



# **Information Memorandum**

accompanying the Pre-Qualification Questionnaire

## **Provision of Leisure Management Services Southwark Council**

**24<sup>th</sup> June 2015**



Our Ref: BH-1683  
24 June 2015

**Councillor Barrie Hargrove**  
**Cabinet Member for Public Health,**  
**Parks and Leisure**  
Member for Peckham Ward  
Cabinet Suite  
Southwark Council  
P.O. Box 64529  
London SE1P 5LX

### **Leisure Management Contract Procurement**

Over the last few years, we have invested £50m in our facilities, including full refurbishments of Camberwell and Dulwich Leisure Centres and Surrey Docks Watersports Centre. We have undertaken major improvements at Peckham Pulse and provided a flagship new facility at Elephant and Castle – The Castle. We are also developing a new Athletics Centre in Southwark Park which will accommodate the full range of track and field events including Paralympic activities and there is still more to come as we will be opening a new facility in Canada Water to replace Seven Islands Leisure Centre.

This investment has resulted in very significant increases in take-up of our service and our centres now receive almost 1.5 million visits each year. Looking ahead, we anticipate further increases in use due to our plans for encouraging healthier communities and the opportunities afforded by the Council's extensive regeneration programme.

Both The Castle and Canada Water offer major opportunities to the Council and to our leisure management partner as not only will they serve long established communities but being at the heart of major regeneration projects and adjacent to transport hubs, they will also serve the many new residents expected to arrive in Southwark over the next few years.

The Council sees the leisure management contract as a key means of delivering a number of public health agendas – getting more people more active more often and improving the health of our residents. We have invested in the facilities in order to attract new users and our recently launched pilot free swim and gym scheme is one of the Council's key policies and strategies for delivering our ambition for a healthier borough. We will be looking to further develop this offer over the life of the new contract.

We are very proud of our facilities and are seeking a dynamic, forward thinking partner to manage our new contract and to work with us to ensure that we can maximise the benefits of our investment for our diverse communities. We look forward to meeting you at the open day and showing you our facilities.

Yours sincerely,

A handwritten signature in blue ink that reads 'Barrie Hargrove'.

**Councillor Barrie Hargrove**  
**Cabinet Member for Public Health,**  
**Parks and Leisure**

A handwritten signature in blue ink that reads 'Deborah Collins'.

**Deborah Collins**  
**Strategic Director of Environment**  
**and Leisure**

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## APPENDIX A: PRE QUALIFICATION QUESTIONNAIRE



## I NEW LEISURE MANAGEMENT CONTRACT

### I.1 Background

- 1.1.1 Management of the London Borough of Southwark's ('the Authority's') leisure facility portfolio has been operated under contract since 2000. The current contract expires in June 2016 and the Authority wishes to undertake a competitive tendering exercise to appoint a leisure management operator for an initial seven year period (to 2023), and will also include the option at the absolute discretion of the Authority to extend the Contract Period by period or periods of up to a maximum of seven additional years (i.e. up to a maximum of 2030).
- 1.1.2 The Authority's portfolio has benefitted from significant investment over recent years, and further major changes are on the horizon with the opening of a brand new leisure centre in the heart of the Elephant and Castle in late Summer 2015, and construction of a new leisure centre in Canada Water in the next few years. In all, £70m will have been invested into the leisure centres over the period 2010 to 2018.
- 1.1.3 To help Applicants find out more about the facilities before submitting the attached Pre-Qualification Questionnaire, an **Open Day** will be held on **Monday 6<sup>th</sup> July 2015**. This will provide Applicants with the opportunity to visit the facilities, meet the project team and ask questions about the process and the portfolio. The arrangements for the day are set out in more detail in this document.

### I.2 Contract Scope

- 1.2.1 Over the last few years the Authority has invested more than £50 million in its leisure centres. This includes major refurbishments at Dulwich, Camberwell and Surrey Docks Watersports Centre, upgrades at Peckham Pulse and Seven Islands as well as a brand new centre for Elephant and Castle and another planned for Canada Water. This has resulted in a substantial increase in user numbers with over 1.4 million visits last year compared to 900,000 in 2010/11.
- 1.2.2 The Authority is keen to find ways to further increase the levels of usage to ensure that the service contributes strongly to the social values and health agendas. In view of this, the Authority has committed to introduce free swim and gym to all borough residents on all day Fridays, and from 2pm on Saturdays and Sundays. This has been piloted initially with targeted groups from May 2015, with the intention to extend the initiative to all borough residents at the start of the new contract in June 2016.

