

Volume Two (2) Applicant’s Offer

Selection Questionnaire /

Invitation to Tender

|  |
| --- |
| Reference Number: 0147 Exeter City Council |
| Contract for: SafeSleep 2018-19 |

Closing date for return of submission:

12:00hrs (noon) on 9th August

And submitted to

ecctenders@exeter.gov.uk

|  |
| --- |
| Name of Applicant: |

This document must be completed and returned in the published format. Failure to comply with this instruction may result in your Submission being discounted.

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| Contents |

[1 General Information 4](#_Toc510697454)

[1.1 Procurement Procedure 4](#_Toc510697455)

[1.2 Procurement Timetable 5](#_Toc510697456)

[1.3 Authority Representatives 6](#_Toc510697457)

[1.4 Contract Period 6](#_Toc510697458)

[1.5 Insurance Levels 6](#_Toc510697459)

[1.6 Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) (as amended) 6](#_Toc510697460)

[1.7 Eligible Users 7](#_Toc510697461)

[1.8 Further Competition – Call-Off Procedure 7](#_Toc510697462)

[2 Specification 8](#_Toc510697463)

[3 Selection Questionnaire 9](#_Toc510697464)

[4 Award 25](#_Toc510697465)

[4.1 Award Criteria 25](#_Toc510697466)

[4.2 Scoring Guidelines 25](#_Toc510697467)

[4.3 Award Questions 27](#_Toc510697468)

[5 Pricing Schedule 28](#_Toc510697469)

[6 Price Review Framework 29](#_Toc510697470)

[6.1 Price Validity Period 29](#_Toc510697471)

[6.2 Price Review Proposals 29](#_Toc510697472)

[6.3 Contract Renewal 29](#_Toc510697473)

[6.4 Spend Related Rebate Proposals 29](#_Toc510697474)

[6.5 Volume Related Rebate Proposals 29](#_Toc510697475)

[6.6 Pricing Schedule Declaration 30](#_Toc510697476)

[7 Certificates 31](#_Toc510697477)

[7.1 Conditions of Tender 31](#_Toc510697478)

[7.2 Certificate of Undertaking and Absence of Collusion or Canvassing 32](#_Toc510697479)

[7.3 Certificate of Confidentiality 33](#_Toc510697480)

[7.4 Commercially Sensitive Information 33](#_Toc510697481)

[7.5 Conflict of Interest 33](#_Toc510697482)

# **General Information**

## Procurement Procedure

The Authority is issuing this Invitation to Tender (ITT) and is inviting expressions of interest and Bids from Applicants in response to the published advertisement. The ‘Open’ procurement process has been selected by the Authority for this below threshold tender in line with the Authority’s Procurement and Contract Procedures and means that all Applicants that submit a Bid shall be evaluated in accordance with the criteria and process outlined within Volume Two (2) Applicant’s Offer and the information contained within it shall be used by the Authority as the means to make a Contract award decision.

Procurement Timetable

The Authority proposes the following timetable for the award of the Contract(s):

|  |  |
| --- | --- |
| **Procurement Stage** | **Dates** |
| Publication of advertisement / Issue of Tender documents | 12th July 2018 |
| Clarification questions to be submitted by | 30th July 2018 |
| Clarification responses to be issued by | 2nd August 2018 |
| Return Deadline | 9th August 2018 |
| Evaluation | Week commencing 13th August 2018 |
| Presentation/Demonstration/Site Visit (if required) | N/A |
| Notification of Contract award | 17th August 2018 |
| Standstill period (if required) | 20th August – 27th August |
| Contract start | 1st October 2018 |

The Authority reserves the right to change the above timetable and Applicants will be notified accordingly if there is a change.

## Authority Representatives

No person in the Authority’s employ or other agent, except as so authorised by the Authority Authorised Officer or Procurement Representative, has any authority to make any representation or explanation to Applicants as to the meaning of the Contract or any other document or as to anything to be done or not to be done by Applicants or the successful Applicant or as to these instructions or as to any other matter or thing so as to bind the Authority.

|  |  |
| --- | --- |
| **Authority Authorised Representative contact details:** | **Procurement Representative contact details:**  |
| **chris.stocks@exeter.gcsx.gov.uk** | **steve.sandercock@exeter.gov.uk** |

## Contract Period

It is intended that any resultant Contract shall commence as soon after receipt of formal letter of award as may be agreed. Contract period to be up to a period of 6 months and must finish on the 31st March 2019.

## Insurance Levels

### Employer’s Liability Insurance

The Authority’s minimum requirement for Employer’s Liability Insurance is £10m

### Public Liability Insurance

The Authority’s minimum requirement for Public Liability Insurance is £5m

## Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) (as amended)

1.6.1 It is the responsibility of the Applicant to consider whether or not TUPE is likely to apply in the particular circumstances of this tender exercise and to act accordingly. Applicants should therefore take their own advice regarding the likelihood of TUPE applying. However, it is the view of the Authority that TUPE is unlikely to apply to this tender. Applicants should take account of the provisions contained in the Best Value Authorities Staff Transfers (Pensions) Direction 2007.

1.6.2 A ‘Relevant transfer’ can apply when a business, undertaking or part of one is transferred from one employer to another as a going concern or where a service previously undertaken by the Authority is awarded to a Contractor or a contract is awarded to a new Contractor on subsequent re-tendering.

1.6.3 The Authority shall comply with its obligations under TUPE in respect of each Relevant Transfer pursuant to this agreement and the Applicant shall comply and shall ensure that each of its sub-contractors shall comply with its obligations in respect of each Relevant Transfer pursuant to this agreement. The Authority and the Applicant shall indemnify the other against any direct losses sustained as a result of any breach of the TUPE Regulations by the party in default.

For more information please use the websites listed below:

 [www.gov.uk/transfers-takeovers](https://www.gov.uk/transfers-takeovers)

 <http://www.opsi.gov.uk>

|  |
| --- |
| **Specification** |

**See Volume 3**

|  |
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| **Selection Questionnaire** |

**Potential Supplier Information and Exclusion Grounds: Part 1 and Part 2.**

This standard Selection Questionnaire is a self-declaration, made by you (the potential supplier), that you do not meet any of the grounds for exclusion. If there are grounds for exclusion, there is an opportunity to explain the background and any measures you have taken to rectify the situation (we call this self-cleaning).

