

Guidance Note  
**Overview of How the DPS Works & FAQ**  
For the Provision of  
**Mobile Preliminary Roads Drugs Testing Devices  
(MRDTD)**

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## 1 The Purpose of this Document

This guidance document is intended to provide candidates and Suppliers with a high-level overview of the: -

- Dynamic Purchasing System (DPS);
- procurement process for the DPS; and
- frequently asked questions.

It is for guidance only and is not a contractual document.

## 2 Dynamic Purchasing System V Standard Framework

A DPS follows Regulation 34 of the Public Contract Regulations 2015 (the Regulations) and is run as a completely electronic process. As stage 1 is effectively a qualification stage, in essence the DPS uses a “Restricted” procurement procedure 2 stage process. The ‘Restricted’ procurement procedure is one that suppliers may be more familiar with.

There are two key stages to establishing a DPS.

The first stage is to establish the DPS, so that candidates who have passed the Selection Criteria of the Standard Selection Questionnaire (SSQ) and agree to the terms and conditions of the DPS Agreement are admitted onto the DPS.

The Second stage is the Further Competition stage where Suppliers onboarded onto the DPS compete in response to an Invitation to Tender for a defined statement of requirements taken from the Specification. It is expected that there will be a number of Further Competitions under the DPS.

Each Further Competition will see Tender responses from Suppliers evaluated against predefined award evaluation criteria. Each Further Competition will result in Call Off Contract(s) being awarded and formed between a Contracting Authority (e.g. Police and Crime Commissioner(s)) and the awarded Supplier(s).

The DPS has aspects that are similar to a standard traditional framework agreement. Table 2.1 below explains the key differences between a DPS and traditional framework.

Table 2.1

<b>DPS (Restricted Procedure)</b>	<b>Framework (Open Procedure)</b>
To apply to participate Suppliers only need to complete, self-certify and submit their Submission response to the Standard Supplier Selection Questionnaire (SSQ).	Suppliers need to complete and submit the SSQ and a full Tender to apply to participate.
The DPS allows suppliers to apply to join throughout the life of the DPS.	Suppliers cannot join a traditional framework once it is awarded. Effectively unsuccessful Suppliers are “locked out” for the Term of the framework.
The DPS allows Suppliers to gain the mandatory requirements and then apply to join to the DPS	Suppliers cannot apply to join a traditional framework once it is awarded.
There is no limit to the number of Suppliers who can join the DPS during its Term.	Traditional frameworks are awarded to a specified limited range of Suppliers.
Longer Term. There is no mandatory life of a DPS.	Traditional framework agreements are limited to a 4-year term.
Creates active competition in real time: if there is more than one Supplier that has been appointed to a category/lot (Lotted Service Line) then all Suppliers with a presence on the relevant category/lot (Lotted Service Line) must be invited to bid.  Direct awards are not allowed unless there is only one Supplier on a specific LOT	Direct award to a single Supplier is permissible on a framework  Frameworks can have two points of call off: <ol style="list-style-type: none"> <li>1) <b>Further Competition</b> - where the Suppliers on the LOT are invited to tender</li> <li>2) <b>Direct award</b> – Usually there are established framework rules of how a Call of Contract can be awarded directly to a Supplier. These usually include robust justification for the direct award and a desk top evaluation of the Supplier’s proposal to ensure Value for Money can be achieved.</li> </ol>

### 3 Key Benefits of the DPS

Key benefits of a DPS are denoted in table 3.1 below:

Table 3.1

<b>Benefits of the DPS</b>	
Any number of Suppliers can join	Multiple Suppliers are able to offer goods/services to policing.
Any Supplier can apply to join a DPS at any time	The DPS remains open for its life allowing new candidates to apply to join throughout the lifespan of the DPS.
Standardised specifications and goods/service requirements	Contracting Authorities will still retain local flexibility and control and will continue to access their Supplier(s) directly and have tailored requirements in areas such as collection and delivery logistics services, local account management, and ability to respond to local needs and priorities.
Flexible	<p>The DPS is a flexible way for Contracting Authorities to create either short term or long-term relationships and respond with agility to emerging operational needs.</p> <p>The Contracting Authority will retain the Standard Specification as set out in Schedule 1 for technology and Quality requirements however Specific requirements can be tailored in the ITT to meet their needs.</p>
Contracting Authorities can use the DPS at any time	<p>All Contracting Authorities are named with no commitment on the overarching DPS NOTICE.</p> <p>This enables all Contracting Authorities to have the ability to access the DPS to run their own Further Competitions, supported by the Authority, at the time it suits them.</p>

## 4 The Procurement Process

The diagrams 4.1 and 4.2 below provide a high-level overview of the procurement process for the DPS. The process is described more fully in the Invitation to Participate (ITP) and in the DPS Agreement Schedule 6 (Call for Competition Procedure).

