



Scottish Government
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Scottish Procurement Buyer Guide

**Network Advice - Dynamic Purchasing
System (DPS)**

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1. Foreword and acknowledgements

Scottish Procurement aims to deliver benefits to the people of Scotland through improved value for money for taxpayers, improved goods and services for all our citizens and economic opportunities for Scotland. This is achievable through effective collaboration throughout the procurement cycle.

Scottish Procurement would like to acknowledge the work, support and contribution from all sector representatives. Their input has helped to shape the direction of this Network Advice project to a successful outcome.

2. Introduction

This buyer guide aims to assist Scottish public sector bodies in selecting the most suitable and cost effective Network Advice to suit their individual requirements from a range of suppliers. This document is designed to guide organisations through the selection process and provide confidence regarding the services purchased through this Network Advice - Dynamic Purchasing System (DPS).

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3. Aim of the DPS

The aim of the DPS is to provide a wide range of suppliers who can provide vendor neutral network advice for organisations seeking to develop, enhance and secure their network infrastructure within the Scottish public sector. In this context, Scottish Procurement has been working collaboratively with cross sectoral colleagues and key stakeholders in developing the DPS. The ambition for the DPS is to offer a straightforward, flexible and quick route to market for all Scottish public sector bodies and to have a proportionate entry barrier for Network Advice suppliers who meet the minimum criteria to gain entry.

4. Scope of the DPS

Network Advice is a single lot DPS with the following high level scope:

Due to the wide and diverse nature of network advice, it isn't possible to list all the types envisaged - but some examples (non-exhaustive list) may include areas such as:

- network security,
- Improved energy consumption and efficiency
- Support of internet of things (IoT) network integration
- Support of Unified Communications (UC) network integration
- Audit and analysis of network services
- Network infrastructure project management
- Network upgrades
- Support in the procurement of network services
- Migration of existing network services
- Advice on network solution and design and implementation of new network services
- Support with network estates

5. DPS Overview

Scottish Procurement has established a DPS for Network Advice which replaces the Network Enablement Services framework which expired in October 2018. The DPS runs from 22 November 2018 to 31 March 2023. Call-off contracts awarded via the DPS will have no constraints on their duration, meaning there will be no minimum/maximum call-off period.

6. What is a DPS?

A DPS is an electronic system of pre-qualified suppliers, for commonly used purchases which are generally available on the market, from which Scottish public sector bodies can invite tenders. As a procurement process, it has some aspects that are similar to a framework agreement, however, it is an electronic process and new suppliers can apply to join at any time during the period of the DPS.

7. How does a DPS Operate?

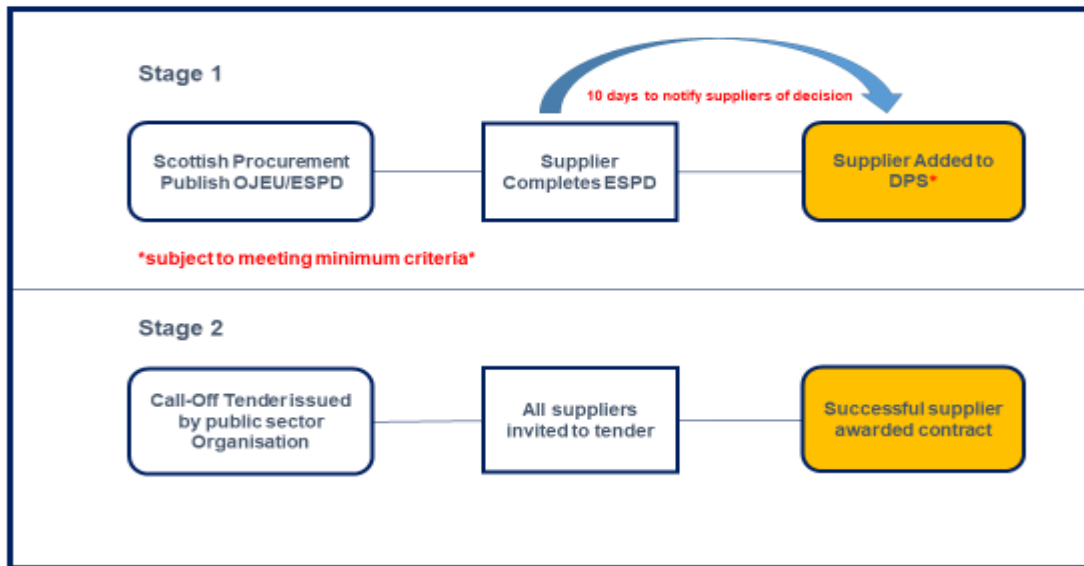
A DPS is a two stage process:

Stage 1 - Suppliers can apply to participate by completing the European Single Procurement Document (ESPD) via the Public Contracts Scotland Tender portal (PCS-T). Suppliers are required to complete the ESPD and meet the minimum selection criteria stated.