A completed declaration of Part 1 and Part 2 provides a formal statement that the organisation making the declaration has not breached any of the exclusions grounds. Consequently we require all the organisations that you will rely on to meet the selection criteria to provide a completed Part 1 and Part 2. For example these could be parent companies, affiliates, associates, or essential sub-contractors, if they are relied upon to meet the selection criteria. This means that where you are joining in a group of organisations, including joint ventures and partnerships, each organisation in that group must complete one of these self-declarations. Sub-contractors that you rely on to meet the selection criteria must also complete a self-declaration (although sub-contractors that are not relied upon do not need to complete the self-declaration).

Alternatively you can submit the completed Exclusion Grounds of the [EU ESPD](https://ec.europa.eu/tools/espd) (Part III) as a downloaded XML file as an appendix to your Submission.

**Supplier Selection Questions: Part 3**

If you are bidding on behalf of a group (consortium) or you intend to use sub-contractors, you should complete all of the selection questions on behalf of the consortium and/or any sub-contractors.

If the relevant documentary evidence referred to in the Selection Questionnaire is not provided upon request and without delay we reserve the right to amend the contract award decision and award to the next compliant bidder.

**Consequences of misrepresentation**

If you seriously misrepresent any factual information in filling in the Selection Questionnaire, and so induce an authority to enter into a contract, there may be significant consequences. You may be excluded from the procurement procedure, and from bidding for other contracts for three years. If a contract has been entered into you may be sued for damages and the contract may be rescinded. If fraud, or fraudulent intent, can be proved, you or your responsible officers may be prosecuted and convicted of the offence of fraud by false representation, and you must be excluded from further procurements for five years.

**Notes for completion**

1. The “Authority” means the contracting authority, or anyone acting on behalf of the contracting authority, that is seeking to invite suitable candidates to participate in this procurement process.
2. “You” / “Your” refers to the potential supplier completing this standard Selection Questionnaire i.e. the legal entity responsible for the information provided. The term “potential supplier” is intended to cover any economic operator as defined by the Public Contracts Regulations 2015 (referred to as the “regulations”) and could be a registered company; the lead contact for a group of economic operators; charitable organisation; Voluntary Community and Social Enterprise (VCSE); Special Purpose Vehicle; or other form of entity.
3. Please ensure that all questions are completed in full, and in the format requested. If the question does not apply to you, please state ‘N/A’. Should you need to provide additional information in response to the questions, please submit a clearly identified annex.
4. The Authority recognises that arrangements set out in section 1.2 of the standard Selection Questionnaire, in relation to a group of economic operators (for example, a consortium) and/or use of sub-contractors, may be subject to change and will, therefore, not be finalised until a later date. The lead contact should notify the authority immediately of any change in the proposed arrangements and ensure a completed Part 1 and Part 2 is submitted for any new organisation relied on to meet the selection criteria. The authority will make a revised assessment of the submission based on the updated information.
5. For Part 1 and Part 2 every organisation that is being relied on to meet the selection must complete and submit the self-declaration.
6. For answers to Part 3 -If you are bidding on behalf of a group, for example, a consortium, or you intend to use sub-contractors, you should complete all of the questions on behalf of the consortium and/ or any sub-contractors, providing one composite response and declaration.

The Authority confirms that it will keep confidential and will not disclose to any third parties any information obtained from a named customer contact, other than to the Cabinet Office and/or contracting authorities defined by the regulations, or pursuant to an order of the court or demand made by any competent authority or body where the Authority is under a legal or regulatory obligation to make such a disclosure.

The Authority proposes to use the following criteria to evaluate Selection Questionnaire submissions:

|  |  |  |  |
| --- | --- | --- | --- |
| **Section** | **Title** | **Type of Question** | **Weighting (%)** |
| Part 1  | Potential supplier information  | Information only | Not evaluated and scored |
| Part 2  | Exclusion grounds | Pass/fail | In the event of a supplier being awarded a ‘fail’, the remainder of their submission will not be evaluated and they will be eliminated from the process. |
| Part 3 Section 4  | Economic and financial standing | Pass/Fail | In the event of a supplier being awarded a ‘fail’, the remainder of their submission will not be evaluated and they will be eliminated from the process. |
| Part 3 Section 5  | Consortia/sub-contractors | Pass/Fail | In the event of a supplier being awarded a ‘fail’, the remainder of their submission will not be evaluated and they will be eliminated from the process. |
| Part 3 Section 6  | Technical and professional ability | Pass/Fail | In the event of a supplier being awarded a ‘fail’, the remainder of their submission will not be evaluated and they will be eliminated from the process. |
| Part 3 Section 7  | Modern Slavery Act 2015 | Pass/Fail | In the event of a supplier being awarded a ‘fail’, the remainder of their submission will not be evaluated and they will be eliminated from the process. |
| Part 3 Section 8  | Insurance | Pass/Fail | In the event of a supplier being awarded a ‘fail’, the remainder of their submission will not be evaluated and they will be eliminated from the process. |
| 8.4 | Compliance with Equality Legislation | Pass/Fail | In the event of a supplier being awarded a ‘fail’, the remainder of their submission will not be evaluated and they will be eliminated from the process. |
| 8.5 | Environmental Management  | Pass/Fail | In the event of a supplier being awarded a ‘fail’, the remainder of their submission will not be evaluated and they will be eliminated from the process. |
| 8.6 | Health & Safety Management | Pass/Fail | In the event of a supplier being awarded a ‘fail’, the remainder of their submission will not be evaluated and they will be eliminated from the process. |

|  |  |
| --- | --- |
| **8.7** | **Policies - (please provide up to date copies of policies with your submission)**  |
| **a.** | Safeguarding | Yes ☐No ☐ |
| **b.** | Data Protection  | Yes ☐No ☐ |
| **c.** | Information sharing | Yes ☐No ☐ |
| **d.** | Contingency plan policy / procedure for staff resilience | Yes ☐No ☐ |
| **e.** | Equality and/or Diversity Policy | Yes ☐No ☐ |
| **f.** | Evidence of organisational governance in place | Yes ☐No ☐ |