Diagram 4.1

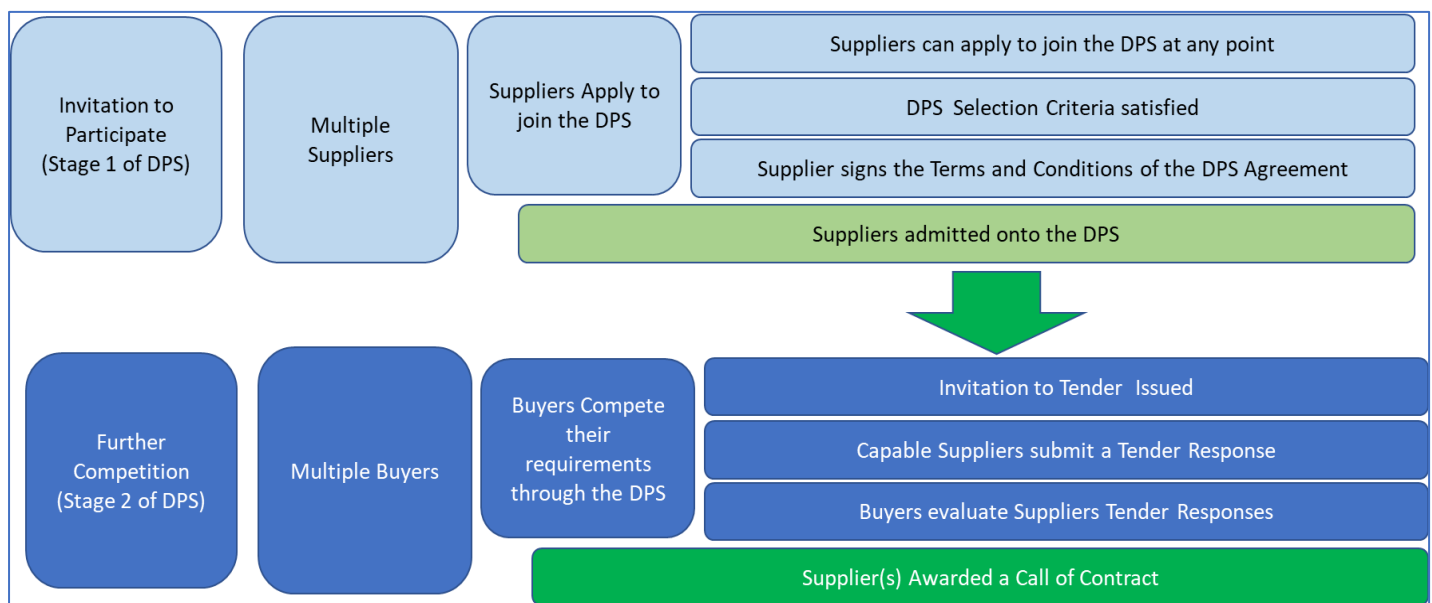
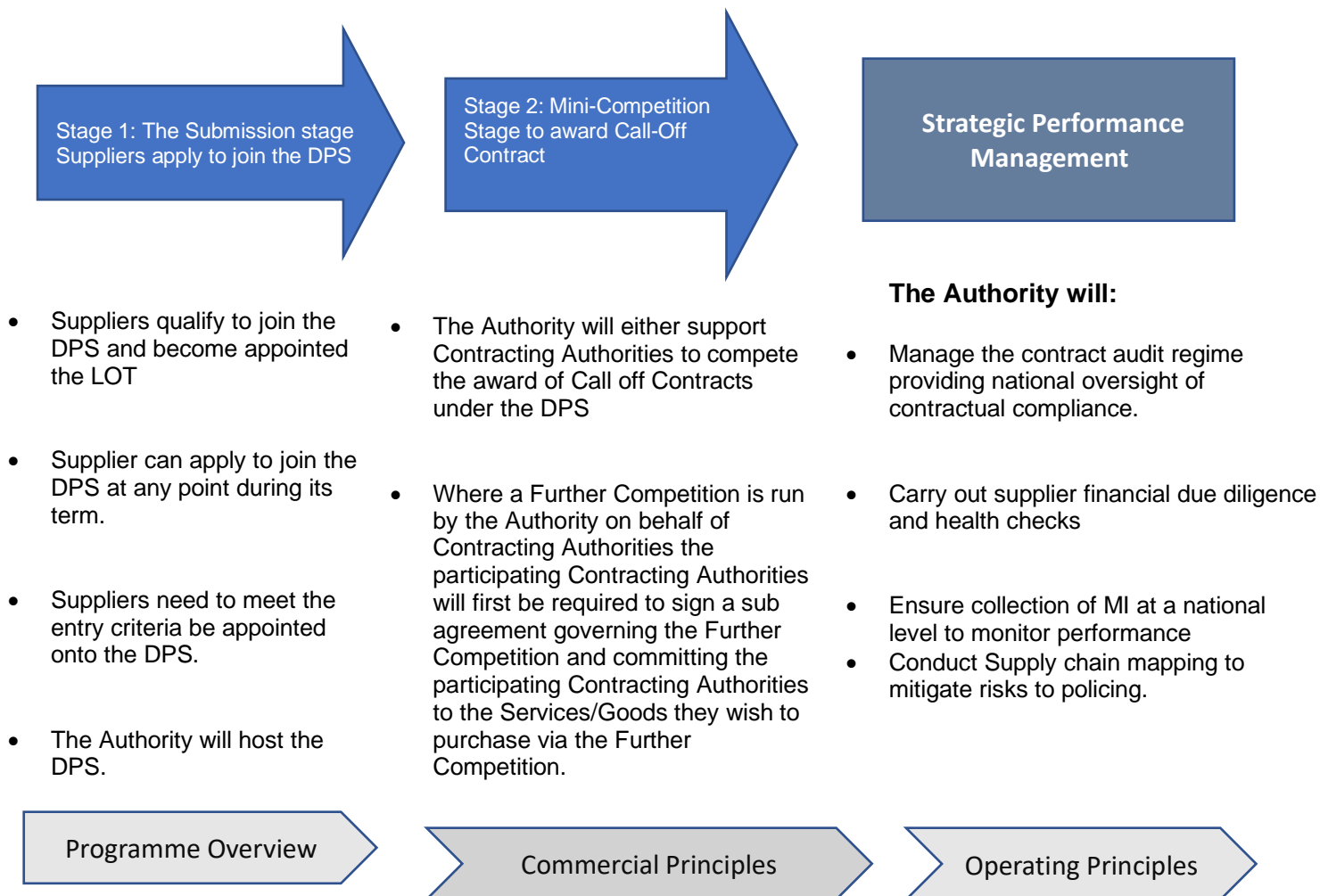


