**Essex County Council**

**Open Procedure One Stage Bidder Guidance**

**0475 Design, Supply and Installation of Play Areas at Belhus Woods and Cudmore Grove Country Parks**

 **14th November 2016**

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This document has been split into the following two main sections:

**Part One – General Instructions and Guidance**

**Part Two – Bidder ITT Guidance**

# PART ONE – GENERAL INSTRUCTIONS AND GUIDANCE

1. Essex County Council (**the Authority**) invites tenders for the provision of the requirement. Bidders should make themselves fully aware of the content of these General Instructions and Guidance, together with any other information/instructions issued by the Authority during this procurement exercise.
2. The estimated timetable for the award of a contract is as follows:

Invitation to Tender issued 14/11/2016

Belhus Woods Country Park Site Visit 21/11/2016

Cudmore Grove Country Park Site Visit 22/11/2016

Final date for clarifications from Bidders 19/12/2016

Tender Return Date 04/01/2017 – 12 noon

Short-listed Bidders presentation W/C 30/01/2017

Preferred bidder shortlisted 13/02/2017

Contract Preparation 23/02/2017

Contract Signature 28/02/2017

The Authority will not be bound by this timetable if extensive bid clarification is required during evaluation.

1. All communications, enquiries, questions or requests for clarification by Bidders should be addressed in writing using the secure messaging system in the Invitation to Tender (ITT) Bidders should note that the Authority will not respond to any enquiry, question or request not submitted in this manner.
2. Bidders should be aware that where a clarification has a fundamental and/or material impact on the ITT, that clarification and the Authority’s response will be circulated to all bidders. Any bidder who considers their clarification to be confidential must indicate this in writing to the Authority when submitting that clarification. The Authority will consider the Bidder’s written position into consideration when deciding whether to release the clarification and the Authority’s response to all bidders.
3. Any Bidder who directly or indirectly canvasses any member or officer of the Authority concerning this procurement or the award of any contract pursuant to this procurement, or who directly or indirectly obtains or attempts to obtain information from any such member or officer concerning any other public procurement will be disqualified.

6. It is the responsibility of Bidders to obtain for themselves at their own expense all information necessary for the preparation of their tenders. Information supplied by the Authority (whether in the ITT or otherwise) is supplied for general guidance in the preparation of the tenders. Bidders must satisfy themselves by their own investigations with regard to the accuracy of any such information and no responsibility is accepted by the Authority for any inaccurate information obtained by Bidders.

7. All information supplied by the Authority in connection with this ITT shall be regarded as confidential by the Bidder except that such information may be disclosed for the purpose of obtaining sureties and quotations necessary for the preparation of the tender.

8. No servant or agent of the Authority has authority to vary or waive any part of the ITT other than the Authorised Officer nominated by the Authority who shall only do so in writing.

9. The Bidder shall be deemed to have satisfied himself before submitting his tender as to the correctness of the rates and prices stated by him in the Tender (Commercial Response), which shall (except insofar as is otherwise provided in the Contract) cover all his obligations under the Contract.

10. All rates and prices quoted must exclude Value Added Tax.

1. Not Used
2. All rates and prices quoted must be in sterling.
3. The tender submission web form questions and/or documents must be fully completed and be accompanied by all requested supporting information. Any tender containing gaps or omissions are likely to be rejected. Any tender containing information which has not been requested is likely to be rejected. Bidders must comply with the limit to the number of words or pages stated within this tender. Failure to do so may result in your tender being rejected.

14. Tenders must be for the supply of the whole of the services upon the terms of the Contract. Tenders for part or parts only of the service or for different standards or frequencies of service or made subject to alternative or additional terms or conditions may be rejected, or may be rejected for the reasons of such alterations or additions only.

15. Any document requiring a signature must be signed:

 (i) where the Bidder is an individual by the individual;

 (ii) where the Bidder is a partnership, by two duly authorised

 partners;

1. where the Bidder is a company, by two Directors or by a Director and the Secretary of the Company, such persons being duly authorised for that purpose.