1.2.3 The scope of facilities and services included within the new leisure management contract is:

- The Castle (opening in late summer 2015)
- Camberwell Leisure Centre
- Dulwich Leisure Centre
- Peckham Pulse Healthy Living Centre
- Seven Islands Leisure Centre
- Surrey Docks Water Sports Centre
- Geraldine Mary Harmsworth Sports Facility
- Southwark Athletics Centre (formerly known as Southwark Park Sports Centre)
- Management of the Authority's sports bookings

#### **The Castle (formerly The Elephant and Castle Leisure Centre)**

1.2.4 Due to open in late summer 2015, the Castle is a key development at the heart of the Elephant and Castle regeneration area and will be one of the regeneration programme's first community facilities to be opened to the public. The new £20m leisure centre will offer the following facilities:

- 25m 6-lane community pool
- learner pool (12m x 12m) with moveable floor
- 4 court sports hall
- 140 station gym
- 2 fitness studios and spin studio
- sauna and steam rooms
- cafe
- crèche.

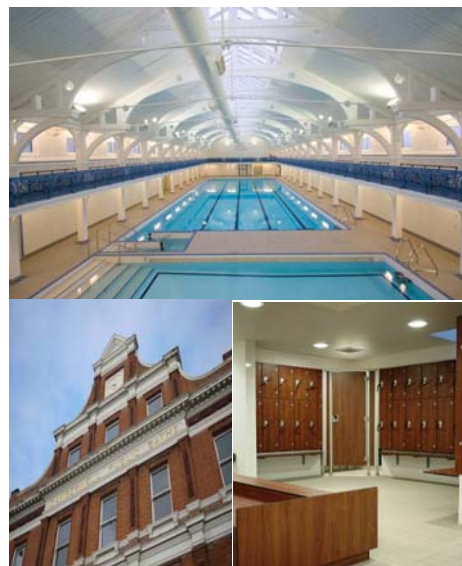


## Camberwell Leisure Centre

1.2.5 Camberwell Leisure Centre originally opened in the 1890s as a public baths and wash house and still retains many of its original Victorian features.

1.2.6 A total of £6.3m was invested and completed in 2012 to refurbish the following facilities:

- 25m 4-lane main pool & learner pool
- 40 station gym
- 2 sports halls / exercise studios
- wet and dry changing facilities
- dedicated youth facilities (meeting spaces, music recording area etc)
- cafe
- small car park.

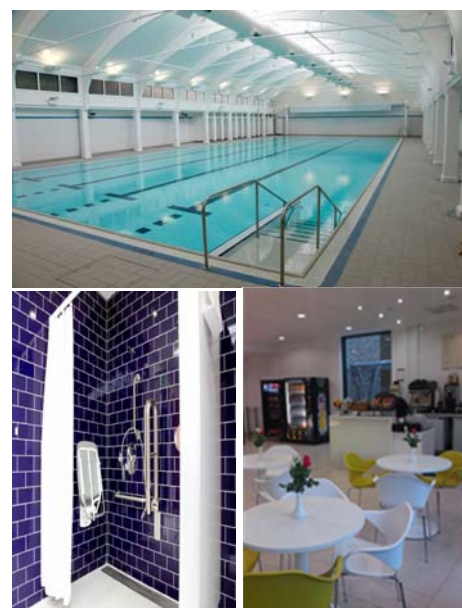


## Dulwich Leisure Centre

1.2.7 Dulwich Leisure Centre first opened in 1892 as a public baths. The centre received significant refurbishment in 2010/2011 and the newly reopened pool hall has retained much of its original look, as has the exterior to the old entrance on East Dulwich Road. Significant changes were made to the centre's facilities bordering Crystal Palace Road, including a new entrance building and external forecourt.

1.2.8 A total of £6.2m was invested in the centre in 2011, which now comprises:

- 25m 4-lane pool
- 100 multi station gym
- spacious entrance / café
- crèche
- 2 x exercise studios
- wet and dry changing facilities.





