

**Information Memorandum**

**accompanying the Pre-Qualification Questionnaire**

**Canada Water Culture Space Contract**

 **May 2015**

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APPENDIX A: PRE-QUALIFICATION QUESTIONNAIRE

# CANADA WATER CULTURE SPACE CONTRACT

## Background

### Canada Water Library opened in November 2011 and is the London Borough of Southwark’s flagship building at the heart of the Canada Water regeneration scheme. The library is situated on a public plaza and commands a high profile location adjacent to the Canada Water Basin and the underground and bus stations. The culture space is a flexible 150 seat multi-use space, suitable for performance, workshops, conferences, presentations, large meeting and civic events. The library also includes six meeting rooms which are available for external hire, as well as learning programmes and associated activities.

### Management of Canada Water Culture Space and meeting rooms has been under contract since 2011. The current contract expires in March 2016 and the council wishes to undertake a competitive tendering exercise to appoint a suitable provider for an initial three year period (to 2019), with the option for a negotiated extension of up to a further two years, at the discretion of the council.

## Contract Scope

### The contract for the management of the culture space and meeting rooms is required to continue to develop a dynamic programme of cultural and learning activities that are appropriate for local communities, and to attract new users and audiences.

### To effectively and efficiently deliver a programme in-line with standard venue opening times, which is appropriately customer focused, requires a specialist provider with demonstrable knowledge of running a venue, commercial expertise and the ability to operate in the current market. The culture space has been built to a high technical specification for lighting and sound and the contract will deliver the technical expertise to service this and fully support hires.

### The scope of facilities included within the new contract is:

* 150 seat culture space
* 6 meeting rooms for hire
* The option to take on the management of the café facility

 The key functions of the new contract include:

* Full time on site operational/management team
* Front of house and duty management team, including security staff
* Culture space technician
* Full programming costs (to include all artists’ fees, riders etc.)
* Development of a client base and audience for the culture space and associated library spaces, with a particular focus on families, older people, diverse communities, and programmes of work which address health and well-being
* Delivery of a creative and learning programme, including theatre, music, comedy, dance, literary events, film screenings, conferences and young people and family activities
* Maintenance of technical facilities, hiring and booking systems
* Health & safety, licensing, customer relations and PR.
* Monitoring and evaluation of users and customer satisfaction, in line with the council’s corporate performance monitoring and evaluation standards
* Income target of £140,000 / revenue generated through hires

## The Contract

### The current allocated budget for this service is estimated at £160,000 per year, including the income target for a period of three years, with the option to extend, for up to a further two years, at the discretion of the council, making a total contract value of £800,000.

### In terms of asset management, the successful provider will manage the operation of the culture space within the library, including the technical infrastructure. It will also manage the daily operation of the six meeting spaces, and the ticketing and box office systems. As part of the tender, there is also the option for the provider to take on the management of the café through a commercial lease, if desired.

1.3.2 The contract will be managed and monitored by the arts manager, in culture, libraries, learning and leisure (CLLL) through regular liaison with the contractor’s senior management team, direct input into an artistic programming and audience development group, collection of performance data, and six monthly contract review meetings.

1.3.3 Effective development of the culture space, learning and meeting rooms will be monitored through occupation rates, audience and user numbers, which will be collected on a quarterly basis. Specific arts indicators will be agreed which relate to the number of events and activities that are programmed, audience attendance figures defined by age categories, participation by people from black and minority ethnic communities and the number of interactions with Southwark schools. There will also be an identified target related to health and wellbeing outcomes for local people.

1.3.4 The key indicator for performance will be a minimum £140,000 per annum income generation target. The financial monitoring will be carried out monthly by the finance manager in culture libraries learning and leisure.

1.3.5 The contractor will be expected to develop a clientele for the use of the culture and hiring spaces, and to build effective relationships with cultural sector organisations in Southwark and beyond. The contractor will also be expected to work in an integrated way with the in-house Library management team and Arts service.

1.3.6 It is the council’s view that TUPE will apply.

# procurement ROUTE and timetable

## Approach

### The procurement process will follow the OJEU Restricted route. Allowing for the completion of the various formalities and Council approvals, it is envisaged that the new operator will be appointed by December 2015. A summary of the procurement timetable is set out in Table 1 below:

## Table 1 Procurement Timetable

| **Activity** | **Complete by:** |
| --- | --- |
| Publication of public advertisement | May 2015 |
| PQQ submission deadline | 3 July 2015 |
| Completion of short-listing of applicants | July 2015 |
| Invitation to tender | 7 September 2015 |
| Closing date for return of tenders | 19 October 2015 |
| Completion of any clarification meetings/presentations/evaluation interviews | November 2015 |
| Completion of evaluation of tenders | 20 November 2015 |
| Contract award | 14 December 2015 |
| Contract commencement | 1 April 2016 |

# INSTRUCTIONS TO BIDDERS

## PQQ submissions

### The procurement process will commence with a pre-qualification phase. Pre-qualification questionnaires (PQQs) will be sent to any party expressing an interest in the OJEU notice. Following evaluation of responses to the PQQ, a shortlist of up to 5 bidders will be selected to participate in the Invitation to Tender (ITT) phase, which will follow the principles of the OJEU Restricted route.

