

Draft update to [Part 4 of the Constitution](#) - Contracts Procedure Rules (page 156)

**New paragraph:
(24.0)**

Dynamic Purchasing Systems

- 24.01 Dynamic Purchasing Systems are regulated by the [Public Contract Regulations 2015 \(Part 2, Chapter 2, Section 4, Regulation 34\)](#).
- 24.02 A Dynamic Purchasing System ('DPS') shall be identical to a Framework Agreement, except that any Supplier may apply for admittance to a DPS at any point throughout the full period of its operation by satisfying defined Pre-Qualification Criteria. The Council can use a DPS for commonly used purchases the characteristics of which, as generally available on the market, meet their requirements.
- 24.03 The DPS shall be operated entirely as a completely electronic process. All Dynamic Purchasing Systems shall be openly advertised on the Council's E-Tendering Portal, irrespective of estimated value. All communication in the context of a DPS shall be made by electronic means (in accordance with [Regulation 22 \(1\) to \(7\) and \(11\) to 22\)](#)).

Stage 1: Establishing the DPS and adding additional suppliers

- 24.04 In order to procure under a DPS, Officers shall follow the Public Contract Regulations 2015 rules of the [restricted procedure](#) and place a call for competition in OJEU to make know the intention to establish a DPS. Also see paragraph 13.02 ii above. This procedure requires a two stage process and the completion of a pre-qualification questionnaire. Suppliers must be allowed at least 30 days to respond. The Council will follow the time limits as set out in [Regulation 34 \(8\) – \(12\)](#).
- 24.05 A Dynamic Purchasing System may be divided into categories of goods, services or works. In such cases, it is permissible to stipulate Pre-Qualification Criteria appropriate to each category.
- 24.06 As with other procedures, the procurement documents should be freely available electronically from the date of the advert and remain available electronically throughout the lifetime of the DPS.
- 24.07 All candidates satisfying the selection criteria shall be admitted to the system. The number of candidates admitted to the system shall not be limited in accordance with regulations [28 \(4\)](#) and [65](#).

24.08 Suppliers may join the DPS at any point during its validity if they satisfy the selection criteria and none of the ground for exclusion apply. The Council will evaluate these suppliers' requests within 10 working days of receipt.

Stage 2: Awarding specific contracts using the DPS

24.09 At the time of inviting Tenders or Quotations under a DPS, Officers shall ensure that all applications for admittance to the DPS received by that time have been processed and all applicants have been notified of whether or not they have been admitted to the DPS.

24.10 The Council will invite all admitted participants to submit a tender for each specific procurement under the DPS in accordance with [regulation 54](#). Where the DPS has been divided into categories of works, products or services, contracting authorities shall invite all participants having been admitted to the category corresponding to the specific procurement concerned to submit a tender.

24.11 The use of DPS does not affect other requirements around evaluating tenders and the award of contracts. It is a mechanism through which to raise invitations to tender to suppliers who have demonstrated their eligibility when they joined the scheme and therefore are not required to continually demonstrate their suitability and capability each time they respond to the Invitation to Tender. Officers must follow the rules for evaluating and awarding contracts in paragraphs 18 and 20 and due diligence checks must be carried out to demonstrate that the supplier complies with the specification. The Council will award the contract to the tenderer that submitted the best tender on the basis of the award criteria set out in the contract notice for the DPS.

24.12 There is no obligation to undertake a "standstill" period, although there may be some benefits in doing so.

24.13 Details of the DPS will be published on the Council's contract register and the contract award notice must be published in line with Public Contract Regulations 2015 (see paragraph 20 above).