NOTE: Stage 1 has already been undertaken by Scottish Procurement whilst establishing the DPS. However, new suppliers can still apply to join at any time during its term and Scottish Procurement will continue to process these applications.

Stage 2 – Scottish public sector bodies will issue a call for competition / tender for the services they require within the DPS. All suppliers registered must be invited to tender. Suppliers can then bid for call-off contracts that are issued via the DPS.

The diagram below offers a simple high level illustration of how the DPS operates.



- there is no maximum or minimum number of suppliers
- Suppliers have the option to join the DPS at any time

8. Benefits

A DPS is an effective and efficient procurement procedure that can benefit both suppliers and buyers alike. Below are just some of the benefits you can expect to find when using the system:



9. Using the DPS for tenders

The DPS is for Network Advice that is commonly available in the market. It provides a list of pre-qualified suppliers that have met the minimum entry criteria. It is a simple

route to market which will enable organisations to procure their network advice requirements without having to go through an onerous OJEU process, meaning buyers need only issue and evaluate their individual tenders.

There is no “direct award” process available via the DPS and buyers must give all suppliers that have been established on the DPS the opportunity to respond to your call for competition/Invitation to Tender (ITT). In our experience of other DPS’, it is unlikely that all suppliers will bid for all opportunities as they will “self-select” the tenders they bid for on a case by case basis.

It is important that you ensure that all suppliers are included in all communications in relation to your tender as the process you adopt must be transparent.

Once the tenders are returned to you, the evaluation would be carried out and a call-off contract awarded to the successful supplier. There is no requirement to carry out a standstill exercise.

10. Calls for competition

Scottish public sector bodies should develop their tender documents as they would for any tender, including how and when to respond, along with details of the evaluation criteria to be used. Responses received by the deadline should then be evaluated and the tenderer that offers the most economically advantageous tender should be awarded the call-off contract.

You must give suppliers a minimum of 10 days to respond to any tenders issued via the DPS. However, buyers should take into account the complexity of their requirement and be pragmatic when deciding the duration a tender is open for.

The award criteria must include both cost and quality of service. The weightings should be determined prior to issue of the tender documents. Please note that the overall weightings must be within the following ranges:

- **Quality/Technical: 40-80%**
- **Price: 20-60%**

All DPS call off transactions must be carried out electronically.

To help buyers use the DPS, a dedicated area within Public Contracts Scotland – Tender (PCS-T) has been created specifically for buyers to call-off from the DPS. There is no need to undertake the two day PCS-T training course to get access to this dedicated area within PCS-T. Once you gain access, there is a template which contains information that will help you run your call for competition.

Prior to issuing your full ITT documentation you have the option to engage with all the suppliers about your potential opportunity. This can be helpful to gauge interest and views from suppliers on your requirement.

For example, you may wish to issue a project summary document highlighting the key aspects of your requirement which will allow suppliers to review before the full ITT documentation is issued.

Should you choose to issue this via the dedicated DPS area of the PCS-T system, please clearly identify this as an 'Expression of Interest' (or similar wording) in the title to avoid confusion with actual ITT documentation.

In order to be added to this dedicated area you need to:

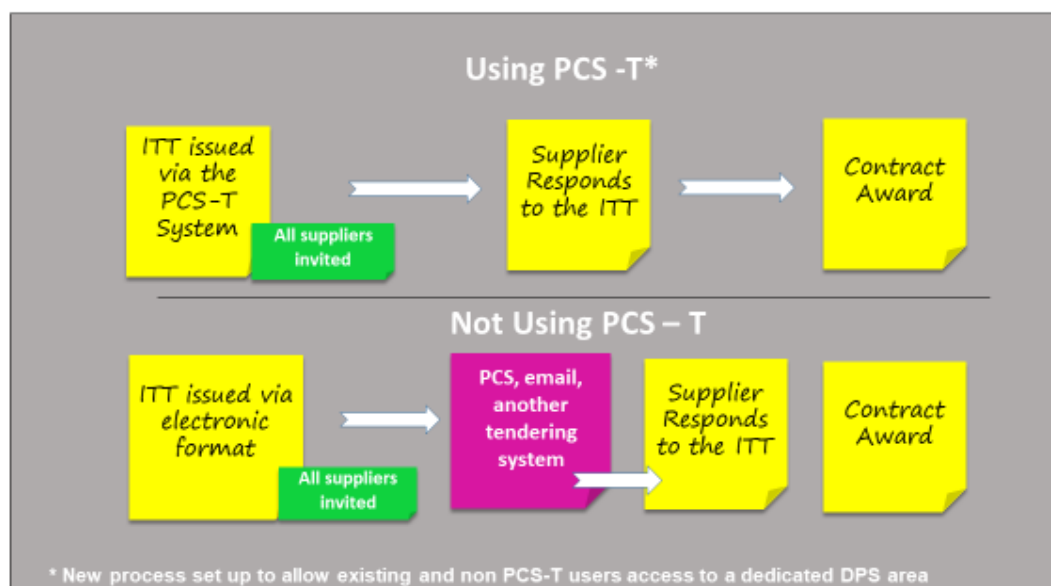
- Contact the DPS generic mailbox NetworkAdvice_DPS@gov.scot and ask to be added to the system.