16. In addition to any more specific obligations imposed by the terms of the Contract, Bidders must satisfy the Authority of their ability to provide the service set out in the Contract.

17. Every tender received by the Authority shall be deemed to have been made subject to the terms and conditions of the Contract unless the Authority shall previously have expressly agreed in writing to the contrary. Any alternative terms or conditions (which must be submitted on a separate form) offered on behalf of the Bidder shall, if inconsistent with the terms and conditions of the Contract, be deemed to have been rejected by the Authority unless expressly accepted in writing.

18. Your tender submission must be submitted to the Authority electronically by publishing through this ITT **0475 Design, Supply and Installation of Play Areas at Belhus Woods and Cudmore Grove Country Parks** at **http://ecc.supplier.ariba.com** :-

 not later than **12 noon** on **04/01/2017**

 It is the Authority’s policy to reject any tenders received after the above deadline.

19. Do not attempt to edit your response after the deadline has passed. Should you do this your tender will be considered late and will be rejected.

20. The Authority will not consider individual requests for extensions to the closing date and time specified above but may at its own discretion extend the closing date and time. Where the Authority extends that deadline it will notify all Bidders in writing via the alerts generated from the Ariba system.

21. The Bidder is expected to keep his tender valid for acceptance for a period of 90 days from the closing date specified above.

22. The Authority is not bound to accept the lowest or any tender.

The tender evaluation process will be conducted fairly in accordance with the published evaluation criteria to ascertain the most economically advantageous tender.

23. As you have agreed to the Ariba Bidder Agreement you have confirmed your acceptance that the Authority (ECC) reserves the right to amend, modify or withdraw the tender. The Authority reserves the right to accept or reject all or part of the Bidder proposal. Submission of a bid does not create a contract or any expectation by the Bidder of a future business relationship. Rather, by submitting a bid, you are making a firm offer which the Authority may accept to form a contract.

The Authority is not liable for any costs incurred by Bidder in the preparation, presentation, or any other aspect of Bidder's bid. The Authority will not reimburse any expense incurred by you in preparing your bid. You take part in this tender entirely at your own risk and cost.

Except to the extent the Authority allows a non-binding bid, all Bids which a Bidder submits are legally valid quotations without qualification, except for data entry errors.

24. Bidders proposing to submit tenders are invited to view the premises at a time to be arranged with Officers in the Commercial Team. Hosted site visits will take place at Belhus Woods Country Park on Monday 21st November 2016 and Cudmore Grove Country Park on Tuesday 22nd November 2016. Please contact Sophie Dunning via the Ariba message board to confirm your attendance.

25. Bidders shall not seek to obtain information, nor interview employees of the establishment, nor visit the premises, nor seek to obtain documents except when such access, information or documents are provided by the Commercial Team or the Authority's Authorised Officer. Such action could lead to disqualification.

26. Please note that all response attachments must be in Arial 12 font in Microsoft Word, with standard margins (2.54cm top and bottom margins 3.17cm left and right margins) and formatted on A4. Any submission response not complying with the stated format and specified page limit(s) may be excluded from the tender process.

28. Please find below the details regarding the weightings for the evaluation of this requirement:

# PART TWO – BIDDER ITT GUIDANCE

### Introduction

This ITT has been issued by the Authority in connection with a competitive procurement conducted under the Public Contract Regulations 2015

Below, please find some guidance regarding the content of the ITT. The ITT is split into two sections – Section A & Section B.

Please note that the headings marked below in red indicate those areas which may not be appropriate for every ITT. The buyer will adapt the standard ITT template to ensure it is appropriate for the requirement, so some of the areas listed below may not be applicable to this particular requirement.

Should a bidder have any questions or clarifications regarding the ITT they must raise them via the messaging facility on the supplier portal. Any questions or clarifications raised, and the response to the same, will be shared with all bidders unless they are marked as commercially confidential and the Authority agrees this to be the case.