Diagram 4.2 – High level summary of how we will procure through the DPS



## 5 Frequently Asked Questions

Question	Answer
<b>General Questions on DPS</b>	
Why was a DPS chosen as the route to market rather than a traditional framework agreement?	<p>To bring some flexibility in allowing the opportunity of other suppliers to join the limited marketplace and offer more choice to policing.</p> <p>The ability to access to run additional Further Competitions efficiently and compliantly as the suppliers only need 10 days or less if ALL parties agree to respond to an ITT.</p> <p>Unlike a committed contract or traditional framework, a DPS can remain open for a longer period than a traditional framework and is more agile to extend where the Notice value is going to be reached.</p>
What is a contract notice?	A contract notice is a formal publication (published through Find a Tender Service and Contracts Finder) that notifies the Supplier community of a procurement opportunity.
What is the DPS process?	The DPS is a two-stage process: an initial set-up stage where Suppliers who meet the Selection Criteria are appointed to the DPS, followed by a second stage the Award stage, where individual Tenders are competed and awarded.
Can Suppliers be required to sign-up to the DPS Agreement and Call-Off Contract terms and conditions as part of the initial application process?	Yes, it is clear in the SSQ that when applying to join the DPS, Suppliers must be prepared to sign up to the DPS Agreement between the Supplier and the Authority and also accept the Call-Off Contract Terms and Conditions when submitting a Tender.
Do Suppliers appointed to the DPS need pay a fee?	No.
What is the Term for the DPS?	The Term (period of validity) of the DPS has been stated on the Contract Notice (call for competition notice published on Find a Tender Service – FTS) is for a period of 5 years. However, the Regulations indicate that the period can be later amended (extended, shortened, terminated) subject to the relevant notice being published on FTS.
Are there any restrictions on the value of the individual Contracts /Orders that can be awarded under the DPS?	<p>The DPS has been put in place in compliance with the Public Contract Regulations 2015 (the Regulations 34).</p> <p>There is no restriction on the value of individual call off contracts awarded under the DPS.</p>