## Peckham Pulse Healthy Living Centre

1.2.9 Situated in the heart of Peckham this facility currently offers a wide range of activities and services. Built in the late 90s the Centre has a modern and contemporary feel. Over the last three years the Authority has invested £1.2m and is planning over the next year to invest a further £1.5m to improve the facility.

1.2.10 Current facilities include:

- 25m 6-lane pool & separate hydrotherapy pool
- 100 station multi-purpose gym & separate health referral gym
- health suite including sauna & steam rooms and therapy rooms
- 2 x exercise studios
- spinning studio
- changing facilities
- children's soft play and crèche.



## Seven Islands Leisure Centre

1.2.11 Seven Islands Leisure Centre is well placed for public transport being only a few minutes' walk from Canada Water tube and bus stations and Surrey Quays station. Built in the 1970s, capital funds of £2m for the imminent refurbishment of existing facilities have been allocated. It is intended in five years' time that the centre will be replaced with a new leisure centre within Canada Water on a similar scale and quality to The Castle.

1.2.12 Current facilities at the Centre include:

- 33m 6-lane pool
- separate male & female saunas
- exercise studio
- 60 station gym split into cardio & weights rooms
- small sports hall
- changing facilities.

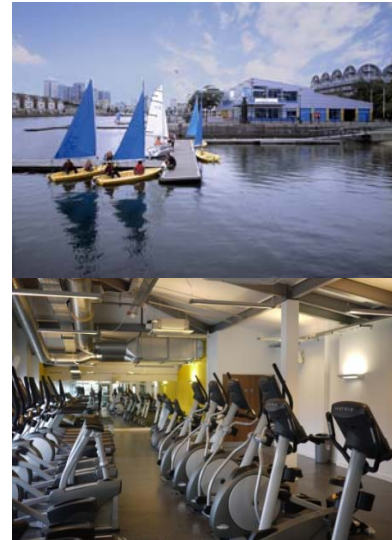


## Surrey Docks Watersports Centre

1.2.13 The Watersports Centre is based on the edge of Greenland Dock, which is the oldest of London's wet docks. This huge body of enclosed water (approx. 75,000sqm) looks on to Canary Wharf and provides a scenic backdrop for activities that take place here both on and off the water.

1.2.14 In 2010 the Centre was reopened following a £2.3m refurbishment programme, now providing the following facilities:

- 70 station gym overlooking the dock
- 2 large exercise studios and dedicated spinning studio
- wet and dry changing facilities, including 2 dedicated accessible changing rooms with ceiling hoists
- provision for various water sports activities including sailing, kayaking and power boating
- conference facilities overlooking the dock
- car park.



## Geraldine Mary Harmsworth Sports Facility (GMH)

1.2.15 GMH is a relatively new outdoor sports facility based in the park adjacent to the Imperial War Museum. It offers extensive high quality grounds for netball, basketball, football and tennis.

1.2.16 Following investment from Lottery and Authority funding, the site accommodates the following facilities:

- pavilion with changing facilities to accompany the outdoor sports facilities (2 x tennis courts, 4 x netball courts and 3 x 3G 5-a-side football pitches).





## **Southwark Athletics Centre (formerly known as Southwark Park Sports Centre)**

1.2.17 This site is currently undergoing a £3m two phase re-development. Phase one commenced in 2015 and will involve the replacement of the athletics track and a grass infield. The second phase of the project will see the refurbishment of the pavilion and is due for completion by mid-2016.

1.2.18 The new facilities will include:

- 6-lane 400m running track suitable for disability use and grass pitch
- performance weights gym club room and refreshments area
- changing facilities.



## **Management of the Authority's sports bookings**

1.2.19 Responsibility for managing the bookings for the Authority's sports facilities is currently split between the incumbent leisure operator and the grounds maintenance contractor. The Authority requires the bookings for indoor and outdoor facilities to be consolidated into one easily accessible and customer-friendly system. The operator will be required to ensure the system allows for (1) bookings and payments to be made on-line for all Authority pitches and courts, as well as all leisure centre bookable spaces, and (2) income and fees received in relation to the outdoor facilities (for which the leisure operator will not be responsible) to be transferred to the Authority.

