



Leisure Management Contract

Invitation to Tender

Procedure Employed:	Procedure which corresponds to the Competitive Procedure with Negotiation (CPN)
OJEU Contract Notice submitted:	14 January 2020
Market Interest Day:	10:00am on 28 January 2020
Supplier Selection Questionnaire (SSQ) Return Deadline:	12:00 noon on 28 February 2020
Initial Tender Return Deadline:	12:00 noon on 12 June 2020* (Not required at this stage)

*NB: *This Invitation to Tender (ITT) document is being made available for information only at this stage. When SSQs have been evaluated and bidders shortlisted, then those shortlisted bidders will be invited to the Invitation to Tender Stage.*

Version 1.0

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1 THE OPPORTUNITY

1.1 Introduction to Stratford-on-Avon District

- 1.1.1 Stratford-on-Avon District ('the District') is a large rural area, some 979km² (or 378 square miles) covering nearly half of the county of Warwickshire.
- 1.1.2 The population of the District has been increasing and rose from 120,824 in mid-2011 to 127,580 in mid-2018. The 1.9% increase from 2017 to 2018 was the highest in the West Midlands and the 11th highest in the UK.
- 1.1.3 The District has a median age of 48.1, which is in the top 10% oldest for age in the UK and the second highest in the West Midlands. Nearly 32% of residents are aged 60+.
- 1.1.4 There are 60,063 dwellings in the District, of which 13% is affordable housing and 87% is private sector housing.
- 1.1.5 The District is one of the 20% least deprived districts/unitary authorities in England, however, about 8% of children live in low-income families.
- 1.1.6 Unemployment as a percentage of the working age population is 2.7%, which is down 0.5% on the previous 12 months.
- 1.1.7 Tourism is a major industry with over 6.1 million trips made to the District each year.

1.2 Health and Wellbeing

- 1.2.1 In 2019, the Council published its Active Communities Strategy 2019-2024 "Get Stratford District Active".
- 1.2.2 The strategy aims to:
 - Use physical activity as a cross-cutting tool to contribute to the Council's wider strategy (e.g. health and wellbeing, anti-social behaviour)
 - Increase the number of people participating in physical activity
 - Reduce the number of people who are classed as 'inactive' (participate in less than 30 minutes physical activity per week)
 - Use physical activity as a means of promoting health and wellbeing.

- 1.2.3 Sport England Active Lives Data (2018/19) show that overall physical activity levels are comparatively high as shown in Table 1. Inactivity levels are comparatively low and active respondents comparatively high. Obesity levels are comparatively high against the England average.

Table 1: Sport England Active Lives Data (2018/19)

Activity Levels Per Week	Stratford-on-Avon District Council	England Average
Less than 30 minutes per week (Inactive)	24.0%	25.2%
Between 30 and 149 minutes per week (Fairly Active)	16.2%	12.5%
At least 150 minutes per week (Active)	59.8%	62.3%

1.3 Tender Opportunity

- 1.3.1 Stratford-on-Avon District Council ('The Council') is inviting tenders from suitable partners who wish to be considered to manage and operate the Council's leisure facilities and services. This procurement falls under Schedule 3 of the Public Contracts Regulations 2015 – Social and Other Specific Services and the Council is using a procedure which corresponds to the Competitive Procedure with Negotiation (CPN).
- 1.3.2 Stage 1 of this process comprises a Supplier Selection Questionnaire (SSQ) which is designed to identify and shortlist suitable potential bidders. Following shortlisting from the SSQ process, shortlisted bidders will be invited to submit an Initial Tender. This approach is being used to enable the Council to ask bidders to refine investment proposals and maintenance responsibilities. Following evaluation of initial tenders, the Council reserves the right to enter into negotiation at its sole discretion, and consequently ask selected bidders to submit a Revised Tender.
- 1.3.3 The Council also reserves the right, subject to receiving a satisfactory bid in response to the Invitation to Submit Initial Tenders (ISIT), not to negotiate and award the contract as a result of the evaluation of initial tenders.
- 1.3.4 The Contract is anticipated to be for an initial 10 years, commencing on 1 July 2021, with the option exercisable by the Council to extend for two periods of up to 5 years each, with a maximum total Contract term of 20 years. The Council is also seeking a substantially improved revenue position on the Contract.
- 1.3.5 The procurement process provides the opportunity for the Council to identify the most appropriate long-term solution taking into account the needs of the community, users, key strategic partners and groups.
- 1.3.6 This procurement has not been divided into Lots. The Council's requirement to procure an Operator for the Services does not lend itself to Lots without presenting the Council with unmanageable levels of risk and compromising the attainment of value for money.

2 CONTRACT SCOPE, OPERATIONAL PHILOSOPHY AND PRIORITY OUTCOMES

2.1 Contract Scope

- 2.1.1 Table 2 below outlines the leisure facilities owned by the Council that are to be operated during the Contract Period.

Table 2: Outline of the Facilities

Stratford Leisure Centre	
Facility	Description
Main Swimming Pool	33m, 6 lanes
Teaching Pool	12m, 3 lanes
Sports Hall	8 courts
Fitness Gym	85 stations, health suite
Exercise/Dance Studios	13m x 7m, 10m x 10m, 11.5m x 5.5m
Ancillary Facilities	Café, retail area
Artificial Turf Pitches/3G Pitches	3 x small floodlit 3G ATP (36m x 18m); 1 x small floodlit sand-filled ATP (36m x 18m)
Climbing Wall	Clip 'n Climb
Dry Changing Areas	Yes
Wet Changing Areas	Yes
Conference Rooms	Meeting room, 200 capacity
Car Parking	250 capacity (Council operated Pay and Display)
Studley Leisure Centre	
Facility	Description
Swimming Pool	20m, 4 lanes
Sports Hall	4 courts
Dry Changing Areas	Yes
Wet Changing Areas	Yes
Car Parking	2 disabled bays
Southam Leisure Centre	
Facility	Description
Swimming Pool	25m, 4 lanes
Fitness Gym	60 stations, health suite
Exercise/Dance Studio	19m x 14m
Ancillary Facilities	Retail area
Changing Areas	Yes
Car Parking	35 capacity (including 3 disabled bays)
Shipston Leisure Centre	
Facility	Description
Swimming Pool	25m, 5 lanes
Fitness Gym	30 stations
Ancillary Facilities	Retail area
Dry Changing Areas	Yes
Wet Changing Areas	Yes
Car Parking	30 capacity (including 4 disabled bays)

The Greig Leisure Centre, Alcester	
Facility	Description
Sports Hall	4 courts
Fitness Gym/Core Studio	50 stations
Exercise/Dance Studio	10.4m x 8.7m
Squash Courts	2 courts
Outdoor MUGA	40m x 18.5m
Dry Changing Areas	Yes
Car Parking	47 capacity (including 5 disabled bays)
The Pavilion, Recreation Ground, Stratford-upon-Avon	
Facility	Description
Dry Changing Areas	4 changing rooms with showers
Kitchen Facilities	Sink and cupboard
Additional Areas	Referee room
Car Parking	378 capacity, disabled ramp access from car park

- 2.1.2 The Council has been granted a vesting order, which will see The Greig Leisure Centre transfer to the Council on 31 January 2020.
- 2.1.3 The Operator shall deliver the Active Communities Strategy 2019-2024 (and any subsequent revision to this Strategy) in partnership with the Council's Active Communities Team (or equivalent). The required outputs of the Active Communities Programme are shown in Table 3 and shall be delivered within leisure facilities and through outreach programmes.

Table 3: Active Communities Programme

Required Outputs
<ol style="list-style-type: none"> 1. Use physical activity as a cross-cutting tool to contribute to the Council's wider strategy (e.g. health and wellbeing, anti-social behaviour). 2. Increase the number of people participating in physical activity both within leisure facilities and through outreach programmes. 3. Reduce the number of people who are classed as 'inactive' (participate in less than 30 minutes physical activity per week) both within leisure facilities and through outreach programmes. 4. Use physical activity as a means of promoting health and wellbeing.

