

16th June 2016

Herefordshire Council

Development and Regeneration Programme

Information Document 2

Indicative Competitive Dialogue Process Guide

Version (3)

(CDPG)

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SECTION 1: Overview of the Process

Part One: Process Outline

- 1.1 This document sets out the proposed competitive dialogue process (the Process) to be followed by the Council; however the Council reserves the right to: alter the timings and structure of any of the Stages within the Process at any time. In particular, Candidates should note that the Council reserves the right to terminate the Process and when appropriate, re-advertise the requirement for the Works in the event that an insufficient number of affordable; compliant and satisfactory responses are received to ensure best value and / or genuine competition.
- 1.2 The Process is planned to consist of the following process stages (Stages):
 - Pre-Qualification with the issue of a PQQ (Pre-Qualification Questionnaire);
 - Outline Solution with the issue of an Invitation to Submit a Outline Solution (ISOS) and the submission of a Detailed Solution (ISDS);
 - Final Tender, with the issue of a call to submit a Final Tender (CFT).
- 1.3 The purpose of the Process is to progressively develop a solution with Bidders that best meets the Council's requirements due to the technical, legal and financial complexity of the Programme. The aim of the Council is to run an effective and efficient Process that seeks to build the solution stage by stage (based around Commissioning Objectives) to minimise the time taken by the process and both Bidder and Council effort and costs.

SECTION 2: Process Stages

Stage One: Pre-Qualification Stage (PQS)

- 2.1 Full details of the procedure to be followed and evaluation guidance will be made available in Information Document 1: PQQ Guidance. The Council will be using the Crown Commercial Services Standardised Pre-qualification Questionnaire. Please follow the link below for details. (Please note that additional project questions will be included to assess Candidate's technical and professional ability. These questions will be scored by the Council to allow for the shortlisting of Candidates).
<https://www.gov.uk/government/publications/public-contracts-regulations-2015-requirements-on-pre-qualification-questionnaires>
- 2.2 All Candidates will be debriefed on the relative merits of their Response. If any Candidates are not invited to submit a Outline Solution (be 'Participants') the Council may apply a voluntary standstill period of 10 days from the issue of debriefs before issuing the invitation to participate in the next stage. The Council's objective in applying this period is to improve transparency and ensure fairness and equal treatment, thereby protecting the interests of Candidates and the Council.
- 2.3 In particular, the application of the voluntary standstill period gives non-selected Candidates the opportunity to consider the reasons for their non-selection and if any areas of contention are identified, discuss these with the Council. This then allows the Council to consider any representations made and if these are agreed, rectify any issues with the evaluation before the next stage in the process is commenced. This being said it is hoped that the level of transparency contained within supporting documents will protect against any misunderstandings of requirements by Candidates and misapplication of criteria by the Council. Overall the application of a voluntary standstill period is thought to protect the interests of all.
- 2.4 This being said, the Council may choose not to apply a voluntary standstill period for example, if the application of a 10 day period would threaten the viability of Contract Award by early March 2017 or if all Candidates are invited to Participate in Dialogue.

Stage Two: Outline / Detailed Solution Stages (OS/DS)

- 2.5 Participants selected to progress to the Outline Solution Stage will be issued with an Invitation to Submit an Outline Solution (ISOS). The OS stage enables dialogue to be held with each Participant. A timetable of meetings will be prepared which will ensure that each Participant spends an equal time in dialogue and has sufficient time to prepare their Solutions. The timetable will allow each Participant to prioritise resources and to invite advisers (and funders) to attend meetings as and when required.¹
- 2.6 Following submission of Outline Solution Responses (OSRs), the dialogue will recommence and, formal written clarification questions may be issued to all Participants, as well as individual clarification questions being issued to each Participant as appropriate. Clarification meeting(s) may be held with each Participant to ensure clarity in the consideration of Outline Solutions and remove any ambiguity but the Council would seek to progress with alacrity.
- 2.7 OSRs will not be formally evaluated by the Council, but rather considered to ensure that they meet the Council's commissioning objectives. Given the limited timescales for the preparation of OSRs only details of the most material aspects of the Solution will be requested from Participants. Written feedback will be provided.
- 2.8 Based on the OSR consideration, the Council may refine the Invitation to Participate in Dialogue (ITPD), however the aim will be to limit any amendments to the documents and request Detailed Solution Responses (DSRs) (as far as possible), to the same requirements as set out within the OS documents. DSRs will then be formally evaluated. Participants will be invited to submit a Final Tender (FT) based on the evaluation of their DSRs.
- 2.9 The Council reserves the right not to invite all Participants to submit FTs. Should any Participant not be requested to submit a FT, the Council may apply a voluntary standstill period as per the process outlined at PQQ Stage (again protecting commercial confidentiality). All Participants will be debriefed on their DSRs.

