**Invitation to Tender for a review of the evidence on the effects and response to amplitude modulation (AM) from wind turbines, with recommendations on how excessive AM might be controlled through the use of a planning condition**

Tender Reference Number: 970/01/2015

Deadline for Tender Responses: Noon on Tuesday 21 April 2015

**Department of Energy and Climate Change**

Date: 26 March 2015

The Department of Energy and Climate Change (“DECC”) wishes to commission a review of the evidence on the effects of and response to amplitude modulation (AM) from wind turbines, with a view to recommending how excessive AM might be controlled through the use of a planning condition.

Enclosed are the following sections:

* Section 1 (page 3) Instructions on tendering procedures
* Section 2 (page 8) Specification of requirements
* Section 3 (page 19) Further information on tendering procedure
* Section 4 (page 22) Declarations and information to be provided;

Statement of Non-Collusion

Form of Tender

Conflict of Interest

Questions for tenderers

Code of Practice for Research

* Annex A: Pricing schedule
* Annex B: Code of practice for research

Please register your interest in submitting a tender for this project by emailing [julie.farrow@decc.gsi.gov.uk](file:///C%3A%5CUsers%5Cjburt%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CContent.Outlook%5C6B2JH62M%5Cjulie.farrow%40decc.gsi.gov.uk). This will ensure you receive immediate notification of updates to the ITT process or answers to questions raised by potential bidders.

Please read the instructions on the tendering procedures carefully since failure to comply with them may invalidate your tender. Your tender must be returned by Tuesday 21 April 2015 clearly marked as “TENDER”.

I look forward to receiving your response.

Yours sincerely

James Burt

Project Manager, Renewables Delivery Team

E-mail: [james.burt@decc.gsi.gov.uk](file:///C%3A%5CUsers%5Cjburt%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CContent.Outlook%5C6B2JH62M%5Cjames.burt%40decc.gsi.gov.uk)

**Section 1**

**Instructions and Information on Tendering Procedures**

Invitation to Tender for a review of the evidence on the effects of and response to amplitude modulation (AM) from wind turbines, with recommendations on how excessive AM might be controlled through the use of a planning condition

Tender Reference Number: 970/01/2015

Deadline for Tender Responses: Noon on Tuesday 21 April 2015

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# Indicative Timetable

The anticipated timetable for this tender exercise is as follows. DECC reserves the right to vary this timetable. Any variations will be published on contracts finder or circulated to all organisations who have registered an interest in notifications.

|  |  |
| --- | --- |
| **Tender Timeline** | **Date** |
| Advert and full invitation to tender issued | Thursday 26 March 2015  |
| Deadline for questions relating to the tender | Friday 10 April 2015 |
| Responses to questions published  | Tuesday 14 April 2015 |
| Deadline for receipt of tender | Tuesday 21April 2015 |
| Bid clarification (if needed) | Not before Wednesday 29 April 2015 |
| Bid clarification meetings (if needed) | w/c Monday 4 May 2015 |
| All suppliers alerted of outcome | w/c Monday 11 May 2015 |
| Contract award on signature by both parties | Friday 22 May 2015 |
|  |  |
| Contract start date | Monday 25 May 2015 |

The contract is to be for a period of up to 12 months unless terminated or extended by the Department in accordance with the terms of the contract.

# Procedure for Submitting Tenders

The maximum page limit for tenders is 30 pages (excluding declarations).

Please send three hard copies of your tender to Julie Farrow, Area 2D/E, 3 Whitehall Place, London, SW1A 2AW by noon on Tuesday 21 April 2015 and **email** your proposal **after** the deadline of noon on Tuesday 21 April 2015 to julie.farrow@decc.gsi.gov.uk.

For questions regarding the procurement process please contact James Burt at james.burt@decc.gsi.gov.uk.

Tenders will be received up to the time and date stated. Please ensure that your tender is delivered not later than the appointed time on the appointed date. The Department does not undertake to consider tenders received after that time. The Department requires tenders to remain valid for a period indicated in the specification of requirements.

DECC shall have the right to disqualify you from the procurement if you fail to fully complete your response, or do not return all of the fully completed documentation and declarations requested in this ITT. DECC shall also have the right to disqualify you if it later becomes aware of any omission or misrepresentation in your response to any question within this invitation to tender. If you require further information concerning the tender process, or the nature of the proposed contract, email james.burt@decc.gsi.gov.uk. All questions should be submitted by noon on Friday 10 April 2015; questions submitted after this date may not be answered. Should questions arise during the tendering period, which in our judgement are of material significance, we will aim to publish these questions with our formal reply by the end of Tuesday 14 April 2015 and circulate – unnamed - to all organisations that have expressed an interest in bidding. All contractors should then take that reply into consideration when preparing their own bids, and we will evaluate bids on the assumption that they have done so.