- 2.1.4 The Active Communities Programme shall be delivered in partnership with the Council's Active Communities Team and strategic partners including Think Active, Clinical Commissioning Groups (CCGs), National Governing Bodies for sports, local charities, clubs and other services such as Public Health, Education, Children and Youth Services and Adult Social Care.

2.2 Strategic Priorities and Contribution to wider local Strategic Outcomes

- 2.2.1 The Operator shall provide Services that contribute to the Council's Strategic Priorities as set out in its Council Plan 2019-23:

Key Objective: *Enhancing the quality of Stratford-on-Avon as a place* and the ambition to improve the health and wellbeing of all residents.

Key Objective: *Responding to the climate emergency* and the ambition to reduce our carbon footprint and emissions as a District and as a Council.

- 2.2.2 The new Leisure Management Contract will incorporate the main outcomes from the Council's Active Communities Strategy 2019-2024 ('the Strategy'), which was endorsed by Cabinet in December 2018. The Strategy includes a vision:

"Get Stratford District Active"

- 2.2.3 The Strategy has three main strategic themes:

1. Encouraging active communities to improve health and wellbeing. To increase participation in physical activity through the facilitation and delivery of sustainable opportunities for local communities
2. Enhancing and sustaining facility provision. To ensure a sufficient level of provision is available at the District Council leisure centres and open spaces for individuals to participate in formal and informal physical activity
3. To raise the profile of sport and physical activity. To promote, champion and support physical activity opportunities to local communities to encourage health and wellbeing. Including effective partnership work, signposting and promotion of the offerings available to local communities. To build on the public enthusiasm for, and legacy of, the 2022 Birmingham Commonwealth Games as a springboard to encourage more residents to be active and participate in sport.

- 2.2.4 The following priority groups in Stratford-on-Avon District ('the District') are a key focus for this strategy due to local and national priorities:

- Older People – Stratford-on-Avon District has a growing ageing population
- Women & Girls – Participation in sport and physical activity is generally higher in males than females
- Children & Young People – It is vital to give children and young people a positive physical activity experience in order to create good habits for life. Early intervention is essential in order to encourage an active lifestyle
- People with Disabilities (including physical, sensory and learning disabilities and people with mental health conditions) – Disabled people have been identified as an under-represented group in sport and physical activity by

Sport England. 'Sporting Feature' states that disabled people are twice as likely to be inactive (less than 30 minutes per week) than non-disabled people.

2.2.5 The Operator shall contribute to wider local Strategic Outcomes, in particular, the following recommendations as set out in the Joint Strategic Needs Assessment (JSNA):

- Ensure services plan for the growth in population aged 65 and over
- Promote healthy lifestyles, including physical activity, diet and safe alcohol consumption to reduce risk factors for long-term diseases
- Increase opportunities for social connections across all age groups, particularly for those with limited access to transport or where a lack of community venues may limit opportunities for social contact
- Increase the range of opportunities for physical activity including safe walking and cycling routes, use of parks and green spaces and community-based activities, including provision that will appeal to young people, men and older people.

2.2.6 The Services Specification includes a list of performance indicators for each of the Council's Strategic Priorities.

2.2.7 The Operator must ensure that its programming and pricing policies, development plans, marketing and training etc. are focused on supporting the Council in achieving the desired outcomes and performance targets balanced with the need to be commercially sustainable.

2.3 Partnership Philosophy

2.3.1 The Council is seeking to establish a partnership philosophy with an Operator based on the following principles:

- Mutual respect
- A shared vision and operational philosophy
- A shared commitment to increasing participation in sport and physical activity and championing inclusivity in the District, particularly amongst identified under-represented groups including disabled people
- Proactive collaboration and cooperation
- Partnership working with key public, private and third sector organisations involved with enabling and delivering opportunities to promote health and wellbeing and increased physical activity participation
- Effective and regular communication and reporting
- A proactive approach to identifying new opportunities to develop or enhance the Services and issues affecting service delivery.

2.4 Core Requirements

- 2.4.1 The Council's core requirements are summarised in Table 4. These requirements shall form the basis of bidders' Initial Tender.

Table 4: Core Requirements

Core Requirements
<ul style="list-style-type: none">• Initial 10 years + two 5 year extension options.• Shared facility management responsibilities with the Operator taking on day-to-day repair/maintenance and low-level lifecycle replacements and the Council undertaking the maintenance of the core fabric of the Facilities and high value lifecycle replacements.• To make a significant contribution towards delivering the Council's Strategic Priorities and wider local Strategic Outcomes through the Facilities and outreach interventions.• A minimum total management fee payment to the Council of £3,000,000 over the initial 10-year Contract Period.• Implementing up to £4 million in investment solutions utilising Council sourced capital.

Full details of the requirements can be found in the Services Specification.

2.5 Asset Management

- 2.5.1 The Council and the Operator shall have a shared responsibility for the repair, maintenance and lifecycle replacement of the Facilities. This excludes the Pavilion for which the Council will have full asset responsibility.

2.6 Utilities Costs, National Non-Domestic Rates and Business Improvement District Levy

- 2.6.1 The Operator shall be responsible for all utilities costs (with the exception of those associated with The Pavilion), National Non-Domestic Rates (NNDR) and any Business Improvement District levy at the Facilities.

2.7 Pricing

- 2.7.1 The Operator is free to set prices for all activities, services and memberships providing that a concessionary scheme is offered at the Facilities and for the Active Communities Programme, and subject to the provisions contained within the Services Specification.
- 2.7.2 The concessionary pricing scheme for the new Contract is detailed within the Services Specification.

2.8 Membership Data

- 2.8.1 In the event that the incumbent operator is not the preferred operator for the new Contract, full membership data including Direct Debit information for all the Facilities shall be passed to the incoming operator free of charge on the transfer date.

3 THE PROCUREMENT PROCESS

3.1 Overview

- 3.1.1 To take the procurement process forward, the Council is being advised by The Sport, Leisure and Culture Consultancy (SLC).
- 3.1.2 This Invitation to Tender document has been issued by the Council in connection with a competitive procurement conducted under the Public Contracts Regulations 2015, using the Competitive Procedure with Negotiation (CPN) approach.
- 3.1.3 The detail of how the procurement process will be conducted is set out below.

3.2 Stage One – PIN, OJEU Notice, Market Interest Day and SSQ

- 3.2.1 A Prior Information Notice (PIN) was issued on 20 May 2019 in order to notify the market of the forthcoming opportunity and to seek the views and feedback from potential bidders via completion of an online soft market test questionnaire.
- 3.2.2 A Contract Notice was published on 14 January 2020 through the Official Journal of the European Union (OJEU) seeking expressions of interest from qualified leisure management organisations. It includes details on how to access the Data Room containing all the procurement documentation including:
 - Supplier Selection Questionnaire (SSQ)
 - Invitation to Tender (ITT)
 - Services Specification
 - Draft Leisure Operating Contract
 - Supporting information.

- 3.2.3 The Council will host a Market Interest Day on 28 January 2020 at Elizabeth House, Church Street, Stratford-upon-Avon, Warwickshire, CV37 6HX.
- 3.2.4 The purpose of the Market Interest Day is to provide an overview of the Contract opportunity, to outline the Council's aspirations, and to answer any general questions from potential bidders. Attendance is strongly recommended for all potential bidders but is not mandatory. It would be beneficial for attendees to have read all the procurement documents ahead of attending.
- 3.2.5 Organisations are required to confirm their intention to attend the Market Interest Day and number of attendees by email to procurement@stratford-dc.gov.uk. A maximum of three attendees per supplier is permitted to attend. Additionally, if you have any initial questions regarding the Contract opportunity or procurement process that you wish to be addressed at the Market Interest Day, please submit these by email to procurement@stratford-dc.gov.uk by no later than 5:00pm on 24 January 2020.
- 3.2.6 Please note that all questions submitted will be answered as part of the presentation to all potential bidders. Additionally, all questions and answers will be documented and shared with all bidders participating in this procurement opportunity via the CSW-JETS e-tendering portal.