### Applicants must use the attached PQQ response document, completing all mandatory questions. Failure to include information requested in mandatory fields may lead to your application being discounted. Applicants must be explicit and comprehensive in their responses to this PQQ as this will be the single source of information on which responses will be scored and ranked. Applicants are advised not to make any assumptions about their past nor current supplier relationships with the council, nor to assume that such prior business relationships will be taken into account in the selection procedure other than where such information is required in completing this document. Furthermore, the pre-qualification questionnaire must be completed in full, even if your company has previously submitted an application form to this council – cross-referencing is not sufficient.

### Please note that whenever used in this questionnaire, the term "organisation" refers to a sole proprietor, partnership, incorporated company, co-operative, as appropriate, and the term "officer" refers to any director, company secretary, partner, associate or other person occupying a position of authority or responsibility within the organisation.

### Please include, where appropriate, any supporting documents marking clearly on all enclosures the name of your firm and the number of the question to which they refer. You should provide an index of all documents referred to in the completed questionnaire.

### Submit in a manner that makes it easy for the council to assess. All responses must be in English, and any electronic submissions must be MS Word compatible. PDF files will not be accepted.

### The council reserves the right to FAIL companies who do not answer any one of the PASS/FAIL questions satisfactorily.

### If you have any queries in relation to this document and the PQQ they should be made by e-mail and addressed to: coral.flood@southwark.gov.uk as soon as possible and in any case not later than 26 June 2015. Responses to any queries raised by applicants regarding this procurement will be responded to within 3 working days by the council.

### If you do not wish to proceed in order to help Southwark Council ensure continuous improvement in services we would be grateful if you would advise us of your reasons for withdrawing.

### In accordance with the obligations and duties placed upon public authorities by the Freedom of Information Act 2000 (the ‘FoIA’), all information submitted to the council may be disclosed in response to a request made pursuant to the FoIA. In respect of any information submitted by an applicant that it considers to be commercially sensitive the applicant should:

### Clearly identify such information as commercially sensitive;

### Explain the potential implications of disclosure of such information; and

### Provide an estimate of the period of time during which the Applicant believes that such information will remain commercially sensitive.

### Where an applicant identifies information as commercially sensitive, the council will endeavour to maintain confidentiality. Applicants should note however, that even where information is identified as commercially sensitive, the council might be required to disclose such information in accordance with the FoIA. Accordingly, the council cannot guarantee that any information marked ‘commercially sensitive’ will not be disclosed.

### The deadline for receipt of completed PQQs is **12 noon on** **3 July 2015**. 3 hard copies of the completed PQQs and all supporting documents must be delivered to the council before the deadline. PQQs submitted after this deadline will not be considered.

If delivered by courier:

Coral Flood, Arts Manager

Southwark Council

Environment and Leisure Department

160 Tooley Street

SE1 2QH

London

(Delivery to side entrance in Barnham Street)

If delivered by post:

Coral Flood, Arts Manager

Southwark Council

Environment and Leisure Department

Tooley Street

PO BOX 64529

London

SE1 5LX

### The evaluation of the PQQs will cover four areas:

* compliance checks
* preliminary checks
* financial evaluation
* technical evaluation.

### The **compliance checks** will establish that all of the information requested has been provided and all questions answered. The council may (but is not obliged to) seek clarification in the event of receiving incomplete PQQ responses. Failure to include information requested in mandatory fields may lead to your application being discounted. Please note that all “Information only” questions must be answered and the council reserves the right to reject non-compliant/incomplete PQQs at this stage.

### In terms of **preliminary checks**, these will cover two areas and any company failing to meet these checks will be disqualified from the process. Firstly, given the size of the contract, all companies submitting PQQs must be able to demonstrate **an annual turnover of at least £150,000**.

### Following the preliminary checks, the detailed **financial** and **technical** evaluations will cover the following pass/fail and weighted criteria, as set out in Table 2.

##  Table 2 PQQ Evaluation Criteria

|  |  |  |  |
| --- | --- | --- | --- |
| **Reference** | **Details** | **Score** | **Weighting** |
| Form A | Organisation and Contact Details | Info only | n/a |
| Form B | Grounds for Mandatory Rejection | Pass / Fail | n/a |
| Form C | Grounds for Discretionary Rejection | Pass / Fail | n/a |
| Form D | Economic and Financial Standing | Pass / Fail | n/a |
| Form E | Technical & Professional Ability  |  |  |
| E3 | Experience and Contract Examples | Info only | n/a |
| E4 | Compliance with equality legislation | Pass/Fail | n/a |
| E5 | Health and Safety | Pass/Fail | n/a |
| Form F | Project Specific questions |  |  |
| F6.1 | Operational venue management | Scored | 16% |
| F6.2 | Artistic programme | Scored | 16% |
| F6.3 | Generating income and hire revenue | Scored | 16% |
| F6.4 | Lighting and sound systems | Scored  | 12% |
| F6.5 | Box office / ticketing systems | Scored | 12% |
| F6.6 | Marketing materials | Scored | 16% |
| F6.7 | Audience development plan | Scored | 12% |

### **PQQ evaluation**

### **Economic and Financial Standing – Pass / Fail**

### The financial assessment will be carried out in three parts. No one part or element thereof will be decisive in the final decisions. All parts covered below will be assessed ‘in the round’ and not on an individual basis. Any ‘fail’ will be reported to the project board for consideration and may lead to further clarification/ assurances being obtained or to the exclusion from next stage of the process, depending on the severity of the financial risk to the council identified.

