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# Scottish Procurement

## Supplier Guide

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**Requirements Reserved for Supported  
Businesses Dynamic Purchasing  
System (DPS)**

**Ref: SP-23-011**

Version 1:1 – 09 August 2023

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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 process.

### 2. Introduction

Scottish Procurement has created this Dynamic Purchasing System (DPS) for Requirements Reserved for Supported Businesses in order to continue provide the Scottish public sector and third sector bodies with a route to market for a range of goods and services provided by supported businesses. This guide has been developed to assist suppliers who are interested in joining the DPS.

The key aim of the Requirements Reserved for Supported Businesses DPS is to provide Scottish Public Sector and Third Sector Bodies (Framework Public Bodies) with a clear path for the

purchase of goods and services from Supported Businesses and in doing so, support the integration of disabled and disadvantaged citizens into the mainstream workforce. It is also hoped that the publicly available list document of supported businesses on this DPS may act as focal point for private sector organisations in the marketplace, who may wish to use supported business in their own supply chains.

Supported businesses are organisations whose main aim is to integrate disabled or disadvantaged people socially and professionally.

### **3. What is a dynamic purchasing system (DPS)?**

A DPS is an electronic method of procurement, based on a list of pre-qualified suppliers for commonly used goods and services, from which Scottish public sector organisations can invite tenders. As a procurement process, it has some aspects that are similar to a framework agreement but the Contract Notice will remain open throughout the lifetime of the DPS meaning that new suppliers can join at any time.

However, it is a wholly electronic process, with opportunities competed for through calls for competition. There is no limit to the number of suppliers that can participate in the DPS and suppliers have the ability to apply to join at any time during the period of the DPS. Further information can be found at the [Supplier Journey](#). It has its own specific set of requirements and it is run as a completely electronic process, and is set up under regulations as set out in Regulation 35 of the Public (Contracts) Scotland Regulations 2015.

### **4. Duration of the DPS**

The DPS will be for an initial two-year period until 08 September 2025. Call off contracts awarded via the DPS will have no constraints on their duration, meaning there will be no minimum/maximum call-off period.

Scottish Procurement reserve the right to stop or extend the operation of the DPS at any time.

### **5. How a DPS works**

A DPS is a two-stage process:

- a. To be established on the DPS, suppliers must complete the Single Procurement Document (SPD) held within Public Contracts Scotland – Tender (PCS-Tender) [https://www.publiccontractsscotland.gov.uk/search/show/search\\_view.aspx?ID=AUG485087](https://www.publiccontractsscotland.gov.uk/search/show/search_view.aspx?ID=AUG485087) and meet the minimum entry criteria, detailed within the Contract Notice to be established on the DPS.

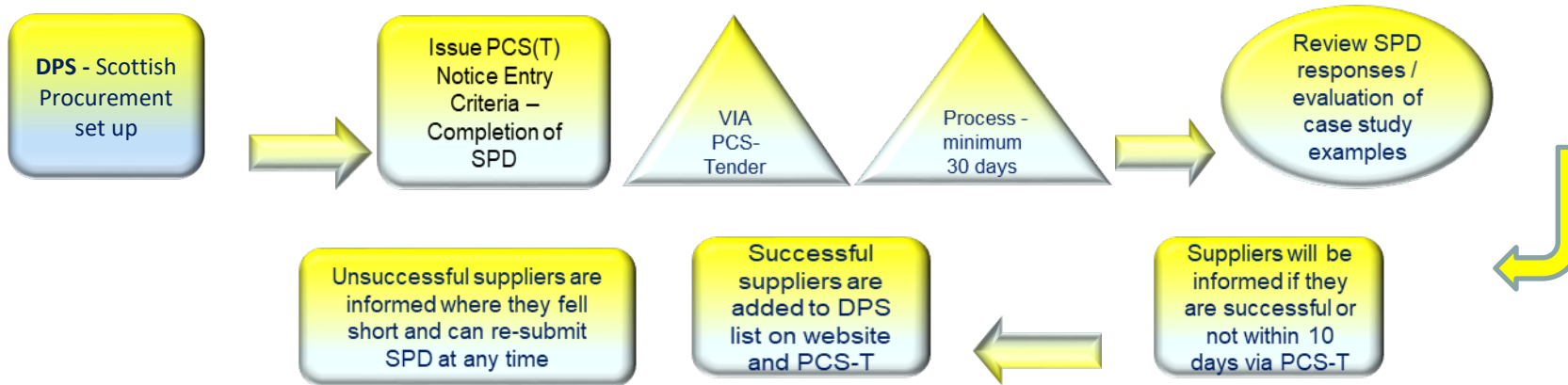
Participants must also complete within this SPD, 'Annex A' to this Dynamic Purchasing System which requests confirmation from bidders on their meeting of the reserved contract criteria described as the 'two-part test' introduced by European Directive 2014/24/EU and

given effect in Scotland through the Public Contracts (Scotland) Regulations 2015, Section 2, Regulation 21.

