

**PART FOUR: TENDER RESPONSE (also referred to as the "Suppliers Response"): TO BE COMPLETED BY SUPPLIER AND RETURNED**

**NOTES FOR COMPLETION**

Once you have completed Part Four (Suppliers Response), please return two hard copies and a copy electronically saved on a USB flash pen (e.g. a memory stick).

Please use the pre-addressed envelope with only **TENDER: REF H447 ("Private and Confidential")** and with no company markings to:

Head of Democratic and Legal Services  
Kettering Borough Council  
Bowling Green Road  
Kettering, NN15 7QX

Closing date for completion and return no later than **12 noon on 9<sup>th</sup> March 2016**. Late submissions will be disregarded.

Please note:

1. you must meet your own cost for postage; and
2. that no other identifying mark should appear on the envelope.

Failure to observe this will mean the disqualification of the Suppliers Response.

## **SECTION ONE:**

### **SUPPLIER INFORMATION (the "SI")**

#### **NOTES FOR COMPLETION BY THE SUPPLIER**

1. For the purpose of the SI, the "Council" means Kettering Borough Council, or anyone acting on behalf of the Council, that is seeking to invite suitable Suppliers to participate in this procurement process.
2. "You"/ "Your" or "Supplier" means the body completing these questions i.e. the legal entity seeking to be invited to the next stage of the procurement process and responsible for the information provided. The 'Supplier' is intended to cover any economic operator as defined by the Public Contracts Regulations 2015 and could be a registered company; charitable organisation; Voluntary Community and Social Enterprise (VCSE); Special Purpose Vehicle; or other form of entity.
3. The SI is designed to determine whether you meet the Council's minimum requirements for this tender before we consider your submission.
4. The SI must be completed in its entirety and responses provided to all the questions. If you are unsure of anything in this document and require clarification, please contact:  
  
[bazkalsi@kettering.gov.uk](mailto:bazkalsi@kettering.gov.uk)
5. All questions require specific responses from you relating to the organisation named in this SI. All information supplied must be accurate and up to date. The Council reserves the right to refuse to consider your application if the SI is not fully completed or is found to be inaccurate.
6. As necessary, please expand the boxes on the form to accommodate your answers. However, please also keep your answers brief and to the point.
7. **The majority of questions in this SI are 'pass/fail', that is, you either meet the minimum requirement or you don't e.g., levels of insurance cover, or possession of relevant accreditation.**
8. If you do not meet these minimum criteria – more details of which appear further on in this SI – you will be excluded from the tender.
9. Please ensure that all questions are completed in full, and in the format requested. Failure to do so may result in your submission being disqualified. If the question does not apply to you, please state clearly 'N/A'.
10. Should you need to provide additional Appendices in response to the SI, these should be numbered clearly and listed as part of your declaration. A template for providing additional information is provided at the end of this SI.
11. Please note, as well as completing this SI you will must also complete and return the Suppliers Response. The Suppliers Response is where you explain how you intend to provide the tendered services and in which you state your bid price for the Contract. The Suppliers Response is evaluated separately from the SI and the evaluation criteria and details of the evaluation process for the Suppliers Response appear later on in this document.

#### **Verification of Information Provided**

Whilst reserving the right to request information at any time throughout the procurement process, the Council may enable the Supplier to self-certify that there are no mandatory/ discretionary grounds for excluding their organisation. When requesting evidence that the Supplier can meet the specified requirements (such as the questions in section 6 of this SI relating to Technical and Professional Ability) the Council may only obtain such evidence after the final tender evaluation decision i.e. from the winning Supplier only.

### **Sub-contracting arrangements**

1. Where the Supplier proposes to use one or more sub-contractors to deliver some or all of the Employer Requirements, a separate Appendix should be used to provide details of the proposed bidding model that includes members of the supply chain, the percentage of work being delivered by each sub-contractor and the key contract deliverables each sub-contractor will be responsible for.
2. The Council recognises that arrangements in relation to sub-contracting may be subject to future change, and may not be finalised until a later date. However, Suppliers should be aware that where information provided to the Council indicates that sub-contractors are to play a significant role in delivering key Employers Requirements, any changes to those sub-contracting arrangements may affect the ability of the Supplier to proceed with the procurement process or to provide the supplies and/or services required. Suppliers should therefore notify the Council immediately of any change in the proposed sub-contractor arrangements. The Council reserves the right to deselect the Supplier prior to any award of contract, based on an assessment of the updated information.

### **Consortia arrangements**

1. If the Supplier completing this SI is doing so as part of a proposed consortium, the following information must be provided;
  - names of all consortium members;
  - the lead member of the consortium who will be contractually responsible for delivery of the contract (if a separate legal entity is not being created); and
  - if the consortium is not proposing to form a legal entity, full details of proposed arrangements within a separate Appendix.
2. Please note that the Council may require the consortium to assume a specific legal form if awarded the contract, to the extent that a specific legal form is deemed by the Council as being necessary for the satisfactory performance of the contract.
3. All members of the consortium will be required to provide the information required in all sections of the SI as part of a single composite response to the Council i.e. each member of the consortium is required to complete the form.
4. Where you are proposing to create a separate legal entity, such as a Special Purpose Vehicle (SPV), you should provide details of the actual or proposed percentage shareholding of the constituent members within the new legal entity in a separate Appendix.
5. The Council recognises that arrangements in relation to a consortium bid may be subject to future change. Suppliers should therefore respond on the basis of the arrangements as currently envisaged. Suppliers are reminded that the Council must be immediately notified of any changes, or proposed changes, in relation to the bidding model so that a further assessment can be carried out by applying the selection criteria to the new information provided. The Council reserves the right to deselect the Supplier prior to any award of contract, based on an assessment of the updated information.

