

Volume Two (2) Applicant’s Offer

Selection Questionnaire /

Invitation to Tender

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| Contract for:  Organisational and Financial Review of Penlee House Gallery & Museum  January 2021 |

Closing time and date for return of submission:

**12:00 (Noon) 3 March 2021**

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| Name of Applicant: |

Please return electronically to:

**tenders@penzance-tc.gov.uk**

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 |

[Section 1 – General Notes 3](#_Toc61288671)

[Section 2 – Selection Questionnaire 4](#_Toc61288672)

[Section 3 Specification for the provision of Consultancy Service 11](#_Toc61288673)

[Section 4 Applicants Response to Tender 19](#_Toc61288674)

[Section 5 Pricing Schedule 25](#_Toc61288675)

[Price Review Framework 25](#_Toc61288676)

[Price Validity Period 25](#_Toc61288677)

[Price Review Proposals 25](#_Toc61288678)

[Pricing Schedule Declaration 25](#_Toc61288679)

[CERTIFICATES 26](#_Toc61288680)

[Conditions of Tender 26](#_Toc61288681)

[Certificate of Undertaking and Absence of Collusion or Canvassing 27](#_Toc61288682)

[Commercially Sensitive Information 28](#_Toc61288683)

[Conflict of Interest 28](#_Toc61288684)

# Section 1 – General Notes

1. This document should be read in conjunction with the supporting information contained within Volume 1 “Invitation to Tender - Background Information, Instructions and Conditions of Tender” and associated documents also referenced.
2. This document and associated documents will form the basis of the Applicants formal tender response. Care should be taken to ensure that it is completed accurately, and all information required to submit a compliant tender is done ahead of submitting any final response.

# Section 2 – Selection Questionnaire

1. The Council 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 Council is under a legal or regulatory obligation to make such a disclosure.
2. The Applicants attention is further drawn to supporting guidance and information as included in “Volume 1” document related to this procurement process.

**Notes for completion**

1. The “Council” means the contracting Council, or anyone acting on behalf of the contracting Council, 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 Council 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 Council 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.

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| **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 supplier  submitting 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 they 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 Control of them.** | | | |

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| **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 Council 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 |  | |

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| **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 organisation  If Yes please provide details at 2.1(b) |  |  |
| Corruption  If Yes please provide details at 2.1(b) |  |  |
| Fraud  If Yes please provide details at 2.1(b) |  |  |
| Terrorist offences or offences linked to terrorist activities  If Yes please provide details at 2.1(b) |  |  |
| Money laundering or terrorist financing  If Yes please provide details at 2.1(b) |  |  |
| Child labour and other forms of trafficking in human beings  If 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 convicted. If 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 Council 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 Council to obtain confidential information that may confer upon the organisation undue advantages in the procurement procedure, or to negligently provide 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) |  | |

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| **Part 3: Selection questions** | | | |
| **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 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 = £5m | |  |  |
| Public Liability Insurance = £5m | |  |  |
| Professional Indemnity = £1m | |  |  |