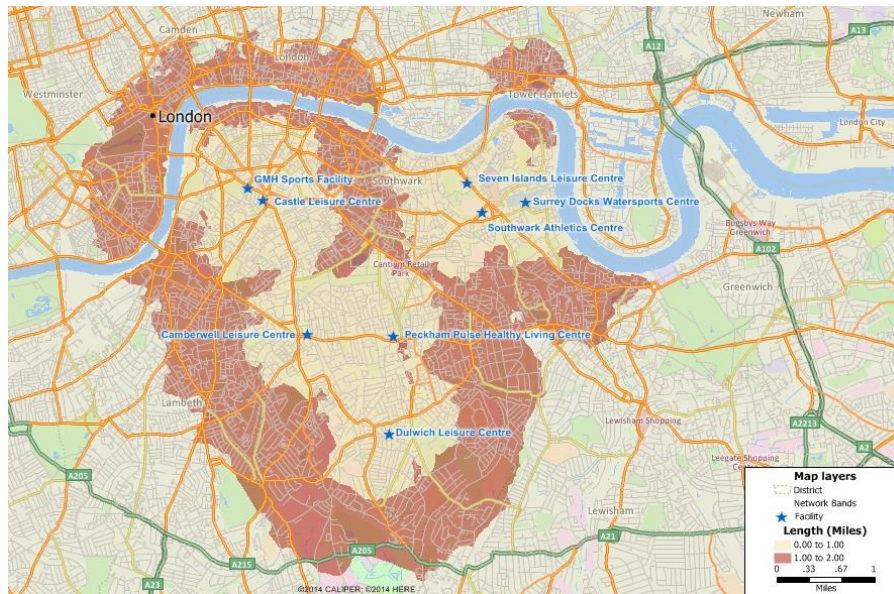
## **1.3 The Market**

1.3.1 The London Borough of Southwark is an Inner London borough of approximately 11 square miles, stretching from London Bridge and Canada Water on the River Thames in the north down to Dulwich in the south. Southwark is bordered by Lewisham to the east, Bromley to the south, Lambeth to the west and the City of London and Tower Hamlets to the north. The borough has major transport hubs at London Bridge and Elephant and Castle. The centres are well used by commuters and a large student population.

1.3.2 Southwark has an ethnically diverse and youthful population. The mid-year population for 2012 was 293,530, with 58 per cent aged 35 or under. By 2016 (start of new leisure management contract) the population in Southwark is set to increase to 310,900 and by 2023 (end of contract) the population is projected to be 336,600. Southwark has the 9th highest population density in England and Wales at 9,988 residents per square kilometre (about twice the London average). It contains both densely populated urban areas to the north and leafier suburbs to the south.

1.3.3 Southwark has the highest proportion of residents in the country who were born in Africa (12.9 per cent), as well as a significant population from Latin America, with 75 per cent of reception-age children from black and minority ethnic (BME) groups. Over 120 languages are spoken in Southwark, with 11 per cent of households having no member of the household who has English as a first language. Through the new Southwark Plan, the Authority is setting ambitious housing targets to significantly increase the number of homes in all tenures, including 11,000 new council homes, with 1,500 being built by 2018. The majority of new housing will be supplied within the major regeneration schemes in the Elephant and Castle, Aylesbury Estate and Canada Water areas.

- 1.3.4 The catchment population within a 1-mile radius of Authority leisure facilities is 227,296 with 168,398 of this population aged 16-64. The catchment of a 2-mile radius covers parts of neighbouring Lambeth, City of London and Tower Hamlets and encompasses a population of 496,932 with 368,506 of this population aged 16-64. The 1-mile and 2-mile catchment map is set out below.



## 1.4 The Contract

- 1.4.1 The new management contract will be for a period of seven years from 21 June 2016 and will also include the option at the absolute discretion of the Authority to extend the Contract Period by a period or periods of up to a maximum of seven additional years. In terms of asset management, generally speaking, the Authority will retain responsibility for latent defects, the structure of the facilities, as well as replacing major plant and equipment for the existing facilities. An asset management responsibilities matrix will be provided to Applicants for their review as part of the ITT documentation. For the new Castle facility and the replacement Seven Islands centre in Canada Water, it is expected that the leisure operator will be responsible for all aspects of the asset, subject to appropriate warranties being provided by the building contractor.