### **Confidentiality**

1. When providing details of contracts in answering section 5 of this SI (Technical and Professional Ability), the Supplier agrees to waive any contractual or other confidentiality rights and obligations associated with these contracts.
2. The Council reserves the right to contact the named customer contact in section 5 regarding the contracts included in section 5. The named customer contact does not owe the Council any duty of care or have any legal liability, except for any deceitful or maliciously false statements of fact.
3. 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 Public Contracts Regulations.

## 1 - Supplier information

1.1. Supplier Details	Answer																		
1.1.1 Full name of the Supplier completing the Suppliers Information																			
1.1.2 Registered company address																			
1.1.3 Registered company number																			
1.1.4 Registered charity number																			
1.1.5 Registered VAT number																			
1.1.6 Name of immediate parent company																			
1.1.7 Name of ultimate parent company																			
1.1.8 Please mark 'X' in the relevant box to indicate your trading status	<table> <tr> <td>i. a public limited company</td> <td><input type="checkbox"/> Yes</td> <td><input type="checkbox"/> No</td> </tr> <tr> <td>ii. a limited company</td> <td><input type="checkbox"/> Yes</td> <td><input type="checkbox"/> No</td> </tr> <tr> <td>iii. a limited liability partnership</td> <td><input type="checkbox"/> Yes</td> <td><input type="checkbox"/> No</td> </tr> <tr> <td>iv. other partnership</td> <td><input type="checkbox"/> Yes</td> <td><input type="checkbox"/> No</td> </tr> <tr> <td>v. sole trader</td> <td><input type="checkbox"/> Yes</td> <td><input type="checkbox"/> No</td> </tr> <tr> <td>vi. other (please specify)</td> <td><input type="checkbox"/> Yes</td> <td><input type="checkbox"/> No</td> </tr> </table>	i. a public limited company	<input type="checkbox"/> Yes	<input type="checkbox"/> No	ii. a limited company	<input type="checkbox"/> Yes	<input type="checkbox"/> No	iii. a limited liability partnership	<input type="checkbox"/> Yes	<input type="checkbox"/> No	iv. other partnership	<input type="checkbox"/> Yes	<input type="checkbox"/> No	v. sole trader	<input type="checkbox"/> Yes	<input type="checkbox"/> No	vi. other (please specify)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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vi. other (please specify)	<input type="checkbox"/> Yes	<input type="checkbox"/> No																	
1.1.9 Please mark 'X' in the relevant boxes to indicate whether any of the following classifications apply to you	<table> <tr> <td>a. Voluntary, Community and Social Enterprise (VCSE)</td> <td><input type="checkbox"/> Yes</td> <td><input type="checkbox"/> No</td> </tr> <tr> <td>b. Small or Medium Enterprise (SME) <sup>1</sup></td> <td><input type="checkbox"/> Yes</td> <td><input type="checkbox"/> No</td> </tr> <tr> <td>c. Sheltered workshop</td> <td><input type="checkbox"/> Yes</td> <td><input type="checkbox"/> No</td> </tr> <tr> <td>d. Public service mutual</td> <td><input type="checkbox"/> Yes</td> <td><input type="checkbox"/> No</td> </tr> </table>	a. Voluntary, Community and Social Enterprise (VCSE)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	b. Small or Medium Enterprise (SME) <sup>1</sup>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	c. Sheltered workshop	<input type="checkbox"/> Yes	<input type="checkbox"/> No	d. Public service mutual	<input type="checkbox"/> Yes	<input type="checkbox"/> No						
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1.3 Contact details	
Supplier contact details for enquiries about this SI	
Name	
Postal address	
Country	
Phone	
Mobile	
E-mail	

## 2 - Grounds for mandatory exclusion

You will be excluded from the procurement process if there is evidence of convictions relating to specific criminal offences including, but not limited to, bribery, corruption, conspiracy, terrorism, fraud and money laundering, or if you have been the subject of a binding legal decision which found a breach of legal obligations to pay tax or social security obligations (except where this is disproportionate e.g. only minor amounts involved).

If you have answered "yes" to question 2.2 on the non-payment of taxes or social security contributions, and have not paid or entered into a binding arrangement to pay the full amount, you may still avoid exclusion if only minor tax or social security contributions are unpaid or if you have not yet had time to fulfil your obligations since learning of the exact amount due. If your organisation is in that position please provide details using a separate Appendix. You may contact the Council for advice before completing this form.