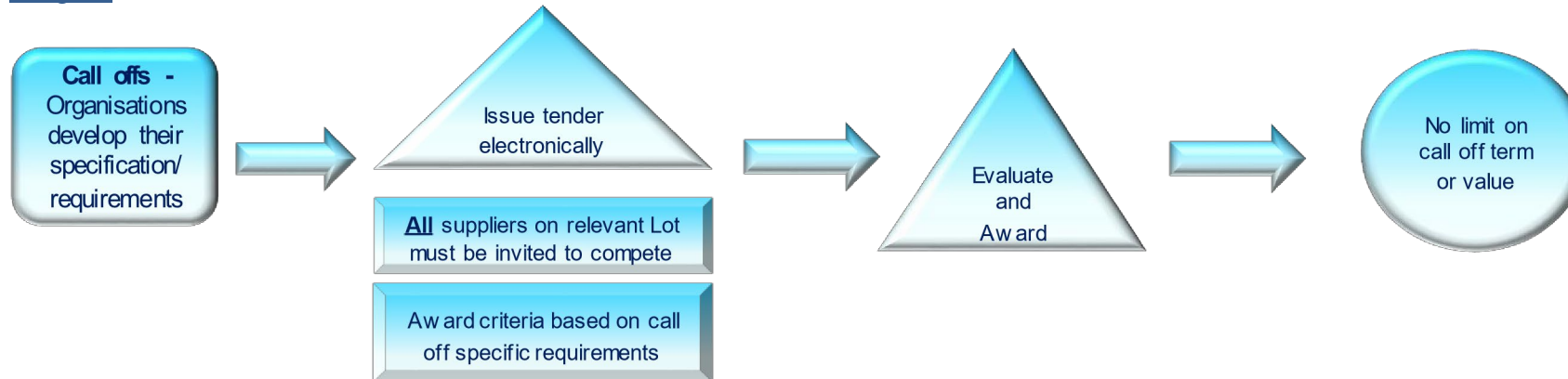
- b. Scottish public sector organisations will issue their Invitations to Tender (ITT or call off contract) via the DPS and all suppliers will be notified that there is an opportunity which they can view and determine if they wish to submit a tender for each individual ITT or call off contract).

The diagram below offers a simple high-level illustration of how the DPS operates. A handy checklist is available for suppliers at Annex A of this guide.

## Stage 1



## Stage 2



Throughout its term, suppliers can join (subject to meeting the entry criteria) or remove themselves from the DPS at anytime

## **6. Scope**

The Requirements Reserved for Supported Businesses DPS is intended to deliver a range of goods and services which can be provided by supported businesses. The key aim of the Requirements Reserved for Supported Businesses DPS is to provide Scottish Public Sector and Third Sector Bodies (Framework Public Bodies) with a clear path for the purchase of goods and services from Supported Businesses and in doing so, support the integration of disabled and disadvantaged citizens into the mainstream workforce.

Supported businesses are organisations whose main aim is to integrate disabled or disadvantaged people socially and professionally.

**The scope of goods and services will be identified during the Tendering process.**

This DPS has only one Lot for all goods and services that supported businesses can provide. A list of a supported businesses on this DPS along with details of the goods and services each supported business can provide will be publicly available for all public sector buyers (and private sector) buyers to access.

Suppliers should note:

- Suppliers have the option to apply to join the DPS at any time. Should suppliers be unsuccessful, they will be informed of the reasons and will be able to re-apply at any time.

## **7. DPS – the benefits**

A DPS is a remarkably simple procurement procedure that benefits both suppliers and buyers. Some of the benefits that supported business suppliers can expect when signing up to the DPS are detailed below.