### Instructions, Key Documents & Declarations

This procurement is being undertaken using a single stage tender process with the ITT split into two sections - Section A and Section B. Therefore to express and interest and for your bid to be considered you will need to complete both sections and all questions and ensure that any requested documentation is attached.

The bidder is to note that the ITT is a standard template which allows the buyer to select appropriate questions for the ITT process. Due to this flexibility the numbering within the template may not run in sequence.

BEFORE YOU CAN SEE OR ANSWER QUESTIONS YOU MUST ACCEPT THE PREREQUISITES BY CLICKING ON THE "2. Review and accept prerequisites" LINK ON THE LEFT HAND SIDE OF THIS PAGE.

The Authority may use this section to provide bidders with Instructions and/or Key Documents, and to obtain necessary Declarations from bidders.

Bidders will need to access these documents by clicking on "references".

This section includes pre-requisite questions that consist of a drop-down answer, which is the only answer bidders can give.

If a bidder does not agree with the drop-down response on the pre-requisite questions, it will not be able to submit the pre-requisite response and will therefore not be able to progress through to the full ITT response.

This section contains key documents such as the Instructions and Guidance to bidders, the Specification and the Terms and Conditions that will be applicable to any resultant contract.

You will need to access these documents by clicking where shown.

If you have questions concerning the documentation (which are not related to functionality of the system), you will need to select messages enter the question where prompted and send it to us. Only questions asked in this manner will be responded to and broadcast.

The last date for questions to be asked is **19/12/2016**. Questions asked after this date will be responded to at the discretion of the Authority.

Within the e-sourcing portal the Bidder is to confirm that they have read, understood and accept the terms and conditions, specifications and other attachments. These will form a part of any resultant contract

### SECTION A - SQ Submission

Section A consists of two questions;

* 3.1 Selection questionnaire SQ – designed to assess the suitability of a Supplier to deliver the Authority’s contract requirements. Bidder must download and complete the SQ document.
* 3.2 Additional relevant documents Please use this space to attach any relevant documents to support your SSQ

response. You will need to save all documents in a ZIP file.

**Selection Questionnaire**

The standard Selection Questionnaire is structured in 3 separate parts:

Part 1 of the standard Selection Questionnaire covers the basic information about the supplier, such as the contact details, trade memberships, details of parent companies, group bidding and so on.

Part 2 covers a self-declaration regarding whether or not any of the exclusion grounds apply.

Part 3 covers a self-declaration regarding whether or not the company meets the selection criteria in respect of their financial standing, technical capacity and ECC’s additional questions.

### Guidance to completing the SQ

### Part 1: Potential Supplier Information (Section 1)

The Bidder is to complete the required information concerning their organisation and provide details of their organisation’s bidding model. The Bidder is to identify if they are bidding as Prime Contractor or a Consortium.

Where reference is made to a consortium, this should be read as also including any other proposed partnership, joint venture or significant sub-contracting arrangement. 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.

For bidding purposes, a consortium bid is acceptable but for the purposes of entering into a contract, the Authority reserves the right to require groupings of organisations, consortia, partnerships or any other form of joint venture to take a particular legal form or to require a single lead organisation to take primary liability under the contract or to require that each party in a consortium/partnership/joint venture undertakes joint and several liability under the contract.

Where a consortium structure is proposed, all information requested should be given, unless otherwise instructed, in respect of the proposed prime contractor/consortium leader and in respect of consortium members or sub-contractors who will play a significant role in the delivery of services or work under any ensuing contract. Responses must enable the Authority to assess the overall service proposed.

The Authority recognises that arrangements in relation to consortia and sub-contracting may be subject to future change. Service providers/suppliers should therefore respond in light of such arrangements as they are currently envisaged. Potential suppliers are reminded that any future change in relation to consortia and sub-contracting must be notified to the Authority so that it can make a further assessment by applying the selection criteria to the new information provided and the Authority reserves the right to reject any change which does not satisfy the selection criteria and any bidder who no longer satisfies the selection criteria.