2.1 Within the past five years, has your organisation (or any member of your proposed consortium, if applicable), Directors or partner or any other person who has powers of representation, decision or control been convicted of any of the following offences?	Please indicate your answer by marking 'X' in the relevant box.	
	Yes	No
(a) conspiracy within the meaning of section 1 or 1A of the Criminal Law Act 1977 or article 9 or 9A of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 where that conspiracy relates to participation in a criminal organisation as defined in Article 2 of Council Framework Decision 2008/841/JHA on the fight against organised crime;		
(b) corruption within the meaning of section 1(2) of the Public Bodies Corrupt Practices Act 1889 or section 1 of the Prevention of Corruption Act 1906;		
(c) the common law offence of bribery;		
(d) bribery within the meaning of sections 1, 2 or 6 of the Bribery Act 2010; or section 113 of the Representation of the People Act 1983;		
(e) any of the following offences, where the offence relates to fraud affecting the European Communities' financial interests as defined by Article 1 of the Convention on the protection of the financial interests of the European Communities:		
(i) the offence of cheating the Revenue;		
(ii) the offence of conspiracy to defraud;		
(iii) fraud or theft within the meaning of the Theft Act 1968, the Theft Act (Northern Ireland) 1969, the Theft Act 1978 or the Theft (Northern Ireland) Order 1978;		
(iv) fraudulent trading within the meaning of section 458 of the Companies Act 1985, article 451 of the Companies (Northern Ireland) Order 1986 or section 993 of the Companies Act 2006;		
(v) fraudulent evasion within the meaning of section 170 of the Customs and Excise Management Act 1979 or section 72 of the Value Added Tax Act 1994;		
(vi) an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice Act 1993;		
(vii) destroying, defacing or concealing of documents or procuring the execution of a valuable security within the meaning of section 20 of the Theft Act 1968 or section 19 of the Theft Act (Northern Ireland) 1969;		
(viii) fraud within the meaning of section 2, 3 or 4 of the Fraud Act 2006; or		
(ix) the possession of articles for use in frauds within the meaning of section 6 of the Fraud Act 2006, or the making, adapting, supplying or offering to supply articles for use in frauds within the meaning of section 7 of that Act;		
(f) any offence listed—		
(i) in section 41 of the Counter Terrorism Act 2008; or		
(ii) in Schedule 2 to that Act where the court has determined that there is a terrorist connection;		

(g) any offence under sections 44 to 46 of the Serious Crime Act 2007 which relates to an offence covered by subparagraph (f);		
(h) money laundering within the meaning of sections 340(11) and 415 of the Proceeds of Crime Act 2002;		
(i) an offence in connection with the proceeds of criminal conduct within the meaning of section 93A, 93B or 93C of the Criminal Justice Act 1988 or article 45, 46 or 47 of the Proceeds of Crime (Northern Ireland) Order 1996;		
(j) an offence under section 4 of the Asylum and Immigration (Treatment of Claimants etc.) Act 2004;		
(k) an offence under section 59A of the Sexual Offences Act 2003;		
(l) an offence under section 71 of the Coroners and Justice Act 2009		
(m) an offence in connection with the proceeds of drug trafficking within the meaning of section 49, 50 or 51 of the Drug Trafficking Act 1994; or		
(n) any other offence within the meaning of Article 57(1) of the Public Contracts Directive—		
(i) as defined by the law of any jurisdiction outside England and Wales and Northern Ireland; or		
(ii) created, after the day on which these Regulations were made, in the law of England and Wales or Northern Ireland.		
<p><b><u>Non-payment of taxes</u></b></p> <p>2.2 Has it been established 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 your organisation is established (if outside the UK), that your organisation is in breach of obligations related to the payment of tax or social security contributions?</p> <p>If you have answered Yes to this question, please use a separate Appendix to provide further details. Please also use this Appendix to confirm whether you have paid, or have entered into a binding arrangement with a view to paying, including, where applicable, any accrued interest and/or fines?</p>		

### 3. Grounds for discretionary exclusion

The Council may exclude any Supplier who answers 'Yes' in any of the following situations set out in paragraphs (a) to (i);

3.1 Within the past three years, please indicate if any of the following situations have applied, or currently apply, to your organisation.	Please indicate your answer by marking 'X' in the relevant box.	
	Yes	No
(a) your organisation has violated applicable obligations referred to in regulation 56 (2) of the Public Contracts Regulations 2015 in the fields of environmental, social and labour law established by EU law, national law, collective agreements or by the international environmental, social and labour law provisions listed in Annex X to the Public Contracts Directive as amended from time to time;		
(b) your organisation is bankrupt or is the subject of insolvency or winding-up proceedings, where your 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;		
(c) your organisation is guilty of grave professional misconduct, which renders its integrity questionable;		
(d) your organisation has entered into agreements with other economic operators aimed at distorting competition;		
(e) your organisation has a conflict of interest within the meaning of regulation 24 of the Public Contracts Regulations 2015 that cannot be effectively remedied by other, less intrusive, measures;		
(f) the prior involvement of your organisation in the preparation of the procurement procedure has resulted in a distortion of competition, as referred to in regulation 41, that cannot be remedied by other, less intrusive, measures;		
(g) your organisation has 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;		
(h) your organisation— (i) has been 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; or (ii) has withheld such information or is not able to submit supporting documents required under regulation 59 of the Public Contracts Regulations 2015; or		
(i) your organisation has undertaken to		
(aa) unduly influence the decision-making process of the contracting authority, or		
(bb) obtain confidential information that may confer upon your organisation undue advantages in the procurement procedure; or		
(j) your organisation has negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award.		

