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Tender

## **Supply of Digital Publications and Services**

Scotland Excel

F02: Contract notice

Notice identifier: 2022/S 000-005571

Procurement identifier (OCID): ocds-h6vhtk-02c91f

Published 1 March 2022, 1:43pm

### **Section I: Contracting authority**

#### **I.1) Name and addresses**

Scotland Excel

Renfrewshire House, Cotton Street

Paisley

PA1 1AR

#### **Email**

[Education.Corporate@scotland-excel.org.uk](mailto:Education.Corporate@scotland-excel.org.uk)

#### **Country**

United Kingdom

#### **NUTS code**

UKM - Scotland

#### **Internet address(es)**

Main address

<http://www.scotland-excel.org.uk>

Buyer's address

[https://www.publiccontractsscotland.gov.uk/search/Search\\_AuthProfile.aspx?ID=AA10383](https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA10383)

## **I.2) Information about joint procurement**

The contract is awarded by a central purchasing body

## **I.3) Communication**

The procurement documents are available for unrestricted and full direct access, free of charge, at

<https://www.publictendersscotland.publiccontractsscotland.gov.uk/esop/pts-host/public/pts/web/login.html>

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

<https://www.publictendersscotland.publiccontractsscotland.gov.uk/esop/pts-host/public/pts/web/login.html>

## **I.4) Type of the contracting authority**

Body governed by public law

## **I.5) Main activity**

General public services

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## **Section II: Object**

### **II.1) Scope of the procurement**

#### **II.1.1) Title**

Supply of Digital Publications and Services

Reference number

1021

### **II.1.2) Main CPV code**

- 79970000 - Publishing services

### **II.1.3) Type of contract**

Services

### **II.1.4) Short description**

A renewal framework for the Supply of Digital Publications and Services. The scope of products covered under the framework will include but not be limited to, ebooks, eaudiobooks, emagazines, ecomics and enewspapers for provision into Public Library establishments throughout Scotland.

### **II.1.5) Estimated total value**

Value excluding VAT: £4,000,000

### **II.1.6) Information about lots**

This contract is divided into lots: Yes

Tenders may be submitted for all lots

## **II.2) Description**

### **II.2.1) Title**

E-Audiobooks

Lot No

2

### **II.2.2) Additional CPV code(s)**

- 22111000 - School books
- 22112000 - Textbooks
- 22113000 - Library books

- 79970000 - Publishing services
- 79995000 - Library management services

### **II.2.3) Place of performance**

NUTS codes

- UKM - Scotland

Main site or place of performance

Various locations throughout the geographic boundaries of the participating Councils and associate members within Scotland.

### **II.2.4) Description of the procurement**

The products under this lot will include, but not be limited to, supply of E-Audiobooks.

For further information regarding the evaluation of this lot, please refer to the “1021 Evaluation Methodology including IIT” document, available within the relevant ITT on PCS-Tender.

### **II.2.5) Award criteria**

Quality criterion - Name: Technical / Weighting: 25

Price - Weighting: 75

### **II.2.6) Estimated value**

Value excluding VAT: £1,000,000

### **II.2.7) Duration of the contract, framework agreement or dynamic purchasing system**

Duration in months

48

This contract is subject to renewal

No

### **II.2.10) Information about variants**

Variants will be accepted: No

### **II.2.11) Information about options**

Options: Yes

Description of options

Anticipated duration of framework is 36 months with an option to extend for up to a further 12 months subject to satisfactory operation and performance. Any period of extension will be at the sole discretion of Scotland Excel.

### **II.2.13) Information about European Union Funds**

The procurement is related to a project and/or programme financed by European Union funds: No

### **II.2.14) Additional information**

Economic operators may be excluded from this competition (or any competition in relation to any lot) if they are in any of the situations referred to in Regulation 58 of the Public Contracts (Scotland) Regulations 2015.