- Easy to join DPS – not resource intensive;
- Can apply to join or leave DPS at any time;
- No limit to the number of suppliers on a DPS;
- Open to suppliers of all sizes;
- Suppliers need only complete an SPD once;
- Electronic process.

## **8. How to join the DPS – the process**

Applying to join the DPS is an uncomplicated process. The DPS must be operated electronically and Scottish Procurement have ensured the systems used are ones which suppliers may be familiar with. Suppliers can apply to join the DPS by registering on the systems below. The systems are easy to use and contain step by step guides.

- Register with Public Contracts Scotland (PCS) website for access to the DPS Contract Notice. The system is free to register.  
[https://www.publiccontractsscotland.gov.uk/search/show/search\\_view.aspx?ID=AUG485087](https://www.publiccontractsscotland.gov.uk/search/show/search_view.aspx?ID=AUG485087)

Suppliers can view the live contract notice on the Public Contracts Scotland portal at any time during the DPS lifetime. The contract notice advises Suppliers how to find the SPD (Single Procurement Document) on the PCS-Tender system and a description of the single Lot and the minimum selection criteria. Suppliers must register (free of charge) for a login on PCS-Tender to access the PQQ. The contract notice provides suppliers with instructions on where to find the live SPD on the PCS-Tender system and provides essential information suppliers will require.

[https://www.publiccontractsscotland.gov.uk/Access/Login.aspx?ReturnUrl=%2fAuthority%2fauthority\\_controlpanel.aspx](https://www.publiccontractsscotland.gov.uk/Access/Login.aspx?ReturnUrl=%2fAuthority%2fauthority_controlpanel.aspx).

- Register with **Public Contracts Scotland – Tender (PCS-Tender)** website to access and submit the SPD (Single Procurement Document) form. The system is free to register. Suppliers are invited to note an expression of interest on [PCS-Tender](#). It contains the SPD which suppliers need to complete in order to apply to join the DPS. Suppliers should search for the DPS under the “**Project Code: 24782**” in PCS-Tender.  
<https://www.publictendersscotland.publiccontractscotland.gov.uk/web/login.html>
- Suppliers should note that the SPD is all that needs to be completed. The SPD comprises a Qualification Envelope for the SPD and an attached ‘Annex A’ document to this Dynamic Purchasing System which requests confirmation from bidders on their meeting of the reserved contract criteria described as the ‘two part test’ introduced by European Directive 2014/24/EU and given effect in Scotland through the Public Contracts (Scotland) Regulations 2015, Section 2, Regulation 21. There is no other tender documentation to be submitted at this stage.
- SPD title: Scottish Procurement – Requirements Reserved for Supported Businesses Dynamic Purchasing System  
**Project Code: 24782**

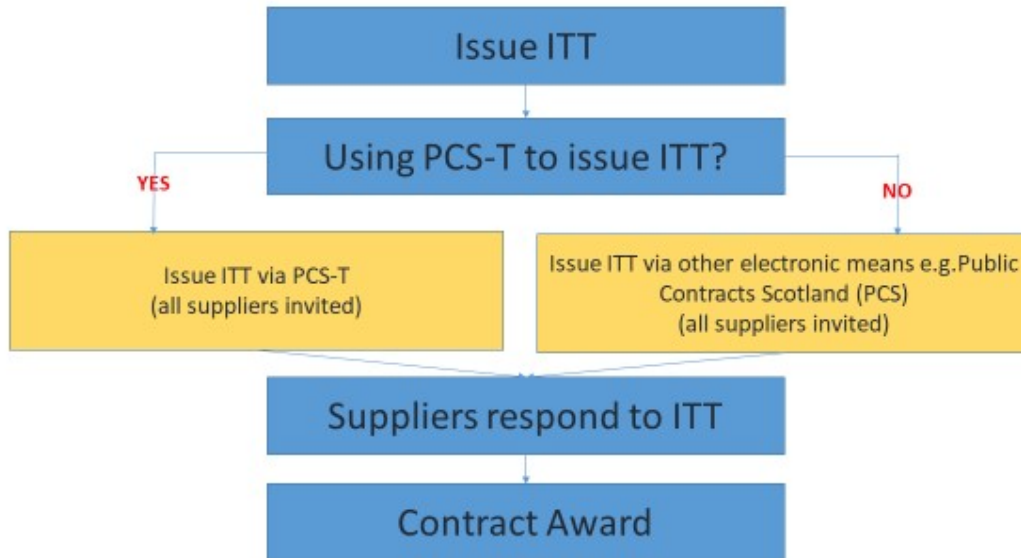
**Note: A Supplier Response Guide is available in PCS-Tender.**

Suppliers will receive a decision from Scottish Procurement via the PCS-T message board within 10 (ten) working days of submitting their application to join the DPS.