Where sections are scored as being ‘**Good**’, ‘**Adequate**’ or ‘**Poor/Not Complete**’, the following definitions will apply:

|  |  |  |
| --- | --- | --- |
| Definition | Score | Criteria |
| Good | 3 | Full response given with good detail and evidence |
| Adequate | 2 | Partial response, basic detail with some gaps |
| Poor/Not complete | 0 | A limited, or non-complete response |

Where sections are scored as being ‘**High risk**’, ‘**Medium Risk**’ or ‘**Low Risk/None’**, the following definitions will apply:

|  |  |  |
| --- | --- | --- |
| Definition | Score | Criteria |
| Low risk/None | 3 | No risks identified |
| Medium Risk | 0 | Risks identified with mitigation measures clearly reflecting improvement |
| High Risk | Fail | Risks identified with no mitigation measures |

In the event of a supplier being awarded a ‘fail’, the remainder of their submission will not be evaluated and they will be eliminated from the process.

**Economic and Financial Standing**

The Authority will carry out a financial check on the Applicant. The financial check may occur as part of the procurement process or at contract award. The Authority reserves the right to use the services of an independent third party to assess your financial standing/appraisal.

If undertaking a credit check it shall yield a position of risk for your organisation. This score will be utilised by the Authority to identify the following risk factor posed to it by the Applicant: 