You will not be entitled to claim from the Department any costs or expenses that you may incur in preparing your tender whether or not your tender is successful.

# Conflict of Interest

The DECC standard terms and conditions of contract include reference to conflict of interest and require contractors to declare any potential conflict of interest to the Secretary of State.

For research and analysis, conflict of interest is defined as the presence of an interest or involvement of the contractor, subcontractor (or consortium member) which could affect the actual or perceived impartiality of the research or analysis.

A conflict of interest for this project could include the circumstances in which a contractor, sub-contractor or member of a consortia is currently working for a UK onshore wind generator or developer, or is carrying out research for or providing advice to a Non-Governmental Organisation (NGO), other than a Professional Body, on onshore wind noise.

If a conflict of interest is identified, the contractor, sub-contractor or consortia must take action to ensure that the findings of this project are not influenced or perceived to be influenced by any other work or activity that the contractor/sub-contractor/consortia is involved in.

The process by which this is managed in the procurement process is as follows:

1. **During the bidding process, organisations may contact DECC to discuss whether or not their proposed arrangement is likely to yield a conflict of interest.** Any responses given to individual organisations or consortia will be published on Contract Finder (in a form which does not reveal the questioner’s identity). Any organisation thinking of submitting a bid should share their contact details with the staff member responsible for this procurement to ensure they receive an update when any responses to questions are published.
2. **Contractors are asked to sign and return Declaration 3 (page 25) to indicate whether or not any conflict of interest may be, or be perceived to be, an issue.** If this is the case, the contractor or consortium should give a full account of the actions or processes that it will use to ensure that conflict of interest is avoided. In any statement of mitigating actions, contractors are expected to outline how they propose to achieve a robust, impartial and credible approach to the research.
3. **When tenders are scored, this declaration will be subject to a pass/fail score**, according to whether, on the basis of the information in the proposal and declaration, there remains a conflict of interest which may affect the impartiality of the research.

Failure to declare or avoid conflict of interest at this or a later stage may result in exclusion from the procurement competition, or in DECC exercising its right to terminate any contract awarded.

# Evaluation of Responses

The tender process will be conducted to ensure that bids are evaluated fairly and transparently, in accordance with agreed assessment criteria. Further details are provided in the specification.

# Terms and conditions applying to this Invitation to Tender

The DECC Standard Terms and Conditions of Contract will apply to this contract. These can be downloaded from Contracts Finder.

# Further Instructions to Contractors

The Department reserves the right to amend the enclosed tender documents at any time prior to the deadline for receipt of tenders. Any such amendment will be numbered, dated and issued by Tuesday 14 April 2015. Where amendments are significant, the Department may at its discretion extend the deadline for receipt of tenders.

DECC reserves the right to withdraw this contract opportunity without notice and will not be liable for any costs incurred by contractors during any stage of the process. Contractors should also note that, in the event a tender is considered to be fundamentally unacceptable on a key issue, regardless of its other merits, that tender may be rejected. By issuing this invitation the Department is not bound in any way and does not have to accept the lowest or any tender and reserves the right to accept a portion of any tender unless the tenderer expressly stipulates otherwise in their tender.

# Checklist of documents to be returned

* Proposal (maximum 30 pages)
* Annex A – pricing schedule
* Declaration 1: Statement of non-collusion
* Declaration 2: Form of Tender
* Declaration 3: Conflict of Interest
* Declaration 5: Code of Practice

**Section 2**

**Specification of Requirements**

Invitation to Tender for review of the evidence on the effects of and response to amplitude modulation (AM) from wind turbines, with recommendations on how excessive AM might be controlled through the use of a planning condition

Tender Reference Number: 970/01/2015

Deadline for Tender Responses: Noon on Tuesday 21 April 2015

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# Introduction and summary of requirements

The Department of Energy and Climate Change (“DECC”), wishes to appoint independent expert(s) to review the evidence on the effects of and response to amplitude modulation (AM) from wind turbines, including but not limited to, the research commissioned and published by RenewableUK in December 2013, and to provide advice on an appropriate ‘penalty scheme’[[1]](#footnote-1) (or alternative), and at what level of AM it should be applied.

The contractor will:

* Summarise (for a non-technical audience) main findings of the review of evidence;
* Recommend an appropriate penalty scheme (or alternative) for use in a planning condition, compatible with the IOA AM Working Group’s preferred metric;
* Prepare a report summarising the main findings and setting out clear recommendations, in a form suitable for publication by DECC. (The report should discuss the limitations of the evidence on which the recommendations are based); and
* Present the main findings and recommendations to the IOA’s AM Working Group and, separately, to the project’s Steering Group.

