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Tender

## **SWAN Re-procurement**

The Common Services Agency (more commonly known as NHS National Services Scotland) ("NSS")

F02: Contract notice

Notice identifier: 2021/S 000-022719

Procurement identifier (OCID): ocds-h6vhtk-02e02e

Published 13 September 2021, 4:55pm

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

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

The Common Services Agency (more commonly known as NHS National Services Scotland) ("NSS")

Gyle Square (NSS Head Office), 1 South Gyle Crescent

Edinburgh

EH12 9EB

#### **Contact**

Billy Hislop

#### **Email**

[billy.hislop@nhs.scot](mailto:billy.hislop@nhs.scot)

#### **Telephone**

+44 7971460577

**Country**

United Kingdom

**NUTS code**

UKM - Scotland

**Internet address(es)**

Main address

<http://www.nss.nhs.scot/browse/procurement-and-logistics>

Buyer's address

[https://www.publiccontractsscotland.gov.uk/search/Search\\_AuthProfile.aspx?ID=AA11883](https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA11883)

**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/>

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/>

**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**

SWAN Re-procurement

Reference number

NP502423

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

- 72000000 - IT services: consulting, software development, Internet and support

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

Services

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

The Scottish Wide-Area network (SWAN) Replacement Procurement is an initiative supported by over 90 public sector organisations within Scotland that procure services under the existing SWAN framework agreement. There are now around 6,020 sites connected to the single broadband network. The framework now needs to be replaced before March 2023 to ensure continuity of networking services.

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

Value excluding VAT: £350,000,000

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

This contract is divided into lots: No

### **II.2) Description**

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

- 72315000 - Data network management and support services
- 72315100 - Data network support services
- 72315200 - Data network management services

- 72511000 - Network management software services
- 72212200 - Networking, Internet and intranet software development services
- 72212214 - Network operating system software development services
- 72212215 - Networking developers software development services
- 72212216 - Network connectivity terminal emulation software development services
- 72212219 - Miscellaneous networking software development services
- 64200000 - Telecommunications services
- 64227000 - Integrated telecommunications services
- 71316000 - Telecommunication consultancy services
- 72212515 - Video conferencing software development services
- 51314000 - Installation services of video equipment

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

NUTS codes

- UKM - Scotland

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

The Scottish Wide-Area network (SWAN) Replacement Procurement is an initiative supported by over 90 public sector organisations within Scotland that procure services under the existing SWAN framework agreement. There are now around 6,020 sites connected to the single broadband network.

The Programme supports the McClelland review of Scottish Public Sector ICT Infrastructure recommendation for the delivery of a single public services communications network infrastructure for Scotland and builds on the cross sector collaboration established over the duration of the existing SWAN framework contract.

The current SWAN framework is due to expire in April 2023 and participating authorities have agreed that the framework needs to be replaced before March 2023 to ensure continuity of networking services.

The high-level scope of the SWAN Replacement Procurement is defined as the acquisition of Wide Area Network and all services currently available under the existing SWAN framework, which can be used by potentially all public sector organisations in Scotland and initially by the participating authorities (as existing SWAN Members). The

procurement scope is envisaged to include the following key elements:

- the future WAN requirements of the participating authorities; and
- additional service requirements of the participating authorities (to include LAN, voice, and IoT services).

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Please refer to the Supplier Briefing Document for further information.

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

Price is not the only award criterion and all criteria are stated only in the procurement documents

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

Value excluding VAT: £350,000,000

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

Duration in months

72

This contract is subject to renewal

No

#### **II.2.9) Information about the limits on the number of candidates to be invited**

Envisaged number of candidates: 6

Objective criteria for choosing the limited number of candidates:

As stated in the SPD(S) and SWAN SPD(S) scoring guidance document.

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

Variants will be accepted: No

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

Options: No

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

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

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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

SPD(S) Q.4B.1.1: Bidders are required to provide statement of accounts or extracts relating to their business for the previous 3 years.

Where any are risks identified by NSS as part of the due diligence carried out on the above information NSS may require bidders to provide additional information to demonstrate financial standing. Additional information can include but not be limited to:

- parent company accounts (if applicable)
- deeds of guarantee
- bankers statements and references
- accountants' references
- management accounts
- financial projections, including cash flow forecasts
- details and evidence of previous contracts, including contract values
- capital availability.

Guarantees may be required from parent companies and from banks.

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Bidders who cannot provide suitable evidence of a secure financial standing may be excluded from the procurement.

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Q.4B.5.1 and Q.4B.5.2: It is a requirement of this contract that bidders hold, or can commit to obtain prior to the commence of any

subsequently awarded contract, the types and levels of insurance indicated below:

Employers (compulsory) liability insurance: 5 000 000 GBP;

Public liability insurance: 10 000 000 GBP;

Professional indemnity insurance: 5 000 000 GBP;

Product liability insurance: 10 million GBP;

Product liability insurance in not less than the sum of GBP 1 million in respect of any one incident.