# Section 3 Specification for the provision of Consultancy Service

**Please see below the accompanying Specification and Applicants Response Section**

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| About us | **Overview**  Penlee House Gallery & Museum is an Arts Council England Accredited Museum and has Arts Council England National Portfolio Organisation (NPO) status. It is owned and operated by Penzance Council. Decisions in relation to Penlee House are taken by the Council through the Penlee House Committee who are responsible for all matters relating to the running and management of Penlee House Gallery & Museum[[1]](#footnote-2).  Penlee House was originally built as a Victorian family home. It was purchased by Penzance Borough Council along with the surrounding park as a war memorial in 1946, and the house opened as the Penzance District Museum in 1949. A major refurbishment in 1997 led to the current branding, design, layout and footprint of the building.  Penlee House curates and holds at least four major exhibitions each year, primarily focussing on the artists of the Newlyn School and Lamorna group. The exhibitions often include paintings on loan from national institutions such as the Tate and Royal Academy. These temporary exhibitions occupy the ground floor galleries, whilst upstairs the Museum houses social history and archaeological displays, and an additional space that displays Newlyn School paintings from the Penlee House collection.  Further information can be found at: <https://www.penleehouse.org.uk/>  ***Income and expenditure / stakeholders / staff***  The Gallery is run as a public service by Penzance Council, who, as the operator, is the main funder. This income is primarily funded by the precept[[2]](#footnote-3). The annual budget informs the level of precept charged to Penzance Council Taxpayers. The budget is agreed by Penzance Council in a meeting usually held in January.  The Penlee House Committee reviews the financial position against budget at its meetings, which are held approximately every six weeks, with any in-year revisions formally decided on by Council at the relevant Town Council meetings. The financial year runs from 1 April to 31 March.  In addition to the Council budget, the Gallery’s main revenue sources are admission fees, the in-house shop and the café franchise.  Significant regular grant funding sources include Arts Council England NPO funding, an Agency Fee paid by Cornwall Council and grants for educational work and acquisitions from the Friends of Penlee House (1,837 members). These funders, alongside Cornwall Museums Partnership (<https://www.cornwallmuseumspartnership.org.uk>), should all be regarded as key stakeholders.  The Gallery employees 10 members of staff (8.5 FTE) and employees around 11 freelance museum educators and artists per year. Penlee House has over 100 volunteers that perform roles such as stewarding, education work and collections research.  Like most organisations, Penlee House has been negatively impacted by Covid-19 and the enforced closure of museums and galleries during the national lockdowns. During the lockdowns, the gallery staff launched a new website and continued to create and provide content online to maintain audience interest. Staff completed behind-the-scenes tasks (such as redecorating the galleries). One hundred art boxes for children were distributed in partnership with a local foodbank. Work continued with Carefree Cornwall to develop a Culture Card for young care leavers and young people living in care to enable free access to cultural institutions. This work has been nominated for a national award.  The closures and subsequent reduced visitor numbers have caused an anticipated overall shortfall in the financial year 2020-21. Income from shop, café and admissions sales is projected to be down by c.£100,000, but this has been partially offset by savings in expenditure of c.£50,000, saved mostly from cancelled exhibitions and reduction of expenditure on marketing, office costs, travel etc.[[3]](#footnote-4) The budget for 2021-22 has been set with the assumption that visitor numbers will be in line with the year 2019-20. Arts Council England guidance suggests assuming that restrictions on capacity will be relaxed by April 2021.[[4]](#footnote-5) Visitor numbers have been reduced in the financial year 2020-21. We have had 25% of the visitors we had from 1 April – 18 December in 2019-20. Our earned income from shop and admissions is at about 40% of our 2019-20 levels. We have predicted visitor numbers will go back to 2019-20 levels in 2021-22 as our summer exhibition about the artist Laura Knight is anticipated to be well-attended. In a normal year we would budget for an additional 6,000 visitors, but we have kept to the more modest 2019-20 levels, anticipating the post-Covid effect. We have not received any emergency funding, including Culture Recovery Funding from Arts Council.  Further information about income and expenditure is supplied in Appendix 1  ***Collections*** The Collections comprise:  *The Museum Object collections:*  Combined Archaeological (c.3,500 items), Natural History (c.820 items) and Social History Collections (c.4,300), most of which were owned by the former Penzance Natural History and Antiquarian Society, which was founded in 1839. This collection became the property of Penzance Borough Council in 1939 and, subsequently, as a result of Local Government reorganisation in 1974, the property of Penwith District Council. This comprises 65% of the present collection and it is supplemented by items that are the property of Penzance Council (32%) and items in private ownership which are held on loan (3%).  