### **Conflicts of interest**

In accordance with question 3.1 (e), the Council may exclude the Supplier if there is a conflict of interest which cannot be effectively remedied. The concept of a conflict of interest includes any situation where relevant staff members have, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement procedure.

Where there is any indication that a conflict of interest exists or may arise then it is the responsibility of the Supplier to inform the Council, detailing the conflict in a separate Appendix. Provided that it has been carried out in a transparent manner, routine pre-market engagement carried out by the Council should not represent a conflict of interest for the Supplier.

### **Taking Account of Bidders' Past Performance**

In accordance with question (g), the Council may assess the past performance of a Supplier (through a Certificate of Performance provided by a Customer or other means of evidence). The Council may take into account any failure to discharge obligations under the previous principal relevant contracts of the Supplier completing this SI. The Council may also assess whether specified minimum standards for reliability for such contracts are met.

In addition, the Council may re-assess reliability based on past performance at key stages in the procurement process (i.e. Supplier selection, tender evaluation, contract award stage etc.). Suppliers may also be asked to update the evidence they provide in this section to reflect more recent performance on new or existing contracts (or to confirm that nothing has changed).

### **'Self-cleaning'**

Any Supplier that answers 'Yes' to questions 2.1, 2.2 and 3.1 should provide sufficient evidence, in a separate Appendix, that provides a summary of the circumstances and any remedial action that has taken place subsequently and effectively "self cleans" the situation referred to in that question. The Supplier has to demonstrate it has taken such remedial action, to the satisfaction of the Council in each case.

If such evidence is considered by the Council (whose decision will be final) as sufficient, the economic operator concerned shall be allowed to continue in the procurement process.

In order for the evidence referred to above to be sufficient, the Supplier shall, as a minimum, prove that it has;

- paid or undertaken to pay compensation in respect of any damage caused by the criminal offence or misconduct;
- clarified the facts and circumstances in a comprehensive manner by actively collaborating with the investigating authorities; and

- taken concrete technical, organisational and personnel measures that are appropriate to prevent further criminal offences or misconduct.

The measures taken by the Supplier shall be evaluated taking into account the gravity and particular circumstances of the criminal offence or misconduct. Where the measures are considered by the Council to be insufficient, the Supplier shall be given a statement of the reasons for that decision.

#### 4 - Economic and Financial Standing

<b>FINANCIAL INFORMATION</b>									
4.1	<p><b>Please provide one of the following to demonstrate your economic/financial standing;</b> Please indicate your answer with an 'X' in the relevant box.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">(a) A copy of the audited accounts for the most recent two years</td> <td style="width: 20%;"></td> </tr> <tr> <td>(b) A statement of the turnover, profit &amp; loss account, current liabilities and assets, and cash flow for the most recent year of trading for this organisation</td> <td></td> </tr> <tr> <td>(c) A statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position</td> <td></td> </tr> <tr> <td>(d) Alternative means of demonstrating financial status if any of the above are not available (e.g. Forecast of turnover for the current year and a statement of funding provided by the owners and/or the bank, charity accruals accounts or an alternative means of demonstrating financial status).</td> <td></td> </tr> </table>	(a) A copy of the audited accounts for the most recent two years		(b) A statement of the turnover, profit & loss account, current liabilities and assets, and cash flow for the most recent year of trading for this organisation		(c) A statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position		(d) Alternative means of demonstrating financial status if any of the above are not available (e.g. Forecast of turnover for the current year and a statement of funding provided by the owners and/or the bank, charity accruals accounts or an alternative means of demonstrating financial status).	
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(c) A statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position									
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4.2	<p>Where the Council has specified a minimum level of economic and financial standing and/or a minimum financial threshold within the evaluation criteria for this SI, please self-certify by answering 'Yes' or 'No' that you meet the requirements set out here. - Has your organisation achieved an 'A' rating from any of the four major UK credit rating agencies (ie Moody's, Fitch, Standard and Poors or Dun and Bradstreet)?</p> <p style="text-align: right;"> <input type="checkbox"/> Yes  <input type="checkbox"/> No         </p>								
4.3	<p><b>(a) Are you are part of a wider group (e.g. a subsidiary of a holding/parent company)?</b></p> <p>If yes, please provide the name below:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Name of the organisation</td> <td style="width: 50%;"></td> </tr> <tr> <td>Relationship to the Supplier completing the OI</td> <td></td> </tr> </table> <p>If yes, please provide Ultimate / parent company accounts if available. If yes, would the Ultimate / parent company be willing to provide a guarantee if necessary?</p> <p style="text-align: right;"> <input type="checkbox"/> Yes  <input type="checkbox"/> No         </p> <p>If no, would you be able to obtain a guarantee elsewhere (e.g from a bank?)</p> <p style="text-align: right;"> <input type="checkbox"/> Yes  <input type="checkbox"/> No         </p>	Name of the organisation		Relationship to the Supplier completing the OI					
Name of the organisation									
Relationship to the Supplier completing the OI									

### Additional SI modules

Suppliers who self-certify that they meet the requirements for these additional modules will be required to provide evidence of this if they are successful at contract award stage. Please indicate your answer by marking 'X' in the relevant boxes.

