**Enquiries to: Fidelity Energy**

**Email:** [publicsector@fidelity-energy.co.uk](mailto:publicsector@fidelity-energy.co.uk)

**Contract Reference: FIDELIT003.1**

**General Letter to Interested Parties**

**Date: Date of Electronic Issue**

**FIDELITY’S ENERGY AND UTILITIES SERVICES DYNAMIC MARKET**

Dear Sir / Madam

Thank you for your interest in this procurement, and considering applying and/or tendering. We would appreciate it if you could indicate interest and intention to bid by return to [roger.ruffles@catseyecommercial.co.uk](mailto:roger.ruffles@catseyecommercial.co.uk).

Returns should be submitted before the deadline of xxxx to [roger.ruffles@catseyecommercial.co.uk](mailto:roger.ruffles@catseyecommercial.co.uk).

**What is a Dynamic Market?**

A dynamic market is a type of procurement and procurement facility under the new Procurement Act 2023. It is essentially a registration, which allows a procuring organisation to approach a number of suppliers (or a supplier) for the provision of services. The key advantage to registration on Fidelity’s Dynamic Market is that by applying and being accepted, you can be considered for energy supply or supply of associated value-added services to any of Fidelity’s public sector clients.

Conversely, public sector organisations can use Fidelity’s Dynamic Market to source their requirements in a manner that is fully compliant with the legislation that controls their buying activity; an application to this Dynamic Market will unlock access and a fast route to provision for a wide range of public sector clients, building on the success of Fidelity’s original Dynamic Purchasing System under the Procurement Contract Regulations 2015.

The process for application is very simple. Respond to this Invitation to Participate, providing the requested information. Although some questions are marked on a pass/fail basis, many are for information only. Then, as Fidelity’s customers require services, Fidelity can include or approach your organisation for supply under a call-off procurement process; only suppliers registered on the Dynamic Market can be considered. It offers a fast route for very quick supply to new customers.

**General Information**

This is a process issued under regulation 34 and other applicable regulations of the Procurement Act 2023. Whilst Fidelity Energy is operating as utilities managed services provider and may be some organisations be considered as a utility supplier, in the meaning of the Procurement Act 2023 Schedule 4 Fidelity Energy is not classified as a utility. Fidelity Energy’s dynamic market is considered to be subject to the Procurement Act 2023.

Although we refer to it as an “agreement” throughout the invitation to participate document (“**ITP**”), under Regulation 34 (and other applicable regulations of the Procurement Act 2023) the legislation-compliant form of process being used is a “**Dynamic Market**”.

All the information you need to participate in this public procurement is contained within the documents provided under cover of this letter. If you subsequently decide not to apply, or are unsuccessful in your application or do not intend to apply at a later date, please destroy and remove all downloaded copies of documentation relating to this procurement.

The strict confidentiality of Fidelity Energy’s data must be observed by tendering parties throughout the process. The data submitted to Fidelity Energy will be held in reciprocal confidentiality.

To reiterate the restrictions within the documentation, all tender documentation or any material connected to the tender is confidential and all rights are reserved for Fidelity Energy to sanction or reject the participation at any point in the process of a tenderer where any tenderer:

* inappropriately discusses or publicises their involvement in the process
* releases any part of the information to parties privately or publicly, or
* even verbally discusses the tender without prior permission.

In particular we would also like to draw your attention to the initial return dates indicated within the documentation, although note that you can apply for the dynamic market at any time. The return dates are intended to ensure Fidelity has coverage at the launch of the Dynamic Market for all areas of Fidelity’s service provision. These return dates are subject to change.

Also, please ensure that when you make your submissions on the return deadline that they are provided in 1 zipped folder as follows:

**Folder 1 - Submission for an Application/Response:**

* 1. Appendix 1 – Application PSQ
  2. Appendix 2 – Main Questions

If applications are not submitted in this format, or are submitted with cover letters containing clarifications or conditions, we reserve the right to reject your tender as non-compliant.

If you intend to apply at a later date due to workload for existing tender responses and bidding, please let us know your intent and a rough estimate of when you intend to apply.