Since further Local Government reorganisation in 2009, ownership of the collection formerly held by Penwith District Council (65% of the Museum Object collection) rests with Cornwall Council until 31 March 2022.  Penlee House receives an Agency Fee from Cornwall Council to manage this collection. In 2020/21, this fee was £50,418. Cornwall Council has given notice that it will cease to pay the agency fee and in return will transfer ownership of the collection to Penzance Council on 31 March 2022.  *The Art Collection*  Includes what was formerly owned by Penzance Borough Council and which has subsequently been transferred to the ownership of Penzance Council. This comprises 99.5% of Penlee House's total permanent art collection and the remaining 0.5% consists of works which are currently the property of Cornwall Council until 31 March 2022.  There are c.920 items in the art collection. The Governing Body regularly solicits and accepts works of art on loan for temporary exhibition. In addition, it accepts works on long term loan to supplement the collections, and approximately 9% of the fine art collection is on long term loan, including 29 works belonging to Newlyn Art Gallery.  The photography collections consist of over 10,000 images, belonging to Penzance Council. More information about Penlee House’s collections can be found in the Collections Development Policy[[5]](#footnote-6). |
| The opportunity / project / brief | As part of the Council’s wider responsibilities, an independent review into Penlee House has been agreed by Penzance Council to enable informed decisions to be made about the future of Penlee House. This aligns with item 3.1 in the Penzance Council Strategic Plan: *‘To determine a clear vision for the long-term support of Penlee House’*  This review is further driven in light of the changes to income support from the end of March 2022 and the need to ensure a long-term sustainable operational delivery model for Penlee House.  With change to funding, pending “no change” is not an option.  Penzance Council is seeking to commission a consultant(s) to:   1. **Define the public benefit of Penlee House, including who the Gallery and Museum serves and who is it not serving? This aspect of the work should include:** 2. Research among local stakeholders to establish their current understanding of Penlee House; 3. Identify under-served audiences and make recommendations based on the research about how Penlee House can engage a wider range of people, taking into account audiences that may not live locally; 4. Complete audience research to determine the views of local stakeholders, including local residents, about Penlee House; 5. Quantify the economic, social and educational value of Penlee House to Penzance and its role in the wider cultural and creative ecology of Cornwall[[6]](#footnote-7). Determine how this informs the proposed future vision, mission and objectives. 6. **Assess the effectiveness of the existing governance model, explore different governance models and produce a series of options and recommendations for improvements. This work should include:** 7. Providing referenced benchmarked governance models for other organisations; 8. Provide respective benefits or disadvantages of each and make recommendations for Penlee House. This should reference the costs and liabilities of each option. 9. **Review Penlee House’s current business model, exploring value for money and options for alternative business models. This should include:** 10. A breakdown of costs and forecasts based on a 5 year timeframe along with degrees of confidence around the assumptions made. Look ahead beyond this timeframe to identify opportunities;   b) Details around forecast on revenue and income streams and best / worst case scenarios and assumptions made and a recommendation for a future operating model based on this work.   1. **Review of the vision and mission of the gallery and museum - putting forward recommendations for future vision, mission and objectives that are informed by considerations of the consultation and future operating model.** 2. **Review the current operating model and the current offer, to include a review of** 3. Staffing structure and leadership; 4. The current offer to the public and any recommendations for improvement taking into account the cost implications of these recommendations; 5. Review and make recommendations for the fundraising, marketing and income generation strategies; 6. Make recommendations that will help to determine the future operating model for Penlee House and its resultant business and fundraising strategies 7. **Set out wider considerations of threats and risks to future sustainability including implications due to COVID-19**   The review work as set out in this brief should where possible be informed and supported by sector related intelligence, including relevant case studies and benchmarking with other comparable reference sites. |