#### A – Project specific questions to assess Technical and Professional Ability

1.	Do you currently have any local authority clients	<input type="checkbox"/> Yes <input type="checkbox"/> No
2.	If so, how many local authority clients do you currently have	<input type="checkbox"/> More than 25 <input type="checkbox"/> 10 - 24 <input type="checkbox"/> Less than 10

#### B - Insurance

1.	<p>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:</p> <p>Employer's (Compulsory) Liability Insurance = £10,000,000            Public Liability Insurance = £10,000,000            Professional Indemnity Insurance = £1,000,000</p> <p>* It is a legal requirement that all companies hold Employer's (Compulsory) Liability Insurance of £5 million as a minimum. Please note this requirement is not applicable to Sole Traders.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
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#### C – Compliance with equality legislation

For organisations working outside of the UK please refer to equivalent legislation in the country that you are located.		
1.	In the last three years, has any finding of unlawful discrimination been made against your organisation by an Employment Tribunal, an Employment Appeal Tribunal or any other court (or in comparable proceedings in any jurisdiction other than the UK)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2.	<p>In the last three years, has your organisation had a complaint upheld following an investigation by the Equality and Human Rights Commission or its predecessors (or a comparable body in any jurisdiction other than the UK), on grounds of alleged unlawful discrimination?</p> <p>If you have answered "yes" to one or both of the questions in this module, please provide, as a separate Appendix, a summary of the nature of the investigation and an explanation of the outcome of the investigation to date.</p> <p>If the investigation upheld the complaint against your organisation, please use the Appendix to explain what action (if any) you have taken to prevent unlawful discrimination from reoccurring. You may be excluded if you are unable to demonstrate to the Council's satisfaction that appropriate remedial action has been taken to prevent similar unlawful discrimination reoccurring.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
3.	If you use sub-contractors, do you have processes in place to check whether any of the above circumstances apply to these other organisations?	<input type="checkbox"/> Yes <input type="checkbox"/> No

#### D - Health and Safety

1.	Please self-certify that your organisation has a Health and Safety Policy that complies with current legislative requirements.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2.	Has your organisation or any of its Directors or Executive Officers been in receipt of enforcement/remedial orders in relation to the Health and Safety Executive (or equivalent body) in the last 3 years?	<input type="checkbox"/> Yes

	<p>If your answer to this question was "Yes", please provide details in a separate Appendix of any enforcement/remedial orders served and give details of any remedial action or changes to procedures you have made as a result.</p> <p>The Council will exclude bidder(s) that have been in receipt of enforcement/remedial action orders unless the bidder(s) can demonstrate to the Council's satisfaction that appropriate remedial action has been taken to prevent future occurrences or breaches.</p>	<input type="checkbox"/> No
3.	<p>If you use sub-contractors, do you have processes in place to check whether any of the above circumstances apply to these other organisations?</p>	<input type="checkbox"/> Yes  <input type="checkbox"/> No

**5 - Declaration**

	<p>I declare that to the best of my knowledge the answers submitted to these questions are correct.</p> <p>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, and I am signing on behalf of..... (<b>Insert name of Supplier</b>).</p> <p>I understand that the Council may reject my submission if there is a failure to answer all relevant questions fully or if I provide false/misleading information. I have provided a full list of any Appendices used to provide additional information in response to questions.</p> <p>I also declare that there is no conflict of interest in relation to the Council's/ Employer's Requirements.</p> <p>The following appendices form part of our submission;</p> <table border="1" style="margin-left: auto; margin-right: auto; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;">Section of SI</th> <th style="width: 40%;">Appendix number</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </tbody> </table>		Section of SI	Appendix number				
Section of SI	Appendix number							
<b>SI COMPLETED BY</b>								
5.1	Name							
5.2	Role in organisation							
5.3	Date							
5.4	Signature							

**SI – Template for Appendices**

<b>Appendix Number -</b>
<b>SI section -</b>
<b>Question number -</b>

## **SECTION TWO:**

### **TENDER EVALUATION**

Any contract awarded as a result of this procurement process will be awarded on the basis of the offer that is the most economically advantageous to the Council. Tenders will be evaluated on the following, with a weighting of [40%] non-price, [60%] on price.

Scores are arrived at following the application of the evaluation criteria set out below to the Supplier's Tender.

Suppliers are required to submit a Tender strictly in accordance with the requirements set out in this ITT, to ensure the Council has the correct information to make the evaluation. Evasive, unclear or hedged Tenders may be discounted in evaluation and may, at the Council's discretion, be taken as a rejection by the Supplier of the terms set out in this ITT.

#### **1.0 Tender Evaluation**

The tender evaluation, criteria and the maximum scores attributable to them are set out below:

##### **1.1 Pricing Instructions**

Price will be evaluated separately from quality Pricing Schedule and accounts for (60%) of the total scoring.

Pricing will be evaluated as follows:

##### **Part 1 - Priced hourly rates**

Price will be evaluated separately from quality and accounts for (60%) of the total scoring.