The contractor will need to work closely with the Institute of Acoustics’ AM Working Group, which is expected to recommend a preferred metric and methodology for quantifying and assessing the level of AM in a sample of wind turbine noise data.

# Background

DECC has policy responsibility for the management of noise from onshore wind farms. The guidelines for assessing the noise impact of a wind farm during the planning process are set out in ETSU-R-97 (DTI,1996) and the Institute of Acoustics’ (IOA) Good Practice Guide (IOA, 2013).

The IOA has established a working group to look at a noise phenomenon called amplitude modulation (AM), in part to respond to and take forward research instigated by RenewableUK (RUK) in 2011 and published in December 2013.

Wind turbine aerodynamic noise (the noise produced by the rotating wind turbine blades) includes a steady component as well as, in some circumstances, a periodically fluctuating, or amplitude modulated (AM), component. This can take different forms. One form of AM, commonly referred to as ‘blade swish’, is an inherent feature of the operation of all wind turbines and can be explained by well understood mechanisms. Some AM, however, exhibits characteristics, including a greater depth of modulation or a changed noise character, that fall outside those expected; this other form of AM can potentially give rise to an adverse subjective response.

The RUK research found that reported incidences of this other form of AM are relatively limited. However, it is now a recognised phenomenon and reports of the nuisance experienced by those who consider that they have been affected by it have raised public awareness and concern. There is increasing pressure from planning authorities and local residents for developers to accept a planning condition on AM. There is also a growing consensus among acoustics experts that there is a need for some form of mitigation to deal with the potential effects of AM.

Understanding of the causes, occurrence and control of AM has advanced significantly and it has now reached the point where, although there still isn’t a way of predicting at the planning stage if AM will occur at any proposed wind site, it may be appropriate to provide guidance to planning authorities and developers on how a planning condition could be used to protect local residents against the possibility of excessive AM.

The RUK study developed a template planning condition, which if required by the planning authority could be placed on projects at the planning stage. It seeks to protect local residents by requiring the wind farm operator to resolve any instances of excessive AM if they do occur. The IOA gave a cautious welcome to the RUK planning condition but said it needed testing and validation before it could be considered good practice.

The IOA has confirmed that its AM Working Group is progressing the first element (an objective methodology for quantifying levels of AM (the metric)) needed for a meaningful planning condition. But it isn’t producing the second element, a penalty scheme (or alternative), derived from a dose-response relationship, to allow the local planning authority (LPA) to determine if the AM in any given situation is excessive. We understand that the IOA intends to promulgate guidance on the metric and methodology to the wider acoustics community through publication of a further Supplementary Guidance Note (or other document).

DECC intends therefore to commission independent experts to review the evidence on AM and to provide us with advice on an appropriate ‘penalty scheme’ (or alternative), and at what level of AM it should be applied. This should be compatible with the IOA’s recommended metric and methodology so this work is being commissioned and needs to be completed in tandem with what the AMWG is doing.

# Aims and Objectives

The aims of the project are:

To review the evidence on the effects of and response to Amplitude Modulation (AM) in relation to wind turbines, including but not limited to the research commissioned and published by RenewableUK in December 2013.

To work closely with the Institute of Acoustics’ AM Working Group, who are expected to recommend a preferred metric and methodology for quantifying and assessing the level of AM in a sample of wind turbine noise data.

To review the robustness of relevant dose-response relationships, including the one developed by the University of Salford as part of the RenewableUK study, on which the correction (or penalty) for amplitude modulation proposed as part of its template planning condition is based.

To consider how, in a policy context, the level(s) of AM in a sample of noise data should be interpreted, in particular determining at what point it causes a significant adverse impact.

To recommend how excessive AM might be controlled through the use of an appropriate planning condition.

To consider the engineering/cost trade-offs of possible mitigation measures.

# Methodology

The contractor will be expected to apply the following methodology:

**Phase 1**

* Propose an approach and methodology
* Prepare a detailed work plan
* Engage with IOA’s AM Working Group and other external stakeholders, including researchers, planning authorities, developers and RUK (and the contractors that carried out work packages for them), to compile a list of relevant research and evidence
* Define evidence needs

**Phase 2**

* Review the outputs from the RUK research, in particular:
* the robustness of the study into the subjective response to AM and the conclusions drawn about an appropriate penalty scheme
* the merits of the proposed planning condition, in the context of ETSU-R-97 and Circular 11/95
* Obtain and review other relevant evidence
* Summarise (for a non-technical audience) main findings of the review of evidence
* Recommend an appropriate penalty scheme (or alternative) for use in a planning condition, compatible with the IOA AM Working Group’s preferred metric
* Prepare a report summarising the main findings and setting out clear recommendations, in a form suitable for publication by DECC. (The report should discuss the limitations of the evidence on which the recommendations are based.)
* Present the main findings and recommendations to the IOA’s AM Working Group and, separately, to DECC’s Steering Group.