3.3 Stage Two – Selection Process

- 3.3.1 A Supplier Selection Questionnaire (SSQ) is available along with other procurement documents to parties who register their interest in the Contract following publication of the Contract Notice via the CSW-JETS e-tendering portal.
- 3.3.2 The SSQ complies with the Public Contracts Regulations 2015 ("the Regulations") and the template issued by the Crown Commercial Service (2016). This prescribes a standard template for the SSQ and has some additional bespoke questions.
- 3.3.3 The SSQ contains the following:
- Potential Supplier Information and Evaluation Criteria
 - Exclusion Grounds: Part 1 and Part 2
 - Supplier Selection Questions: Part 3.
- 3.3.4 Instructions for completing and submitting the SSQ, together with details of the evaluation criteria are provided in the SSQ document.

3.4 Stage Three – Invitation to Submit Initial Tender (ISIT) Stage

- 3.4.1 The ISIT stage applies to bidders who have been shortlisted at the SSQ stage and have been invited by the Council to participate in the full tender stage. Shortlisting of bidders at the SSQ stage will be on the basis of the highest SSQ scores achieved. The ISIT provides additional details regarding the bid requirements and outlines the

procurement and evaluation process. It also includes the Draft Leisure Operating Contract and the Services Specification.

3.4.2 In their tender response, bidders must submit specific outputs, in particular:

- A detailed and fully priced response
- Method statements responses.

3.4.3 The Council will assess the tenders received based on the award criteria specified in the tender documentation. A pre-determined evaluation matrix will be used to assess responses to initial tenders and subsequent revised tenders if negotiation is conducted, in accordance with the evaluation criteria detailed within the tender documentation. A detailed breakdown of the evaluation categories and criteria has been provided in the associated documentation and will be applied to the evaluation of the tenders.

3.4.4 Upon completion of the evaluation of initial tenders, the Council reserves the right to:

- Award a contract to the preferred operator, being the bidder submitting the most economically advantageous tender, according to the evaluation process
- Enter into negotiation with selected bidders and subsequently request selected bidders to submit Revised Tenders
- Not award any contract and cease the tender process.

3.4.5 The Council may ask bidders to clarify any aspects of their bid that are unclear during the evaluation stage. No material in addition to that contained in the tenders other than in relation to clarification and/or validation of certain aspects of tenders will be considered in the evaluation scoring.

3.5 Stage Four – Invitation to Submit Revised Tenders (If applicable)

3.5.1 Following the evaluation of initial tenders, the Council may enter into negotiation and invite bidders to submit revised tenders. In this event, the Council may reduce the number of bidders invited to submit a Revised Tender by applying the award criteria specified in the procurement documents.

3.5.2 Bidders must ensure that their tender submissions present a solution capable of being accepted by the Council. The Council confirms that, subject to the principles of transparency, equal treatment and non-discrimination, nothing in this ITT and associated tender documents confers onto any bidder a right to put forward reviewed or improved terms once the tender has been submitted.

3.5 Stage Five – Preferred Operator / Award of Contract

- 3.5.1 The final stage of the procurement process involves the formal award of the Contract and undertaking the necessary preparations for the commencement of the Contract.
- 3.5.2 Once the preferred operator is selected, subject to the Council's formal decision-making and scrutiny processes, the Council will issue a Contract Award Notice to each bidder and implement a ten-day standstill period prior to Contract signature.
- 3.5.3 Table 5 below sets out the proposed procurement timetable. This is a guide and whilst the Council does not intend to depart from the timetable, it reserves the right to change it at any time for any reason.

Table 5: Indicative Procurement Timetable

Stage / Activity		Target Date
1.	OJEU Contract Notice	14 January 2020
2.	Market Interest Day	28 January 2020
3.	Deadline for SSQ clarification requests	14 February 2020
4.	SSQ Submissions	28 February 2020
5.	SSQ Evaluation and Shortlisting	13 March 2020
6.	Invitation to Submit Initial Tender (ISIT) for selected bidders	20 March 2020
7.	Deadline for ISIT clarification requests	3 June 2020
8.	ISIT Submissions	12 June 2020
9.	ISIT Evaluation and Shortlisting	July 2020
10.	Bidder Negotiation Meetings (if required)	July 2020
11.	Invitation to Submit Revised Tenders (ISRT) if required for selected bidders	August 2020
12.	ISRT Submissions	November 2020
13.	ISRT Evaluation	January 2021
14.	Contract Award Decision	February 2021
15.	Alcatel (Standstill) Period	March 2021
16.	Contract Award Notice	March 2021
17.	Contract Mobilisation	April – June 2021
18.	Contract Start Date	1 July 2021

3.6 Management of the Procurement Process

- 3.6.1 The Council will conduct the procurement process in such a way as to ensure:
- Compliance with OJEU regulations, Public Contracts Regulations 2015 and the Council's Contract Standards and Requirements
 - Value for money and affordable bids are received
 - Probity, transparency and accountability in the procurement process is achieved
 - Compliance with the Council's procurement policies

- Compliance with the formal decision-making processes of the Council.

3.7 Procurement Documents and Supporting Information

- 3.7.1 All of the documentation in respect of this procurement is uploaded to the CSW-JETS e-tendering portal. The Council may supplement, amend or substitute the information at any time during the procurement process. All bidders will be advised simultaneously via the CSW-JETS e-tendering portal of any such changes as a clarification.
- 3.7.2 The information provided on the CSW-JETS e-tendering portal is provided by the Council in good faith but does not purport to be comprehensive or to have been independently verified. Bidders should not rely on the information published on the CSW-JETS e-tendering portal and should carry out their own due diligence checks and verify the accuracy of such information. Nothing in the supporting information is or shall be a promise or representation as to existing circumstances or as to those that may prevail in future.

4 INVITATION TO TENDER (ITT)

4.1 Introduction

- 4.1.1 This ITT document is being made available to all organisations expressing an interest in the Contract alongside the OJEU Contract Notice. At this stage, full tenders are not required. When SSQs have been evaluated and bidders shortlisted, then those shortlisted bidders will be invited to the ISIT stage.
- 4.1.2 This document should be read in conjunction with all of the information provided on the CSW-JETS e-tendering portal, in particular:
- Services Specification and supporting appendices
 - Draft Leisure Operating Contract
 - Supporting Information.
- 4.1.3 The Draft Leisure Operating Contract will be published in full at ISIT stage based on the Sport England Procurement Toolkit template.

4.2 Structure of the ITT

- 4.2.1 The remainder of this ITT document is structured as follows:
- General information regarding the process and the intentions of the ITT stage
 - ITT submission requirements and responses required from bidders
 - Evaluation methodology and weightings on which ITT submissions will be assessed
 - Evaluation criteria on which ITT submissions will be assessed, from both a quality and price perspective
 - Conditions of the ITT stage
 - General information regarding the submission of Revised Tenders.
- 4.2.2 The following key documents have been prepared for the procurement:
- ITT (this document)
 - Services Specification
 - Draft Leisure Operating Contract
 - Tender Price Schedule.

4.3 Amendments to the ITT Documents

- 4.3.1 The Council reserves the right to issue amendments or modifications to the ITT. All bidders will be notified simultaneously of any amendments or modifications via the

CSW-JETS e-tendering portal and ITT submissions will be assumed to take account of any such amendments and modifications.

- 4.3.2 The Council reserves the right to vary the procurement timetable set out in Table 5.