|  |
| --- |
| **Part 1: Potential supplier information**Please answer the following questions in full. Note that every organisation that is being relied on to meet the selection must complete and submit the Part 1 and Part 2 self-declaration. |
| **Section 1** | **Potential supplier information** |  |
| **Question number** | **Question** | **Response** |
| 1.1(a) | Full name of the potential suppliersubmitting the information |  |
| 1.1(b) – (i) | Registered office address (if applicable) |  |
| 1.1(b) – (ii) | Registered website address (if applicable) |  |
| 1.1(c) | Please mark ‘X’ in the relevant box to indicate your trading status | 1. a public limited company
 |  |
| 1. a limited company
 |  |
| 1. a limited liability partnership
 |  |
| 1. other partnership
 |  |
| 1. sole trader
 |  |
| 1. other (please specify)
 |  |
| 1.1(d) | Date of registration in country of origin |  |
| 1.1(e) | Company registration number (if applicable) |  |
| 1.1(f) | Charity registration number (if applicable) |  |
| 1.1(g) | Head office DUNS number (if applicable) |  |
| 1.1(h) | Registered VAT number |  |
| 1.1(i) - (i) | If applicable, is your organisation registered with the appropriate professional or trade register(s) in the member state where it is established? |  |
| 1.1(i) - (ii) | If you responded yes to 1.1(i) - (i), please provide the relevant details, including the registration number(s). |  |
| 1.1(j) - (i) | Is it a legal requirement in the state where you are established for you to possess a particular authorisation, or be a member of a particular organisation in order to provide the services specified in this procurement? |  |
| 1.1(j) - (ii) | If you responded yes to 1.1(j) - (i), please provide additional details of what is required and confirmation that you have complied with this. |  |
| 1.1(k) | Trading name(s) that will be used if successful in this procurement |  |
| 1.1(l) | Please mark ‘X’ in the relevant box to indicate whether any of the following classifications apply to you | 1. Voluntary, Community and Social Enterprise (VCSE)
 |  |
| 1. Small or Medium Enterprise (SME)
 |  |
| 1. Sheltered workshop
 |  |
| 1. Public service mutual
 |  |
| 1.1(m) | Are you a Small, Medium or Micro Enterprise (SME)? |  |
| 1.1(n) | Details of Persons of Significant Control (PSC), where appropriate(Please enter N/A if not applicable) | Name: |
| Date of birth: |
| Nationality: |
| Country, state or part of the UK where the PSC usually lives: |
| Service address: |
| The date he or she became a PSC in relation to the company (for existing companies the 06 April 2016 should be used): |
| Which conditions for being a PSC are met: |
| Over 25% up to (and including) 50% |  |
| More than 50% and less than 75%, |  |
| 75% or more |  |
| 1.1(o) | Details of immediate parent company (Please enter N/A if not applicable) | Full name of the immediate parent company: |
| Registered office address (if applicable): |
| Registration number (if applicable): |
| Head office DUNS number (if applicable): |
| Head office VAT number (if applicable): |
| 1.1(p) | Details of ultimate parent company(Please enter N/A if not applicable) | Full name of the ultimate parent company: |
| Registered office address (if applicable): |
| Registration number (if applicable): |
| Head office DUNS number (if applicable): |
| Head office VAT number (if applicable): |
| **Please note: A criminal record check for relevant convictions may be undertaken for the preferred suppliers and the persons of significant in control of them.** |
| **Please provide the following information about your approach to this procurement.** |
| **Section 1** | **Bidding model** |  |
| **Question number** | **Question** | **Response** |
| 1.2(a) - (i) | Are you bidding as the lead contact for a group of economic operators?If yes, please provide details listed in questions 1.2(a) (ii), (a) (iii) and to 1.2(b) (i), (b) (ii), 1.3, Section 2 and 3.If no, and you are a supporting bidder please provide the name of your group at 1.2(a) (ii) for reference purposes, and complete 1.3, Section 2 and 3. | **Please indicate your answer by marking ‘X’ in the relevant box.** |
| **Yes** | **No** |
|  |  |
| 1.2(a) - (ii) | Name of group of economic operators (if applicable) |  |
| 1.2(a) - (iii) | Proposed legal structure if the group of economic operators intends to form a named single legal entity prior to signing a contract, if awarded. If you do not propose to form a single legal entity, please explain the legal structure. |  |
| 1.2(b) - (i) | Are you or, if applicable, the group of economic operators proposing to use sub-contractors? | **Yes** | **No** |
|  |  |
| 1.2(b) - (ii) | If you responded yes to 1.2(b)-(i) please provide additional details for each sub-contractor in the following table: we may ask them to complete this form as well. |  |
| Name: |  |
| Registered address: |  |
| Trading status: |  |
| Company registration number: |  |
| Head Office DUNS number (if applicable): |  |
| Registered VAT number: |  |
| Type of organisation: |  |
| SME (Yes/No): |  |
| The role each sub-contractor will take in providing the works and /or supplies e.g. key deliverables: |  |
| The approximate % of contractual obligations assigned to each sub-contractor: |  |
| **Contact details and declaration** |
| I declare that to the best of my knowledge the answers submitted and information contained in this document are correct and accurate.I declare that, upon request and without delay I will provide the certificates or documentary evidence referred to in this document.I understand that the information will be used in the selection process to assess my organisation’s suitability to be invited to participate further in this procurement.I understand that the authority may reject this submission in its entirety if there is a failure to answer all the relevant questions fully, or if false/misleading information or content is provided in any section.I am aware of the consequences of serious misrepresentation. |
| **Section 1** | **Contact details and declaration** |  |
| **Question number** | **Question** | **Response** |
| 1.3(a) | Contact name |  |
| 1.3(b) | Name of organisation |  |
| 1.3(c) | Role in organisation |  |
| 1.3(d) | Phone number |  |
| 1.3(e) | E-mail address |  |
| 1.3(f) | Postal address |  |
| 1.3(g) | Signature (electronic is acceptable) |  |
| 1.3(h) | Date |   |
| **Part 2: Exclusion grounds**Please answer the following questions in full. Note that every organisation that is being relied on to meet the selection must complete and submit the Part 1 and Part 2 self-declaration. |
| **Section 2** | **Grounds for mandatory exclusion** |  |
| **Question number** | **Question** | **Response** |
| 2.1(a) | **Regulations 57(1) and (2)**The detailed grounds for mandatory exclusion of an organisation are set out on this [web page](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf), which should be referred to before completing these questions.Please indicate if, within the past five years you, your organisation or any other person who has powers of representation, decision or control in the organisation been convicted anywhere in the world of any of the offences within the summary below and listed on the [webpage](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf). |  |
|  | **Please indicate your answer by marking ‘X’ in the relevant box.** |
| **Yes** | **No** |
| Participation in a criminal organisationIf Yes please provide details at 2.1(b) |  |  |
| CorruptionIf Yes please provide details at 2.1(b) |  |  |
| FraudIf Yes please provide details at 2.1(b) |  |  |
| Terrorist offences or offences linked to terrorist activitiesIf Yes please provide details at 2.1(b) |  |  |
| Money laundering or terrorist financingIf Yes please provide details at 2.1(b) |  |  |
| Child labour and other forms of trafficking in human beingsIf Yes please provide details at 2.1(b) |  |  |
| 2.1(b) | If you have answered yes to question 2.1(a), please provide further details.Date of conviction, specify which of the grounds listed the conviction was for, and the reasons for conviction,Identity of who has been convictedIf the relevant documentation is available electronically please provide the web address, issuing authority, precise reference of the documents. |  |
| 2.2 | If you have answered Yes to any of the points above have measures been taken to demonstrate the reliability of the organisation despite the existence of a relevant ground for exclusion ? (Self Cleaning) | **Yes** | **No** |
|  |  |
| 2.3(a) | **Regulation 57(3)**Has it been established, for your organisation by a judicial or administrative decision having final and binding effect in accordance with the legal provisions of any part of the United Kingdom or the legal provisions of the country in which the organisation is established (if outside the UK), that the organisation is in breach of obligations related to the payment of tax or social security contributions? |  |  |
| 2.3(b) | If you have answered yes to question 2.3(a), please provide further details. Please also confirm you have paid, or have entered into a binding arrangement with a view to paying, the outstanding sum including where applicable any accrued interest and/or fines. |  |
| **Please Note: The Authority reserves the right to use its discretion to exclude a potential supplier where it can demonstrate by any appropriate means that the potential supplier is in breach of its obligations relating to the non-payment of taxes or social security contributions.** |
| **Section 3** | **Grounds for discretionary exclusion** |  |
