

Dynamic Purchasing System (DPS) Needs

RM6350 – Income Generation from Estates,
Assets and IP Dynamic Purchasing System
Agreement



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Welcome

We invite you to join a Dynamic Purchasing System (DPS) to provide Income Generation from Estates, Assets and IP for the RM6350 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 – RM6350 Income Generation from Estates, Assets and IP Products and Services Matrix

Attachment 2 – Management Information (MI) Reporting Template

Attachment 2b Certificate of Technical & Professional Capability (COTPA) – you must get your customer to sign this attachment for your contract example. You must then attach each certificate to the relevant selection questions in the DPSQ.

Attachment 2e PPN 06/21 Carbon Reduction Plan Template – if you do not have a website, you must use this template to provide a copy of your Carbon Reduction Plan. You must then attach the plan to the relevant selection questions in the DPSQ (Note: this attachment needs to be completed if you select over £5m at Q3.15.1)

Attachment 3 – Financial Viability Risk Assessment (FVRA) Instructions – for information only. It is important that you read this document before completing **Attachment 3a – Silver FVRA Tool**. Or before being asked to complete

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Attachment 3a Silver FVRA Tool – you and each consortium member must complete this and then upload to the relevant questions in the DPSQ (qualification envelope). Please read

Attachment 3 - Financial Viability Risk Assessment (FVRA) Instructions before completing this document.

All Bidders and consortium members must provide, in addition to their completed Attachment 3a - Silver FVRA Tool copies of:

- . their published accounts for the last 3 years
- a. parent company published accounts for the last 3 years
- b. ultimate parent published accounts for the last 3 years

In line with the instructions, any qualified accounts will receive additional scrutiny.

Attachment 4a - Information and Declaration_Consortium – if you are bidding as part of a consortium, each member of the consortium (other than the member completing the electronic Selection Questionnaire within the DPSQ) must complete a copy of Attachment 4a. You must then attach each of the populated attachments to the relevant selection questions in the DPSQ (Qualification Envelope).

Attachment 4b Information and Declarations – Key Subcontractors_Guarantor

Key Subcontractors: If you are relying upon a Key Subcontractor to fulfil any of the selection criteria set out at Part 3 of the Selection Questionnaire, you must get each Key Subcontractor to populate this attachment and provide part 1 and 2 declarations. You must then attach each of the populated attachments to the relevant selection questions in the DPSQ (Qualification Envelope).

Guarantors: If following FVRA assessment, we require you to nominate a guarantor, we will require your nominated guarantor to complete a copy of Attachment 4b. Please do not submit a copy of Attachment 4b on behalf of any proposed guarantor at the point of bid submission. We will communicate with you via e-mail if this is required following FVRA assessment.

Attachment 5 – SQ PDF for information only for bidders to view in advance of completing the online SQ.

2) Attachment 6 - 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 6a - 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 6b - Bid Pack Part 4 (Terms and Conditions)

DPS Order Schedules – This file contains the 25 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 to 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 FTS 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 Consortium. If you do, we ask the Consortium to choose a lead member who will submit the bid on behalf of the Consortium 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 Consortiums 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 RM6350 Income Generation from Estates, Assets and IP requirements. You must therefore tell us about any changes to the proposed Subcontracting or to the Consortium. 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

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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 RM6350 Income Generation from Estates, Assets and IP DPS Appointment, any changes to arrangements in relation to Subcontracting and Consortium arrangements which are made following the award will be dealt with in accordance with DPS Joint 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 1.1.10 of the SQ for RM6350 Income Generation from Estates, Assets and IP

In the event that your DUNS number does not reflect the DUNS number you wish to use for your RM6350 Income Generation from Estates, Assets and IP 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 RM6350 Income Generation from Estates, Assets and IP

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 RM6350 Income Generation from Estates, Assets and IP, 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 this 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 RM6350 Income Generation from Estates, Assets and IP 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 & DPSQ.
7. Only select the Services in the DPSQ that can be delivered by your organisation.

Selection process:

8. The Selection Questionnaire is split into three (3) distinct sections. The first is a standard Selection Questionnaire (SQ) Part 1. The second is the standard Selection Questionnaire (SQ) Part 2 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 - Part 3 (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 (Part 3).

