 53 to 64 as applicable.
59. Question 59 asks Suppliers to select the appropriate radio button to confirm one of the following responses;
  - i) 95% or above of supply chain invoices are paid in sixty (60) days;
  - ii) 75%-95% of all supply chain invoices are paid in sixty (60) days; or
  - iii) 75% or less of all supply chain invoices are paid in sixty (60) days.
60. If you select that 95% and above of supply chain invoices are paid in sixty (60) days you will be required to complete Question 60 to breakdown this percentage and in addition Question 64 relating to Group of Economic Operators.

61. If you respond that 75%-95% of supply chain invoices are paid in sixty (60) days you will be required to complete Question 61 to breakdown this percentage and Question 62 in accordance with the guidance provided, you will also be required to complete Question 63 and submit an action plan which sets out the following;
- Identification of the primary causes of failure to pay: ● 95% of all supply chain invoices within sixty (60) day; and ● (if relevant) all supply chain invoices within agreed terms.
  - Actions to address each of these causes'
  - Regular reporting on progress to the bidders audit committee (or equivalent)
  - Plan signed off by a director
  - Plan published on its website (this can be a shorter, summary plan).
62. CCS will evaluate the submitted action plan, and if the response is deemed as acceptable, you will PASS this question.
63. If no action plan is uploaded or is uploaded but does not include all of the requirements set out in paragraph 61 above, then the response to this question will be deemed as a FAIL, and you will be excluded as an interim measure from continuing with your DPS submission until you are able to provide the required information.
64. If you respond that less than 75% of all supply chain invoices are paid in sixty (60) days, then your payment performance falls substantially below the required standard and the response to this question will be deemed as a FAIL, and you will be excluded as an interim measure from continuing with your DPS submission until you are able to provide the required information.

### Cyber Essentials Certification

65. You are required to confirm as part of your DPS submission, that you have Cyber Essentials basic certification in place, as a minimum, at Question 155 of the SQ. If you have Cyber Essentials Plus you can select this option at Question 156 of the SQ. A 'Yes' response to either of these questions is acceptable.
66. If you select 'No' to Question 155 of the SQ and confirm this response at Question 5 of the DPSQ by selecting 'Yes' that you do not hold a valid Cyber Essentials basic certificate this will be classed as a 'Fail' and your application will be rejected until you have a valid Cyber Essentials basic certificate.
67. You are required to comply with DPS Schedule 9 (Cyber Essentials) for the life time of your appointment to this DPS. In the event that you fail to comply with DPS Schedule 9 (Cyber Essentials) as applicable, CCS reserves the right to terminate your Contract for material Default.

### Certificates

68. Once you are **Appointed only** to the DPS, you will be required to provide copies of your certificates for both Insurances and Cyber Essentials in accordance with the Terms and Conditions.



In addition, you may be required, following appointment to the DPS, to provide copies of any other relevant certificates as specified as part of your DPS submission.

### **Selection Questionnaire – Not Applicable questions:**

69. There are questions in the Selection Questionnaire that are not applicable for this RM6173 Automation Marketplace procurement, therefore please note, a response is NOT required to the questions as detailed below:

- *Part 1: (CPV Codes) – Q3*
- *Part 1: (Contract Example 1) – Q133*
- *Part 1: (Contract Example 2) – Q134*
- *Part 1: (Contract Example 3) – Q135*
- *Part 2: (Product Liability Insurance) – Q143*
- *Part 3: (Steel) Q147 - Q149*
- *Part 3: (Supply Chain Management) Q150 – Q154*
- *Part 3: (Department of Health Questions) –Q157 –Q161*
- *Part 3: (NHS Questions) Q157 – Q161*

Evidence submission stage for the following questions

- [Q166 – Q172];
- [Q174];
- [Q176]; and
- [Q179 – Q185]

### **What is a Dynamic Purchasing System (DPS) Appointment Form?**

70. A DPS Appointment Form sets out terms and conditions for you satisfying the selection criteria and therefore accepted onto the DPS and for Buyers when awarding contracts (Competition Procedure) throughout the entire duration of the DPS.
71. If you are a successful bidder, the DPS Appointment Form will be signed up to electronically and managed by you and us. Buyers can then use the DPS to publish competitions to meet their individual service requirements. Each Competition Procedure contract will be signed and managed by the buyer and you. There may be multiple contract agreements under one (1) DPS Appointment Form.
72. There are general terms and conditions for the DPS Appointment Form. DPS Schedule 7 (Order Procedure) sets out the general terms and conditions for the Competition Procedure. You can see the contract terms as part of the bid pack for this procurement.