Pricing will be evaluated as shown in the 'Price Evaluation' example below. Pricing submissions will be ranked in order of price with the lowest priced bid considered the most economically advantageous, and will be given the maximum number of points within that category. The appointed weighting and points allocations are as follows;

##### **Item A- MULTI SKILLED HOURLY WORK RATE**

This submission will be allocated a weighting of 40 points of the overall 60 points, the lowest submission will be given the maximum score of 40 points.

##### **Item B-MULTI SKILLED SUNDAY HOURLY WORK RATE**

This submission will be allocated a weighting of 8 points of the overall 60 points, the lowest submission will be given the maximum score of 8 points.

##### **Item C- GAS & ELECTRICIAN HOURLY WORK RATE**

This submission will be allocated a weighting of 10 points of the overall 60 points, the lowest submission will be given the maximum score of 10 points.

##### **Item D- GAS & ELCTRICIAN SUNDAY HOURLY WORK RATE**

This submission will be allocated a weighting of 2 points of the overall 60 points, the lowest submission will be given the maximum score of 2 points.

**Price Evaluation;** For example purposes only: e.g. Item A Multi-skilled hourly rates will be assessed as follows;

1. if the lowest price is submitted at value of £ 20 / hr will be awarded 40 points;
2. if the second lowest price submitted is a value of £ 24 / hr will get the following ;

$$40 \text{ less } (£24-£20) = £4 \text{ difference}$$

$$(4/20 \times 100) = 20\% \text{ difference}$$

$$40 \text{ Less } (20\% \text{ of } 40) = 8 \text{ points}$$

$$\text{Score} = (40-8) = 32 \text{ points}$$

The point difference will always be calculated in comparison from the lowest submission.

3. So the third lowest price of £ 30/hr will be calculated as follows:

$$40 \text{ Less } (£30-£20) = £10 \text{ difference}$$

$$(10/20 \times 100) = 50\% \text{ difference}$$

$$40 \text{ Less } (50\% \text{ of } 40) = 20 \text{ points}$$

$$\text{Score} = (40-20) = 20 \text{ points}$$

## 1.2 Evaluation Team

The evaluation team will be representatives of Kettering Borough Council.

## 1.3 Quality Evaluation and Assessment

To evaluate quality, the responses to quality questions in item Quality Assessment will be scored out of 4 marks for each question. Examples of the scoring evaluation method is presented below.

Assessment	Marks	Interpretation
Excellent	4	An excellent demonstration by the Supplier of a relevant understanding of the Council's/ Employer's Requirements, and has proposed resourcing and/or quality measures that will lead to the services being provided to a good standard. Response identifies factors that will offer a good service, with evidence to support that response.
Good	3	A good demonstration by the Supplier of a relevant understanding of the Council's/ Employer's Requirements, and has proposed resourcing and/or quality measures that will lead to the services being provided to a good standard. Response identifies factors that will offer a good service, with evidence to support that response.
Adequate	2	An acceptable demonstration by the Supplier of a relevant understanding of the Council's/ Employer's Requirements, and has proposed resourcing and/or quality measures that will lead to the services being provided to an adequate standard. Response identifies factors that will offer an adequate service, with evidence to support that response.
Serious Reservations	1	Considerable reservations, in that the Supplier fails to demonstrate in most areas either a relevant understanding of the Council's/ Employer's Requirements, or that the proposed resourcing and/or quality measures will lead to the services being provided to an adequate standard.
Unacceptable	0	No evidence provided by the Supplier and/or insufficient information to demonstrate that the Supplier has relevant understanding of the Council's/ Employer's Requirements, or that the proposed resourcing and/or quality measures will lead to the services being provided to an adequate standard.

## Quality Assessment

Requirements		
Section	Question	Max Points Available
<b>PROJECT SPECIFIC QUESTIONS</b>		
Using Part 3 (Specification) and 3a please provide the following information in unprotected electronic word document format:		
<b>Q.1</b>	In no more than 2500 words, please provide method statement(s) indicating your approach to carrying out the works.	6
<b>Q.2</b>	No more than 1000 words, please outline a programme of works indicating mobilisation period required from receipt of order, timeline for each element of works to be carried out, a gant chart would be acceptable, also indicate total number of man hours you envisage works to take from start to completion.	8
<b>Q.3</b>	No more than 500 words, please explain how you will assess what materials will be required for the works as required on the specification, and organise the collection of materials required for the job, whilst maintaining a high level of productivity, given that the council will be funding and or providing all materials.	4
<b>Q.4</b>	No more than 2500 words, please describe how you will co-ordinate, supervise and administrate the works, monitor and ensure quality of workmanship, quality of materials collected, tradespersons performance/ productivity, Health and Safety, communication and customer care.	6
<b>Q.5</b>	No more than 750 words, please state all the personnel / trades who will be working on the project starting with the site foreman, direct employees and any sub-contractors, please also list their respective qualification / experience that ensures their technical capability.	4
<b>Q.6</b>	No more than 100 words, please state the number orders that you would be able to undertake at any one time, if the Specification/ scope of works was of the same type as illustrated in the example in Part 3a.	2
<b>Q.7</b>	No more than 150 words, please provide an explanation of what are the main business activities of your organisation.	2