## 2 PROCUREMENT ROUTE AND TIMETABLE

### 2.1 Approach

- 2.1.1 The Public Contracts Regulations 2015 apply to this Procurement (the “Regulations”). The Authority is using the Restricted Procedure in accordance with Regulation 28 of the Regulations. Services of the nature of those covered by this Project are designated as “Schedule 3” Services (the Social and Other Specific Services) under the Regulations and as such are not subject to the full requirements of the Regulations. The Authority is only bound by the application of the Regulations to the extent that they are applicable to Schedule 3 services. The Procurement is covered by Regulations 74 to 76 (the Light Touch Regime). Allowing for the completion of the various formalities and Authority approvals, it is envisaged that the new operator will be appointed by March 2016. A summary of the procurement timetable is set out in Table 1 below:

**Table 1 Procurement Timetable**

Activity	Date
Publication of public advertisement	24 June 2015
Open Day	6 July 2015
PQQ submission deadline	24 July 2015 (5pm)
Invitation to Tender issued	10 August 2015
Bidder clarification and site visits	August / September 2015
ITT submission deadline	16 October 2015
ITT evaluation and clarification completed	17 November 2015
Authority decision making process	November 2015 - February 2016
Notice of contract award decision	March 2016
Mobilisation Period	March - June 2016
Start of contract	21 June 2016

### **3 INSTRUCTIONS TO APPLICANTS**

#### **3.1 PQQ submissions**

- 3.1.1 The procurement process will commence with a pre-qualification phase. Pre-qualification questionnaires (PQQs) are set out at Appendix A to this IM. Following evaluation of responses to the PQQ, a shortlist of no more than 5 Applicants will be selected to participate in the Invitation to Tender (ITT) phase.
- 3.1.2 Applicants must use the attached PQQ response document, completing all mandatory questions. Failure to include information requested in mandatory fields may lead to your application being discounted. Applicants must be explicit and comprehensive in their responses to this PQQ as this will be the single source of information on which responses will be scored and ranked. Applicants are advised not to make any assumptions about their past nor current supplier relationships with the Authority, nor to assume that such prior business relationships will be taken into account in the selection procedure other than where such information is required in completing this document. Furthermore, the pre-qualification questionnaire must be completed in full, even if your company has previously submitted an application form to this Authority – cross-referencing is not sufficient.
- 3.1.3 Please note that whenever used in this questionnaire, the term "Applicant" refers to a sole proprietor, partnership, incorporated company, co-operative, as appropriate, and the term "officer" refers to any director, company secretary, partner, associate or other person occupying a position of authority or responsibility within the organisation.
- 3.1.4 Please include, where appropriate, any supporting documents marking clearly on all enclosures the name of your firm and the number of the question to which they refer. You should provide an index of all documents referred to in the completed questionnaire.
- 3.1.5 Submit in a manner that makes it easy for the Authority to assess. All responses must be in English, and any electronic submissions must be MS Word compatible. PDF files will not be accepted.
- 3.1.6 If you have any queries in relation to this document and the PQQ they should be made via the portal (<https://www.londontenders.org/procontract/supplier.nsf>.) as soon as possible and in any case not later than 5pm on Monday 13<sup>th</sup> July 2015. Responses to any queries raised by Applicants regarding this procurement will be responded to within 3 working days by the Authority.
- 3.1.7 If you do not wish to proceed in order to help Southwark Council ensure continuous improvement in services we would be grateful if you would advise us of your reasons for withdrawing.
- 3.1.8 In accordance with the obligations and duties placed upon public authorities by the Freedom of Information Act 2000 (the 'FoIA'), all information submitted to the Authority may be disclosed in response to a request made pursuant to the FoIA. In respect of any information submitted by an Applicant that it considers to be commercially sensitive the Applicant should:
1. Clearly identify such information as commercially sensitive;
  2. Explain the potential implications of disclosure of such information; and
  3. Provide an estimate of the period of time during which the Applicant believes that such information will remain commercially sensitive.