**This Opportunity (the “Agreement”)**

*“Dynamic Market”*

Under the Procurement Act 2023, a dynamic market is a list of qualified suppliers who are eligible to participate in future procurements. It is similar to a Dynamic Purchasing System (DPS) under the Procurement Contract Regulations 2015 and Utilities Contract Regulations 2016, but with greater flexibility and a wider range of applicability, encompassing various goods and services, and works, including those in emerging or niche markets. It streamlines the procurement process by allowing contracting authorities to focus on the competitive flexible procedure for selecting a supplier from the pre-qualified list of members (Stage 2 in this procurement, after you have qualified through application and submission of correct information at Stage 1).

Applicants must meet the specified conditions for membership – which consist of an assessment of your response at Stage 1.

Whilst Dynamic Markets can have open-ended durations, this is being let for a period of 8 years to align with Fidelity Energy’s Open Framework Agreement. You can apply for both this Dynamic Market and the Open Framework Agreement.

When Stage 2 is procured, for award of a call-off contract, this will be conducted under a competitive flexible procedure.

**Process Information**

For ease of explanation to bidders, if you would like to participate please submit a Response by the given date and time on the front page of the ITP documentation.

This is intended to be a 2-stage process and as such we:

1. will give you the option to be admitted onto the Agreement at Stage 1
2. This will include an indication of the assessment questions we will ask at call-off stage (when we wish to contract for a particular provision of service) but may vary
3. Provide an indication only of pricing in your own format, which can and will later be revised in the second-stage call-off processes. The space to do so is found at the end of Appendix 2.

Admittance onto the purchasing system is not guaranteed and subject to successful qualification; however, if you fail, you are welcome to re-apply after a short voluntary cooling-off period (1 month). Applications to join can be made at any time.

There is no limit on how many suppliers may join the Agreement

As this is estimated to be above the applicable procurement thresholds, this procurement is divided into the lots indicated in the documents (including Appendix 1 and 2).

When a specific requirement becomes available through Fidelity Energy, we will issue a Request For Quotation (“**RFQ**”). The RFQ is the second stage of the process, and shall last for a minimum of 10 days unless all parties agree to a shorter time period (or there is a half-hourly requirement, it relates to gas, some non-half hourly requirements and anything else where it is appropriate to do so). It shall be issued out to all qualified suppliers, and any who wish to respond with a price offer may do so.

**Any Unmarked Questions**

Do not submit information within documents where it is not explicitly asked for, or in additional letters or notes, as it will not be reviewed or assessed and discarded. Unmarked and Indicative Questions are required to enable completion of contract for the winning bidder, and whilst in themselves they will not be marked, if at any point it is acceptable to utilise these unmarked questions to support your answers it will be indicated within the relevant question and if it is not so indicated, assume it shall not be permitted.

**Caveats to Applications, and Questions and Answers**

Any caveats to submitted applications that have not word-for-word been expressly addressed through the question and answers process, and confirmed to all applicants as being acceptable, may result in the invalidation and exclusion of your bid; and in any case, will not be valid as part of your response. Space has been allowed within the response document of Appendix 2 for any comments and caveats, but note: caveats may result in your application being viewed non-compliant dependent on the materiality of the exception made.

Cover letters are not allowed and shall not be read, but a “marketing” or “introductory” statement can also be entered into in the comments section of Appendix 2. It will not be marked.

All questions and answers may only be asked through the system(s) we have used to issue this application process to preserve impartiality and demonstrate integrity of process. Do not contact any member of Fidelity Energy directly in connection with this tender or your bid may be disqualified. You may also contact Fidelity directly at the email address provided, but only for the purposes of assistance in accessing documentation, or for asking any relevant questions. It is your responsibility to make sure your questions are received by Fidelity Energy.

**In Conclusion**

We sincerely hope that as part of your bid review procedures you elect to continue with this process, and submit your application or response to join under this process. We look forward to reviewing such response.

We genuinely appreciate the time and effort taken by all involved within your organisation to participate.

Yours faithfully

**Issued Electronically**

Fidelity Energy