<p><b>Q.8</b></p>	<p>Please provide details of up to three contracts, in any combination from either the public or private sector, that are relevant to the Council' s/ Employer's Requirements that you have performed over the last 3 years.</p> <p>The named customer contact provided should be prepared to provide written evidence to the Council to confirm the accuracy of the information provided below:</p> <table border="1" data-bbox="373 474 1024 922"> <tr> <td>Name of customer organisation:</td> <td rowspan="8" style="width: 150px;"></td> </tr> <tr> <td>Point of contact in customer organisation:</td> </tr> <tr> <td>Position in the organisation:</td> </tr> <tr> <td>E-mail address:</td> </tr> <tr> <td>Contract start date:</td> </tr> <tr> <td>Contract completion date:</td> </tr> <tr> <td>Estimated Contract Value:</td> </tr> <tr> <td>In no more than 500 words, please provide a brief description of three contracts delivered including evidence as to your technical capability in this market and your suitability to deliver this contract:</td> </tr> <tr> <td colspan="2">If you cannot provide at least one example for question 8, in no more than 500 words please provide an explanation for this e.g. your organisation is a new start-up.</td> </tr> </table>	Name of customer organisation:		Point of contact in customer organisation:	Position in the organisation:	E-mail address:	Contract start date:	Contract completion date:	Estimated Contract Value:	In no more than 500 words, please provide a brief description of three contracts delivered including evidence as to your technical capability in this market and your suitability to deliver this contract:	If you cannot provide at least one example for question 8, in no more than 500 words please provide an explanation for this e.g. your organisation is a new start-up.		<p>4</p>
Name of customer organisation:													
Point of contact in customer organisation:													
Position in the organisation:													
E-mail address:													
Contract start date:													
Contract completion date:													
Estimated Contract Value:													
In no more than 500 words, please provide a brief description of three contracts delivered including evidence as to your technical capability in this market and your suitability to deliver this contract:													
If you cannot provide at least one example for question 8, in no more than 500 words please provide an explanation for this e.g. your organisation is a new start-up.													
<p><b>Q.9</b></p>	<p>No more than 250 words, please provide details of your complaints procedure and process you have in place for dealing with any customer complaints.</p>	<p>2</p>											
<p><b>Q.10</b></p>	<p>No more than 250 words, please explain how your organisation is going to support, enhance and deliver on the economic growth within the local economy of Kettering Borough? Please include in your answer how your organisation will support local economy of Kettering e.g. labour, skills enhancements and promote a sustainable apprenticeship scheme?</p>	<p>2</p>											
<p><b>Total Points Available</b></p>		<p><b>40</b></p>											

The quality and evaluation submission will be allocated a total of 40 points of the overall 100 points, the maximum points available for each question are indicated in the above table.

For example purposes only: a supplier response will be assessed as follows;

1. if the evaluation panel deem the response as 'excellent' for question 1, the maximum of 4 marks will be applied therefore, a score of 6 will be awarded.
2. if the evaluation panel deem the response as 'good' for question 1, a mark of 3 will be applied for a maximum of 6 points available therefore, a score of 4.5 will be awarded.
3. if the evaluation panel deem the response as 'adequate' for question 1, a mark of 2 will be applied for a maximum of 6 points available therefore, a score of 3 will be awarded.
4. if the evaluation panel deem the response as having 'serious reservations' for question 1, a mark of 1 will be applied for a maximum of 6 points available therefore, a score of 1.5 will be awarded.
5. if the evaluation panel deem the response as 'unacceptable' for question 1, no points will be awarded.

## Post Tender Clarification

The Council reserves the right to enter into:

1. discussions with any Supplier to clarify the Tender submitted;
2. clarification with any Supplier about the amount, composition of, or another aspect of the Tender submitted within reasonable allowance of the restrictions determined in EU and UK legislation.

## 2.0 SUPPLIERS SUBMISSION

Please note that only those organisations which pass section one will have their submissions evaluated.

### 2.1 PRICE

Please complete the following Pricing Schedule, ensuring that you have provided a cost in each of the relevant boxes (A, B, C & D) please complete the Price Breakdown below.

The 'Hourly' Labour rate for specific trade personnel above must include all overheads, operating costs and profit.

All prices quoted should exclude VAT.

<b>Day works</b>	<b>Hourly Rate for weekdays including Saturday</b>	<b>Hourly Rate for Sunday working</b>
Mutli-skilled trades person	A: £ [            ]	B: £ [            ]
Trades persons to be employed solely for carrying out Gas Installation works and Electrical Installation works	C: £ [            ]	D: £ [            ]

Please indicate the percentage additions to the invoice price of non-labour items for materials and plant, to be applied if the request has been issued for the contractor to provide the items directly.

<b>Item if supplied direct by contractor</b>	<b>% on cost for profit &amp; overheads</b>
A: Materials	%
B: Plant and machinery	%

### Annual Uplift

Subject to the Council decision to extend the Framework Agreement and the Measured Term Contracts, the Contractor is to note that works instructed and carried out in the first [3] years will be fully fixed price based on the tendered rates.

Works instructed and carried out in years [4] will be subject to a percentage uplift calculated by the use of the Consumer Price Index ("CPI").