- When you receive confirmation you have been added you will also receive the PCS-Tender 'DPS Call-off User Guide'.

When you are running a call off contract through PCS-T, you need to create the ITT from the DPS template. You can 'create from existing ITT' using the following code: ITT_27324.

Buyers should only request access to this DPS dedicated area when you have a tender requirement.

Buyers that do not wish to use the dedicated PCS-T area can run the DPS call-off by any electronic means, for example, email or any electronic portal. To do so you can obtain a copy of the supplier contact list(s) by emailing the following mailbox NetworkAdvice_DPS@gov.scot



11. Terms and conditions

Two template sets of Terms and Conditions (Ts&Cs) have been provided that may be used by organisations should they wish. There is a basic set of Ts&Cs covering small value, straightforward requirements and also a set of Ts&Cs which cover more complex and specific ICT requirements. The Ts&Cs are not mandated but have been provided to assist you if you wish to consider them.

It is for the buyer to review and consider the Ts&Cs (including seeking any legal advice they feel is required) in relation to these.

You may wish to use your own Ts&Cs when calling off from the DPS.

Regardless of whether you choose to use the template Ts&Cs or your own, you should include them as part of your tender documents and subsequent call-off contract.

The template Ts&Cs can be found as an attachment on PCS-Tender (within the DPS) and on the ICT Networks section of the Scottish Procurement [Knowledge Hub](#)

12. Awarding contracts

Contracts should be awarded in an open, fair and transparent manner at all times and you should ensure that the winning contractor offers the Most Economically Advantageous Tender (MEAT). There is no obligation for you to undertake a standstill period.

In all regulated procurements, for example, those valued in excess of £50,000, including a DPS call-off, the Scottish public sector bodies must publish an appropriate contract award notice.

Contract call-off award notices may be grouped on a quarterly basis. Grouped notices must be sent for publication within 30 days of the end of each quarter.

13. Frequently asked questions

1. Who can use the DPS?

It is the responsibility of any buying organisation wishing to use the framework agreement to satisfy itself that it is eligible to do so. Entitlement can be established from the terms of the Official Journal of the European Union (OJEU) advert (OJEU reference number: 2018/S 095-216209. Section III.1.1 of the advert refers; copy embedded).

The Dynamic Purchasing System will be available for use by the Scottish Ministers (including agencies), Scottish Non-Departmental Public Bodies, offices in the Scottish Administration which are not ministerial offices, cross-border public authorities within the meaning of Section 88(5) of the Scotland

Act 1998, the Scotland Office, the Scottish Parliamentary Corporate Body, councils constituted under Section 2 of the Local Government etc. (Scotland) Act 1994, Scottish Fire and Rescue Service, the Scottish Police Authority, Scottish health boards or special health boards, all NHS Scotland, The Integrated Joint Boards established further to the Public Bodies (Joint Working) Act 2014, bodies registered as social landlords under the Housing (Scotland) Act 2001, Student Loans Company Limited, the Forestry Commission, the Commissioner of Northern Lighthouse operating as the Northern Lighthouse Board, Equality and Human Rights Commission, Business Stream Ltd, the Business Gateway National Unit at the Convention of Scottish Local Authorities, further or higher education institutions being fundable bodies within the meaning of Section 6 of the further and Higher Education (Scotland) Act 2005, any public body established by or under the Scotland Act 1998 or any Act of the Scottish Parliament, any association of or formed by 1 or more of the foregoing, bodies financed wholly or mainly by 1 or more of the foregoing, bodies subject to management supervision by one or more of the foregoing and bodies more than half of the board of directors or members of which, or, in the case of a group of individuals, more than half of those individuals, being appointed by one or more of the foregoing. In addition to the Scottish public sector bodies listed, the Dynamic Purchasing System will be available to charities entered on the Scottish Charity Register and voluntary organisations entered on the Membership Database of the Scottish Council for Voluntary Organisations.