Minimum level(s) of standards possibly required

The turnover of the economic operator in respect of its most recent two full financial years must have been equal to or more than GBP 25 000 000 per annum.

Turnover in the business area covered by the contract GBP 25 000 000 per annum.

SPD(S) 4B.5

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

List and brief description of selection criteria

Bidders must demonstrate that they have a sufficient and appropriate general and relevant experience to perform the services and the extent of experience necessary to deliver the services all as described in this Contract Notice and additional documents.

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Refer to section 4C of the SPD(S) and table 2 in the SWAN - SPD scoring instructions for selection criteria and completion instructions

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## **Section IV. Procedure**

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

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

Competitive procedure with negotiation

#### **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 a single operator

In the case of framework agreements, provide justification for any duration exceeding 4 years:

Call offs to be made over a 6 year period to allow Scottish Public Sector Organisations to use the framework at the end of any current Wide Area Network contract they may have. This will allow as many Public Sector organisations as possible to aggregate their demand for Wide Area Network services thereby helping to achieve the economic and strategic benefits the project is designed to deliver.

#### **IV.1.4) Information about reduction of the number of solutions or tenders during negotiation or dialogue**

Recourse to staged procedure to gradually reduce the number of solutions to be discussed or tenders to be negotiated

#### **IV.1.5) Information about negotiation**

The contracting authority reserves the right to award the contract on the basis of the initial tenders without conducting negotiations

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

Date

22 October 2021

Local time

12:00pm

**IV.2.3) Estimated date of dispatch of invitations to tender or to participate to selected candidates**

22 November 2021

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

English

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**Section VI. Complementary information**

**VI.1) Information about recurrence**

This is a recurrent procurement: Yes

Estimated timing for further notices to be published: This will be subject to ongoing demand and most suitable timeframes for any future procurement.

**VI.3) Additional information**

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

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The estimated value referred to in section II.1.5) covers the 6 year framework term and the potential call off contracts.

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The award criteria questions and weightings will be published in the Invitation to Negotiate (ITN) / Invitation To Submit Initial Bids (ITSIB) documents.

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The buyer is using PCS-Tender to conduct this ITT exercise. The Project code is 19132. For more information see:

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

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Community Benefits are applicable to this contract. A summary of the expected community benefits has been provided as follows:

The Public Sector in Scotland is committed to the delivery of high quality public services, and recognises that this is critically dependent on a workforce that is well-rewarded, well-motivated, well-led, has access to appropriate opportunities for training and skills development, diverse and engaged in decision making. These factors are also important for workforce recruitment and retention, and thus continuity of service.

Public Bodies in Scotland are adopting fair work practices, which include:

— a fair and equal pay policy that includes a commitment to supporting the living wage, including, for example being a living wage

accredited employer;

— clear managerial responsibility to nurture talent and help individuals fulfil their potential, including for example, a strong commitment

to modern apprenticeships and the development of Scotland's young workforce;

— promoting equality of opportunity and developing a workforce which reflects the population of Scotland in terms of characteristics such

as age, gender, religion or belief, race, sexual orientation and disability;

— support for learning and development;

— stability of employment and hours of work, and avoiding exploitative employment practices, including for example no inappropriate use

of zero-hours contracts;

— flexible working (including for example practices such as flexi-time and career breaks) and support for family friendly working and

wider work life balance;

— support progressive workforce engagement, for example Trade Union recognition and representation where possible, otherwise

alternative arrangements to give staff an effective voice.

In order to ensure the highest standards of service quality in this contract we expect contractors to take a similarly positive approach to fair work practices as part of a fair and equitable employment and reward package.

Bidders who are invited to submit an initial bid will need to describe how they will commit to fair work practices for workers (including any agency or subcontractor workers) engaged in the delivery of this contract.

The buyer is using PCS-Tender to conduct this ITT exercise. The Project code is 40338. 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:

Community Benefits offered should be relevant and proportionate to this particular requirement. Customer Call-off contracts may request the inclusion and delivery of local benefits in line with their individual policy on Social, Economic and Environmental policies and may be based on individual call-off contract value.

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The Community Benefits questions will be published in the Invitation to Negotiate (ITN) / Invitation To Submit Initial Bids (ITSIB) documents.

(SC Ref:663685)

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

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

Edinburgh Sherriff Court, Sherriff Court House

27 Chambers StreetTown

Edinburgh

EH1 1LB

Email

[edinburgh@scotcourts.gov.uk](mailto:edinburgh@scotcourts.gov.uk)

Telephone

+44 1312252525

Country

United Kingdom

Internet address

<https://www.scotcourts.gov.uk/the-courts/court-locations/edinburgh-sheriff-court-and-justice-of-the-peace-court>

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

Precise information on deadline(s) for review procedures

Economic operators should approach the contracting authority in the first instance. However, the only formal remedy is to apply to the courts:

An economic operator that suffers, or is at risk of suffering, loss or damage attributable to a breach of duty under the Public Contracts

(Scotland) Regulations 2015 or the Procurement Reform (Scotland) Act 2014, may bring proceedings in the Sheriff Court or the Court of Session.