Where CPI applies, the relevant adjustment shall be as follows:

- (a) applied on the first day of the third April (an "adjustment date"); and
- (b) determined by multiplying the relevant amount or sum by the percentage increase or changes in the CPI published for the first 3 quarters of the 3<sup>rd</sup> Year of the contract (April 1<sup>st</sup> 2018 to December 31<sup>st</sup> 2018). Any change in the rate will be adjusted and applied in the last year of the Framework Agreement and the Measured Term Contracts, period starting April 1<sup>st</sup> 2019 – March 31<sup>st</sup> 2020

Except as set out above, neither the Price nor any other costs, expenses, fees or charges shall be adjusted to take account of any inflation, change to exchange rate, change to interest rate or any other factor or element which might otherwise increase the cost to the Supplier or Sub-contractors of the performance of their obligations.

**SECTION THREE:**

**COMMERCIALLY SENSITIVE INFORMATION**

I /We declare that I /We wish the following information to be designated as commercially sensitive:

The reason(s) it is considered that this information should be exempt under FOIA is:

The period of time for which it is considered this information should be exempt is [until award of Contract **OR** during the period of the contract **OR** for a period of [NUMBER] years until [MONTH], [YEAR]].

SIGNATURE: \_\_\_\_\_

NAME (PRINT): \_\_\_\_\_

POSITION: \_\_\_\_\_

COMPANY: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

DATE: \_\_\_\_\_

**SECTION FOUR:**

**COLLUSIVE TENDERING DECLARATION**

**TO: KETTERING BOROUGH COUNCIL**

We certify that this is a bona fide tender, and that we have not fixed or adjusted the amount of the tender by or under or in accordance with any agreement or arrangement with any other person. We also certify that we have not done so and we undertake that we will not do so at any time before the hour and date specified for the return of this tender any of the following acts:

- a) communicate to any person other than the person calling for the tenders the amount or approximate amount of the proposed tender, except where the disclosure, in confidence, of the approximate amount of the tender is necessary to obtain insurance premium tenders required for the preparation of the tender;
- b) enter into any agreement or arrangement with any person that he shall refrain from tendering or as to the amount of any tender to be submitted;
- c) offer to pay or give or agree to pay 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 this or any other tender or proposed tender for the said work any act or thing of the sort described above.

In the context of this declaration the word 'person' includes any persons and anybody or association, corporate or unincorporate; and 'any agreement or arrangement' includes any such transaction, formal or informal, and whether legally binding or not.

SIGNATURE: \_\_\_\_\_

NAME (PRINT): \_\_\_\_\_

POSITION: \_\_\_\_\_

COMPANY: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

DATE: \_\_\_\_\_

**FORM OF TENDER**

**TO: KETTERING BOROUGH COUNCIL**

**TENDER FOR BUILDING WORKS TO COUNCIL OWNED VOIDS AND OR TENANTED DWELLINGS 2016**

I / We the undersigned, hereby tender and offer to provide the Contract as listed above which is more particularly referred to in the Invitation to Tender supplied to me / us for the purpose of tendering for the provision of the Contract and upon the terms thereof.

I /We undertake in the event of acceptance of our tender to execute the Contract within 15 business days of such acceptance and if required in the interim provide the Contract in accordance with the Contract if necessary.

I /We understand that the Council reserves the right to accept or refuse this tender whether it is lower, the same, or higher than any other tender.

I /We confirm that the information supplied to you and forming part of this tender including (for the avoidance of doubt) any information supplied to you as part of my / our initial expression of interest in tendering, was true when made and remains true and accurate in all respects.

I /We confirm that this tender will remain valid for 120 days from the date of this Form of Tender.

I /We confirm and undertake that if any of such information becomes untrue or misleading that I /We shall notify you immediately and update such information as required.

I /We confirm that the undersigned are authorised to commit the tender to the contractual obligations contained in the Invitation to Tender, the Framework Agreement and the Measured Term Contract.

I /We warrant that I /We have all requisite authority to sign this tender and confirm that I /We have complied with all the requirements of the ITT.

SIGNATURE: \_\_\_\_\_

NAME (PRINT): \_\_\_\_\_

POSITION: \_\_\_\_\_

COMPANY: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

DATE: \_\_\_\_\_

## SECTION FIVE: CHECKLIST

Please ensure that you use this checklist as aide memoire to assist you with your Tender Response as these are essential parts of the Tender Response that must be completed by the Supplier. Please note that failure to complete any part of the ITT could render your response incomplete and disqualification from the process.

<b>Section One</b>	<b>Required to be completed</b>	<b>Tick when complete</b>
Supplier Information: All parts	Yes	
Declaration	Yes	
<b>Section Two</b>		
Tender Evaluation	Yes	
Quality Assessment	Yes	
Pricing	Yes	
<b>Section Three</b>		
Commercially Sensitive Information	Yes	
<b>Section Four</b>		
Collusive Tendering Declaration	Yes	
Form of Tender	Yes	
<b>Section Five</b>		

We/ I have checked the Tender Response and confirm that we have fully complied with the ITT.

SIGNATURE: \_\_\_\_\_

NAME (PRINT): \_\_\_\_\_

POSITION: \_\_\_\_\_

COMPANY: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

DATE: \_\_\_\_\_