| Scope | In scope for the review includes (but not limited to):   * Challenging the public benefit of Penlee House including who the gallery and museum is/is not serving and the public benefit that is being delivered. * Challenge the demand / market for Penlee House - how can it engage more widely? * Understand the sustainability of Penlee House including challenging the accessibility of Penlee House, considering both physical and alternative mediums (e.g. online) * Consideration of staffing and governance including reflection on the current leadership and management arrangements plus options around alternative staffing and support (including volunteers) * Challenge overall delivery including benchmarking against other galleries and museums * Reviewing the purpose of Penlee House against forward plan – how well is Penlee House delivering against this? Is it fit for purpose in the future? * Reviewing the current governance - options and recommendations and estimated costs and other implications (including at least one case study of local authority museum going to trust and costs) * Challenging the budget for Penlee House, including viability of different activities provided, expenditure and funding and income strategies, plus the impact on funding of different governance models   **The following is not in scope for consideration:**   * Penzance Council does not wish to consider the closure of Penlee House * Penzance Council does not wish to consider the sale of its collections held at Penlee House |
| Aims of the work | Penzance Council wants to determine a clear vision for the long-term support of Penlee House[[7]](#footnote-8)  Penzance Council wants to understand the most sustainable way to support Penlee House in the future and how / if it can reduce its financial support of Penlee House  Penzance Council wants to understand the public benefit of Penlee House  Penzance Council seek to clarify Penlee House’s future strategy, governance and funding, looking to create a business model that will be robust and long-lasting |
| Key deliverables / outputs | Based on this brief the key deliverables and output from the appointed consultant will be a report on the findings of Penlee House Gallery and Museum which sets out a clear vision on the long term support needs.  The report would include informed proposals and recommendations on the future vision, mission and objectives for Penlee House which is empirically informed by details on the public benefit. It should set out an understanding on the economic, social and educational value with clear linkages to the future vision, mission and objectives.  The final report must provide a clear options appraisal document, exploring different governance models, including costs and informed recommendations.  In addition to governance models the report must provide costed options for future alternative business delivery models and how this would align to the governance recommendation(s).  In summary the full final written report should be completed by 1 September 2021 with costs associated over the timeframes, with degrees of confidence being higher for the nearer liabilities and a broader degree of confidence for anticipated liabilities into the future.  Supporting this a series of recommendations developed following the production of this options appraisal including considerations on future funding, marketing and income strategies. The report must set out details on best / worst case assumptions (and details on how informed these assumptions are), Strengths; Opportunities; Weaknesses and Threats plus be reflective of the current operating challenges presented by COVID-19.  Empirical Stakeholder research with a valid cohort of representative respondents – these findings should feed into the options appraisal, to understand public attitudes towards public funding of Penlee House.  Stakeholder engagement with: Cornwall Council; Friends of Penlee House; Penlee House staff team; Arts Council England, Cornwall Museums Partnership etc.  The Consultant will be required to present the final report, findings and recommendations to members at a full Council meeting in September.  During the work, you will be expected to meet with the Task & Finish Group on three occasions:   * Upon appointment (March 2021) – meet with Task & Finish Group for Project Initiation meeting * May 2021 – Progress meeting * July 2021 –Progress meeting |
| Project budget and payment terms | The budget for this project is **£24,000 - £27,000** excluding VAT. This is to include all elements as outlined in the key deliverables, i.e. formal presentation and sign off of the final report.  Payment terms will be in line with the accompanying Terms and Conditions. |
| Monitoring, evaluation and reflection | **Who should the consultant report to?**  The deliverables of the project are outlined above. You will have regular (fortnightly or as appropriate) communication with Anna Renton, Director of Penlee House Gallery & Museum.  A working group of Councillors, the Director of Penlee House, the Penzance Town Clerk and CEO of Cornwall Museums Partnership, the Chair of the Friends of Penlee House and the Principal Lead for Culture & Creative Economy – Cornwall Council has been established, and you will report in to this group three times during the project. Additional meetings may be called if necessary.  As noted the final report must be presented to members at full Council after 1 September 2021 (date to be confirmed). |