Within this section the Bidder is to details if their organisation is registered with the appropriate trade or professional register(s) with the member state or country they are established. Details of these can be found in the Annex XI of the Public Contract Regulations.

### Part 2: Exclusion Grounds

**Ground for mandatory exclusion (Section 2)**

The purpose of this section is to establish the propriety of bidders.

If a bidder answers “Yes” to any of the questions in this section there will be serious doubts about propriety and the council is obliged to reject them from the procurement.

Any bidder that answers ‘Yes’ to any of the questions in these section should provide sufficient evidence, in a separate attachment, that the provides a summary of the circumstance and any remedial action that has been taken place subsequently and effectively “self-cleans” the situation referred to in the questions. The bidder has to demonstrate it has taken such remedial action, to the satisfaction of the authority.

The bidder is to note that the scoring methodology for this section is the following:

Pass or Fail (where ‘No’ or with satisfactory self- cleaning = Pass and ‘Yes’ with no satisfactory self-cleaning = Fail

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.

**Grounds for discretionary exclusion (Section 3)**

The purpose of this section is to establish the propriety of bidders.

If a bidder answers “Yes” to any of the questions in this section there may be doubts about the propriety of the bidder. However, the Authority will consider any information that the bidder provides which clearly indicates that any past conduct or problem has been resolved and that steps have been taken to prevent its recurrence.

Any bidder that answers ‘Yes’ to any of the questions in these section should provide sufficient evidence, in a separate attachment, that the provides a summary of the circumstance and any remedial action that has been taken place subsequently and effectively “self-cleans” the situation referred to in the questions. The bidder has to demonstrate it has taken such remedial action, to the satisfaction of the authority.

The bidder is to note that the scoring methodology for this section is the following:

Pass or Fail (where ‘No’ or with satisfactory self- cleaning = Pass and ‘Yes’ with no satisfactory self-cleaning = Fail

### Part 3: Selection Questions (Section 4) - Economic & Financial Standing

Not applicable.

### Part 3: Selection Questions (Section 5)

The section only needs t be completed if the bidder has indicated they are part of a wider group in their response to question 1.2 of the SQ.

###

### Part 3: Selection Questions (Section 6) - Technical & Professional Ability

The bidder is to provide up to three contracts, in any combination from either the public sector or provide sector that are relevant to the Authority’s requirement by completing the attached template within this section.

Contract examples that are relevant to the requirement should be provided. A newly set-up bidder might be unable to provide three contract examples, but at least one or two should be available.

ECC reserves the right to check the accuracy of the contract examples by contacting the relevant customers. Where the requirement is for a new or innovative service or product, contract examples may be less relevant

The scoring methodology will be as per Table A

### Part 3: Selection Questions (Section 7) - Modern Slavery Act 2015: Requirements under Modern Slavery Act 2015

The Modern Slavery Act 2015 (the "Act"), aims to eradicate modern slavery, which encompasses human trafficking, slavery, forced labour and servitude.

Organisations with a global turnover of £36 million and over are required to publish a slavery and human trafficking statement for each financial year. The statement must set out the steps an organisation has taken to ensure that slavery and human trafficking is not taking place in its supply chain or in any part of its own organisation**.**

In response to this questions the Bidder is to confirm if their global turner over is £36 million and over. If you respond ‘Yes’ an additional question will appear requesting that you attach a copy of your organisation’s Modern Slavery Statement.

Further details concerning the Modern Slavery Act can be found on [https://www.gov.uk/government/uploadTransparency\_in\_Supply\_Chains\_etc\_\_A\_practical\_guide\_\_final\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/471996/Transparency_in_Supply_Chains_etc__A_practical_guide__final_.pdf)

### Part 3: Selection Questions (Section 8) - Additional questions

**8.1 Insurance**

The ITT will outline the insurance requirements applicable for the procurement exercise. If a Bidder answers ‘Yes’ or ‘Commit to obtain’ it is likely that ECC will require evidence of the insurance cover at an appropriate stage during the procurement exercise, and prior to contract award.