## **II.2) Description**

### **II.2.1) Title**

E-Magazines

Lot No

3

### **II.2.2) Additional CPV code(s)**

- 22111000 - School books
- 22112000 - Textbooks
- 22113000 - Library books
- 22200000 - Newspapers, journals, periodicals and magazines
- 79970000 - Publishing services
- 79995000 - Library management services

### **II.2.3) Place of performance**

NUTS codes

- UKM - Scotland

Main site or place of performance

Various locations throughout the geographic boundaries of the participating Councils and associate members within Scotland.

#### **II.2.4) Description of the procurement**

The products under this lot will include, but not be limited to, supply of E-Magazines.

For further information regarding the evaluation of this lot, please refer to the “1021 Evaluation Methodology including IIT” document, available within the relevant ITT on PCS-Tender.

#### **II.2.5) Award criteria**

Quality criterion - Name: Technical / Weighting: 25

Price - Weighting: 75

#### **II.2.6) Estimated value**

Value excluding VAT: £1,000,000

#### **II.2.7) Duration of the contract, framework agreement or dynamic purchasing system**

Duration in months

48

This contract is subject to renewal

No

#### **II.2.10) Information about variants**

Variants will be accepted: No

#### **II.2.11) Information about options**

Options: Yes

## Description of options

Anticipated duration of framework is 36 months with an option to extend for up to a further 12 months subject to satisfactory operation and performance. Any period of extension will be at the sole discretion of Scotland Excel.

### **II.2.13) Information about European Union Funds**

The procurement is related to a project and/or programme financed by European Union funds: No

### **II.2.14) Additional information**

Economic operators may be excluded from this competition (or any competition in relation to any lot) if they are in any of the situations referred to in Regulation 58 of the Public Contracts (Scotland) Regulations 2015.

## **II.2) Description**

### **II.2.1) Title**

E-Comics

Lot No

4

### **II.2.2) Additional CPV code(s)**

- 22111000 - School books
- 22112000 - Textbooks
- 22113000 - Library books
- 22200000 - Newspapers, journals, periodicals and magazines
- 79970000 - Publishing services
- 79995000 - Library management services

### **II.2.3) Place of performance**

NUTS codes

- UKM - Scotland

Main site or place of performance

Various locations throughout the geographic boundaries of the participating Councils and associate members within Scotland.

#### **II.2.4) Description of the procurement**

The products under this lot will include, but not be limited to, supply of E-Comics.

For further information regarding the evaluation of this lot, please refer to the “1021 Evaluation Methodology including IIT” document, available within the relevant ITT on PCS-Tender.

#### **II.2.5) Award criteria**

Quality criterion - Name: Technical / Weighting: 25

Price - Weighting: 75

#### **II.2.6) Estimated value**

Value excluding VAT: £500,000

#### **II.2.7) Duration of the contract, framework agreement or dynamic purchasing system**

Duration in months

48

This contract is subject to renewal

No

#### **II.2.10) Information about variants**

Variants will be accepted: No

#### **II.2.11) Information about options**

Options: Yes

Description of options

Anticipated duration of framework is 36 months with an option to extend for up to a further 12 months subject to satisfactory operation and performance. Any period of extension will



be at the sole discretion of Scotland Excel.

### **II.2.13) Information about European Union Funds**

The procurement is related to a project and/or programme financed by European Union funds: No

### **II.2.14) Additional information**

Economic operators may be excluded from this competition (or any competition in relation to any lot) if they are in any of the situations referred to in Regulation 58 of the Public Contracts (Scotland) Regulations 2015.

## **II.2) Description**

### **II.2.1) Title**

E-Newspapers

Lot No

5

### **II.2.2) Additional CPV code(s)**

- 79970000 - Publishing services
- 22200000 - Newspapers, journals, periodicals and magazines
- 22210000 - Newspapers
- 22113000 - Library books
- 22112000 - Textbooks

### **II.2.3) Place of performance**

NUTS codes

- UKM - Scotland

Main site or place of performance

Various locations throughout the geographic boundaries of the participating Councils and associate members within Scotland.