4.4 Intentions of the ITT Stage and Important Notices

- 4.4.1 The purpose of the ITT stage of the procurement process is to provide the shortlisted bidders with the detailed information on the requirements and arrangements for the submission of ITT responses. The Council invites innovation from the bidders in the formulation of their proposals, within the constraints set out in this ITT document and the Services Specification.
- 4.4.2 The ISIT stage requires bidders to make a fully priced response to the requirements as set out in the Draft Leisure Operating Contract and the Services Specification.
- 4.4.3 Bidders must ensure that they are familiar with the content, the extent and nature of the obligations as outlined in the tender documents and shall in any event be deemed to have done so before submitting their tender.
- 4.4.4 Each bidder will be deemed for all purposes connected with the tender documents to have carried out investigations and enquiries that can reasonably be carried out. Each bidder should have satisfied itself as to the nature, extent, volume and character of the Services (in the context of and as described in the Services Specification) and the extent of the personnel, equipment, assets, plant and machinery which may be required and any other matter which may affect its tender.
- 4.4.5 All costs, expenses and liabilities incurred by a bidder in connection with the preparation and submission of their tender will be borne by the bidder. A bidder shall have no claim whatsoever against the Council in respect of such costs.
- 4.4.6 The Council shall not make any payments to the successful bidder or any other bidder and no compensation or remuneration shall otherwise be payable by the Council to the successful bidder in respect of the Services by reason of the scope of the Services being different from that envisaged by the successful bidder or otherwise.

4.5 Clarifications and Communications

- 4.5.1 Any queries/ clarifications or communications regarding this ITT must be directed via the CSW-JETS e-tendering portal using the clarification/ message function by no later than the relevant Deadline for ISIT clarification questions included in Table 5 "Procurement Timetable" above.
- 4.5.2 Questions received after the published deadline will not be answered. Requests must not be sent directly to individual Council employees or representatives/consultants by email. The Council will respond to all reasonable requests for additional information and to specific clarification questions as provided for in this ITT. To ensure fairness and equal treatment in the procurement process, answers to tender clarification questions will be anonymised and published to all bidders via the CSW-JETS e-

tendering portal on a regular basis in the form of a Question and Answer Summary. It is the bidders' responsibility to check the CSW-JETS e-tendering portal for any additional updates, including any Question and Answer summaries, and ensure that they have taken these into account.

- 4.5.3 If bidders do not want responses to individual requests for clarification or further information to be notified to all bidders, (for example, on the basis that the request or response contains commercially confidential information or may give another bidder a commercial advantage) the request must be clearly marked "Commercially Sensitive, In Confidence" and the bidder must set out the reason(s) for the request for non-disclosure to other bidders. The Council will consider any such request for non-disclosure on its merits, and whether any regulations or considerations of probity require it to be denied. Where the Council decides that the question or request, and its response, cannot be withheld from circulation, the bidder will have the opportunity to withdraw the question or request, or otherwise to re-present it in a redacted or other format.
- 4.5.4 Other than in accordance with the process described above, no Council employee or member of the Council has the authority to give any information or make any representation (express or implied) in relation to this ITT or any other matter relating to the Contract.
- 4.5.5 If you do not receive any of the documents advised as enclosed /available with this ITT, then please double check you have accessed/downloaded all ITT associated documents from the CSW-JETS e-tendering portal before contacting the Procurement Team using the CSW-JETS e-tendering portal message facility. It is the responsibility of bidders to ensure that they have all of the documents/attachments indicated within this ITT.

4.6 Bidder Visits to View the Facilities

- 4.6.1 Bidders should familiarise themselves with the Facilities and Services and will be deemed to have done so when they submit a tender. Bidders are requested not to visit the Facilities without prior agreement from the Council and must be sensitive to the staff and users when visiting.
- 4.6.2 Bidders are requested to make every effort, where practicable, to coordinate site visits jointly with members of their bidding team to minimise the number of visits required.
- 4.6.3 The Council reserves the right to withdraw consent to any facility visit at any time.
- 4.6.4 All requests for access to the Facilities should be sent via the CSW-JETS e-tendering portal.
- 4.6.5 Any questions arising as a result of the site visits must be submitted via the CSW-JETS e-tendering portal in accordance with paragraph 4.5 "Clarifications and Communications".

- 4.6.6 Bidders are therefore advised to arrange site visits well in advance of the deadline for submission of ISIT clarification questions.

4.7 Transfer of Undertaking (Protection of Employment Regulations) – TUPE

- 4.7.1 The Council considers that TUPE will apply in respect of employees currently engaged in the provision of the Services. Bidders shall seek independent professional advice on the effect of the TUPE Regulations (including any subsequent amendments to the TUPE Regulations) on their tenders and the Contract. The Council gives no assurances, warranties or assumptions as to the effect of TUPE on the Contract or otherwise. In the event of the TUPE Regulations applying to the Services, bidders will assume the risk of and will be presumed to have knowledge of the consequences of the application of the TUPE Regulations.
- 4.7.2 Bidders should also note that the successful bidder will, at the end of its Contract with the Council, itself be required to supply details of its workforce engaged on the Services (and that of any relevant sub-contractors and any such information as the Council reasonably requires). This information will be passed to organisations bidding for any subsequent re-tendering of the Services.
- 4.7.3 The outgoing operator has provided the Council with information relating to staff who may be likely to transfer under the TUPE Regulations to the successful bidder. In order to receive this information, bidders must complete and submit the Confidentiality Agreement (uploaded as a separate attachment) via the CSW-JETS e-tendering portal. The TUPE information will be issued via the CSW-JETS e-tendering portal to each bidder within five Business Days of receipt by the Council of their signed Confidentiality Agreement. Bidders must note that the Council will not have verified and does not in any way warrant the accuracy or completeness of the TUPE information received from the outgoing operator and supplied to the bidder. The Council does not accept any liability ensuing from any inaccuracy in, or omission from, the TUPE information.
- 4.7.4 Bidders are required to ensure that their pricing has taken account of the impact, if any, of the TUPE Regulations and the Pension Protection Regulations.

4.8 Conditions of the ITT Stage

- 4.8.1 Bidders should be aware of the following points when submitting tenders.
- 4.8.2 Nothing contained in this document or in any other communication made between the Council and any other party shall be taken as constituting a contract, agreement or representation between the Council and any other party (excluding a formal award of contract). The terms of the Draft Leisure Operating Contract and the Services Specification belonging to this ITT are subject to contract and without prejudice to the Council's legal position.

- 4.8.3 The Council reserves the right, in its absolute discretion, to disqualify any bidder who makes material changes to any aspect of its SSQ submission unless substantial justification can be provided to the satisfaction of the Council.

4.9 Bidder's Warranties

- 4.9.1 In submitting its tender in response to this ITT, the bidder warrants, represents and undertakes to the Council that:
- All information, representations and other matters of fact communicated (whether in writing or otherwise) to the Council by the bidder, its employees or agents in connection with or arising out of the tender are true, complete and accurate in all respects, both as at the date communicated and as at the date of tender submission.
 - It has made its own investigations, research and due diligence and has satisfied itself in respect of all matters (whether actual or contingent) relating to the tender and that it has not submitted the tender and will not be entering into the Contract (if the same be awarded to the bidder by the Council) in reliance upon any information, representation or assumption which may have been made by or on behalf of the Council (with the exception of any information which is expressly warranted by the Council).
 - It has full power and authority to enter into the Contract and perform the obligations specified in the Leisure Operating Contract and the Services Specification.
 - It is of sound financial standing and has and will have sufficient working capital, skilled staff, equipment, cash and financing and other resources available to it to perform the obligations specified in the Contract.
 - It will not at any time during the Contract Period or at any time thereafter claim or seek to enforce for the purposes of the Contract any lien, charge, or other encumbrance over property of whatever nature owned or controlled by the Council and which is for the time being in the possession of the bidder.