## Timelines for the request to participate

73. These are our intended timelines. We will try to achieve these but, for a range of reasons, dates can change as the competition progresses. We will tell you if and when timelines change:

Submission of the OJEU Contract Notice	13/02/2020
Start Date - Open DPS to bidders to request to participate	13/02/2020
DPS Open to buyers Competition Procedure	16/03/2020

## When and how to ask questions?

74. If you have any questions you need to ask them as soon as possible after the publication of the OJEU Contract Notice. This will give you the chance to check that you understand everything before you submit your request to participate via the link detailed above.
75. You need to send your questions through the DPS Marketplace clarification link or the DPS Mailbox address [info@crowncommercial.gov.uk](mailto:info@crowncommercial.gov.uk) and as detailed in the OJEU Contract Notice, both options can be used to communicate with us. Try to ensure your question(s) is specific and clear.
76. The DPS Mailbox facilitates all messages sent between you and us in relation to this DPS. Please note it is your responsibility to ensure that you access these messages during this procurement process therefore please ensure that you access and review messages through your internal designated mailbox address on a regular basis. This will ensure you have sight of all relevant information and have access to all messages that we have sent to you.
77. 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 or return a response to you confidentially via the DPS Marketplace clarification question link.
78. Remember that you can ask us questions about the DPS Appointment Form and contract terms but please do not try to 'negotiate' the terms as this is not permitted within the Public Contract Regulations (PCR). All DPS appointments will be made under identical terms.

## Making the competition work

79. We run our competitions so that they are fair and transparent for all bidders. This section (Making the competition work) sets out the conditions of participation for this competition. It needs to be read together with the DPS Appointment Form and with the Buyer Needs.

## What you can expect from us

80. We will not share any information from your submission with third parties, apart from other central government bodies (and their related bodies), which you have identified as being confidential or commercially sensitive. 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.

## What we expect from you

81. Make sure you have read and understood the request to participate and corresponding bid pack before you complete the Selection Questionnaire.
82. Please make sure you have read through all the information available to you. This includes any of the responses provided by us to any of your questions raised.
83. You must comply with the rules in this bid pack and any other instructions given by us. You must also ensure (where applicable) members of your Group of Economic Operators or Subcontractors comply also.
84. You have not fixed or adjusted any element of the response by agreement or arrangement with any other person.
85. You have only selected the filters for the Services that your organisation can deliver.

## Involvement in multiple bids

86. If you are connected with another bid for this procurement, we may make further enquiries. For example, where:
  - you submit a bid in your own name or as member of a Group of Economic Operators connected with a separate bid; or
  - you submit a bid in your own name which is similar to a separate bid from another bidder within your group of companies.
87. This is so we can be sure that your involvement does not cause:
  - potential or actual conflicts of interest;
  - supplier capacity problems; or
  - restrictions or distortions in competition.

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

## Contracting Arrangements

88. Only you, your nominated Subcontractors or Group of Economic Operators (as set out in your selection questionnaire) can provide Services through the DPS.

## Contracting Arrangements for Group of Economic Operators

89. We may require a Group of Economic Operators to form a specific legal entity when signing a DPS Appointment Form as per the PCR 2015. In this instance a member of the Group of Economic Operators will electronically sign the DPS Appointment Form on behalf of the legal entity.
90. If you are the lead member of a Group of Economic Operators and have therefore selected 'Yes' to question 19 in the Selection Questionnaire (Are you bidding as the lead contact for a group of economic operators)? You are required to complete 'Attachment 5 – Group of Economic Operators' in the bid pack providing the required information for each member of your group of economic operators and sending your Attachment 5 – Group of Economic Operators to [info@crowncommercial.gov.uk](mailto:info@crowncommercial.gov.uk)

91. We will undertake a financial risk assessment of each of the Group of Economic Operators detailed in Attachment 5 - (Group of Economic Operators). If any member of a group has a level of financial risk which does not meet the financial threshold score of 35, and you cannot provide a guarantor whose level of financial risk is acceptable, your consortium bid may be excluded as an interim measure until your consortium group is able to meet the financial threshold for this DPS.

#### **Bidder conduct and conflicts of interest**

92. You must not attempt to influence the Request to Participate process. For example, you must not directly or indirectly at any time:
- Collude with others over the content and submission of bids. However, you may work in good faith with a proposed supplier, Group of Economic Operators member or provider of finance in the event that a guarantor is required.
  - Canvass our staff or advisors in relation to this competition.
  - Attempt to obtain information from any of our staff or advisors about another bidder or bid.
93. 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.

#### **Confidentiality and Freedom of Information**

94. You must keep the contents of this bid pack confidential (including the fact that you have received it). This obligation shall not apply insofar as:
- enabling you to submit a bid; or
  - compliance with a legal obligation.