Stage Four: Call for Final Tenders Stage (CFT)

- 2.9 Participants called to submit FTs (Tenderers), will have the opportunity for limited clarification of the requirements of the FT (to ensure compliance) prior to the deadline for submission.
- 2.10 Following evaluation of FTs, a Preferred Bidder will be identified subject to the approval of the Project Team's recommendation to the Council's Cabinet. The Council also reserves the right to identify a Reserve Bidder and will request that the FT from that Bidder remain on offer for a specified period of time. The Reserve Bidder will be expected to attend meetings with the Council until the specified period of time has elapsed.
- 2.11 A final business case will then be prepared for submission to the Council's Cabinet's to seek approval to award the contract. The name of the Preferred Bidder will not be disclosed until the approval by Cabinet of the award of the contract.

Stage Five: Contract Award

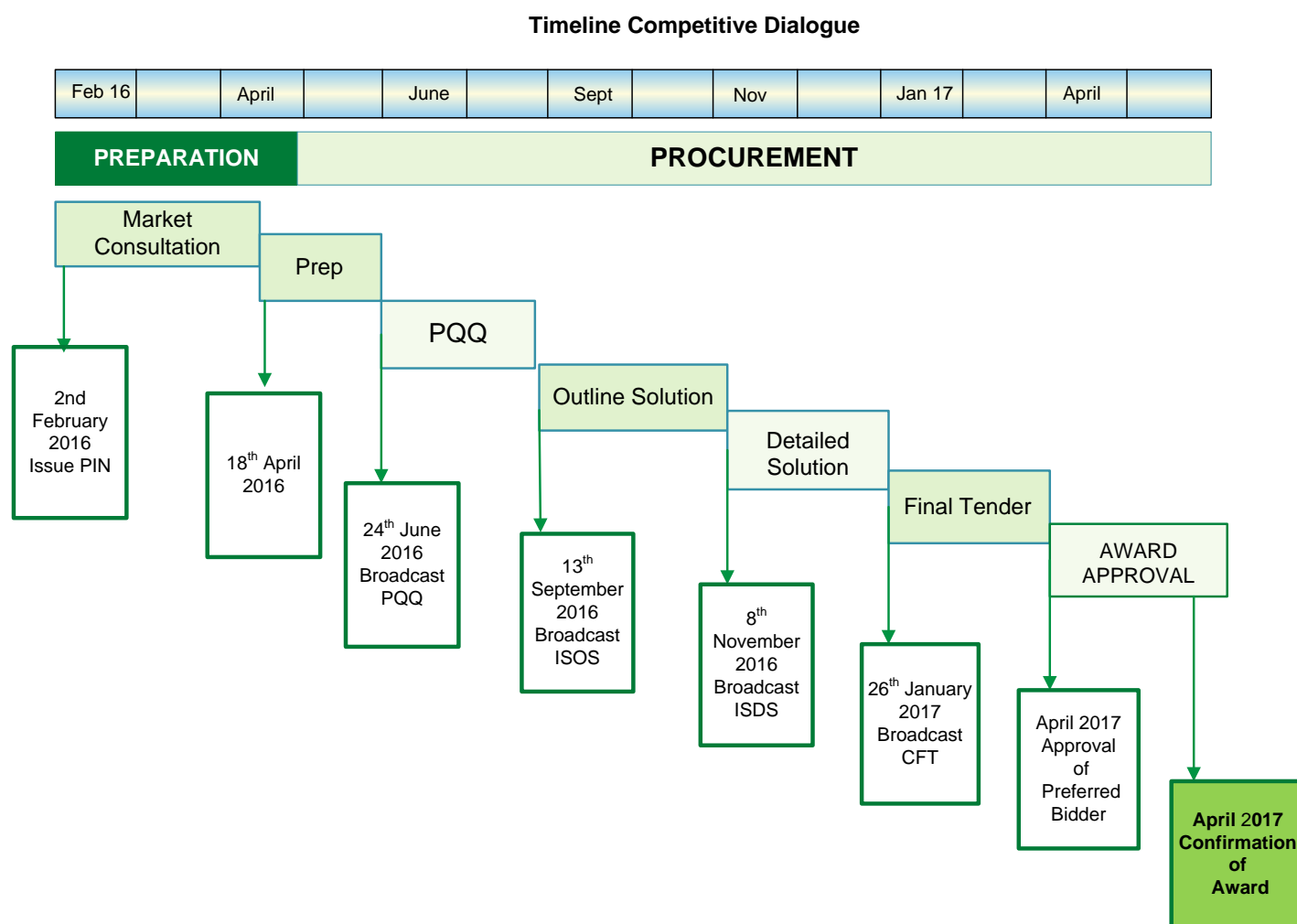
- 2.12 Following approval to award the contract, the Council will debrief Tenderers and issue an intention to award letter. The mandatory 10 day standstill period will then be applied prior to the award of the Contract. The Preferred Bidder will also be asked to confirm its tender commitments.