- 3.1.9 Where an Applicant identifies information as commercially sensitive, the Authority will endeavour to maintain confidentiality. Applicants should note however, that even where information is identified as commercially sensitive, the Authority might be required to disclose such information in accordance with the FoIA. Accordingly, the Authority cannot guarantee that any information marked 'commercially sensitive' will not be disclosed.
- 3.1.10 **The deadline for receipt of completed PQQs is 5.00 pm on Friday 24<sup>th</sup> July 2015.** Completed PQQs must be uploaded to the Authority's tender portal <https://www.londontenders.org/procontract/supplier.nsf> before the deadline. PQQs submitted after this deadline may not be considered. There will be an Open Day hosted by the Authority, providing an opportunity to visit the facilities and speak to the Authority, details of which are set out in Section 4.5 below.
- 3.1.11 The evaluation of the PQQs will cover three areas:
- compliance checks
  - financial evaluation
  - technical evaluation.
- 3.1.12 The detailed **financial** and **technical** evaluations will cover the following pass/fail and weighted criteria, as set out in Table 2.

**Table 2 PQQ Evaluation Criteria**

Reference	Details	Score	Weighting
1	Applicant Information	Info only	n/a
2	Grounds for mandatory Exclusion	Pass / Fail	n/a
3	Grounds for Discretionary Exclusion	Pass / Fail	n/a
4	Not used	n/a	n/a
5	Economic & Financial Standing	Pass / Fail	n/a
6	Technical & Professional Ability	Scored	20%
7	Additional PQQ Modules		
(A1)	Quality Management	Scored	15%
(A2)	Experience of operating similar contracts	Scored	20%
(A3)	Social value and concessionary schemes	Scored	15%
(A4)	Head office and regional support	Scored	20%
(A5)	Health & Safety	Scored	10%
7B	Insurance	Pass / Fail	n/a
7C	Compliance with Equality Legislation	Pass / Fail	n/a
7D	Environmental Management	Pass / Fail	n/a
7E	Health & Safety	Pass / Fail	n/a

## **4 PQQ EVALUATION**

### **4.1 Stage One - Compliance Checks**

- 4.1.1 The compliance checks will establish that all of the information requested has been provided and all questions answered. The Authority shall check each PQQ response upon receipt to verify a complete and Authority compliant submission. The Authority reserves the right to



reject/disqualify any Applicant that submits an incomplete PQQ. The Authority will then check responses to the mandatory and discretionary criteria.

- 4.1.2 The Authority is entitled to exclude Applicants from consideration if any of the mandatory or discretionary grounds for exclusion are not met.
- 4.1.3 In relation to responses to questions 2 and 3 of the PQQ, Applicants may provide evidence that remedial action has been taken and “self clean” by paying necessary compensation, collaborating with investigations and taking concrete technical, organisation and personal steps to prevent reoccurrence of the offence or misdeeds. Full details of relevant incidents and any remedial action taken subsequently should be provided. If such evidence is considered by the Authority in its absolute discretion (and whose decision will be final) to be sufficient, the economic operator concerned shall be allowed to continue in the procurement process. If not, the Applicant shall be rejected.

## **4.2 Stage 2 Economic and Financial Standing – Pass / Fail**

- 4.2.1 Applicants must pass Stage 1 before being assessed in accordance with this Stage 2.
- 4.2.2 Applicants must be in a sound financial position to participate in a procurement of this size as set out in Regulation 58 of the Public Contracts Regulations 2015.
- 4.2.3 The financial assessment will be carried out in three parts. No one part or element thereof will be decisive in the final decisions. All parts covered below will be assessed ‘in the round’ and not on an individual basis. Any ‘fail’ will be considered and may lead to further clarification/ assurances being obtained or to the exclusion from next stage of the process, depending on the severity of the financial risk to the Authority identified.
- 4.2.4 Using the information contained in the last two years’ audited accounts a review will be undertaken using the factors listed below. The financial assessment will consist of the following:
  1. The Applicant must be financially sound and have sufficient financial resources to undertake the leisure management services contract. Accordingly, the Authority will arrange for the financial risk assessment of the Applicant’s PQQ submission to be carried out by Experian. The Authority intends to obtain all of the Experian assessments on the same day. Each Applicant must obtain an Experian rating of 40:1 or higher. Applicants may obtain information regarding their financial risk rating before submitting a PQQ from Experian (<http://www.experian.co.uk>).
  2. Ratio analysis including:
    - Liquidity i.e. working capital ratios
    - Efficiency tests i.e. debtor and creditor collection period
    - Profitability tests i.e. return on capital employed
    - % of this contract value annually as % of turnover.
  3. Assessment of movements of liquidity and funds between group companies; information on mergers and acquisitions and ownership tree.
  4. Review of audited published accounts, and interpretation of any notes that may affect wellbeing of company. Review to include:
    - Charges, judgements, injunctions due to prior failings or other adverse legal findings



- Going concern
- Audit qualifications.