### **II.2.4) Description of the procurement**

The products under this lot will include, but not be limited to, supply of E-Newspapers.

For further information regarding the evaluation of this lot, please refer to the “1021 Evaluation Methodology including IIT” document, available within the relevant ITT on PCS-Tender.

#### **II.2.5) Award criteria**

Quality criterion - Name: Technical / Weighting: 25

Price - Weighting: 75

#### **II.2.6) Estimated value**

Value excluding VAT: £500,000

#### **II.2.7) Duration of the contract, framework agreement or dynamic purchasing system**

Duration in months

48

This contract is subject to renewal

No

#### **II.2.10) Information about variants**

Variants will be accepted: No

#### **II.2.11) Information about options**

Options: Yes

Description of options

Anticipated duration of framework is 36 months with an option to extend for up to a further 12 months subject to satisfactory operation and performance. Any period of extension will be at the sole discretion of Scotland Excel.

#### **II.2.13) Information about European Union Funds**

The procurement is related to a project and/or programme financed by European Union funds: No

### **II.2.14) Additional information**

Economic operators may be excluded from this competition (or any competition in relation to any lot) if they are in any of the situations referred to in Regulation 58 of the Public Contracts (Scotland) Regulations 2015.

## **II.2) Description**

### **II.2.1) Title**

E-Books

Lot No

1

### **II.2.2) Additional CPV code(s)**

- 22111000 - School books
- 22113000 - Library books
- 22200000 - Newspapers, journals, periodicals and magazines
- 79970000 - Publishing services
- 79995000 - Library management services

### **II.2.3) Place of performance**

NUTS codes

- UKM - Scotland

Main site or place of performance

Various locations throughout the geographic boundaries of the participating Councils and associate members within Scotland.

### **II.2.4) Description of the procurement**

The products under this lot will include, but not be limited to, supply of E-Books.

For further information regarding the evaluation of this lot, please refer to the “1021 Evaluation Methodology including IIT” document, available within the relevant ITT on PCS Tender.

### **II.2.5) Award criteria**

Quality criterion - Name: Technical / Weighting: 25

Price - Weighting: 75

### **II.2.6) Estimated value**

Value excluding VAT: £1,000,000

### **II.2.7) Duration of the contract, framework agreement or dynamic purchasing system**

Duration in months

48

This contract is subject to renewal

No

### **II.2.10) Information about variants**

Variants will be accepted: No

### **II.2.11) Information about options**

Options: Yes

Description of options

Anticipated duration of framework is 36 months with an option to extend for up to a further 12 months subject to satisfactory operation and performance. Any period of extension will be at the sole discretion of Scotland Excel.

### **II.2.13) Information about European Union Funds**

The procurement is related to a project and/or programme financed by European Union funds: No

### **II.2.14) Additional information**

Economic operators may be excluded from this competition (or any competition in relation to any lot) if they are in any of the situations referred to in Regulation 58 of the Public Contracts (Scotland) Regulations 2015.

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## **Section III. Legal, economic, financial and technical information**

### **III.1) Conditions for participation**

#### **III.1.2) Economic and financial standing**

List and brief description of selection criteria

In accordance with Regulation 59(12), as this proposed Framework Agreement is divided into Lots, these Economic and Financial Standing selection criteria apply separately in relation to each individual lot.

Minimum level(s) of standards possibly required

#### **INSURANCE REQUIREMENTS:**

It is a requirement of the contracts to be procured under the proposed framework agreement that tenderers hold, or can commit to obtain prior to the commencement of any subsequently awarded contract, the types and levels of insurance indicated below:

#### **ALL LOTS**

**EMPLOYERS (COMPULSORY) LIABILITY** = a minimum indemnity limit of 10 million GBP per occurrence.

**PUBLIC/PRODUCTS LIABILITY** = a minimum indemnity limit of 5 million GBP per occurrence, and in the aggregate in respect of

Products.

For full details please see the Procurement Documents.