## **9. Issuing the ITT - electronic options**

Scottish public sector buying organisations have options when issuing tenders. The recommended option is PCS-Tender however other systems or processes may be used. An illustration of the options is demonstrated in the diagram below:





## 10. Inviting suppliers to tender

Successful suppliers must be given the opportunity to submit a price and delivery quotation when there is a requirement for the Goods and/or Services they provide. Suppliers should note that where there is more than one supplier for a particular requirement either goods or services, competition will be mandated. The exact format of the mini competition however will be a matter for the public body and their own governance procedures. There is NO direct award procedure under a DPS where mini competition is available.

### Public Contracts Scotland – Tender (PCS-Tender): call-off process

The majority of invitations to tender will be issued via the PCS-Tender system. This process allows buyers to issue documentation to all suppliers at the push of a button.

The use of PCS-Tender is not mandatory for the DPS and buyers can still use their own electronic method if they prefer but this process will be the most common approach.

## 11. What is included within the ITT

The invitation to tender (ITT) documents should include a technical and commercial criterion aimed at assessing the supplier's ability to deliver the requirement and the cost of doing so. The ITT documents will be developed by the contracting authority and the award criteria will include both cost and quality of service.

Suppliers will be given a minimum of 10 days to respond to ITTs however many procurement exercises may allow longer response times – this will depend on the complexity of the requirement.

## **12. Awarding contracts**

Contracts will be awarded in an open, fair, and transparent manner at all times and will be awarded to the supplier offering the most economically advantageous tender (MEAT).

There is no obligation to undertake a standstill period by the contracting authority when awarding a contract under the DPS. Any voluntary standstill period will be assessed on an individual basis. Regulated contract award notices will be published via the Public Contracts Scotland portal.

It is worthy of note as supported businesses are described in the Public Contracts (Scotland) Regulations 2015, Section 2, Regulation 21 on Reserved contracts.

All award notices must specify that the award is a reserved award under the Public Contracts (Scotland) Regulations 2015, Section 2, Regulation 21 and refers to Article 20 of the Directive.

For a Reserved Contract all the normal procurement rules apply, including being subject to all procurement legislation.

If a contract is to be a Reserved Contract, then this must be stated within the Contract Notice.

## **13. Updating Company/Organisation Details**

It is your responsibility to ensure that company/organisation details are kept up to date (contact details/e-mail addresses) and to update the DPS Manager (below) of any changes to your company/organisation structure e.g., the company/organisation has ceased trading or has been bought over/merged. Only the company/organisation named on the DPS and in the SPD is allowed to tender for opportunities. If your company changes name then they will need to submit a new SPD and have the old profile removed.

Please note that the key aim of the Requirements Reserved for Supported Businesses DPS is to provide Scottish Public Sector and Third Sector Bodies (Framework Public Bodies) with a clear path for the purchase of goods and services from Supported Businesses and in doing so, support the integration of disabled and disadvantaged citizens into the mainstream workforce.

Supported businesses are organisations whose main aim is to integrate disabled or disadvantaged people socially and professionally.

Scottish Procurement will on an annual basis contact each Company/Organisation (supported business) on the DPS List to confirm that each supported business on this list continues to meet

the 'two-part test' that determines whether an organisation meets the definition of a supported business for the purposes of public procurement legislation

The definition of a Supported Business is twofold and is known widely as the 'two-part test'. Firstly, a bidding organisation must have the social and professional integration of disabled and disadvantaged persons as its main aim. This may be evidenced in the organisation's Articles of Association (in the case of companies) or such other constitutional documentation that governs the organisation. It is within the discretion of individual public bodies to determine whether a bidding organisation has demonstrated the requirement that it has as its main aim the social and professional integration of disabled and disadvantaged persons.

Secondly, the definition requires that at least 30% of the employees of the organisation are disabled or disadvantaged. Regulation 2 of the Public Contracts (Scotland) Regulations 2015 states "disabled", in relation to a person, means a disabled person within the meaning of the Equality Act 2010 and, in relation to a worker, means a disabled person who is a worker.