4.10 Confidentiality and Freedom of Information

- 4.10.1 All information provided to bidders in this ITT and associated information, orally or in writing throughout the procurement process is provided on a strictly confidential basis and should not be disclosed to any other person. Such information shall only be passed by bidders to employees, agents, sub-contractors, or advisers if, either this is done for the sole purpose of enabling a bidder to participate in the procurement process or, if the bidder has received the prior written consent of the Council to disclose the information.
- 4.10.2 If you consider that any information included in your tender is either confidential or commercially sensitive, you must identify it and explain (in broad terms) what harm may result from disclosure if a request is received, and the time period applicable to that sensitivity. You should be aware that, even where you have indicated that

information is commercially sensitive, this may not be accepted by the Council. Please note that the receipt of any material marked 'confidential' or equivalent by the Council should not be taken to mean that the Council accepts any duty of confidence by virtue of that marking. If a request is received, the Council may also be required to disclose details of unsuccessful bidders' tenders.

- 4.10.3 The Council is subject to the Freedom of Information Act 2000 ("FOIA") and the Environmental Information Regulations 2004 ("EIR"). As part of the Council's obligations under FOIA or EIR, it may be required to disclose information concerning the procurement process or the Contract to anyone who makes a reasonable request.
- 4.10.4 Bidders should indicate, by completing Appendix 7 – Contractor Confidential Information, with supporting reasons, the parts of their tender submission and Contract which the bidder considers is confidential and/or commercially sensitive should a request for information be received by the Council.
- 4.10.5 However, the Council shall be entitled to determine in its absolute discretion whether any information is exempt from FOIA and/or the EIR or is to be disclosed. The Council must make its decision on disclosure in accordance with the provisions of FOIA or the EIR and can only withhold information if it is covered by an exemption from disclosure under FOIA or the EIR.
- 4.10.6 The Council will not be held liable for any loss or prejudice caused by the disclosure of information that:
- has not been identified in Appendix 7 as described above, with supporting reasons (referring to the relevant category of exemption under FOIA or EIR where possible); or
 - does not fall into a category of information that is exempt from disclosure under the FOIA or EIR (for example, a trade secret or would be likely to prejudice the commercial interests of any person); or
 - in cases where there is no absolute statutory duty to withhold information, then notwithstanding the previous clauses, in circumstances where it is in the public interest to disclose any such information.
- 4.10.7 Once contracts have been signed, the name of the successful bidder and the overall Contract price may be published on the CSW-JETS e-tendering portal and the Council's website.
- 4.10.8 Additionally, any individual payments made to the successful bidder will be published in our transparency data on the Council's website.

4.11 Canvassing and Collusion

- 4.11.1 The Office of Fair Trading encourages Councils to look out for any evidence of price fixing arrangements. All bidders are strictly prohibited from discussing or colluding with other bidders in any way. This includes, but is not limited to:
- organisations advising on the procurement for other bidders

- other organisations or parties associated with the procurement or other bidder
- any of the other bidders' subsidiary companies or organisations.
- In particular, but without limitation, bidders must not collude on the following matters:
 - any aspect or part of the procurement in its entirety
 - any aspect or part of the information associated with it or provided for it, and
 - any aspect of tender submissions.

4.11.2 Any bidder who directly or indirectly canvasses an elected Member or employee of the Council (including any agents or advisors of the Council) concerning the procurement or who directly or indirectly obtains or attempts to obtain information from any such person mentioned above concerning any other bidder, is liable to be disqualified.

4.11.3 If a bidder does not observe the paragraphs in 4.10, the Council may reject the bidder's submission. Similarly, if the Council considers that there has been any co-operation, collusion or canvassing at any time during the procurement process that actually or potentially undermines competition, it may reject the compromised submission without notice.

4.11.4 Bidders must submit the Certificates of Non-Collusion provided in Appendices 2 and 3 of this ITT document.

4.12 Information Disclosure

4.12.1 The Council may disclose detailed information relating to bidders' tenders to the Council's elected Members, directors, officers, employees, or advisers.

4.13 Right to Clarify, Vary or Cancel the Process

4.13.1 The Council reserves the right at any time:

- to issue amendments or modifications to the ITT;
- to alter the timetable to contract award; and/or
- not to award a contract and to withdraw from this process.

4.14 Costs and Expenses

- 4.14.1 Any costs or expenses incurred by bidders or other person will not be reimbursed by the Council. Neither the Council nor any of its advisers will be liable in any way to any bidder or other person for any costs, expenses or losses incurred in connection with this process.

4.15 Publicity

- 4.15.1 Bidders may not make any public statements or take part in any promotional activity relating to the procurement without prior written approval from the Council.

4.16 Disclaimer

- 4.16.1 Whilst the information in this ITT and associated information has been prepared in good faith, it does not purport to be comprehensive or to have been independently verified. Neither the Council, nor any of its advisors, accepts any liability or responsibility for the adequacy, accuracy or completeness of these documents, nor do they make any representation or warranty, express or implied, as to the sufficiency, accuracy, reasonableness or completeness of the information provided nor shall any of them be liable for any loss or damage (other than in respect of fraudulent misrepresentation) arising as a result of reliance on such information or any subsequent communication.
- 4.16.2 Bidders should carry out their own due diligence checks and make their own independent assessment of the proposed terms after making such investigation and taking such professional advice as it deems necessary to determine their interest in the procurement.
- 4.16.3 Nothing in the ITT and associated information or in any other written or oral information provided to any bidders prior to execution of any agreement relating to the procurement should be relied on as a promise or representation as to the future.
- 4.16.4 The issue of this ITT and associated information to a bidder does not mean that the bidder has satisfied the Council regarding any matter raised during the SSQ process. The Council makes no representations or warranties regarding the bidder's financial status or stability, technical competence or ability in any way to carry out the procurement.
- 4.16.5 The Council shall not make any payments to the bidders and no compensation or remuneration shall otherwise be payable by the Council to the successful bidder due to the scope of the Services or requirements being different from that envisaged by the successful bidder or otherwise.

4.17 Accuracy of Information Provided

- 4.17.1 This ITT, schedules and appendices are supplied electronically. In the event of any inconsistency, the ITT and enclosures will take precedence over any documents previously issued by the Council.

5 INVITATION TO SUBMIT INITIAL TENDER (ISIT) SUBMISSION REQUIREMENTS

5.1 Bid Requirements

- 5.1.1 ISIT submission requirements are outlined in the paragraphs below.
- 5.1.2 The Council wishes to appoint a leisure operator to manage, operate and maintain its Leisure Centres in line with its Strategic Priorities.
- 5.1.3 The detailed service requirements in relation to the Facilities and the Services can be found in the Services Specification.

5.2 ISIT Quality Submission Requirements

- 5.2.1 All bidders must respond to the series of Method Statements to support the bidders' proposals as set out in Table 6.
- 5.2.2 The method statement responses must reflect both the existing and planned new facilities within the Contract. The weighting of the method statements reflects the Council's priorities for the partnership.