Employer’s Liability Insurance is a legal requirement (except for businesses employing only the owner / close family members). If a Bidder believes that they fall into this category they must answer the question and provide further details justifying the exemption.

**8.2 Skill and Apprentices**

Not applicable

**8.3 Licensing and Registration**

The Bidder is to detail if their organisation is registered with the appropriate trade or professional register(s) with the member state or country they are established. Details of these can be found in Annex XI of the Public Contracts Regulations.

**8.4 Professional Capacity**

**Organisation Management Structure**

The responses to the question in this section enable the Buyer to understand the organisational structure, key personnel/managers and their qualifications and seniority.

**Resources**

The response to the question in this section enables the Buyer to understand the resources you have drawn on, including any intent to sub-contract, or employ apprentices in order to help deliver similar contracts.

The Authority supports the expansion of the use of apprenticeships because it offers added value to the Council and benefits the community. Volunteering is an important expression of citizenship and a powerful force for change. Volunteers can make a unique contribution to society and must be valued, supported and well managed during delivery of services. Please review the “Essex Compact Volunteering Code of Practice” that can be found on the Essex County Council website.

Bidders may show an awareness of how they have supported the local economy through similar contracts, for example recruiting local labour and sub-contracting to local SME’s.

ECC is committed to improving quality of life, reducing the demand upon public services and supporting the local economy by increasing employment opportunities for people with a disability. People with learning disabilities in particular are underrepresented in the workforce, with only 13% of our service users currently employed. If the contracts you have undertaken previously are within an industry which is likely to support roles which provide an entry to the job market, this should be considered in your response.

The scoring methodology will be as per Scoring Methodology Table A.

**8.5 Public Services (Social Value) Act 2012**

Not applicable

**8.6 Equality & Diversity**

The bidder is to detail if there has been any finding of unlawful discrimination against their organisation by an Employment Tribunal, an Employment Appeal or any other court. A summary of the investigation is to be provided, as well as any remedial action that organisation has undertaken to prevent reoccurrence.

In you are an organisation located outside of UK please refer to equivalent legislation in the country you are based.

The bidder is to provide details of any complaint upheld by the Equality and Human Rights Commission in the last three year. A summary of the investigation is to be provided, as well as any remedial action that organisation has undertaken to prevent reoccurrence

The bidder is also required to provide overview of any processes they have in place to check whether any of the above circumstances apply to any of their sub-contractors.

Further information regarding the areas covered in this section can be found at:

[www.equalityhumanrights.com](http://www.equalityhumanrights.com) or [www.gov.uk](http://www.gov.uk).

**8.7 Environmental Management**

The bidder is to provide details of any breaches of the environmental legislations in the last three years. A summary of the investigation is to be provided, as well as any remedial action that the organisation has undertaken to prevent reoccurrence.

The bidder is also required to provide an overview of any processes they have in place to check whether any of the above circumstances apply to any of their sub-contractors.

Further information regarding the areas covered in this section can be found at:

[www.gov.uk](http://www.gov.uk)

**8.8 Health & Safety**

The bidder is to self-certify that their organisation has a Health and Safety Policy that complies with current legislation.

The bidder is to provide details of receipts of any enforcement orders in relation to the Health and Safety Executive given to their Directors or Executive Officers in the last three years. A summary of the investigation is to be provided, as well as any remedial action that organisation has undertaken to prevent reoccurrence.

The bidder is also required to provide an overview of any processes they have in place to check whether any of the above circumstances apply to any of their sub-contractors.

Further information regarding the areas covered in this section can be found at:

[www.hse.gov.uk](http://www.hse.gov.uk)

**8.9 E-Procurement**

The purpose of this section is to identify your organisation’s current e-Procurement capabilities to ensure that your organisation can meet with Essex County Council’s eProcurement requirements. eProcurement refers to electronic methods used to purchase goods, works and services in order to maximise the benefits to both ECC and suppliers through efficient processes and prompt payment.