# Section 4 Applicants Response to Tender

1. Section 4 to be completed by all Applicants looking to submit a formal response to this Tender.

Method Statement Responses:

1. Please detail your response in regard to this specific Method Statement.

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| **Method Statement Topic Areas** |
| **How you would deliver the brief (essential)**  **Past experience and how you would utilise this** |
| **Council requirements for the Applicant’s response to this Method Statement:**  You will have experience of similar projects – creating options appraisals for organisations who are exploring a range of different governance options ideally in the local authority sector.  You should provide some examples of your work or references that you are happy for us to contact about the work you have undertaken for them. This could include making reference to previous projects undertaken in the form of Case Studies.  Your proposals should provide clear reference on how the experience you have would be utilised on this project to deliver meaningful quality outcomes. Please provide two references for your work.  **WHAT DOES GOOD LOOK LIKE?**  A good response would demonstrate that the Supplier has credible and transferable experience through related examples to the subject of what is required to this tender supported with case studies with positive testimonials and references.  This response would also ensure that there is sufficient and proportional supporting information and evidence and how the past experience would be utilised to deliver the outcomes required in this tender. |
| ***PLEASE ADD RESPONSE HERE:*** |

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| **Method Statement Topic Areas** |
| **Methods and approach to be applied** |
| **Council requirements for the Applicant’s response to this Method Statement:**  The Supplier shall provide a Method Statement in accordance with the information provided in the Specification and the Objectives of the Tender.  As part of the Supplier’s response the Council would be seeking a submission that outlines the method and approach to be adopted in response to this brief and how this would contribute to successfully meeting the objective and required outcomes as set out in this brief.  This should be in the form of a method statement for each phase that includes the approach and methodology to be applied in that phase and including the tools, techniques and processes to be followed.  **WHAT DOES GOOD LOOK LIKE?**  A good response would provide clear details on the methods and approach which the Supplier would undertake on the Contract and that the method and approach would be able to deliver quality outcomes to the satisfaction of the Council within the timeframe required. The tools, techniques and processes to be undertaken must be appropriately applied, proportional for the required delivery of the Contract and proven in delivering the outcomes required in this tender.  A good response would clearly indicate an understanding of the requirements as set out and what is necessary to deliver high quality outcomes. It will clearly set out how each of the identified themes will be approached and met by the bidder.  A good response would also indicate the approach to be applied in relation to resourcing plan to undertake the work, including proposed plan around when and how the service would be delivered, along with resourcing plan that maps out to the required work, and ensures resilience around service delivery and business continuity.  A good response would clearly set out a structured approach understanding and approach to ensure that the Contract is delivered in a timely orderly and professional manner.  It would also clearly outline through the delivery of the contract how the objectives of the Council would be achieved and provide high degree of confidence that the Contractor would be able to perform the Contract in line with the expectations set out by the Council. |
| ***PLEASE ADD RESPONSE HERE:*** |

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| **Method Statement Topic Areas** |
| **Consultancy Staffing Requirements - Knowledge and Skills of the proposed team**  Your response to the brief should provide strong evidence that you have key knowledge, experience and skills within the proposed team in respect of undertaking organisational reviews and how this experience and skills would be applied in application of any awarded contract in relation to this brief, particularly this should include:  Necessary financial acumen capabilities around assessment of funding streams and budget arrangements in Public Sector (including consideration of treatment of VAT / Business Rates and other funding sources)  Suitable employment / Human resources capabilities in being able to support recommendations around any staffing implications, plus non-paid support e.g. volunteers  Benchmarking, survey and analytical skills that support credible research that supports credible findings and recommendations  Commercial acumen to support robust consideration around funding and marketing considerations  Excellent communication and stakeholder engagement skills  To support the work, it would be highly desirable for the consultant(s) to have knowledge, experience and skills in respect of working with the public sector, ideally local government, along with a strong understanding of the arts, culture and / or heritage sector.  Please provide CV details of all key members of your consultant team, the roles they would perform in any contract and their day rates. Your proposal should include a clear budget breakdown.  Provide detailed proposals regarding the staffing structure and the roles and responsibilities allocated to the staff:   * Provide assurance that the staff will meet the requirements detailed in the Specification * An explanation of how the staff will be supported to deliver the services required * Who will take the lead on delivering the strategic needs of the service? * The value which individuals allocated to the project can bring to support successful delivery. |
| **WHAT DOES GOOD LOOK LIKE?**  A good response would provide clear assurance that the Supplier would be delivering the Contract with resources with relevant knowledge and skills required to deliver the outcomes set out in the brief.  It will provide evidence of how staff time will be dedicated to the Service with clear role profiles and person specifications and on how personnel are motivated and have skills to work and think independently, whilst ensuring that staff are supported and suitable and effectively supervised under the contract  This could also include details on how staff are inducted and how they are trained and supported to be effective within all they do, and the assurance that they have the right and relevant skills and experience to undertake the roles required. |
| ***PLEASE ADD RESPONSE HERE:*** |