	<p>You can award for any number of years OR you can award a short one-off contract for a few months.</p> <p>The accumulative value of contracts awarded under the DPS will be monitored throughout the term of the DPS and modification notices will be published if required.</p>
The DPS must be a wholly electronic process: - what does this mean?	<p>The provision of Regulation 22, covering electronic communications, apply to the use of the</p> <p>DPS and Regulation 34(2) states that a DPS must be a 'completely electronic process'. Therefore, Suppliers applying to join the DPS and Contracting Authorities wanting to procure through the DPS will need to ensure that they have access the Bluelight Emergency Services e-tendering portal which will enable compliance with Regulation 22.</p>
Does the "standstill" period apply to setting up the DPS?	<p>There is no obligation to hold a standstill before admitting Suppliers and commencing the DPS.</p> <p>As Suppliers may apply (or reapply if previously not accepted) at any time during the term (life span) of the DPS.</p>
<b>Suppliers applying to join the DPS</b>	
Why is so much information requested from Suppliers in the Standard Selection Questionnaire	<p>We aim to make the procurement process as streamlined as possible. As we are spending public money, we need to be sure that Suppliers are able to meet our minimum required standards. Response requirements are proportionate to potential risk associated with service delivery.</p>
Is there a limit to the number of Suppliers that are appointed to a LOT	<p>No: Suppliers who pass the Standard Selection Questionnaire Selection Criteria will be appointed onto the LOT.</p>
Do Suppliers need to submit an "indicative tender" with their initial application?	<p>No.</p>
Will incumbent Suppliers have the opportunity to apply to join the DPS?	<p>Yes. A major benefit of a DPS is the ability for <u>all</u> Suppliers to apply to join the DPS at any point throughout its life, unlike a framework where Suppliers cannot be added once the framework has been awarded at inception.</p> <p>The addition of Suppliers part way through the life of a DPS ensures the supply chain is kept up to date.</p>
What is a DUNS number and how are these acquired?	<p>A DUNS number is a nine-digit long number that is used to identify a Service Providers business. It stands for Data Universal Numbering System. Please see the following guidance published by Dun and Bradstreet: <a href="https://www.dnb.co.uk/duns-number.html">https://www.dnb.co.uk/duns-number.html</a> to find out how to apply for or check what your organisations DUNS number is.</p>

<p>Will Social Values be included in the DPS?</p>	<p>Yes. The Authority has identified national policing social value priorities. As part of their application process Suppliers are required to confirm their commitment to delivering the Social Values requirements set out in the ITT.</p> <p>At stage 2 of the DPS, Contracting Authorities can ask more questions around the Suppliers Social Values delivery plans that they are proposing as part of their Tender response.</p>
<p>If a Supplier is unsuccessful in being appointed to the DPS will they be able to reapply?</p>	<p>Yes absolutely. Suppliers who fail to be appointed onto the DPS are able to re-apply at any subsequent point in time during the Term of the DPS, providing they are able to demonstrate that they meet the Selection Criteria.</p>
<p>Can a Supplier be deselected from a DPS?</p>	<p>A Supplier's initial admission to the DPS is normally be based on self-certification that they meet the requirements of the Selection Criteria.</p> <p>In similar manner to other procedures, at stage 2 of the DPS a successful bidder for a contract under a DPS will be asked to provide confirmatory evidence before award of contract.</p> <p>If a Supplier ceases to meet the original exclusion or Selection Criteria during the course of the DPS it is likely that they will be excluded (indeed if they fail one of the mandatory exclusion grounds the Authority will be required to remove the Supplier).</p> <p>To note Contracting Authorities could also require Suppliers to confirm that their exclusion and selection status has not changed before the award of each Call- Off Contract. The Authority has also reserved the right to conduct a Supplier Assurance Visit prior to the award of any Call- Off Contract.</p> <p>It is not be permissible to remove or exclude a Supplier from the DPS because the Supplier had not chosen to bid for any contracts under the DPS, or because the Supplier had bid but was unsuccessful in all its bids.</p>
<p>How long does the Authority have to complete assessments of Suppliers' response submissions to the Standard Selection Questionnaire (SSQ)?</p>	<p>Regulation 34(16) states that evaluation of new applicants (i.e. applications which are received during the period of validity of the DPS) must be concluded within 10 days of receipt. This may be prolonged to 15 working days in individual cases where this can be justified, in particular because of the need to examine additional documentation or to otherwise verify whether the Selection Criteria are met.</p> <p>The Authority is under a clear duty to meet these timescales and will ensure that systems and resources are in place to meet them. These rules also apply to the initial evaluation of applicants when the DPS is set up.</p> <p>However, as long as the ITT for the first specific contract under the Dynamic Purchasing System has not been sent, the period may be extended provided that no ITT is issued during the extended evaluation period.</p>