OR

9. 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 Q3.22.3 of the DPSQ) throughout the competition.

10. If we are satisfied with the response 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.

11. 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'.

Assessing Process:

12. We may seek clarification of any information you provide to validate and verify your responses. Don't forget to check for messages at frequent intervals in your internal mailbox system (this will be the email address you input to Q3.22.3 of the DPSQ (contact details) throughout the competition.

13. 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).

14. 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.

15. 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:

16. 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.

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Profiles

Buyers

Search

Questionnaires

Status

Sort by

Passenger Transport Sc ▾

Any ▾

Name A-Z ▾

1548684010

AGREEING

Profile

Passenger Transport Solutions DPS

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

[Agree](#)
[Update DPSQ](#)
[View](#)
[Share](#)

Electronic Signature Process

17. 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.'

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[Home](#) > [Your dashboard](#) > [Passenger Transport Solutions DPS - 1648884010](#)

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:

18. 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. This enables us to monitor changes to submissions to ensure an effective audit trail.

19. Once you have completed the update answers process, we will contact you by email from info@crownccommercial.gov.uk to confirm approval of the requested change and to advise that your status is in the 'Agreeing' stage. You are then required to complete an electronic sign off within the Supplier Registration Service portal as directed.

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Following completion of the above, your most recent updated responses will be reflected on the system and your status will revert to 'Appointed'. You will remain as an appointed supplier on the DPS while you complete the update.

Assessing

20. When you enter in the 'Assessing' status, we undertake a review of your response to the SQ to determine if your response is compliant
21. When your organisation enters into the assessing stage, and 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.
22. Once your submission has been returned to 'Registered 1' stage, you will be able to update your answers
23. To update these answers, select the 'Respond' option which can be located on 'Your Dashboard' by setting your 'Questionnaires' filter to 'RM6350 Income Generation from Estates, Assets and IP DPS', and your 'Status' filter to 'Assessing'.
24. 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 re-submit your submission to us for further assessment.
25. 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.
26. 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 after a timescale specified by us via the SRS platform.

Agreeing

27. If your organisation successfully meets all of the selection criteria for RM6350 Income Generation from Estates, Assets and IP 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.

28. Once your submission has been assessed and is in the 'Agreeing' stage, you will be able to update your answers
29. 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 'RM6350 Income Generation from Estates, Assets and IP DPS', and your 'Status' filter to 'Agreeing'.
30. By completing the above process, you will be navigated to an overview of your answer sheet, where you are required to select 'Update RM6350 Income Generation from Estates, Assets and IP DPSQ' from the 'Options' section on the right hand side of the screen.
31. All your previous answers will be pre-populated and you can navigate through the DPSQ, where you can amend your response(s) as appropriate

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and re-submit your submission to us.

Appointed

32. If your organisation is successfully appointed to the DPS, you can update your answers.
33. 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 'RM6350 Income Generation from Estates, Assets and IP DPS', and your 'Status' filter to 'Appointed'.
34. By completing the above process, you will be navigated to an overview of your answer sheet, where you are required to select 'Update RM6350 Income Generation from Estates, Assets and IP DPSQ' from the 'Options' section on the right-hand side of the screen.
35. 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 re-submit your submission to us.

If we accept your Request to Participate:

36. 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:

37. 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.
38. The DPS Terms and Conditions that you agreed to comply with at the beginning of the SQ will require your final sign off.

39. 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.

40. Failure to select 'Yes' at this stage will prevent you from securing your appointment on to the DPS for RM6350 Income Generation from Estates, Assets and IP as there will be no legally binding DPS Appointment Form between you and us.

41. The Appointment Form can be downloaded at this stage or at a later stage.

42. 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:

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43. We may reject your bid or exclude you from the competition 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) Confirm that the Modern Slavery Act applies to your organisation and do not provide evidence of your compliance with that act;
- (c) Confirm that the Modern Slavery Act applies to your organisation and have not provided a satisfactory explanation and assurances
- (d) Do not confirm that you have Employer's (Compulsory) Liability Insurance of £5,000,000 minimum;
- (e) Do not confirm that you have Public Liability Insurance of £5,000,000 minimum;
- (f) Do not confirm that you have Professional Indemnity Insurance of £5,000,000 minimum;
- (g) Do not confirm in response to Question 3.9.1 that you hold a valid Cyber Essentials Basic certificate or represent that you are working towards gaining one or hold a valid equivalent certificate; and
- (h) 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;
- (i) Do not confirm (if applicable) that you have detailed your environmental management measures by completing and publishing a Carbon Reduction Plan which meets the required reporting standard
- (j) If you do not provide the Certificate of Technical &

Professional Ability we have asked for your bid will be excluded from this procurement and you do not meet the Pass/Fail criteria within certificate 2b.