5. Assessment of general background information including:

- The companies and directors.
- Business type in each of the set of accounts.
- Prior experience/ current activities.

4.2.5 To achieve an overall pass in the financial assessment, Applicants will need to demonstrate the following:

- a turnover of £15m or more (achievement of this threshold will be reviewed in the wider context of an Applicant's full PQQ response and evaluation)
- credit rating of 40:1 or higher
- an acceptable level of financial risk for the Authority.

4.2.6 It should be noted that the Authority reserves the right to reassess any Applicant's financial position, at any time up to contract award, to confirm that it meets with the requirements of this PQQ.

### Weighted criteria

- 4.2.7 For each of the weighted criteria (ref: 6 and 7A1-7A5), responses will be awarded a score of between 0 and 5 points, using the methodology in Table 3 below:

**Table 3 Scoring Methodology**

Assessment	Score	Interpretation
Excellent response	5	Demonstration by the Applicant of exceptional level of ability, understanding, experience, skills, resource, and quality measures applicable to managing leisure facilities similar to the scope and scale of the contract being procured. Response identifies factors that demonstrate ability and experience in offering added value, with good evidence to support the response.
Good response	4	Demonstration by the Applicant of a good level of ability, understanding, experience, skills, resource and quality measures applicable to managing leisure facilities similar to the scope and scale of the contract being procured. Response identifies factors that demonstrate ability and experience in offering added value, with good evidence to support the response.
Satisfactory response	3	Demonstration by the Applicant of satisfactory level of ability, understanding, experience, skills, resource and quality measures applicable to managing leisure facilities similar to the scope and scale of the contract being procured, with sufficient evidence to support the response.
Less than satisfactory response	2	Some minor reservations of the Applicant's relevant ability, understanding, experience, skills, resource and quality measures applicable to managing leisure facilities similar to the scope and scale of the contract being procured, with insufficient evidence to support the response.
Poor response	1	Some serious reservations of the Applicant's relevant ability, understanding, experience, skills, resource and quality measures applicable to managing leisure facilities similar to the scope and scale of the contract being procured, with no evidence to support the response.
Unacceptable or no response given	0	Does not comply and/or insufficient information provided to demonstrate that the Applicant has the ability, understanding, experience, skills, resource and quality measures applicable to managing leisure facilities similar to the scope and scale of the contract being procured.

### Ranking sub-stage

- 4.2.8 Applicants will then be ranked in numerical order against their cumulative weighted score. Following this evaluation exercise and providing it results in an adequate number of suitable Applicants, the Authority will draw up a shortlist to invite to tender. It is currently expected that the shortlist will contain up to 5 bidders.

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### **Invitation to Tender (ITT)**

- 4.2.9 The evaluation of the shortlisted bidders' ITT submission will be scored and weighted on a 60:40 Price:Quality split. Further detailed information is provided in the Initial Tender Documentation issued at the same time as this Information Memorandum.

### **4.3 Enquiries**

All enquiries should be made through the portal. A written response will be sent to any enquiry. All exchanges must be kept strictly confidential by Applicants, their advisers and their consultants. Applicants will be asked to enter into confidentiality agreements should it become appropriate to release confidential information.

- 4.3.1 Where responses to enquiries provide further information or clarification in relation to the project, the Authority will also communicate such information to other Applicants. The confidentiality of prospective proposals will be respected.

### **4.4 Additional Information**

- 4.4.1 If at any time during the tender period there are any material changes to the information provided by Applicants in their response to the pre-qualification questionnaire, they must advise the Authority promptly in writing.