Table 6: Method Statements

	Method Statement	Points Weighting
1	Council's Strategic Priorities for Leisure Services	
1a	Please outline how your organisation will deliver targeted interventions to increase physical activity participation in line with the Council's Active Communities Strategy. This should include examples of where this approach has been successful elsewhere, ideally with a similar demographic.	6
1b	How will you deliver the Council's Strategic Priorities and wider local Strategic Outcomes, including your approach to reaching priority groups and localities?	5
1c	How will you provide wider community engagement and work in partnership with other stakeholders involved with health and wellbeing across the District?	4
2	Investment Solutions	
2a	Please outline your organisation's proposed investment solution using up to £4million of Council sourced capital. How will this deliver the Council's Strategic Priorities and contribute towards wider local Strategic Outcomes?	5

	Method Statement	Points Weighting
2b	Please provide details of how you will generate additional revenue through the utilisation of the Facilities and the impact on the proposed investment solution.	5
3	Facilities Management	
3a	Please provide your Planned Preventative Maintenance and lifecycle replacement programme for each of the Facilities in the Contract.	4
3b	What local and head office resources will you put in place to deliver your repair and maintenance responsibilities?	2
3c	Please outline how you will effectively maintain the buildings and equipment ensuring that the Council's assets are maintained to the highest standards. You should include how your asset management systems ensure safe and effective operation of buildings and that equipment is fit for purpose and meets customer demands.	4
4	Environmental and Energy Management	
4a	Please outline how you will ensure that the Facilities are managed in an environmentally sustainable and cost-effective manner in order to meet the requirements of the Services Specification. Your response should consider elements such as waste and recycling, energy and water usage, travel planning and pollution control.	6
4b	Please include details of any invest to save schemes and initiatives you propose to implement to help meet these requirements.	4
5	Quality Assurance and Performance Management	
5a	How will your Quality Assurance system ensure high standards of customer satisfaction for key operational areas including cleaning, customer service, health and safety and maintenance for the Services?	4
5b	Please outline how you will collect the performance indicators for the Contract using ICT and how you will track and report progress against the Council's Strategic Priorities and the Active Communities Strategy.	3

	Method Statement	Points Weighting
5c	Please outline your staff resourcing strategy to provide sufficient and suitably qualified staff to deliver the Council's Strategic Priorities and contribute towards wider local Strategic Outcomes, whilst ensuring staff welfare, good customer care, and the safe and clean operation of the Facilities. What is your approach to continuing professional development for staff, apprentices and volunteers?	3
6	Social Value	
6a	<p>Please outline what wider social and economic benefits you will provide to the local community through the Contract.</p> <p>This could include, but is not limited to, supporting the local supply chain, ethical purchasing standards, creating jobs for local people, improving skills, providing work experience and apprenticeship opportunities, local volunteering opportunities etc.</p>	5
TOTAL		60

- 5.2.3 Method Statements should address all elements of the Method Statement question and should clearly set out how bidders intend to meet the relevant requirements of the Services Specification. Maximum word counts have not been set for the Method Statements. You are however requested to be succinct, whilst answering all questions accurately and fully.
- 5.2.4 Each Method Statement response must be clearly and separately identified and must be complete in its own right with no cross-referencing between other Method Statement answers or to other materials (e.g. annual reports on a company website). Diagrams, charts and appendices can be provided but must be clearly referenced to the Method Statement to which they refer.
- 5.2.5 Bidders should be aware that there will be aspects of the Method Statements provided by the bidder (explaining how it will provide and perform the Services) that are considered material and that the Council would not wish to see changed without its prior consent. The agreed method statements of the successful bidder will be added to the Leisure Operating Contract.

5.3 ISIT Financial Submission Requirements

- 5.3.1 In providing the financial component of their submission, bidders must provide their Leisure Operator Base Trading Account (LOBTA). The financial submission must include the items below:
- Annual profit and loss account and cash flow statements throughout the life of the Contract for each financial year (April – March). The profit and loss account must separate out the individual items of income and expenditure including:
 - detailed income on an annual basis over the life of the Contract for each of the Facilities and all of the Services to be provided
 - detailed expenditure on an annual basis over the life of the Contract for each of the Facilities and all of the Services to be provided
 - central and support costs charged to each of the Facilities must be clearly broken down
 - detailed statements of maintenance and lifecycle costs for each of the Facilities
 - all relevant assumptions in respect of VAT, including the liability of supplies and information on any irrecoverable VAT included in the financial model.

- 5.3.2 Where specific tax structures may be required for the benefit of the bidders, these should be clearly stated. The Council will require confirmation of the acceptability by the relevant tax authority to any tax structure to be employed by the bidder. Further, the Council will not accept the risk of non-acceptance of any tax structure proposed.
- 5.3.3 Bidders must submit a tender with a minimum total management fee payment to the Council of £3,000,000 over the initial 10-year Contract Period.
- 5.3.4 Any tender submission that does not meet the financial threshold in paragraph 5.3.3 will be deemed non-compliant and disqualified from the process.
- 5.3.5 Each bid will be scored on a scale to reward bidders offering the Council the most favourable management fee payment to the Council as shown in Table 8.
- 5.3.6 Bidders may choose to utilise Council sourced capital of up to £4million as part of their bid to improve outcomes and revenue performance. Bidders may select any amount up to £4million but this must be paid back through the management fee payment to the Council.
- 5.3.7 Bidders will be required to repay their selected capital sum over 10 years (or a lesser period, if requested by the bidder, which will become the term of the repayment) at an annual flat interest rate of the Bank of England base rate plus 3.5% (the base rate being the prevailing rate when the term of the repayment is agreed).
- 5.3.8 Bidders must complete their required capital sum in the Tender Price Schedule (Appendix 4). This figure must be entered separately to the management fee payment to the Council. Capital repayments and interest (using a 3.5% interest rate) will then be automatically calculated and included for Years 2 to 10 of the Contract.
- 5.3.9 The pricing schedule allows for the following profile:
- Year 1 No lower than 5% of the total management fee payment
 - Years 2 to 10 Increases varying by no more than 20% on the preceding year and decreases of no more than 10% from the preceding year.
 - The minimum total for 10 years must be £3,000,000 Pound Sterling (payment to the Council) plus capital repayment charges. Bidders will be required to provide a schedule that details the annual payments from Year 1 through to Year 10.
- 5.3.10 All outputs from the financial model used must be capable of sensitivity analysis to reflect variations in activity levels, demand for services and external sources of income as well as the effects of non-availability of the facility and poor performance in the delivery of services.
- 5.3.11 Bidders will be required to complete and submit the Tender Price Schedule (uploaded as a separate attachment) referred to in Appendix 4 to this ITT and to ensure that the

outputs of the financial model clearly correspond to the information submitted in the Tender Price Schedule.

- 5.3.12 Bidders must prepare financial statements based on the prices at Year 1 of the Contract and exclude inflation in their projections and the management fee payment to the Council.
- 5.3.13 To note, it is intended that any payment to the Council will be payable quarterly in advance and shall be quoted exclusive of VAT, although VAT will be applied, where applicable, when the payment is made.

5.4 ISIT Submission – Contractual Points to Note

- 5.4.1 A mark-up of the Draft Leisure Operating Contract and/or associated Schedules is not permitted. Bidders are only permitted to feedback on minor points of drafting to reflect the individual characteristics of the Council's scheme. Amendments that constitute changes to the intention of any of the Clauses within the Draft Leisure Operating Contract will be deemed non-compliant.
- 5.4.2 If a bidder wishes to raise a fundamental issue relating to the Draft Leisure Operating Contract that would change the intention of any of the Clauses, it should submit this as a clarification question to the Council via the CSW-JETS e-tendering portal in accordance with the Clarifications and Communications procedure described at paragraph 4.5. If there is a fundamental issue that is common to all bidders, then the Council will consider issuing a clarification note to all bidders.
- 5.4.3 Bidders must specify in their ISIT submissions that the Draft Leisure Operating Contract and the Services Specification are endorsed in full by the bidder.
- 5.4.4 Bidders must provide a schedule of any known, proposed or possible changes in Legislation that have been accommodated for within their bid submission.
- 5.4.5 Bidders must confirm that any sub-contracts proposed will be entered into by the Operator at the time of execution of the Contract.
- 5.4.6 The Council will only accept tenders from bidders to provide a service. Bids from single organisations, existing Councils, Partnerships and consortia are acceptable, but it should be stated clearly in the documentation which legal entity the Council would be contracting with. Bidders may sub-contract elements of the service provision, but the Council shall require reassurance that the management, operational and contractual arrangements in place between the bidder and sub-contractors are robust and shall not lead to any deterioration in service quality. The structure of the bidding organisation should be clearly set out.