| **Question number** | **Question** | **Response** |
| 3.1 | **Regulation 57 (8)**The detailed grounds for discretionary exclusion of an organisation are set out on this [web page](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf), which should be referred to before completing these questions.Please indicate if, within the past three years, anywhere in the world any of the following situations have applied to you, your organisation or any other person who has powers of representation, decision or control in the organisation. |  |
|  | **Please indicate your answer by marking ‘X’ in the relevant box.** |
| **Yes** | **No** |
| 3.1(a) | Breach of environmental obligations?If yes please provide details at 3.2 |  |  |
| 3.1 (b) | Breach of social obligations?  If yes please provide details at 3.2 |  |  |
| 3.1 (c) | Breach of labour law obligations?If yes please provide details at 3.2 |  |  |
| 3.1(d) | Bankrupt or is the subject of insolvency or winding-up proceedings, where the organisation’s assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business activities are suspended or it is in any analogous situation arising from a similar procedure under the laws and regulations of any State?If yes please provide details at 3.2 |  |  |
| 3.1(e) | Guilty of grave professional misconduct?If yes please provide details at 3.2 |  |  |
| 3.1(f) | Entered into agreements with other economic operators aimed at distorting competition?If yes please provide details at 3.2 |  |  |
| 3.1(g) | Aware of any conflict of interest within the meaning of regulation 24 due to the participation in the procurement procedure?If yes please provide details at 3.2 |  |  |
| 3.1(h) | Been involved in the preparation of the procurement procedure?If yes please provide details at 3.2 |  |  |
| 3.1(i) | Shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity, or a prior concession contract, which led to early termination of that prior contract, damages or other comparable sanctions?If yes please provide details at 3.2 |  |  |
| 3.1(j) | Please answer the following statements |  |
| 3.1(j) - (i) | The organisation is guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria.If Yes please provide details at 3.2 |  |  |
| 3.1(j) - (ii) | The organisation has withheld such information.If Yes please provide details at 3.2 |  |  |
| 3.1(j) –(iii) | The organisation is not able to submit supporting documents required under regulation 59 of the Public Contracts Regulations 2015.If Yes please provide details at 3.2 |  |  |
| 3.1(j)-(iv) | The organisation has influenced the decision-making process of the contracting authority to obtain confidential information that may confer upon the organisation undue advantages in the procurement procedure, or to negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award.If Yes please provide details at 3.2 |  |  |
| 3.2 | If you have answered Yes to any of the above, explain what measures been taken to demonstrate the reliability of the organisation despite the existence of a relevant ground for exclusion? (Self Cleaning) |  |
| **Part 3: Selection questions** |
| **Section 4** | **Economic and financial standing** |  |
| **Question number** | **Question** | **Response** |
| 4.1 |  | **Please indicate your answer by marking ‘X’ in the relevant box.** |
| **Yes** | **No** |
| Are you able to provide a copy of your audited accounts for the last two years, if requested?If no, can you provide **one** of the following: |  |  |
| (a) A statement of the turnover, Profit and Loss Account/Income Statement, Balance Sheet/Statement of Financial Position and Statement of Cash Flow for the most recent year of trading for this organisation. |  |  |
| (b) A statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position. |  |  |
| (c) Alternative means of demonstrating financial status if any of the above are not available (e.g. forecast of turnover for the current year and a statement of funding provided by the owners and/or the bank, charity accruals accounts or an alternative means of demonstrating financial status). |  |  |
| **Section 5** | **If you have indicated in the Selection Questionnaire question 1.2 that you are part of a wider group, please provide further details below** |
| **Question number** | **Question** | **Response** |
|  | Name of organisation |  |
| Relationship to the Supplier completing these questions |  |
|  | **Please indicate your answer by marking ‘X’ in the relevant box.** |
| **Yes** | **No** |
| 5.1 | Are you able to provide parent company accounts if requested to at a later stage? |  |  |
| 5.2 | If yes, would the parent company be willing to provide a guarantee if necessary? |  |  |
| 5.3 | If no, would you be able to obtain a guarantee elsewhere (e.g. from a bank)?  |  |  |
| **Section 6** | **Technical and professional ability** |  |
| **Question number** | **Question** | **Response** |
| 6.1 | Please provide details of up to three contracts, in any combination from either the public or private sector; voluntary, charity or social enterprise (VCSE) that are relevant to our requirement. VCSEs may include samples of grant-funded work. Contracts for supplies or services should have been performed during the past three years. Works contracts may be from the past five years.The named contact provided should be able to provide written evidence to confirm the accuracy of the information provided below.Consortia bids should provide relevant examples of where the consortium has delivered similar requirements. If this is not possible (e.g. the consortium is newly formed or a Special Purpose Vehicle is to be created for this contract) then three separate examples should be provided between the principal member(s) of the proposed consortium or Special Purpose Vehicle (three examples are not required from each member).Where the Supplier is a Special Purpose Vehicle, or a managing agent not intending to be the main provider of the supplies or services, the information requested should be provided in respect of the main intended provider(s) or sub-contractor(s) who will deliver the contract.If you cannot provide examples see question 6.3 |
|  | Contract 1 | Contract 2 | Contract 3 |
| Name of customer organisation |  |  |  |
| Point of contact in the organisation |  |  |  |
| Position in the organisation |  |  |  |
| E-mail address |  |  |  |
| Contract Start date |  |  |  |
| Contract completion date |  |  |  |
| Estimated contract value |  |  |  |
| Description of the Contract: |
| Contract 1: |
| Contract 2: |
| Contract 3: |
| 6.2 | Where you intend to sub-contract a proportion of the contract, please demonstrate how you have previously maintained healthy supply chains with your sub-contractor(s)Evidence should include, but is not limited to, details of your supply chain management tracking systems to ensure performance of the contract and including prompt payment or membership of the UK Prompt Payment Code (or equivalent schemes in other countries) |
| Response: |
| 6.3  | If you cannot provide at least one example for questions 6.1, in no more than 500 words please provide an explanation for this e.g. your organisation is a new start-up or you have provided services in the past but not under a contract. |
| Response: |
| **Section 7** | **Modern Slavery Act 2015: requirements under Modern Slavery Act 2015** |  |
| **Question number** | **Question** | **Response** |
|  |  | **Please indicate your answer by marking ‘X’ in the relevant box.** |
| **Yes** | **No** |
| 7.1 | Are you a relevant commercial organisation as defined by section 54 ("Transparency in supply chains etc.") of the Modern Slavery Act 2015 ("the Act")? |  |  |
| 7.2 | If you have answered yes to question 1 are you compliant with the annual reporting requirements contained within Section 54 of the Act 2015? | (Please provide the relevant URL) | (Please provide an explanation) |
| **Section 8** | **Additional questions** |  |
| **Question number** | **Question** | **Response** |
| **8.1** | **Insurance** |  |
| Please self-certify whether you already have, or can commit to obtain, prior to the commencement of the contract, the levels of insurance cover indicated below(Please indicate your answer by marking ‘X’ in the relevant box): | **Yes** | **No** |
| Employer’s (Compulsory) Liability Insurance £10m  |  |  |
| Public Liability Insurance = £5m |  |  |
| \* It is a legal requirement that all companies hold Employer’s (Compulsory) Liability Insurance of £5 million as a minimum. Please note this requirement is not applicable to Sole Traders. |  |  |
| **8.2** | **Skills and Apprentices – (please refer to supplier selection guidance)** | **Yes** | **No** |
| a. | Public procurement of contracts with a full life value of £10 million and above and duration of 12 months and above should be used to support skills development and delivery of the apprenticeship commitment. This policy is set out in detail in Procurement Policy Note 14/15.Please confirm if you will be supporting apprenticeships and skills development through this contract. |  |  |
| b. | If yes, can you provide at a later stage documentary evidence to support your commitment to developing and investing in skills, development and apprenticeships to build a more skilled and productive workforce and reducing the risks of supply constraints and increasing labour cost inflation? |  |  |
| c. | Do you have a process in place to ensure that your supply chain supports skills, development and apprenticeships in line with PPN 14/15 (see guidance) and can provide evidence if requested? |  |  |
| **8.3** | **Steel (please refer to supplier selection guidance)** | n/a |