### Using the information contained in the last two years’ audited accounts a review will be undertaken using the factors listed below. The financial assessment will consist of the following:

### The applicant must be financially sound and have sufficient financial resources to undertake the Canada Water Culture Space and Meeting Rooms services contract. The council reserves the right to carry out Experian checks in order to verify the bidder’s financial status and the information provided in its PQQ submission.

### Review of audited published accounts, and interpretation of any notes that may affect wellbeing of company. Review to include:

* Charges, judgements, injunctions due to prior failings or other adverse legal findings
* Going concern
* Audit qualifications.

### Assessment of general background information including:

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

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

* a turnover of £150,000 or more
* an acceptable level of financial risk for the council.

### It should be noted that the council reserves the right to reassess any applicant or Tenderer’s financial position, at any time up to contract award, to confirm that it meets with the requirements of this PQQ.

### **Weighted criteria**

### For each of the weighted criteria (6.1-6.7), responses will be awarded a score of between 0 and 5 points, using the methodology in Table 3 below:

Table 3 Scoring Methodology

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

### **Ranking sub-stage**

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

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

### The evaluation of the shortlisted bidders’ ITT submission will be scored and weighted on a 50:50 Price:Quality split. Further detailed information will be provided at ITT stage.

## Enquiries

### All enquiries should be made by e-mail to Coral Flood, coral.flood@southwark.gov.uk. A written response will be sent to any enquiry. All exchanges must be kept strictly confidential by bidders, their advisers and their consultants. Bidders will be asked to enter into confidentiality agreements should it become appropriate to release confidential information.

### Where responses to enquiries provide further information or clarification in relation to the project, the council will also communicate such information to other interested parties. The confidentiality of prospective proposals will be respected.

## Additional Information

### All interested parties should read the disclaimers set out in Sections 4 and 5.

## SubmissionConditions

### The conditions and restrictions set out below shall apply to any responses made to this Information Memorandum.

## Contact with the Council

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

## Canvassing

### Any prospective Bidders who directly or indirectly canvasses any member or official of the council, or their legal or financial advisors, concerning the award of the contract, or engages in any corrupt practice involving Councillors or officials of the council or their advisers will be disqualified.

## Confidentiality

### All prospective Bidders must treat all information and documents issued by the council and their advisers as private and confidential and the express written consent of the council must be obtained prior to release of these documents to any third party.

## Non-collusion

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

## Preparation of Responses and Tenders

### The council will reimburse no expense incurred by the prospective partners in preparing responses or tenders.

## Right to cancel or vary the process

### The council reserves the right to:

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

# ELIGIBILITY CRITERIA AND EXCLUSIONARY CONDITIONS

### Following the implementation of the Public Contracts Regulations 2015 bidders should be aware of the grounds on which they may become ineligible for selection, as set out at in Form B and Form C of the PQQ.

### **Misrepresentation Act 1967**

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

### **Disclaimer Clauses**

* This document does not constitute any part of any offer or contract.
* This document is supplied entirely without prejudice and neither the Council nor its advisors accept any responsibility as to the accuracy thereof or otherwise or shall incur any liability arising out of any reliance being placed on it.
* Any measurements referring to site or other areas are approximate and given for guidance purposes only. Interested parties are requested to rely on their own inspection and measurement of properties.
* All interested parties must satisfy themselves by inspection or otherwise the suitability or correctness of any statement and to the suitability or otherwise of the facilities for their own purpose.
* The Council does not make or give, nor does any person in the employment of the Council have any authority to make or give, any representations or warranty in relation to the facilities or have any particulars of information supplied in respect thereof.

**Bribery and Corruption Clauses**

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

* offered or given or agreed to give any persons a gift or consideration of any kind as an inducement or regard for doing or forbearing to do or for having done or forborne to do any action, or
* shown or forborne to show favour or disfavour to any person, or
* committed any offence under the Prevention of Corruption Acts 1989, 1916 or has given or offered any fee or reward the receipt of which is an offence under section 17 (2) of the Local Government Act 1972, the Council reserves unilaterally the right to cancel and render void the tendering process and/or to withdraw any invitation to tender and/or considering any proposal submitted shall not be liable to any third party for costs, disbursements or otherwise arising as a direct or indirect result of such cancellation withdrawal or non-consideration as aforesaid.