#### **OTHER ECONOMIC AND FINANCIAL REQUIREMENTS:**

A search of the tenderer against Equifax's Protect must not return a 'Warning' or 'Caution' returnable code or any neutral code, unless the tenderer confirms that it can provide any other document which Scotland Excel considers appropriate to prove to Scotland Excel (acting within its permitted discretion under the applicable public procurement rules) that the tenderer does/would not present an unmanageable

risk should it be appointed on to the proposed Framework Agreement. Equifax's protect is a fraud indicator/credit risk search and analysis of five areas of threat in relation to a particular company: credit history; disqualification; validation and investigation bureau; connected data; and bureau information. For full details please see the Procurement

Documents.

### **III.1.3) Technical and professional ability**

List and brief description of selection criteria

1. Subcontracting
2. Quality Management Procedures
3. Environmental Management Systems or Standards
4. Health and Safety Procedures

For full details please see the Procurement Documents. In accordance with Regulation 59(12), as this proposed Framework Agreement is divided into Lots, these Technical and professional ability selection criteria apply separately in relation to each individual lot.

Minimum level(s) of standards possibly required

#### **SUBCONTRACTING:**

Tenderers will be required to confirm whether they intend to subcontract and, if so, for what proportion of the contracts to be called-off under the proposed framework agreement. If you intend to subcontract any share of the contract to third parties on whose capacity you do not rely to satisfy the selection criteria, you must secure that each subcontractor completes a separate SPD (Scotland) Response for all Parts

of the SPD (Scotland) Qualification Envelope, except Part 4 (Selection criteria).

#### **QUALITY MANAGEMENT PROCEDURES**

The tenderer must have the following: The tenderer **MUST HOLD** a UKAS (or equivalent) accredited independent third party certificate of compliance in accordance with BSEN

ISO 9001 (or equivalent).

OR

A documented policy regarding quality management. The policy must set out

responsibilities for quality management demonstrating that the tenderer has and continues to implement a quality management policy that is authorised by their Chief Executive, or equivalent, and is periodically reviewed at a senior management level. The

policy must be relevant to the nature and scale of the work to be undertaken and set out responsibilities for quality management throughout the organisation.

#### ENVIRONMENTAL MANAGEMENT SYSTEMS OR STANDARDS

The tenderer must have the following: The tenderer MUST HOLD a UKAS (or equivalent) accredited independent third party certificate of compliance with BSEN ISO 14001 (or equivalent) or a valid EMAS (or equivalent) certificate.

OR

A regularly reviewed documented policy regarding environmental management, authorised by the Chief Executive, or equivalent. This policy must include and describe the tenderer's environmental emergency response procedures including the preparedness and response procedures for potential accidents and emergency response situations that give rise to significant environmental impacts (for example hazardous substances spill control).

#### HEALTH AND SAFETY PROCEDURES

The tenderer must have the following: The tenderer MUST HOLD a UKAS (or equivalent), accredited independent third party certificate of compliance in accordance with ISO 45001 (or equivalent) or have, within the last 12 months, successfully met the assessment requirements of a scheme in registered membership of the Safety Schemes in Procurement (SSIP) forum.

OR

A regularly reviewed and documented policy for Health and Safety (H&S) management, endorsed by the Chief Executive Officer, or equivalent. The policy must be relevant to the nature and scale of the work and set out responsibilities for H&S management at all levels within the organisation. The policy must be relevant to the nature and scale of your operations and set out your company's responsibilities of health and safety management and compliance with legislation.

### **III.2) Conditions related to the contract**

#### **III.2.2) Contract performance conditions**

For full details of the conditions relevant to the proposed Framework, and contracts to be called-off there under (to the extent known or settled at this stage), please see the Procurement Documents (details of how to access these being set out in section "I.3)

Communication” of this Contract Notice).