5.5 Changes to Information Previously Submitted

- 5.5.1 Bidders must confirm in their ISIT submission that statements made in response to the SSQ remain true and accurate in all material respects. The Council reserves the

right to return to any matters raised in the SSQ where circumstances have changed in some material respect.

- 5.5.2 Upon receipt of such information, the Council shall be entitled to revisit the selection and/or evaluation of the bidder and exclude the bidder, if necessary, as a result of that process.

5.6 Procedure for ISIT Submissions

- 5.6.1 Bidders are required to complete and provide all information in accordance with the conditions set out in this section. Failure to comply with these conditions may lead the Council to reject a bidder's ISIT submission unless the Council has expressly agreed to any changes in writing. In order to assist bidders to ensure their ISIT submission is compliant, the Council has included an ISIT submission checklist in the form set out at Appendix 1.
- 5.6.2 All ISIT submissions must be completed in English, in full, and priced in Pound Sterling, exclusive of VAT.
- 5.6.3 Information is to be submitted in the order and clearly referenced as identified in the Form of Offer at Appendix 1 of this ITT.
- 5.6.4 Additional documentation should not be submitted unless specifically requested and this includes marketing material etc. Such unrequested documents will be disregarded. Where any specific documentation is required, it will be clearly stated in the ITT documents.
- 5.6.5 Where permitted, and necessary to include directly relevant attachments/ appendices/ separate files for your response, please ensure that these are clearly headed up and the file is named appropriately and referenced to the particular Method Statement/ question to which it applies, so that the Evaluation Panel clearly understands which attachments you wish to be considered against each Method Statement/ question.
- 5.6.6 The Evaluation Panel will not guess or assume which appendix a bidder wishes the panel to consider as part of their response to any question.

5.7 Return of Tenders

- 5.7.1 This ITT was advertised as being available to potential bidders through the Council's electronic tendering (e-tendering) portal, CSW-JETS <http://www.csw-jets.co.uk/>
- 5.7.2 Bidders must submit their responses to the ISIT through this same portal to be received by no later than 12:00 noon on 12 June 2020.
- 5.7.3 Tenders received after this time and date will not be considered.
- 5.7.4 Please allow sufficient time to complete, upload and submit your return. No extensions will be given to the tender return deadline due to any bidder being

unfamiliar with, or not allowing enough time to upload documents, or making mistakes in respect of the portal.

- 5.7.5 All aspects (documents/attachments/responses) of the tender response can and must be submitted via the CSW-JETS e-tendering portal. You must not post the Council a hardcopy of your tender response unless specifically instructed to do so.

5.8 CSW-JETS Support

- 5.8.1 If you encounter any technical problems, please log issues via support@in-tend.com.
- 5.8.2 For critical and time-sensitive issues, then please call 0845 557 8079.
- 5.8.3 Each ITT submission should be returned with all of the information specified in Appendix 1 – Form of Offer to Supply the Services.

6 EVALUATION CRITERIA

6.1 Evaluation Methodology – Overview

- 6.1.1 The Contract will be awarded to the bidder submitting the highest scoring tender at the end of the procurement process.
- 6.1.2 This section of the ITT provides guidance on the methodology for the evaluation of ISIT submissions.
- 6.1.3 The basis of the award of the Contract will be the evaluation criteria shown in Table 7.

Table 7: Evaluation Criteria and Weighting

	Base Bid
Financial	40 Points
Quality	60 Points

Within the Quality criteria, there are a range of detailed evaluation sub-criteria or method statements as shown in Table 6.

- 6.1.4 The scoring process for the quality evaluation area works on the principle of allocating scores to specific evaluation sub-criteria and the scores are weighted to provide levels of importance between the evaluation sub-criteria.
- 6.1.5 Submissions will be checked initially to ensure that they are fully compliant with all aspects of the ITT and include all documents required. Failure to comply fully with the tender Instructions and/or incomplete submissions may result in your submission being excluded at this stage.
- 6.1.6 The Council reserves the right to reject any tender where the bidder has failed to return the tender submission fully completed and signed; however, the Council may request bidders whose information or documents appear to be incomplete or erroneous or where specific documents are missing to submit, supplement, clarify or complete the relevant information or documentation within an appropriate time limit, provided that such requests are made in full compliance with the principles of equal treatment and transparency.
- 6.1.7 During the evaluation period, the Council reserves the right to call for further information or clarification from the bidders to assist in its consideration of their submissions.
- 6.1.8 Acceptance of the Draft Leisure Operating Contract and associated Schedules must be included in the tender submission bid to be compliant.

6.2 Financial (Management Fee Payment)

- 6.2.1 The price criterion is based on the best financial outcome for the Council over the initial 10-year Contract Period. Each bid will be scored on a scale to reward bidders

offering the most favourable management fee payment to the Council as shown in Table 8.

- 6.2.2 Financial scores will be allocated based on the bidder's Total Revenue Payment/ Receipt for the 10 years to be completed in Appendix 4 – Tender Price Schedule. Bidders will be awarded scores based on the sliding scale shown in Table 8.
- 6.2.3 A minimum total management fee payment to the Council of £3,000,000 over the initial 10-year Contract Period is a core requirement of the Contract and any tender submission that does not meet this financial threshold will be deemed non-compliant and will be disqualified at this stage. In this event, the bid will not be considered further, and the Quality Method Statements will not be assessed.

Table 8: Price Scoring Model - Revenue Payment to the Council (excluding VAT)

10-Year Management Fee Payment to the Council	% Points out of 40
£5,500,000	40
£5,250,000	39
£5,000,000	38
£4,750,000	37
£4,500,000	36
£4,250,000	35
£4,000,000	34
£3,750,000	33
£3,500,000	32
£3,250,000	31
£3,000,000	30

6.3 Method Statements (Quality) Criteria

- 6.3.1 The quality evaluation criteria have several sub-criteria. The comparative weightings of each sub criteria set out in Table 6 are based on their relative importance.
- 6.3.2 Bidders must provide their method statements as described at paragraph 5.2 “ISIT Quality Submission Requirements”.
- 6.3.3 The Council will score the method statement submissions using the scoring approach illustrated in Table 9. Please note that the Council may disqualify any submission which has an overall quality score of less than 50% of the 60 points allocated to Quality (i.e. an overall Quality score of less than 30).

Table 9: Method Statement Scoring Criteria

Score	Description of information received	% Equivalent for Method Statement
0	No submission provided.	0% (will result in the bid being rejected)
1	Unsatisfactory submission – totally unacceptable and does not meet the requirement in any way.	10% (will result in the bid being rejected)
2	Poor submission – limited comments provided and rejection of some fundamental principles. Significant omissions from the bid and/or is not supported by a satisfactory standard of evidence. Demonstrates little or no understanding of the Council’s Strategic Priorities. Raises significant concern that the bid will not meet the Council’s values and expectations.	20% (may result in the bid being rejected)
3	Satisfactory submission – comments or information submitted is of a satisfactory standard with some minor omissions and/or issues which give rise to some minor concerns; adequate understanding of the project brief and the Council’s Strategic Priorities.	50%
4	Good submission – comments made demonstrate a sound and complete approach which have the potential to fully accord with the Council’s values and expectations; good understanding of project brief and the Council’s	70%

	Strategic Priorities; any project specific comments cause no appreciable concerns. Demonstration of compliance with best practice are included.	
5	Excellent submission – exceeds expectations, demonstrating a thorough understanding of project brief and the Council’s Strategic Priorities giving the Council a high degree of confidence that the Council’s values and expectations will be met, with comprehensive and robust evidence of best practice and innovative solutions that will be advantageous to the Council.	100%

6.3.4 Two examples of method statement scores are shown below:

- A bidder scoring 4 on method statement 1a;
 - $4 = 70\% \times 6$ (points allocated) = **Points Score of 4.2**
- A bidder scoring 3 on method statement 2a;
 - $3 = 50\% \times 5$ (points allocated) = **Points Score of 2.5**

6.4 Invitation to Submit Revised Tenders (ISRT)

6.4.1 Following ISIT, the Council may decide to enter into negotiation with selected bidders. The Council will select a maximum of four bidders to submit revised tenders based on the top four scoring bids at the ISIT stage.