	If initial evaluation of Tenders takes additional time, it is therefore possible to delay the start of the DPS to provide further time for evaluation of applicants.
<b>Stage 2 of the DPS - Further Competition and Award of Call of Contracts</b>	
What is the Award stage?	This is the second stage of the DPS process at which Suppliers who have been admitted on to the DPS LOT and will be invited (through Further Competition) to submit a Tender, based on the standard Specification outline in Schedule 1 of the DPS but with the Contracting Authorities(s) specific statement of requirements
Can a Tenderer send in a paper tender response?	No. All communication under a DPS must be submitted electronically via the Bluelight Emergency Services e-tendering portal.  Note the electronic software may change over the life of the DPS however this will be communicated as appropriate.
Will all Suppliers be invited to Tender i.e. compete at the stage 2 of the DPS?	All Suppliers who have successfully fulfilled the Selection Criteria, and subsequently have been admitted on to the DPS will be invited to tender.
Are Suppliers that have been admitted onto the DPS obligated to bid for Call off Contracts procured under the DPS?	No. The Supplier has a choice if they wish to submit a tender at the 2nd stage.
Can the DPS be used for direct awards, perhaps for low-value contracts?	The Regulations state that each requirement under a DPS must be competed; all Suppliers under the DPS must be invited to bid. "Single tender" is not permitted (unless only one eligible Supplier has applied for a LOT). There is no derogation for low-value contracts.
Will Call off Contracts be awarded on price only?	No. Each individual ITT will have a quality and cost weighted scoring methodology, with quality being tested through specific questions.
How long does a competition under the DPS need to run for?	The minimum timeframe for receipt of Tenders is ten days. However, a longer timeline can be given by the Contracting Authority at their discretion  For low value, quick turnaround where all bidders agree the deadline for receipt of Tender submissions can be reduced from 10 days to an agreed no of days. (Regulation 34 (12)).
Will Award Criteria and weightings be stated in the ITT documents?	Yes. The Award Criteria must include both price and quality. The criteria and weightings will be clearly stated in the ITT documents.
Is there a minimum or maximum lifespan (term) for Call of Contracts that are awarded under the DPS?	There is no minimum/maximum lifespan (term) for Call off Contracts that have been awarded under the DPS. However, the duration should be proportionate.

Can the term of a Call off Contract overhang the DPS period?	Note a Call-Off Contract can be taken out on the last day of a framework and can therefore expire after the DPS Framework itself. Cal-Off Contracts do not need to be coterminous to the DPS expiry date.
At Further Competition stage (stage 2 of the DPS), how will bidders be notified whether they have been awarded a Call off Contract?	The Contracting Authority will notify bidders of the outcome of their Tender submission via the messaging functionality of the e-tendering portal.
Does a stand still period apply at stage 2 of the DPS (the Further Competition stage)?	No. The standstill period is not obligatory for the award of Call off Contracts under a DPS.
Is there a clear requirement to provide a debrief report for unsuccessful bidders for Individual Call off Contracts under a DPS?	<p>The requirement for a “notice of decision” as required in the rules for most procedures is specifically not obligatory for award of Call off Contracts under a DPS.</p> <p>However, Contracting Authorities are not prohibited from either proactively providing feedback or offering to provide feedback on request.</p> <p>The provision of feedback is regarded as being good practice. Where feedback is offered or provided all Suppliers will be treated equally.</p>