



DVLA Procurement

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Purchasing Policy

DVLA follows the UK Government and European Commission policy on public procurement which is to comply with the various legal requirements in force and to acquire goods, services and works by competition whenever possible. The prime objective is to obtain best value for money. This means buying the items that best match our needs, having regard to a number of factors which may include quality (fitness for purpose), service, delivery against price and whole life costs including maintenance, running and disposal costs.

Procurement Services within the various business areas will establish which suppliers should be invited to submit either a simple quotation or a more formal tender. Specialist purchasing units normally keep records of potential suppliers and may ask you to send in details of the range of services you provide; your financial commercial and technical ability; your previous experience, qualifications of staff and your quality management system. References may be required from banker and previous customers, and in some cases, a visit to your premises may be requested.

For construction related services we make use of Constructionline which is a database of firms who have been financially and technically assessed as capable of carrying out work up to specified financial limits.

Public Procurement Regulations

In common with all Government departments and many other public sector organisations, we are subject to a series of EC procurement directives, implemented in the UK by the Public Procurement Regulations, which regulate how we purchase works, goods and services. We are also bound by the World Trade Organisation Government Procurement Agreement. These rules promote non-discriminatory and transparent competition between suppliers of goods, services, works and utilities.

If the value of a contract proposal is expected to exceed the threshold, and is not exempted from the regulations, then we have to publish a Contract notice in the Supplement to the Official Journal of the European Union (OJEU). In January 2004 the thresholds were set at £93,738 for supplies and certain services (some services being exempt from the advertising requirement) and just over £3,611,319 million for works; the thresholds are revised every two years. These notices enable you to express an interest in any of the proposals advertised.

The regulations set out minimum times which suppliers are allowed to reply to Notices in the OJEU. If you reply within the time limit specified in a notice published under the Restricted procedure, and enclose with your reply all the details requested, then we will consider whether to invite you to tender. You will not be invited to tender if you do not send all the specific information requested within the time limit specified by an OJEU Notice - even if you had previously expressed an interest.

There are other procedures set by the regulations - "Open" and "Negotiated" - but they are not used so often.

Access to Government Information

Under the Freedom of Information Act 2000 (“FOIA”) and the Environmental Information Regulations 2004 (“EIRs”), the Department is obliged (subject to the application of any relevant exemptions and, where applicable, the public interest test) to disclose information in response to requests for information.

You need to be aware that the Department could receive requests for any information relating to this contract. The contract will include provisions to reflect the Department’s obligations under those disclosure regimes.

The Department cannot contract out of its obligations in this respect and will only accept confidentiality clauses in very exceptional and narrowly defined circumstances. In this regard, your attention is drawn to the Code of Practice (in particular, section V thereof) issued by the Lord Chancellor under section 45 of the FOIA (section IX of the Code of Practice issued under regulation 16 of the EIRs includes similar guidance).

Tender Validity

The Department will assume that your tender will remain open for acceptance for a minimum of 60 days from the Tender Deadline or for such other period as may be specified by the Department, unless you specifically state a different period in your tender.

Acceptance of Offers

You should note that:

- i. The Department reserves the right not to accept the lowest, or any, tender.
- ii. Unless you make any formal statement to the contrary, the Department reserves the right to accept any part of the tender without accepting the remainder.
- iii. Acceptance of a tender/award of contract will be by written communication from the Department.
- iv. Where the tender process has been subject to the full EU Procurement Directives, a mandatory 10 day standstill period must be applied between communicating the award decision to tenderers and awarding the contract.

Trading Names/Invoicing

If your tender is submitted in the name of one company or organisation but you intend submitting invoices in the name of another, or require payments to be made to another, please give full details. Otherwise there may be delay in payment.

Orders

All orders under the contract will either be placed by means of the Department's official Purchase Forms, examples of which will be supplied to the successful tenderer(s), or as otherwise stated by the Department. Urgent orders may be given orally in accordance with the contract, and will be confirmed in writing.

Green Claims Code

You must ensure that any environmental claim you make related to your tender is fully in accordance with the Green Claims Code - this is available on the sustainable development website:

www.sustainable-development.gov.uk/sdig/improving/partf/gcc/index.htm

and from the following Publications Dispatch Centre, quoting product code 97 EP 0381:

DEFRA Publications
Admail 6000
London
SW1A 2XX
Tel: 08459 556000
Fax: 020 8957 5012
E-mail: defra@iforcegroup.com

Competition Procedures

For small scale requirements we aim to invite written quotations from a number of suppliers. Formal tendering procedures are usually applied to contracts above a set limit (currently £10,000). Contracts that we estimate will exceed EC financial thresholds are awarded in accordance with the EC rules on public procurement (see explanation below.) Generally we endeavour to:

- Specify requirements in terms of outputs, whenever appropriate, to encourage innovation
- Invite tenders from a sufficient number of suppliers to ensure genuine competition
- ensure tendering notify all tenderers of the broad evaluation criteria on which the decision to award the contract will be based
- Provide all tenderers with equivalent information and opportunity.

Submitting Quotations and Tenders

You are advised not to refer to any standard terms and conditions that your company may use when you submit a simple quotation. This is because we use our own standard terms and conditions.

Submission of Tenders

You should send your tender in a plain envelope, using the enclosed label. It is your responsibility to ensure your tender arrives, at the address shown no later than the time and date stated in the attached letter (unless the date is subsequently amended in writing by the Department). Your tender may be submitted before the due date.