#### **Publicity**

95. You must not publicise the Services or the award of any individual contract unless we have given express written consent. For example, you are not allowed to make statements to the media regarding any bid or its contents.

#### **Our rights**

96. We reserve the right to:
- Waive or change the requirements of this bid pack from time to time without notice.
  - Verify information, seek clarification or require evidence or further information in respect of your bid.
  - Exclude you if:
    - you submit a non-compliant bid;
    - your bid contains false or misleading information;
    - you fail to tell us of any change in the contracting arrangements between your request to participate and appointment onto the DPS. Or, if you do tell us, allowing the change in the contracting arrangements would result in a breach of law;
    - for any other reason set out elsewhere in this bid pack;
    - for any reason set out in the Public Contract Regulations 2015.

- Terminate the DPS Appointment Form at any time.
- Make any changes to the timetable, structure or content of the competition.

## **General:**

### **Request to participate costs**

97. We will not pay your request to participate costs for any reason e.g. if we terminate or amend the competition.

### **Warnings and disclaimers**

98. We will not be liable:
- where parts of the bid pack are not accurate, adequate or complete; or
  - for any written or verbal communications.
99. You must carry out your own due diligence and rely on your own enquiries.
100. This bid pack is not a commitment by us to enter into a contract.

### **Intellectual Property Rights**

101. The bid pack remains our property. You must use the bid pack only for this competition.
102. You allow us to copy, amend and reproduce your request to participate so we can:
- run the competition;
  - comply with law and guidance;
  - carry out our business.
103. Our advisors, Subcontractors and other government bodies can use your request to participate for the same purposes.

### **Supplier Notifications to CCS**

104. In the event your organisation would like to be removed from the RM 6200 Artificial Intelligence DPS please contact CCS via [info@crowncommercial.gov.uk](mailto:info@crowncommercial.gov.uk) to confirm.

**NB – Suppliers should note that if you have been awarded a contract derived from RM6173 DPS your contractual obligations in accordance with the DPS Appointment Form and Contract Terms, which form part of the Bid Pack, will remain in place as applicable.**

### **TUPE Transfer of Undertakings (Protection of Employment)**

105. We consider that the Transfer of Undertakings (Protection of Employment) Regulations 2006 (“TUPE”) may apply at the Competition Procedure.
106. It is your responsibility to take your own advice and consider whether TUPE is likely to apply in the particular circumstances of the contract and to act accordingly, you are therefore encouraged to carry out your own due diligence exercise.

### **Competition Procedure**

107. Buyers may award contracts by inviting all Suppliers to the relevant category to bid in accordance with regulation 54, with the minimum timescale for return of tenders being ten (10) days. They will do this in line with RM 6200 Automation Marketplace DPS Schedule 7 (Order Procedure).

### **Third Party Agents/ Bid Writers**

108. The DPS Appointment Form is required to be electronically signed and managed by you (the Supplier). Therefore, you may use the services of a third party/bid writer to prepare your submission but, it is you (the Supplier) who must submit the tender submission yourself because by ticking the statement “you (the Supplier) are confirming that you (the Supplier) comply with the following agreements and documentation, which you (the Supplier) should download and retain”. you (the Supplier) are entering into a legally binding contract with CCS.

### **Management Levy**

109. The Supplier will pay, excluding VAT, 1% of all the Charges for the Deliverables invoiced to the Buyer under all Order Contracts. This is detailed in clause 13 of the DPS Appointment Form.



## **Annex A – Status Flags on the Supplier Registration Service (SRS)**

The information below shows the order of the status flags in which they will appear as you progress through the DPS application on SRS.

### **Selection Questionnaire (SQ) Status flags**

- 'Responding' - Bidder is currently completing their responses to the questions in the SQ and has not yet 'sent' their final answers to the DPS.
- 'Submitting' - Bidder has 'sent' their SQ answers and can now submit supporting evidence by completing the DPS questionnaire (DPSQ).
- 'Completed' - Bidder has submitted their supporting evidence for the DPS they are applying for.

### **DPS Questionnaire (DPSQ) Status flags**

- 'Registered' - Bidder has started the DPS specific DPS questionnaire (DPSQ) but hasn't submitted it. This flag is in two parts, the first 'Registered 1' means the Bidder is completing the non-updateable questions within the DPSQ. 'Registered 2' means the Bidder is completing the updateable questions within the DPSQ.
- 'Assessing' - The Bidder has completed the DPS submission and now needs to be assessed by CCS.
- 'Agreeing' - Bidder has been 'Approved' in the DPS but has not yet accepted the DPS Appointment Form.
- 'Appointed' - The Bidder has now accepted the DPS Appointment Form.
- 'Rejected' - Bidder has been rejected, and will need to start a new application if they apply again.