Additional questions that may be asked but which are reportable to CCS through the Mystery Shopper scheme:

|  |  |  |
| --- | --- | --- |
| **8.4** | **Compliance with Equality legislation** |  |
| For organisations working outside of the UK please refer to equivalent legislation in the country that you are located. (Please indicate your answer by marking ‘X’ in the relevant box): | **Yes** | **No** |
| In the last three years, has any finding of unlawful discrimination been made against your organisation by an Employment Tribunal, an Employment Appeal Tribunal or any other court (or in comparable proceedings in any jurisdiction other than the UK)? |  |  |
| In the last three years, has your organisation had a complaint upheld following an investigation by the Equality and Human Rights Commission or its predecessors (or a comparable body in any jurisdiction other than the UK), on grounds or alleged unlawful discrimination? If you have answered “yes” to one or both of the questions in this module, please provide, as a separate Appendix, a summary of the nature of the investigation and an explanation of the outcome of the investigation to date.If the investigation upheld the complaint against your organisation, please use the Appendix to explain what action (if any) you have taken to prevent unlawful discrimination from reoccurring.You may be excluded if you are unable to demonstrate to the Authority’s satisfaction that appropriate remedial action has been taken to prevent similar unlawful discrimination reoccurring.  |  |  |
| If you use sub-contractors, do you have processes in place to check whether any of the above circumstances apply to these other organisations? |  |  |
| **8.5** | **Environmental management** |  |
| (Please indicate your answer by marking ‘X’ in the relevant box): | **Yes** | **No** |
| Has your organisation been convicted of breaching environmental legislation, or had any notice served upon it, in the last three years by any environmental regulator or authority (including local authority)? If your answer to the this question is “Yes”, please provide details in a separate Appendix of the conviction or notice and details of any remedial action or changes you have made as a result of conviction or notices served.The Authority will not select bidder(s) that have been prosecuted or served notice under environmental legislation in the last 3 years, unless the Authority is satisfied that appropriate remedial action has been taken to prevent future occurrences/breaches. |  |  |
| If you use sub-contractors, do you have processes in place to check whether any of these organisations have been convicted or had a notice served upon them for infringement of environmental legislation? |  |  |
| **8.6** | **Health and safety** |  |
| (Please indicate your answer by marking ‘X’ in the relevant box): | **Yes** | **No** |
| Please self-certify that your organisation has a Health and Safety Policy that complies with current legislative requirements.  |  |  |
| Has your organisation or any of its Directors or Executive Officers been in receipt of enforcement/remedial orders in relation to the Health and Safety Executive (or equivalent body) in the last 3 years? If your answer to this question was “Yes”, please provide details in a separate Appendix of any enforcement/remedial orders served and give details of any remedial action or changes to procedures you have made as a result. The Authority will exclude bidder(s) that have been in receipt of enforcement/remedial action orders unless the bidder(s) can demonstrate to the Authority’s satisfaction that appropriate remedial action has been taken to prevent future occurrences or breaches.  |  |  |
| If you use sub-contractors, do you have processes in place to check whether any of the above circumstances apply to these other organisations? |  |  |

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| **Award** |

## Award Criteria

The following criteria and weightings will be applied in the evaluation of the questions asked of Applicants within this section 4 Award.

|  |  |
| --- | --- |
| **Evaluation Criteria Breakdown** | **Means of Evaluation** |
|  | **Sub Criteria** | **Main Criteria** |
| Criteria: Quality | 70% |
| General Requirements | 20% |  |
| Staffing Requirements | 20% |  |
| The Provision of Services to rough sleepers and homeless people during the winter months in Exeter | 30% |  |
| Criteria: Price | 30% |

## Scoring Guidelines

The questions asked of Applicants within this section 4 Award shall be scored using the marking system described within this section. Applicants should refer to the Authority’s minimum requirements to ensure that they meet or exceed the minimum requirements wherever possible.

Applicants should be aware that the responses provided to the questions will be evaluated in such a way that the highest scores will be awarded to Applicants who show innovation, creativity, further relevant details and information that could potentially enhance the Applicant’s proposal. It should be noted that to achieve the highest scores available the Applicant must not only meet but exceed the Authority’s minimum requirements, where these are stated.

All scored question shall be evaluated in accordance with the guidelines below:

|  |
| --- |
| **Scoring Matrix for Quality Criteria** |
| **Score** | **Judgement** | **Interpretation** |
| 5 | Excellent | Exceptional demonstration of the relevant ability, understanding, experience, skills, resource and/or quality measures required to provide the services. Full evidence provided where required to support the response.  |
| 4 | Good | Above average demonstration of the relevant ability, understanding, experience, skills, resource and/or quality measures required to provide the services. Majority evidence provided to support the response. |
| 3 | Acceptable | Demonstration of the relevant ability, understanding, experience, skills, resource and/or quality measures required to provide the services, with some evidence to support the response. |
| 2 | Minor Reservations | Some minor reservations of the relevant ability, understanding, experience, skills, resource and/or quality measures required to provide the services, with little or no evidence to support the response. |
| 1 | Serious Reservations | Considerable reservations of the relevant ability, understanding, experience, skills, resource and/or quality measures required to provide the services, with little or no evidence to support the response. |
| 0 | Unacceptable | Does not comply and/or insufficient information provided to demonstrate that there is the ability, understanding, experience, skills, resource and/or quality measures required to provide the services, with little or no evidence to support the response. |

1.

Price shall be evaluated using the following scoring methodology: The Tenderer’s prices will be scored on a comparative basis.