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## **Section IV. Procedure**

### **IV.1) Description**

#### **IV.1.1) Type of procedure**

Open procedure

#### **IV.1.3) Information about a framework agreement or a dynamic purchasing system**

The procurement involves the establishment of a framework agreement

Framework agreement with several operators

Envisaged maximum number of participants to the framework agreement: 5

#### **IV.1.6) Information about electronic auction**

An electronic auction will be used

Additional information about electronic auction

Whether an electronic auction will be used is at the discretion of each Scotland Excel Council, Associate Member or other Bodies Participating which will be settled by them during the procedure for the call-off of a contract under this proposed framework agreement.

#### **IV.1.8) Information about the Government Procurement Agreement (GPA)**

The procurement is covered by the Government Procurement Agreement: Yes

### **IV.2) Administrative information**

#### **IV.2.1) Previous publication concerning this procedure**

Notice number: [2021/S 000-016813](#)

#### **IV.2.2) Time limit for receipt of tenders or requests to participate**

Date

29 March 2022



Local time

12:00pm

**IV.2.4) Languages in which tenders or requests to participate may be submitted**

English

**IV.2.6) Minimum time frame during which the tenderer must maintain the tender**

Duration in months: 5 (from the date stated for receipt of tender)

**IV.2.7) Conditions for opening of tenders**

Date

29 March 2022

Local time

12:00pm

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**Section VI. Complementary information**

**VI.1) Information about recurrence**

This is a recurrent procurement: No

**VI.2) Information about electronic workflows**

Electronic ordering will be used

Electronic invoicing will be accepted

Electronic payment will be used

**VI.3) Additional information**

Scotland Excel is a central purchasing body and is procuring this framework on behalf of the following contracting authorities (and

successor bodies):

- The 32 local authorities in Scotland listed at <http://www.scotland-excel.org.uk/home/Aboutus/Ourmembers/Local-authorities.aspx>;

- Advanced Procurement for Universities and Colleges (APUC Ltd) and their member organisations across the higher and further education

sector in Scotland and their associated and affiliated bodies;

- NHS Scotland entities constituted pursuant to the National Health Service (Scotland) Act 1978 (i.e. all NHS Scotland Health Boards,

Special Health Boards and the Authority or other NHS Organisation established pursuant to the NHS (Scotland) Act 1978), any integrated

Joint Boards established pursuant to the new Public Bodies (Joint Working) Scotland Act 2014.

- Scotland Excel associate members listed at <http://www.scotland-excel.org.uk/home/Aboutus/Ourmembers/Associate-members.aspx>;

- any Integration Authority, or other body, established pursuant to the Public Bodies (Joint Working)(Scotland) Act 2014 The above is subject to each contracting authority entering into and maintaining a relevant membership agreement or other access agreement with Scotland Excel. Rebates apply to this framework. For further details, please see the Special Conditions of Contract.

The buyer is using PCS-Tender to conduct this ITT exercise. The Project code is 42021. For more information see:

<http://www.publiccontractsscotland.gov.uk/info/InfoCentre.aspx?ID=2343>

A sub-contract clause has been included in this contract. For more information see:

<http://www.publiccontractsscotland.gov.uk/info/InfoCentre.aspx?ID=2363>

Community benefits are included in this requirement. For more information see:

<https://www.gov.scot/policies/public-sector-procurement/community-benefits-in-procurement/>

A summary of the expected community benefits has been provided as follows:

A summary of the expected community benefits has been provided as follows:

It has become clear that there is scope within the legal framework which applies to public contracts, to deliver wider social benefits such as:

\* Targeted recruitment and training

\* Community engagement

As part of your response within the Technical criteria, Tenderers will be requested to confirm if they will offer community benefits for this

framework.

(SC Ref:679963)

## **VI.4) Procedures for review**

### **VI.4.1) Review body**

Court of Session

Edinburgh

EH1 1RQ

Telephone

+44 314443300

Country

United Kingdom

### **VI.4.3) Review procedure**

Precise information on deadline(s) for review procedures

An economic operator that suffers, or risks suffering, loss or damage attributable to a breach of duty under the Public Contracts (Scotland) Regulations 2015 (SSI2015/446)(as amended) may bring proceedings in the Sheriff Court or the Court of Session.