Annex B to this document (shown below) replicates the two-part test that is held within PCS-Tender SPD (Single Procurement Document) which comprises the 'Qualification Envelope' for the SPD and an attachment within this SPD envelope. Within this 'Qualification Envelope' is a document named as 'Annex A' to this SPD for this Dynamic Purchasing System.

This document requests bidders to confirm their meeting of the reserved contract criteria described as the 'two part test' introduced by European Directive 2014/24/EU and given effect in Scotland through the [Public Contracts \(Scotland\) Regulations 2015, Section 2, Regulation 21](#).

#### **14. Additional Information on Supported Businesses**

The key aim of the Requirements Reserved for Supported Businesses DPS is to provide Scottish Public Sector and Third Sector Bodies (Framework Public Bodies) with a clear path for the purchase of goods and services from Supported Businesses and in doing so, support the integration of disabled and disadvantaged citizens into the mainstream workforce.

The [sustainable procurement duty](#), outlined in Procurement Reform (Scotland) Act 2014, aligns with our purpose to create a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth.

It is underpinned by the [National Performance Framework](#) and Scotland's Economic Strategy.

The [sustainable procurement duty](#) requires that before a public sector contracting authority buys anything, it must think about how it can improve the social, environmental and economic wellbeing of the area in which it operates, with a particular focus on [reducing inequality](#).

It also requires a public sector contracting authority to consider how its procurement processes can [facilitate the involvement of SMEs, third sector bodies and supported businesses](#), and how public procurement can be used to promote innovation.

Irrespective of the processes described in this DPS for Requirements Reserved for Supported Businesses suppliers guide. All public sector procurement buyers have the ability to “reserve” any procurement exercise so that the contract or part of it e.g., a lot or lots, can only be supplied by a Supported Business or Businesses.

The Public Contracts (Scotland) Regulations 2015, Section 2, Regulation 21 states

21.—(1) A contracting authority may—

- (a) reserve the right to participate in procurement for the award of a public contract or framework agreement to a supported business; or
- (b) provide for such a contract or framework agreement to be performed in the context of a supported employment programme.

For a Reserved Contract all the normal procurement rules apply, including being subject to all procurement legislation.

If a contract is to be a Reserved Contract, then this must be stated within the Contract Notice.

Supported Business suppliers are encouraged when they interact with public sector procurement buyers to remind them of [Public Contracts \(Scotland\) Regulations 2015, Section 2, Regulation 21](#) and their ability to choose to reserve the right to participate in procurement for the award of a public contract or framework agreement to a supported business and the direction given in [the sustainable procurement duty](#), outlined in Procurement Reform (Scotland) Act 2014.

## 15. Contact details

Scottish Procurement points of contact:

DPS Manager:

Scott McCrindle, Collaborative Delivery Manager, National Collaborative Procurement Division – Collaborative Delivery

✉ [scott.mccrindle@gov.scot](mailto:scott.mccrindle@gov.scot)

Mobile: 07967 320715

## ANNEX A

### Checklist for Requirements Reserved for Supported Businesses DPS suppliers

To ensure suppliers do not miss out on contract opportunities via the DPS, it is recommended that suppliers have multiple email addresses listed against their Public Contracts Scotland - Tender (PCS-T) account or alternatively, a shared mailbox account.	✓
Most Invitations to Tender (ITTs) will be issued via PCS-T however please note they may also arrive via other electronic means e.g., Public Contracts Scotland (PCS) or another tendering portal.	✓
Ensure contact email addresses on PCS and PCS-T are reviewed on a regular basis.	✓
Ensure you are aware of the closing date or time for receipt of tenders.	✓
Ask for clarification on any aspect of the services you are tendering for noting there may be a closing date or time for receipt of clarification questions.	✓
If you do not wish to bid for a requirement, you do not need to opt out or notify the issuing organisation, however it is good practice to consider this course of action.	✓
It is essential that suppliers provide timely Management Information to Scottish Procurement and the Contracting Authority upon request e.g., contract details, spend information.	✓

## ANNEX B

### Information Requested from Suppliers within the PCS-Tender SPD (Single Procurement Document) on the definition of a Supported Business

The information below replicates the information request that is held within PCS-Tender SPD (Single Procurement Document) to this Dynamic Purchasing System which requests at the document called 'Annex A', confirmation from bidders on their meeting of the reserved contract criteria described as the 'two part test' introduced by European Directive 2014/24/EU and given effect in Scotland through the [Public Contracts \(Scotland\) Regulations 2015, Section 2, Regulation 21](#).