The contractor will be expected to work closely with the IOA’s AM Working Group throughout the project.

# Outputs Required

The contractor will produce a project plan and detailed methodology to be approved by DECC (Phase 1) and a draft and final report (Phase 2).

The contractor will be required to present the main findings and conclusions to the Steering Group established to oversee the research, which may include representatives from DECC’s Office for Renewable Energy Deployment (ORED); the Department for the Environment, Food and Rural Affairs (Defra); the Department for Communities and Local Government (DCLG); and Public Health England (PHE). The contractor will also present to the Institute of Acoustics’ AM Working Group. The report will also be shared with the Devolved Administrations.

# Ownership and Publication

DECC is committed to openness and transparency. All outputs listed in section 5 (with the exception of project updates and the research plan) should be accessible, anonymised and suitable for publication and further use.The exceptions to this are where:

1. The intellectual property rights to an output (or part of an output) is owned by someone other than the contractor. Contractors should state in their tender if this is the case and indicate whether the third party copy righted materials can be redacted.
2. Data is commercial in confidence.
3. A non-anonymised dataset if required for the project.

If these exceptions apply to any part of the outputs, contractors should indicate this in their proposal alongside any approaches to resolving these. Where applicable, contractors can provide optional costs for obtaining rights to data or outputs. These will be agreed before DECC lets the contract.

Unless the above exceptions have been stated in a proposal, all outputs from a research project will assumed to be owned by DECC. The outputs, raw data and tools developed in the research cannot therefore be used for contractors for purposes other than our work.

DECC standard terms and conditions require that DECC retain the Intellectual Property (IP) from all models and software paid for by DECC:

* Where the contractor is using or building on top of existing IP, such as modules that interface with the model, or proprietary datasets, this must be explicitly stated in the tender response.
* Where open source code or models are to be used within this model, please make clear under which license this open source software is released.
* The Open Government Licence should be used wherever possible:

<http://www.nationalarchives.gov.uk/doc/open-government-licence/version/2/>

# Quality Assurance

QA will be provided by the contractor in line with DECC’s requirements.

This project must comply with the DECC Code of Practice for Research (Annex B) and bidders must set out their approach to quality assurance in their response to this ITT.

The contractor will be required to carry out a formal peer review process on the draft report (Phase 2). The peer reviewers will be chosen by the Steering Group but the tenderer will be responsible for responding to the peer review comments and incorporating any changes to the final report that are deemed necessary.

# Timetable

The draft timetable is set out below.

|  |  |
| --- | --- |
| **Action** | **Date** |
| ITT issued | Thursday 26 March 2015 |
| Deadline for receipt of questions | Friday 10 April 2015 |
| Answers to be posted on Contracts Finder | Tuesday 14 April 2015 |
| Deadline for receipt of Tenders  | Tuesday 21 April 2015 |
| Bid clarification notification | Not before Monday 29 April 2015 |
| Bid clarification meetings | w/c Monday 4 May 2015 |
| All suppliers alerted of outcome | w/c Monday 11 May 2015 |
| Contract award on signature by both parties | Friday 22 May 2015 |
| Contract start date  | Monday 25 May 2015 |
| Kick off meeting | w/c Monday 25 May 2015 |
| Contractor to attend Steering Group meeting | TBC (provisionally mid-June) |
| Approval of draft methodology | w/c Monday 13 July 2015 |
| Draft report to be sent to DECC | w/c Monday 17 August 2015 |
| Peer review of report | w/c Monday 31 August 2015 |
| Final report to be sent to DECC | Friday 11 September 2015 |
| Contractor to present report to IOA Working Group | TBC |
| Contractor to present report to Steering Group | TBC |

# Challenges

Noise from wind turbines is a topic of concern for a number of stakeholders, including but not limited to: residents near wind farms, planning authorities, the Institute of Acoustics AM Working Group, RenewableUK and wind farm developers.

It is therefore essential that the contractor appointed to conduct this review is able to secure the confidence of these stakeholders, is genuinely independent and free from any perceived bias.