For example:

This will be done by recording the lowest price submitted by any of the Tenderers, then for each Tenderer, dividing this lowest price by the Tenderers’ price and then multiplying it by the allocated weighting (e.g. 30% if that is the percentage chosen by the Council). The equation set out below explains this in a simpler way:

(Lowest Price ÷ Tenderer’s price) x Weighting = Score

To accompany the above there is a worked example below to help explain this. The example assumes only 3 prices were submitted and that price was awarded 20% of the overall marks (i.e. quality was awarded 80%):

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
|   | **L** | **W** | **Tenderer 1** | **Tenderer 2** | **Tenderer 3** |  |  |
| Evaluation Elements | Lowest Submitted price (£) | Weighting % | Tendered Price  | Score  | Tendered Price | Score  | Tendered Price | Score |  |  |
| Total Contract Sum | £65,000 | 20 | £75,000 | 17.3 | £65,000 | 20 | £85,000 | 15.3 |  |  |
| **Total Score** |  | **20** |  | **17.3** |  | **20** |  | **15.3** |  |  |
|  |  |  |  |  |  |  |  |  |  |  |
| For Tenderer 1, score = (65,000/75,000) x 20 = 17.3% |  |  |  |  |
| For Tenderer 2, score = (65,000/65,000) x 20 = 20% |  |  |  |  |
| Tenderer 3, score = (65,000/85,000) x 20 = 15.3% |  |  |  |  |

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| **Pricing Schedule** |

Applicants are required to complete the Pricing Schedule. These costs will form the basis of the Bid submission. All prices shall be stated in pounds sterling and exclusive of VAT.

If there is no charge for an item, please state none.

|  |  |
| --- | --- |
|  | **Total costs** |
| Direct service management (salaries, pension, NI) |  |
| Direct support staff (salaries, pension, NI) |  |
| Locum staff (only applies where sickness or annual leave are covered) |  |
| Training (for direct support staff only) |  |
| Travel (for direct support staff only) |  |
| Mobile phone (for direct support staff only) |  |
| Materials (printing, information technology, etc.) |  |
| Accommodation costs (for direct support staff only |  |
| Other direct support costs – please explain below |  |
| Indirect costs attributable to the Contract – please explain below |  |
| **Total direct cost** |  |
| **Total indirect costs** |  |
| **Cumulative Total** |  |
| If you have identified ‘other direct support costs’ please state what these are |
| Recruitment, postage, literature, DBS checks, payroll |
| If you have identified ‘indirect costs’ please state what these are |
| Central management (inc governance), insurances, accounts and auditing, database, annual report, website, subscriptions |

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| **Price Review Framework** |

## Price Validity Period

As a minimum, all prices submitted must remain fixed and firm for twelve (12) months from date of Contract commencement. In support of this, please detail exactly how long your prices will remain fixed and firm for.

Prices will remain valid for … years and … months from the beginning of this Contract (Applicant to complete).

## Price Review Proposals

The Authority does not expect the Applicant to implement any price increases throughout the life of this Contract and would conversely look to explore ways of reducing costs throughout its duration. The Applicant’s signature at section 5.6 Pricing Schedule Declaration will be assumed to be an acceptance of this condition. Applicant’s whose price review proposal differs from the Authority’s expectations under this 5.2 Price Review Proposals must state their proposal below.

|  |
| --- |
| Price Review Proposal if different from above:  |

## Contract Renewal

No Contract once awarded shall be renewed at a higher rate than agreed between the parties through this price review framework or through any other such agreement as submitted to and approved by the Authority in writing.

## Spend Related Rebate Proposals

Please detail any spend-related rebate proposals below, based upon Contract spend.

|  |  |
| --- | --- |
| **£ Expenditure through duration of Contract / £ Money spent per annum** (delete as applicable) **Detail Price Breaks** | **Percentage of total spend rebate repayable from the Applicant to the Authority (%) per annum** |
|  |  |
|  |  |
|  |  |
|  |  |

## Volume Related Rebate Proposals

Please detail any volume-related rebate proposals below, based upon Contract volumes.

|  |  |
| --- | --- |
| **Volumes purchased through duration of Contract**(delete as applicable) **Detail Price Breaks** | **Percentage of total volume related rebate repayable from the Applicant to the Authority (%) per annum** |
|  |  |
|  |  |
|  |  |
|  |  |

## Pricing Schedule Declaration

I/We offer to supply services as per the Pricing Schedule, in accordance with the Specification, terms and conditions and all other documents forming the Contract.

|  |  |
| --- | --- |
| Signed\*:  | Date:  |
| Name *(in block capitals)*:  |
| In the capacity of: *(State official position, i.e. Director, Manager, etc.)* |
| Organisation name and postal address:  |
| Telephone No:  | Fax No:  |
| *\*(It must be clearly shown whether the Applicant is a limited company, statutory corporation, partnership or single individual, trading under his own or another name, and also if the signatory is not the actual Applicant, the capacity in which he/she signs or is employed).* |

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| **Certificates** |

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## Conditions of Tender

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| **EXETER CITY COUNCIL****CONDITIONS OF TENDER** |
| **Reference number and Title of Contract:** Shall be as per the Reference Number and Title of Contract as detailed on page one (1) of this Volume Two (2) Applicant’s Offer |
| 1. | By submitting a Tender, Applicants are agreeing to be bound by the terms and conditions set out in Volume 4 without further negotiation or amendment.[ ]  I/We fully accept the terms and conditions of contract for the provision of services |
| 2. | Having examined the tender documents for the provision of the above services, we offer to provide the said services in conformity, without qualification, therewith for the sum/sums enclosed at Schedule 5 of this Bid. |
| 3. | The Authority does not bind itself to accept the lowest or any Tender, and reserves the right to accept a Tender either in whole or in part, for such item or items specified in the Invitation to Tender, and for such place or places of delivery as it thinks fit, each item and establishment being for this purpose considered as tendered for separately. |
| 4. | I/We the undersigned DO HEREBY UNDERTAKE on the acceptance by the Authority of my/our Tender either in whole or in part, to supply (*or perform the services*), on such terms and conditions and in accordance with such specifications *(if any)*, as are contained or incorporated in the Invitation to Tender. I/We agree and declare that the acceptance of this Tender by letter on behalf of the Authority, whether for the whole or part of the items included therein, will constitute a Contract for the supply of such items, I/We agree to enter into a further agreement for the due performance of the Contract, and I/We declare that I am/We are acting as the Delegated Authority for the purposes of signing off this Tender, and therefore, the Contract. |
| Signed\*:  | Date:  |
| Name *(in block capitals)*:  |
| In the capacity of: *(State official position, i.e. Director, Manager, etc.)* |
| *\*(It must be clearly shown whether the Applicant is a limited company, statutory corporation, partnership or single individual, trading under his own or another name, and also if the signatory is not the actual Applicant, the capacity in which he/she signs or is employed).* |