"Tenderers must demonstrate that they meet the definition of a Supported Business who may be interested in supplying their Goods and or Services to the public sector in Scotland to be allowed a place on this Requirements Reserved for Supported Businesses Dynamic Purchasing System (DPS).

Please complete the template at Annex A below and return and submit this information as a part of your tender response.

The information requested in the Annex will form part of the basis for a bidder's acceptance to this DPS.

Bidders who do not evidence that they meet the 'two part test' in line [The Public Contracts \(Scotland\) Regulations 2015, Section 2, Regulation 21](#) will not be awarded a place on this Requirements Reserved for Supported Businesses Dynamic Purchasing System (DPS)"

**"Annex A - Requirements Reserved for Supported Businesses Dynamic Purchasing System (DPS) – Reference Number: SP-23-011 – Two Part Test Confirmation of a Supported Business.**

Name of Organisation:

Address:

Contact Name:

Phone No:

Email Address:

(a) Please provide evidence which demonstrates that your organisation meets the first part of the definition at [The Public Contracts \(Scotland\) Regulations 2015, Section 2, Regulation 21](#).

“supported business means an economic operator whose main aim is the social and professional integration of disabled or disadvantaged persons.”

For this part of the ‘two-part test,’ we request that an organisation **must have the Social and Professional Integration of Disabled and Disadvantaged persons as its main aim**. This may be evidenced in the organisation's Articles of Association (in the case of companies) or such other constitutional documentation that governs the organisation, this documentation can be in the public words, or in an organisation’s public web site.

**Main aim is the Social and Professional Integration of Disabled or Disadvantaged Persons. Please confirm that your organisation meets this criterion and state the relevant constitutional document for your organisation where information is referenced.**

(b) Please provide information in relation to the second part of the ‘two part test’ which demonstrates that your organisation meets the definition at [The Public Contracts \(Scotland\) Regulations 2015, Section 2, Regulation 21](#) of the test i.e. “and where at least 30% of the employees of the economic operator are **disabled or disadvantaged** persons.

<b>Total Number of Employees</b>	
<b>Total Number of Disabled Employees</b>	
<b>Total Number of Disadvantaged Criteria Employees (Please note the request below for a breakdown of this number)</b>	
<b>Percentage (%) of Employees of the economic operator who are disabled and disadvantaged persons</b>	

<b>Disadvantaged Criteria</b> - Please also list all the criteria you have used to make this determination of your employees. Examples of disadvantage may include, but not be limited to,	<b>Number of Employees</b>
<b>Criteria 1</b> - Barriers which impact on an individual’s ability to find and retain work, e.g., caring responsibilities, care leavers, ex-offenders	
<b>Criteria 2</b> - Previously long term unemployed i.e., > 12 months unemployment within the previous 2-year period	
<b>Criteria 3</b> - English is their second language	
<b>Criteria 4</b> - Employees who do not have any recognised educational or vocational qualifications	
<b>Criteria 5</b> - Homeless employees	
<b>Criteria 6</b> - Employees who are resident in the <a href="#">Scottish Index of Multiple Deprivation 5% most deprived areas</a> .	
<b>Criteria 7</b> - Additional Other Criteria	

(i) Please provide the total number of employees.

(ii) Please provide the total number of disabled employees

(iii) Please provide the total number of employees you consider to be disadvantaged.

(iv) Please provide the % of employees who are disabled and disadvantaged.

(v) For those you consider to be **disadvantaged** in your response, please list the criteria you have used to make this determination.

(vi) Where an employee is both disabled and disadvantaged, please do not double count i.e., please include them in the disabled % not the disadvantaged %.



Guidance Note:

(vii) Please also list all the criteria you have used to make this determination. Examples of disadvantage may include, but not be limited to, barriers which impact on an individual's ability to find and retain work, e.g. caring responsibilities, care leavers, ex-offenders, English is their second language, previously long term unemployed i.e. > 12 months unemployment within the previous 2 year period, employees who do not have any recognised educational or vocational qualifications, homeless employees, employees who are resident in the [Scottish Index of Multiple Deprivation 5% most deprived areas](#) .