- (k) If you do not answer 'Yes' to Data protection question.
- (l) If you do not answer 'Yes' to Health & Safety question.

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.

iv) having applied the policy set out in Procurement Policy Note 01/22 (PPN 01/22) you (or any of your subcontractors named in your tender) are deemed as constituted or organised under the law of Russia or Belarus, or whose 'Persons of Significant Control' information states Russia or Belarus as the place of residency.

44. We will tell you if your bid has been rejected or if your organisation has been

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excluded at the Selection Stage via the DPS Mailbox.

Grounds for Exclusion

45. 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).

46. 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):

47. 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.

48. The measures you have taken will be considered taking into account the gravity and particular circumstances of the criminal offence or misconduct.
49. 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

50. Your economic financial standing assessment will be conducted as detailed in Attachment 3 - Financial Viability Risk Assessment Instructions and you must complete Attachment 3a - Financial Viability Risk Assessment Tool and submit it as part of your tender.
51. CCS has contracted with a supplier to support CCS with its assessment of the Selection Criteria related to bidders' financial status (in accordance with the Selection Stage of this procurement). Consequently, we may share with our supplier bidders' responses to the selection questionnaire in respect of the bidders' financial status.
52. Bidders, and consortium members, who pass the assessment to the satisfaction of CCS will achieve a "pass". If a Bidder or any member of a consortium does not pass the Assessment, to the satisfaction of CCS, they will "fail" and the bid will be

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deemed non-compliant and will be excluded from the competition. If we exclude a bid from the competition we will tell the Bidder and explain why.

Suppliers Approach to Payment

53. In order to comply with Procurement Policy Notice (PPN) 08/21 on Supplier's approach to payment in the procurement of major contracts, a set of questions have been devised that Suppliers must respond to.
54. This PPN applies to Suppliers who will be using a supply chain to deliver the Services for the RM6350 Income Generation from Estates, Assets and IP DPS. Question 3.16.1 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 3.18.1 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 3.17.1 to 3.17.14 as applicable.
55. Please see below link for guidance on what a 'reporting period' is:
<https://www.gov.uk/government/publications/business-payment-practices-and-performance-reporting-requirements>
56. In a financial year there are normally two reporting periods. The first is the six calendar months starting on the first day of the business' financial year. So, if a financial year started on the 5th of a month, the last day of that reporting

period would be the 4th of the month, six months later. The second reporting period starts on the day after the first period ends and runs until the end of the financial year.

57. If you are unable to demonstrate that 95% or more of invoices payable to your supply chain on all contracts have been paid within 60 days of the receipt of the invoice in at least one of the last two six months reporting periods please provide an action plan for improvement which includes (as a minimum) the following:

- Identification of the primary causes of failure to pay:
- 95% of all supply chain invoices within 60 days; and
- if relevant under question Q3.17.7, all invoices within agreed terms.
- Actions to address each of these causes
- A mechanism for and commitment to regular reporting on progress to the bidder's audit committee (or equivalent).
- Plan signed off by a director
- Plan published on its website (this can be a shorter, summary plan).

58. If you have an existing action plan prepared for a different purpose, it is acceptable to attach this but it should contain the above feature

59. Note: if you have indicated 'no' at question Q3.17.7 your action plan must also address steps taken to pay within agreed terms

60. CCS will evaluate the submitted action plan, and if the response is deemed

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as acceptable, you will PASS this question.

61. If no action plan is uploaded or is uploaded but does not include all of the requirements set out in paragraph 57 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.

Cyber Essentials Certification

62. You are required to select the applicable criterion at Question 3.9.1 of the SQ in relation to Cyber Essentials certification (or an equivalent) for the Services.