### **Contact with the Authority**

- 4.4.2 All contact with the Authority shall only be made through methods identified in this document. No contact shall be made with other Councillors, officers or employees of the Authority or any other authorities or statutory bodies in relation to this proposed contract without the prior written consent of the Authority.

### **Canvassing**

- 4.4.3 Any Applicant who directly or indirectly canvasses any member or official of the Authority, or their legal or financial advisors, concerning the award of the contract, or engages in any corrupt practice involving Councillors or officials of the Authority or their advisers will be disqualified.

### **Confidentiality**

- 4.4.4 All Applicants must treat all information and documents issued by the Authority and their advisers as private and confidential and the express written consent of the Authority must be obtained prior to release of these documents to any third party.

### **Non-collusion**

- 4.4.5 Applicants are expressly and strictly prohibited from discussing with each other any aspect of their responses to this Information Memorandum or otherwise exchanging information or colluding in respect of the contract. Any Applicants who fail to comply with this requirement will be disqualified.

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## **Preparation of Responses and Tenders**

- 4.4.6 The Authority will reimburse no expense incurred by the Applicants in preparing responses or tenders.

## **Right to cancel or vary the process**

- 4.4.7 The Authority reserves the right to:
- cancel the selection and evaluation process at any stage, and/or
  - require a candidate to clarify its submission in writing and/or provide additional information (Failure to respond adequately may result in the candidate not qualifying), and/or
  - amend the terms and conditions of the tender process.

## **4.5 Open Day**

- 4.5.1 The Open Day tour is on **Monday 6<sup>th</sup> July 2015**, starting at Surrey Docks Watersports Centre at 9.30am (anticipated finish is 3.30pm). Refreshments will be available from 9.00am. This will provide an opportunity for Applicants to meet the team and tour the facilities.
- 4.5.2 The day will commence with a short presentation by the Authority outlining their aims and aspirations for the leisure management contract. Applicants will be given an opportunity to ask questions of the Authority officers. The presentation will be followed by site visits.
- 4.5.3 Please contact Stephen Hopkins, Leisure Contract Officer, to confirm your attendance ([stephen.hopkins@southwark.gov.uk](mailto:stephen.hopkins@southwark.gov.uk)) by Wednesday 1<sup>st</sup> July 2015.
- 4.5.4 A full itinerary for the day will be sent out when your attendance has been confirmed.

## **4.6 Misrepresentation Act 1967**

- 4.6.1 These particulars do not constitute the whole or any part of an offer and all information is supplied entirely without prejudice and is given as a guide and no liability is accepted for any error, omission or mis-statement contained or implied in these particulars.

## **4.7 Disclaimer Clauses**

- 4.7.1 This document does not constitute any part of any offer or contract.
- 4.7.2 This document is supplied entirely without prejudice and neither the Authority nor its advisors accept any responsibility as to the accuracy thereof or otherwise or shall incur any liability arising out of any reliance being placed on it.
- 4.7.3 Any measurements referring to site or other areas are approximate and given for guidance purposes only. Applicants are requested to rely on their own inspection and measurement of properties.
- 4.7.4 All Applicants must satisfy themselves by inspection or otherwise the suitability or correctness of any statement and to the suitability or otherwise of the facilities for their own purpose.

- 4.7.5 The Authority does not make or give, nor does any person in the employment of the Authority have any authority to make or give, any representations or warranty in relation to the facilities or have any particulars of information supplied in respect thereof.

#### **4.8 Bribery and Corruption Clauses**

- 4.8.1 If the Authority in its sole discretion considers that in relation to the tendering process there has or may or appears to have been the possibility that any party (or with or without its knowledge employees, agents or persons acting on its behalf) has:

- offered or given or agreed to give any persons a gift or consideration of any kind as an inducement or regard for doing or forbearing to do or for having done or forborne to do any action, or
- shown or forborne to show favour or disfavour to any person, or
- committed any offence under the Bribery Act 2010 or has given or offered any fee or reward the receipt of which is an offence under section 17 (2) of the Local Government Act 1972.

- 4.8.2 The Authority reserves unilaterally the right to cancel and render void the tendering process and/or to withdraw any invitation to tender and/or considering any proposal submitted shall not be liable to any third party for costs, disbursements or otherwise arising as a direct or indirect result of such cancellation withdrawal or non-consideration as aforesaid.