# Section 5 Pricing Schedule

1. Applicants are required to complete the accompanying Schedule 1 - 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.

# Price Review Framework

## Price Validity Period

1. As a minimum, all prices submitted must remain fixed and firm for six (6) months from date of Contract commencement. In support of this, please detail exactly how long your prices will remain fixed and firm for.

## Price Review Proposals

1. The Council does not expect the Applicant to implement any price increases throughout the Contract and would conversely look to explore ways of reducing costs throughout its duration. The Applicant’s signature at the Pricing Schedule Declaration will be assumed to be an acceptance of this condition. Applicants whose price review proposal differs from the Council’s expectations under this Price Review Proposals must state within their response to Schedule 1 – Pricing Schedule.
2. Any options to extend shall detail any increase prior to any formal Contract extension. 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 Council in writing.

## Pricing Schedule Declaration

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

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| 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).* | |

# CERTIFICATES

## Conditions of Tender

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| **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 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 in the Price Schedule of this Bid. | |
| 3. | The Council 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 Council 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 they sign or are employed).* | | |

## Certificate of Undertaking and Absence of Collusion or Canvassing

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| **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 – Consortium  I/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 Individual  I/We the undersigned do hereby certify that:-  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;   1. 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; 2. 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; 3. 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. 4. 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. 5. 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 they signs or are employed).* | |

Certificate of Confidentiality

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| **CERTIFICATE OF CONFIDENTIALITY** | |
| I/we hereby agree with the Council 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 Council 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 they signs or are employed).* | |

## Commercially Sensitive Information

The Council 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.

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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

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| **CERTIFICATE OF CONFLICT OF INTEREST** | |
| I/we hereby notify the Council 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 Council 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 they sign or are employed).* | |

1. Penzance Council Standing Orders, p.32 <https://www.penzance-tc.gov.uk/wp-content/uploads/2020/11/Standing-Orders-2019-v.8-FINAL.pdf> [↑](#footnote-ref-2)
2. Penzance Council Annual Report, p.12: <https://www.penzance-tc.gov.uk/wp-content/uploads/2020/11/Annual-Report-Final-2019_20.pdf> [↑](#footnote-ref-3)
3. At time of writing – 30 Dec 2020 [↑](#footnote-ref-4)
4. Arts Council England, Culture Recovery Fund Grants, Round 2, 2020, p.14 accessed from <https://www.artscouncil.org.uk/sites/default/files/download-file/CRFG_second_round_Guidance_for_applicants_18122020_0.pdf> [↑](#footnote-ref-5)
5. Penlee House Collections Development Policy <https://www.penleehouse.org.uk/wp-content/uploads/2020/07/Penlee-House_Collections_Development_Policy.pdf> [↑](#footnote-ref-6)
6. Useful references include: [Cornwall's Creative Manifesto 2021-2025](https://www.cornwall.gov.uk/creativemanifesto); [Gyllyn Warbarth, Together We Can: The Cornwall Plan](https://www.cornwall.gov.uk/media/45314386/202711-appendix-1-the-cornwall-plan-final.pdf); in addition to Arts Council England’s [Let’s Create Strategy](https://www.artscouncil.org.uk/letscreate) [↑](#footnote-ref-7)
7. Penzance Council Strategic Plan <https://www.penzance-tc.gov.uk/wp-content/uploads/2020/12/Penzance-TC-Strategy-2018-2021-FINALwithupdateDec2020.pdf> [↑](#footnote-ref-8)