63. If you select '(iv) None of the criteria' in response to Question 3.9.1 confirming that you do not hold a valid Cyber Essentials certificate or IASME certified equivalent and are not working towards gaining one this will be classed as a 'Fail' and your application will be rejected.

64. You are required to comply with DPS Schedule 9 (Cyber Essentials) or maintain a valid equivalent standard as accepted in Question 3.9.1 for the lifetime of your appointment to this DPS and failure to do so will allow CCS to terminate your Contract for material Default.

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

65. In March 2022, the Government introduced its Public Procurement Note 01/22 'Contracts with suppliers from Russia or Belarus' (PPN 01/22) in response to the invasion of Ukraine by Russia, which was met with unprecedented global condemnation. The UK Government has introduced financial and investment sanctions aimed at encouraging Russia to cease actions which destabilise Ukraine. This PPN requires that Contracting authorities, such as CCS, should consider how they can further cut ties with companies backed by the states of Russia and Belarus including declining to consider tenders.
66. CCS will therefore apply PPN 01/22 to all bidders (and any Subcontractors named in a tender). Unless exceptions in the PPN apply, CCS may:
67. exclude from this competition any tenders that are deemed from bidders (or Subcontractors) who are constituted or organised under the law of Russia or Belarus, or whose 'Persons of Significant Control' information states Russia or Belarus as the place of residency; or
68. (ii) request that a bidder find a replacement subcontractor by a specified deadline before its tender can be included in this competition.

Certificates

69. Once you are **Appointed only** to the DPS you are required to provide copies of your certificates for Insurances and either your Cyber Essentials certificate or the valid equivalent accepted in your submission in accordance with the Terms and Conditions. In addition you may be required to provide copies of any other relevant certificates specified in your

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DPS submission.

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

70. A DPS Appointment Form sets out terms and conditions for you to satisfy the selection criteria and therefore be 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 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 FTS Contract Notice	16/08/2024
Start Date - Open DPS to bidders to request to participate	16/08/2024
DPS Open to buyers Competition Procedure	Midnight on 16/09/2024

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 FTS 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 sharelink. Try to ensure your question(s) is specific and clear.

76. The DPS Marketplace clarification facility captures responses to all questions in relation to this DPS. Please note it is your responsibility to monitor responses to clarification questions, therefore please ensure that you access and review the DPS clarification link on a regular basis. This will ensure you have sight of all relevant information.

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 Mailbox address info@crowcommercial.gov.uk.

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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. Subject to paragraph 50 of this document, we will not share any information from

your bid which you have identified as being confidential or commercially sensitive with third parties, apart from other central government bodies (and their related bodies). However, we may share this information but only in line with the Regulations, the Freedom of Information Act 2000 (FOIA) or any other law as applicable.

What we expect from you:

81. Make sure you have read and understood the request to participate and the 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 Consortium 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 Consortium 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

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- 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 Consortium (as set out in your SQ) can provide Services through the DPS.

Contracting Arrangements for a Consortiums

89. We may require a Consortium to form a specific legal entity when signing a DPS Appointment Form as per the PCR. In this instance a member of the

Consortium will electronically sign the DPS Appointment Form on behalf of the legal entity.

90. If you are a Consortium, you are required to complete 'Attachment 4a – Information and Declarations Consortium' in the bid pack providing the required information for each member of your Consortium and sending your Attachment 4a – Information and Declarations Consortium to
info@crowncommercial.gov.uk

91. We will undertake a financial risk assessment of each of the Consortium detailed in Attachment 4a – Information and Declarations Consortium. Their economic financial standing assessment will be conducted as detailed in Attachment 3 - Financial Viability Risk Assessment Instructions and you must complete Attachment 3a - Financial Viability Risk Assessment Tool for each member and submit it as part of your tender.

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, Consortium 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.

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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.

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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 RM6350 Income Generation from Estates, Assets and IP DPS, please contact CCS via info@crowncommercial.gov.uk to confirm.

NB – Suppliers should note that if you have been awarded a contract derived from RM6350 Income Generation from Estates, Assets and IP 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 RM6350 Income Generation from Estates, Assets and IP 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

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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, this flag is in two parts called Registered 1 and Registered 2.
- **‘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.