Please Note: If an alternative approved system is utilised for a contract, for example for Social Care, and Construction related contracts, the Buyer will amend these standard questions as applicable with the appropriate requirements for that contract. Information on particular P2P processes for specific sectors such as Social Care can be requested.

If you cannot meet the minimum standards but your organisation is currently developing its IT capabilities which will enable your organisation to meet with the requirements from the date of commencement of the contract please provide details explaining this and detail what action you are taking.

If you have not done so already, you may want to set up a single email account for your organisation. Please note that one single email account must be provided for the organisation, ECC is unable to accept multiple e-mail addresses for different depots within/across an organisation.

Please familiarise yourself with the IDeA:marketplace information which can be found on ECC’s website.

**8.10 Information Handling & Security**

Not applicable

**8.11 Safeguarding**

Not applicable

 **8.12 TUPE & Pensions**

 Not applicable

**8.13 Clinical Governance**

Not applicable

### SECTION B

### Technical Response

The questions in this section will be driven by which lot(s) you are bidding for and willappear following your response to question 5.1.  Please note if you are bidding for one lot only, the question numbers will not run in sequence.

You are required to answer all of the questions which appear below and submit responses in the prescribed format. Each response should state the question with the answer following it. Please ensure that your company name appears on each page.

If you fail to answer any question(s) the Authority may consider your tender non-compliant and may exclude your bid from further evaluation.

The evaluation criteria and scoring methodology for each question will be detailed in the Evaluation Matrix.

### Commercial Response

The bidder is required to complete the attached Pricing Matrix in the prescribed format and re-attached the completed documentation to this section.

The evaluation for the commission submission will be detailed on the Pricing Matrix.

### Freedom of Information

If a Bidder considers that any information supplied for the purposes of this ITT is either confidential in nature or commercially sensitive and an exemption applies this should be highlighted in the body of the ITT submission and the reasons for its sensitivity given in the table in the form supplied.

Submission of a completed table does not guarantee that the information highlighted will be recognised as an exemption, this will be subject to clarification.

### Scoring Methodology Table A

This section confirms the Scoring Methodology that will be used for the identified question detail in the ITT unless otherwise stated.

**0 = Wholly Unsatisfactory -** No response or the whole response is irrelevant to all of the question and evaluation criteria**.**

**1 = Unsatisfactory -** The response only covers a minor element of the question and evaluation criteria and lacks relevant evidence regarding competence, capacity and ability to successfully fulfil the requirements of the question.

**2 = Partially Acceptable -** The response covers more than one element of the question and evaluation criteria but lacks relevant evidence regarding competence, capacity and ability to successfully fulfil the requirements of the question.

**3 = Acceptable -** The response addresses most of the question and evaluation criteria but some areas contain limited relevant evidence regarding competence, capacity and ability to successfully fulfil the requirements of the question.

**4 = Very good -** The response fully addresses the question and evaluation criteria and provides relevant evidence regarding competence, capacity and ability to successfully fulfil the requirements of the question.

**5 = Outstanding -** The response fully addresses the question and evaluation criteria and provides relevant evidence regarding competence, capacity and ability to successfully fulfil the requirements of the question and goes beyondexpectations tooffer an outstanding level of performance or an additional benefit which exceeds specified requirements.

### Scoring Methodology Table D

**0 =** **Wholly unsatisfactory**, no/unacceptable evidence

**1 =** **Unsatisfactory**, significant information has not been provided or evidenced

**2 =** **Cause for concern**, evidence and documentation provided but significant improvement required

**3 =** **Acceptable**, full documentation provided but some improvements required

**4 =** **Very good**, full documentation provided but minor improvements required

**5 =** **Outstanding**, full documentation provided and clear demonstration of compliance/control

### Section B Declaration

The bidder is to read and confirm agreement to the Section B Declaration – Form of Tender document.

### Bidder Feedback

This section provides Bidders with an opportunity to provide feedback or comments regarding the structure or format of this ITT.

We are continuing work to update and improve our standard tender templates and welcome any constructive feedback from Bidders.