¹ Whilst Participant's number of dialogue attendees will be limited to 8, Participants may rotate personnel during the course of the session. For example, a Participant may choose to bring 11 attendees, having a maximum of 8 in the dialogue room ('on the pitch') at any one time, with the 3 remaining attendees being outside the room ('on the bench'), thereby ready to be substituted as the dialogue demands. In providing this discretion to Participants, the Council would ask Participants to be reasonable and not to bring attendees in 'by the bus load'. (Plus to add, that from a commissioning perspective, strength of numbers and therefore a high frequency of substitution does not always equate to increased clarity or consistency during dialogue sessions).

SECTION 3: Process Timetable

3.1 The table below outlines the proposed timetable for the Process. Candidates should be aware that the Tender Process will involve their attendance at various meetings at Council offices and at other venues within Herefordshire such as for site visits. Meetings are likely to consist of Q&A Sessions (the opportunity to put questions to Council Officers); Dialogue Meeting(s); Presentation(s) and Interview(s). The attendance of Council representatives on a Site Visit to the Candidate's premises may also be required. Advance notice will be given of any meeting requirements at the commencement of each Stage of the Process. Candidates should ensure they will be available to attend any meetings as notified.

3.2 An indicative timeline is shown below.



3.3 Indicative process timings are shown on the following page. As outlined at Section 2 above, Candidates should note that 10 day voluntary standstill periods have been included at any point in the process at which debriefs will be provided and that these voluntary standstill periods may not be applied.

3.4 As a result, the timings of all post Pre-Qualification Stages should be best viewed as indicative only. Should it be necessary for the Council to alter the structure and timings of any of the stages within the Tender Process, the Council will endeavour to provide Candidates with as much notice as possible.

3.5 Should any Candidate identify any issues with any of the Stages of the proposed timetable, such as errors or omissions, they should notify the Council immediately so that any issues can be rectified.

**DEVELOPMENT & REGENERATION PARTNERSHIP
INDICATIVE COMPETITIVE DIALOGUE TIMETABLE**

STAGE	ANTICIPATED DATES
PIN Sent for Publication in OJEU	28 th January 2016
Market Consultation Documents Available	Documents available no earlier than 12:00 noon 2nd February 2016
Consultation Appointments Available	18 th February – 15 th March 2016
Closing date for return of Market Consultation Survey	24th March 2016 12:00 noon
Market Consultation Feedback Summary Available	Onwards from w/c 18 th April 2016
Confirmation of Procurement Strategy. Approval of strategy at Cabinet Meeting 16 th June plus 3 working day call-in period.	18 th April – 18 th May 2016
Contract Notice Sent for Publication in OJEU	(Anticipated) 22 nd June 2016
PQQ Documents Available	Documents available on no earlier than 12:00 noon on the 24th June 2016
Clarification Period Closes	14 th July 2016 12:00 noon
Clarification Answers Published By:	21 st July 2016
Closing date for return of PQQ	28th July 2016 12:00 noon
Confirm Candidates to be Invited to Submit Outline Solutions: Debrief during voluntary standstill (meetings to be held w/c 5 th September). Standstill period to close midnight on 12 th September. (From this point onward dates are indicative only.)	19 th August 2016
Broadcast ISOS	13 th September 2016
Hold 1 st Round OS Dialogue Appointments (1 per Participant)	19 th September 2016
Hold 2 nd Round OS Dialogue Appointments (1 per Participant)	3 rd October 2016
Clarification Period Closes	12 th October 2016
Clarification Answers Published By:	18 th October 2016
Closing date for submission of Outline Solution	24th October 2016 12:00 noon
Written debrief & Broadcast ISDS	8 th November 2016
Hold 1 st Round DS Dialogue Appointments (1 per Participant)	14 th November 2016
Hold 2 nd Round DS Dialogue Appointments (1 per Participant)	28 th November 2016 12:00 noon
Clarification Period Closes	7 th December 2016
Clarification Answers Published By:	13 th December 2016
Closing date for submission of Detailed Solution	21st December 2016 12:00 noon
Confirm Participants to be Invited to Submit Final Tenders: Debrief (via teleconferences / meetings) during Voluntary Standstill	13 th January 2017
Potential to return to cabinet if approval required to commission any aspects of the FT	19 th January 2017
Broadcast CFT	26 th January 2017 12:00 noon
Clarification Teleconferences (1 per Participant)	1 st February 2017
Clarification Period Closes	9 th February 2017
Clarification Answers Published By:	15 th February 2017
Closing date for submission of Final Tender	22nd February 2017 12:00 noon
Intention to Award Approval at 6 th April 2017 Cabinet Meeting plus 3 working day call-in period.	6 th April 2017 – 13 th April 2017
Issue of Intention to Award & Start of Mandatory Standstill Period	13 th April 2017
Confirmation of Intention to Award of Contract (Contract Implementation onwards from 8 th March 2017)	25th April 2017