Information about [Scottish Public Bodies](#)

Information about the [Review of Public Procurement in Scotland](#) and links to the other Centres of Expertise

2. Are the standard terms and conditions available on the DPS subject to Scots law?

Yes – if you use the terms made available by Scottish Government they are subject to Scots law. However if using your own terms and conditions, or in circumstances where you use the supplier terms, these will be subject to the specified legal jurisdiction in those terms.

3. Is there a process for providing feedback back into Scottish Procurement on issues relating to the DPS and the contractor's performance?

For any issues or feedback then please contact NetworkAdvice_DPS@gov.scot

4. Does the DPS allow for community benefits?

'Community benefits' are social considerations which include not only targeted recruitment and training, but also equal opportunities, training for the existing

workforce, supply chain initiatives, community consultation, ‘considerate contractor’ schemes, contributions to education, the promotion of social enterprises, and resources for community initiatives.

It is strongly recommended that you include details of any community benefits you want to be delivered as part of the service - you should include these at tender stage of your call-off.

5. Does the DPS consider Fair Work?

For more information on Fair Work practices please see the Scottish Procurement Policy Note [SPPN 1/2015](#).

When establishing the DPS, Scottish Procurement sought details from Suppliers whether they intend to pay staff involved with the delivery of call-offs the [Real Living Wage](#). On the date the DPS was established, 100% of suppliers had confirmed that all staff directly involved would be paid at least the real living wage.

Upon establishment of the DPS, Scottish Procurement positively encouraged Fair Work and the suppliers were notified that Fair Work practices may be included within call-offs. As such, buyers are encouraged to incorporate Fair Work practises within their individual call offs and build this it into their tenders.

6. Can the DPS be used for “direct awards”, perhaps for low-value contracts?

No. The procurement rules state that each requirement under a DPS must be competed and all suppliers must be invited to bid.

7. Does the standstill period apply to contracts under the DPS?

No. The standstill period is not obligatory for individual contracts awarded under a DPS.

8. Do I need to provide suppliers with a minimum time period to respond to tenders?

Yes. The minimum time period for receipt of tenders is 10 days from the date on which the call for competition was sent. However, an appropriate and pragmatic timescale should be provided to allow suppliers a reasonable time to respond.

9. Does the DPS encourage SME access to public contracts?

The DPS has many aspects that make it “SME friendly” and getting onto the DPS is less onerous for SMEs.. Also suppliers can join the DPS at any time.

10. If there are a large number of suppliers on the DPS, how will we effectively resource and undertake competitions for individual contracts?

The DPS is no more onerous than the open procedure for individual contracts; in fact it is easier, as you will only have to examine tenders received and not assess supplier's exclusion and selection status for every contract (ESPD). We also know from experience that suppliers will "self-select" what tenders they bid for and it is unlikely that all suppliers will bid for all tenders. As the DPS is for network advice commonly available on the market, it may also be possible in many cases to run relatively straightforward award evaluation criteria, which will help to keep resource requirements in check.

The process you adopt must be fully transparent to the suppliers and must clearly layout your evaluation process.

11. Do I need to provide a debrief to unsuccessful suppliers?

There is no requirement for a "standstill" period under a DPS. However, you are not prohibited from either proactively providing feedback or offering to provide feedback on request which also can be seen as being good practice. Where you do provide or offer feedback you should treat all suppliers equally.

12. Is there any minimum/maximum durations to the contract call-offs and can contracts overhang the DPS period?

There is no minimum/maximum duration for the contract call-offs but the duration should be proportionate. As the "new" procurement rules specifically allow "overhang" in frameworks there is no reason to consider that proportionate overhang would be impermissible in DPS. As with all procedures, the DPS should not be used in a way which will distort or prevent competition.

13. How do I issue calls for competition / ITT

The best option for carrying out your tender process is through PCS-T. The option to use PCS-T is now available to any buyer (even if you are not a current PCS-T user) for tenders via the DPS. There is no need to undertake the two day PCS-T training course. A straightforward and easy to follow guide is available when you register to access the DPS area. To access PCS-T then please contact the mailbox NetworkAdvice_DPS@gov.scot

Those buyers that choose not to use PCS-T can still make use of any electronic process such as Public Contracts Scotland, e-mail, existing procurement systems etc. If you decide not to use PCS-T, please ensure you have the full list and contact details of suppliers and this can be found by contacting the mailbox NetworkAdvice_DPS@gov.scot