Tenders (including any electronic copies that have been requested) must not be submitted by e-mail. The legal status of documents submitted by e-mail has yet to be clarified sufficiently to satisfy the Department's needs to ensure the integrity and probity of the Tender process.

The envelope and any other packaging or labelling should not identify the tenderer. (You should note that courier firms often put the sender's name and address on their outer envelopes.)

The Department will safeguard all tenders received and open them once the tender deadline has expired. All late tenders will be rejected. It is your responsibility to ensure that your tender is received on time.

In cases of urgency and only with prior specific approval (obtained from the Departmental Officer (for contractual matters) nominated in the invitation to tender letter), you may send your tender by facsimile or give details over the telephone. Facsimile or telephone tenders may only be submitted between 09.00 hours and the Tender Deadline on the Tender due date (as shown in the Invitation to Tender letter).

Tenders submitted by facsimile or made by telephone will only be admissible where the original and complete tender documents are received within two working days for UK tenderers, five working days for overseas tenderers and are identical with the copies sent by facsimile, or the details given over the telephone.

You must not alter any of the Department's Invitation to Tender documents. Tenders may not be considered if any of the information requested is not supplied with the tender or the tender is otherwise non-compliant or incomplete.

You must not tell anyone else, even approximately, what your tender price is or will be, before the date of contract award. The only exception is if you need an insurance quotation to calculate your tender price - in which case you may give your insurance company or brokers any essential information they ask for, provided that you do so in strict confidence.

You must not try to obtain any information about anyone else's tender or proposed tender before the date of contract award. You must not make any arrangements with anyone else about whether or not they should tender, or about their or your tender price. The only exception is where tenderers are considering joint or team bids, which will be allowed providing all participants to the discussions surrounding the bid are clearly stated in the tender response. (See also 'Group Bids').

Tender documents must not be transferred to anyone (other than the firm named in the Invitation to Tender) without the prior specific approval of the Department in writing.

You must ensure that your tender is completed legibly, in ink or typed, in English, with all prices in Sterling (exclusive of VAT), and is signed and dated where required. Any amendments you make to your tender, prior to submission, must be initialled and preferably also noted separately. Correction fluid must not be used.

Group Bids

In the event of a group of service providers, suppliers or contractors submitting an acceptable offer, the group will be required to nominate a lead partner with whom the Department can contract. Alternatively the group will need to form themselves into a single legal entity before the contract is awarded. An undertaking that the group will so form themselves, if required by the Department, must be provided when the tender is submitted.

Evaluation of Tenders

Your bid will be successful if it is the one that offers the Department the best value for money. This means buying the items that best match our needs, having regard to a number of factors which may include quality (fitness for purpose), service, delivery against price and whole life costs including maintenance, running and disposal costs.

An assessment of how likely suppliers are to fulfil the key criteria in the specification is used to evaluate bids. You will normally be informed of the broad evaluation criteria before or during the invitation process. All tenderers are assessed against the same criteria.

A contract is awarded as soon as possible after the evaluation process has been completed. A formal acceptance letter or contract document is sent to the successful tenderer and letters of decline are sent to the unsuccessful tenderers.

Alternative Tenders

If you wish you may tender on the basis of an alternative specification but if you do this then you must also submit a separate, primary, tender based strictly on the enclosed specification. Alternative tenders must be fully priced to show clearly how and where costs differ from the primary tender. You should also note that the Department reserves the right to accept an alternative tender without recourse to re-tendering.

Specification of Standards

Where reference is made to an International, European or British Standard then you may offer an equivalent to any of these, provided that your Standard offers equivalent guarantees of safety, suitability and fitness for purpose to the one specified.

Tenders advertised in the European Journal.

For further information on EC tenders please refer to the following web sites:

simap.eu.int

Aims to support an effective single market by encouraging suppliers and contracting entities to adopt best practices and use electronic commerce and information technology to provide all the information needed to deliver value for money in public procurement.

ted.eur-op.eu.int

Tenders Electronic Daily. A daily up-dated on-line edition containing European calls for tenders published in the Official Journal Supplements of the European Communities. In addition to current tenders, the TED database also gives easy access to all the archives for the previous 5 years of the S series in English. Access to TED is free of charge.

www.bipcontracts.com

BIP Information gateway to the procurement community, Provider of public contractor opportunities.

Transfer of Undertakings (Protection of Employment) Regulations

The attention of Tenderers is drawn to the Transfer of Undertakings (Protection of Employment) Regulations 1981 as amended (TUPE). In some cases, where work awarded to a contractor is subsequently awarded to another organisation, such a transfer of work may constitute a "transfer of an undertaking" for the purposes of TUPE. TUPE provides that where there is a transfer of an undertaking (or possibly part of one), the new employer takes over any employment liabilities and the responsibility for the employment contracts of the employees, who then transfer on their previous terms and conditions of service.

As a successful tenderer may be a potential transferee for the purposes of TUPE, tenderers should seek legal advice as to whether TUPE will be likely to apply to the proposed contract, and if so, to reflect the financial implications of such a transfer in their tender. In such cases, as the Department will be neither transferee nor transferor for the purposes of TUPE, the application of TUPE is a matter for each tenderer to clarify with their legal advisers. If TUPE is deemed to apply then the financial implications are a matter for discussion between the prospective tenderer and the existing contractor, rather than for the Department.

Legislation on Late Payment

The Department will comply fully with statutory legislation on Late Payment on the basis of claims submitted by the Contractor (i.e. the successful tenderer).