6.4.2 Should it decide to enter into negotiation and ask for a Revised Tender, the Council will negotiate on:

- Investment solutions and capital funding (method statements 2a and 2b)
- Repair and maintenance responsibilities (method statements 3a, 3b and 3c)
- Financial submission.

6.4.3 All other method statement scores from the ISIT stage will be carried forward to the revised tenders for each bidder.

6.4.4 The final evaluation at ISRT stage will use the same evaluation criteria as the ISIT stage.

6.4.5 A preferred operator will be selected on the basis of the bidder scoring the highest overall percentage points score following evaluation of the revised tenders.

APPENDICES

Appendix 1: Form of Offer

FORM OF OFFER TO SUPPLY THE SERVICES

LEISURE MANAGEMENT CONTRACT

To Stratford-on-Avon District Council ("The Council")

1. Having examined the Invitation to Tender (ITT), and its accompanying documents, and being fully satisfied in all respects with the requirements of the conditions and the contract documents, and in consideration of the Council considering this tender, I/we hereby offer to provide the Services as specified in the ITT and contract documents at the prices shown in the completed Appendix 4 of this ITT, for the term of and in accordance with the provisions of the contract documents. If this offer is accepted, I/we will execute documents in the form of the contract documents within 14 days of being called upon to do so.
2. In further consideration of your considering this tender, we agree that this offer shall remain open for acceptance and shall not be withdrawn for six months from the date fixed for the return of tenders.
3. We agree that unless and until a formal contract is prepared and executed the offer set out in this tender constitutes an unconditional and irrevocable offer by us which shall be capable of acceptance by you whereupon there shall be constituted between us a binding contract.
4. We certify that this is a bona fide competitive tender and that we have not fixed the amount of the tender as a consequence of any agreement or arrangement with any other person or body. We certify further and undertake that we have not and will not commit all or any of the following:
 - (a) communicate to any person or body other than the Council or the person calling for these tenders on behalf of the Council the amount or approximate amount of the proposed tender.
 - (b) influence or attempt to influence any prospective bidder so that he shall refrain from tendering or fix his tender price in a particular way.
5. We agree, if required, to enter into a contract to be executed as a deed in the form determined by the Council's Legal Team.
6. Accompanying this bid are the following documents submitted and referenced as numbered in this Form of Offer and in accordance with the ITT:

	Bid Submission Requirement	ITT Reference	Included (√)
1	Identify any confidential or commercially sensitive information	Appendix 7	
2	Submit certificates of non-collusion	Appendix 2	
3	Submit certificates of no canvassing	Appendix 3	
4	Financial model	5.3	
5	Complete and submit the Tender Price Schedule included in the Data Room	Appendix 4	
6	Confirmed acceptance of the Services Specification	Appendix 5	
7	Method Statement responses	5.2	
8	Confirmed acceptance of the Draft Leisure Operating Contract	Appendix 6	
9	Schedule of any known, proposed or possible changes in Legislation that have been accommodated for and identify any known changes that have not	5.4.4	
10	Proposed structure of the bidding organisation, details of the key sub-contracts to be entered into and confirmation that any sub-contracts proposed will be entered into by the Operator at the time of execution and that all key sub-contractors will enter into collateral agreements with the Council	5.4.5 and 5.4.6	
11	Confirmation that statements made in response to the SSQ remain true and accurate in all material respects	5.5	

1 SIGNED

POSITION

2 SIGNED

POSITION

On behalf of

Date

Appendix 2: Certificate as to Non-Collusive Tendering

CERTIFICATE AS TO NON-COLLUSIVE TENDERING LEISURE MANAGEMENT CONTRACT

To Stratford-on-Avon District Council (“The Council”)

The essence of the public procurement process is that the Council shall receive bona fide competitive bids from all bidders. In recognition of this principle, I/we certify that this is a bona fide bid, intended to be competitive and that I/we have not fixed or adjusted the amount of the bid or the rates and prices quoted by or under or in accordance with any agreement or arrangement with any other party.

I/We also certify that I/we have not done and undertake that I/we will not do at any time any of the following acts:

- (a) communicate to a party other than the Council the amount or approximate amount of my/our proposed bid (other than in confidence to obtain quotations necessary for the preparation of the bid for insurance),
- (b) enter into any agreement or arrangement with any other party that he shall refrain from bidding or as to the amount of any bid to be submitted, or
- (c) offer or agree to pay or give or pay or give any sum of money inducement or valuable consideration directly or indirectly to any person for doing or having done or causing or having caused any act or omission to be done in relation to any other bid or the proposed bid.

In this Certificate:

The phrase “any agreement or arrangement” includes any transaction, formal or informal whether legally binding or not.

1 SIGNED

POSITION

2 SIGNED

POSITION

On behalf of.....Date.....

Appendix 3: Certificate as to No Canvassing

CERTIFICATE AS TO NO CANVASSING LEISURE MANAGEMENT CONTRACT

To Stratford-on-Avon District Council ("The Council")

I/We hereby certify that I/we have not canvassed any member, employee, agent or contractor of the Council in connection with the award of the agreement for the procurement or any other proposed contract for the supply of the Services and that no person employed by me/us or acting on my/our behalf has done any such act.

I/We further hereby undertake that I/we will not in the future canvass or solicit any member, employee, agent or contractor of the Council in connection with the award of the Contract for the procurement or any proposed contract for the supply of the Services and that no person employed by me/us or acting on my/our behalf will do any such act.

1 SIGNED

POSITION

2 SIGNED

POSITION

On behalf of

Date

Appendix 4: Tender Price Schedule

TENDER PRICE SCHEDULE

STRATFORD-ON-AVON DISTRICT COUNCIL

LEISURE MANAGEMENT CONTRACT

Please complete the Tender Price Schedule Excel spreadsheet that can be downloaded from the CSW-JETS e-tendering portal.

Appendix 5: Acceptance of the Services Specification

STRATFORD-ON-AVON DISTRICT COUNCIL LEISURE MANAGEMENT CONTRACT

I/We hereby certify that I/we accept the terms of the Stratford-on-Avon District Council Services Specification as supplied with the ITT.

I/we confirm that the financial submission and method statement in our tender is on the basis of adhering to all aspects of the Services Specification.

1 SIGNED

POSITION

2 SIGNED

POSITION

On behalf of

Date

Appendix 6: Acceptance of the Draft Leisure Operating Contract

LEISURE MANAGEMENT CONTRACT

To Stratford-on-Avon District Council (“The Council”)

I/We hereby certify that I/we accept the terms of the Stratford-on-Avon District Council Draft Leisure Operating Contract as supplied with the ITT.

I/we confirm that the financial submission and method statement in our tender is on the basis of the Draft Leisure Operating Contract.

1 SIGNED

POSITION

2 SIGNED

POSITION

On behalf of

Date

Appendix 7: Contractor Confidential Information
STRATFORD-ON-AVON DISTRICT COUNCIL
LEISURE MANAGEMENT CONTRACT

	INFORMATION SUBMITTED AND CONSIDERED BY THE BIDDER AS CONFIDENTIAL/ COMMERCIALY SENSITIVE UNDER FOI ACT 2000
1.Document submitted	
2.Section/paragraph of document	
3.Specify the Information/ wording considered to be confidential/ commercially sensitive	
4.Reasons/ justifications for Information being confidential/commercially sensitive	
5.Timescale which information under (3) shall be confidential	
6.Specify Exemption, Confidential or Commercially Sensitive	

Bidders should copy this schedule and submit additional sheets if necessary.