## Certificate of Undertaking and Absence of Collusion or Canvassing

|  |
| --- |
| **CERTIFICATE OF UNDERTAKING AND ABSENCE OF COLLUSION OR CANVASSING** |
| The Applicant shall sign the below Certificate of Undertaking and Absence of Collusion clearly indicating whether they sign as a Consortium or Member of Consortium (Box A), or as a single body and/or individual (Box B) by striking through Box A or B, whichever does not apply. |
| Box A – ConsortiumI/We the undersigned do hereby certify that:- 1. the consortium’s tender is bona fide and intended to be competitive;
2. the consortium has not entered into any agreement with any person outside the consortium with the aim of preventing Tenders being made or asked the amount of another Tender of the conditions or which the Tender is made;
3. the consortium has not informed any person outside the consortium other than the person calling for the Tenders the amount or approximate amount of the Tender except where the disclosure in confidence of the approximate amount of the Tender was necessary to obtain insurance premium or other quotations necessarily required for the preparation of the Tender;
4. the consortium has not caused or induced any person to enter into such an agreement as is mentioned in (b) above or to inform the consortium of the amount or the approximate amount of any rival Tender for the Contract.
5. the consortium has not and will not canvass or solicit any Member, Officer or employee of the Authority in connection with the preparation, submission and evaluation of this Tender or award or proposed award of the Contract and that to the best of my knowledge and belief, no person employed by the consortium or acting on the consortium’s behalf has done or will do such an act.
6. I/We further undertake that the consortium will not do any of the acts mentioned in (b), (c), (d) and (e) above before the hour and date specified for the return of the Tender.
 |
| Box B – Single Body and/or IndividualI/We the undersigned do hereby certify that:-1. My/our Tender is bona fide and intended to be competitive and I/we have not fixed or adjusted the amount of the Tender by or under in accordance with any agreement or arrangement with any other person;
2. I/we have not indicated to any person other than the person calling for the Tender amount or approximate amount of the proposed Tender except where the disclosure in confidence of the approximate amount of the Tender was necessary to obtain insurance premium or other quotations necessarily required for the preparation of the Tender;
3. I/we shall have not entered into any agreement or arrangement with any other person that they shall refrain from Tendering or asked the amount of any Tender to be submitted;
4. I/we have not offered to pay or give any sum of money or valuable consideration directly or indirectly to any person for doing or having done or causing or having caused to be done in relation to any other Tender or proposed Tender for the said work any act or thing of the nature specified and described above.
5. I/we hereby certify that I/we have not and will not canvass or solicit any Member, Officer or employee of the Authority in connection with the preparation, submission and evaluation of this Tender or award or proposed award of the Contract and that to the best of my knowledge and belief, no person employed by me/us or acting on my/our behalf has done or will do such an act.
6. I/we further undertake that I/we will not do any of the acts mentioned in (b), (c) and (d) above before the hour and date specified for the return of the Tender.
 |
| Signed\*:  | Date:  |
| Name *(in block capitals)*:  |
| In the capacity of: *(State official position, i.e. Director, Manager, etc.)* |
| *\*(It must be clearly shown whether the Applicant is a limited company, statutory corporation, partnership or single individual, trading under his own or another name, and also if the signatory is not the actual Applicant, the capacity in which he/she signs or is employed).* |

## Certificate of Confidentiality

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| **CERTIFICATE OF CONFIDENTIALITY** |
| I/we hereby agree with the Authority that I/we shall not at any time divulge or allow to be divulged to any person any information, confidential or otherwise, relating to information passed to me regarding this project.It is appreciated by the parties that in the event of negotiations in respect of the proposed Contract being entered into between the Authority and my organisation that it may be necessary to share information with colleagues within my organisation. In this event this confidentiality clause may be waived to allow such information sharing to take place but not further or otherwise. |
| Signed\*:  | Date:  |
| Name *(in block capitals)*:  |
| In the capacity of: *(State official position, i.e. Director, Manager, etc.)* |
| *\*(It must be clearly shown whether the Applicant is a limited company, statutory corporation, partnership or single individual, trading under his own or another name, and also if the signatory is not the actual Applicant, the capacity in which he/she signs or is employed).* |

## Commercially Sensitive Information

The Authority may be obliged to disclose information in or relating to this Bid following a request for information under the Freedom of Information Act (FOIA) or Environmental Information Regulations (EIR). Please outline in the table below items which you consider are confidential and genuinely commercially sensitive and which should not be disclosed in respect of your Bid.

I declare that I wish the following information to be designated as Commercially Sensitive.

|  |
| --- |
|       |

The reason(s) it is considered that this information should be exempt under Freedom of Information Act FOIA) or Environmental Information Regulations (EIR) is:

|  |
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|    |

## Conflict of Interest

|  |
| --- |
| **CERTIFICATE OF CONFLICT OF INTEREST** |
| I/we hereby notify the Authority that I/we consider the following declaration to be a conflict of interest (Applicant to insert details of the conflict of interest): |
| I/we hereby understand that in accordance with Article 24 of the Public Contract Regulations 2015 that the Authority is obliged to take appropriate measures to effectively prevent, identify and remedy conflicts of interest arising in the conduct of procurement procedures so as to avoid any distortion of competition and to ensure equal treatment of all economic operators. |
| Signed\*:  | Date:  |
| Name *(in block capitals)*:  |
| In the capacity of: *(State official position, i.e. Director, Manager, etc.)* |
| *\*(It must be clearly shown whether the Applicant is a limited company, statutory corporation, partnership or single individual, trading under his own or another name, and also if the signatory is not the actual Applicant, the capacity in which he/she signs or is employed).* |