It is also important that the evidence on which conclusions are based is robust and any limitations of that evidence are understood and documented. The successful contractor will need to demonstrate a proven track record of conducting such work and will need to be able to demonstrate the ability to work constructively with key stakeholders who have conducted relevant research, in particular the IOA AM Working Group and RenewableUK.

# Ethics

All applicants will need to identify and propose arrangements for initial scrutiny and on-going monitoring of ethical issues. The appropriate handling of ethical issues is part of the tender assessment exercise and proposals will be evaluated on this as part of the ‘addressing challenges and risks’ criterion.

We expect contractors to adhere to the following GSR Principals:

1. Sound application and conduct of social research methods and appropriate dissemination and utilisation of findings
2. Participation based on valid consent
3. Enabling participation
4. Avoidance of personal harm
5. Non-disclosure of identity and personal information

# Working Arrangements

The successful contractor will be expected to identify one named point of contract through whom all enquiries can be filtered.

The contractor will provide fortnightly progress updates by telephone and weekly e-mails to James Burt, the project manager, summarising progress. They will also attend Steering Group meetings as required.

The contractor will be required to work closely with the Institute of Acoustics’ AM Working Group, who are expected to recommend a preferred metric and methodology for quantifying and assessing the level of AM in a sample of wind turbine noise data.

# Skills and experience

The following attributes are considered particularly important for this work:

* Good understanding of the physics of noise generation from wind turbines
* Excellent understanding of subjective response to noise and laboratory tests establishing dose response relationships
* Good understanding of the use of planning conditions and experience of current implementation of ETSU-R-97
* Good understanding of the possible impacts of noise on human health

DECC would like you to demonstrate that you have the experience and capabilities to undertake the project. Your tender response should include a summary of each proposed team members experience and capabilities.

 Contractors should propose named members of the project team, and include the tasks and responsibilities of each team member. This should be clearly linked to the work programme, indicating the grade/ seniority of staff and number of days allocated to specific tasks.

Contractors should identify the individual(s) who will be responsible for managing the project.

# Consortium Bids

In the case of a consortium tender, only one submission covering all of the partners is required but consortia are advised to make clear the proposed role that each partner will play in performing the contract as per the requirements of the technical specification. We expect the bidder to indicate who in the consortium will be the lead contact for this project, and the organisation and governance associated with the consortia.

Contractors must provide details as to how they will manage any sub-contractors and what percentage of the tendered activity (in terms of monetary value) will be sub-contracted.

If a consortium is not proposing to form a corporate entity, full details of alternative proposed arrangements should be provided in the Annex. However, please note DECC reserves the right to require a successful consortium to form a single legal entity in accordance with Regulation 28 of the Public Contracts Regulations 2006.

DECC recognises that arrangements in relation to consortia may (within limits) be subject to future change. Potential Providers should therefore respond in the light of the arrangements as currently envisaged. Potential Providers are reminded that any future proposed change in relation to consortia must be notified to DECC so that it can make a further assessment by applying the selection criteria to the new information provided.

# Budget

The budget for this project is up to £30,000 including VAT.

Contractors should provide a full and detailed breakdown of costs (including options where appropriate). This should include staff (and day rate) allocated to specific tasks.

Cost will be a criterion against which bids which will be assessed.

Payments will be linked to delivery of key milestones. The indicative milestones and phasing of payments is as follows. Please advise in your tender response how this breakdown reflects your usual payment processes:

**Phase 1**

* Propose approach and methodology
* Prepare detailed work plan
* Engage with the IOA’s AM Working Group and other external stakeholders, including researchers, planning authorities, developers and RUK (and the contractors that carried out work packages for them), to compile a list of relevant research and evidence
* Define and produce statement of evidence needs

**Phase 2**

* Review the outputs from the RUK research, in particular:
* the robustness of the study into the subjective response to AM and the conclusions drawn about an appropriate penalty scheme
* the merits of the proposed planning condition, in the context of ETSU-R-97 and Circular 11/95
* Obtain and review other relevant evidence
* Summarise (for non-technical audience) main findings of review of evidence
* Recommend an appropriate penalty scheme (or alternative) for use in a planning condition, compatible with the IOA AM Working Group’s preferred metric
* Prepare a report summarising the main findings and setting out clear recommendations, in a form suitable for publication by DECC. (The report should discuss the limitations of the evidence on which the recommendations are based.)
* Present the main findings and recommendations to the IOA’s AM Working Group and, separately, to the Steering Group.

In submitting full tenders, contractors confirm in writing that the price offered will be held for a minimum of 60 calendar days from the date of submission. Any payment conditions applicable to the prime contractor must also be replicated with sub-contractors.

The Department aims to pay all correctly submitted invoices as soon as possible with a target of 10 days from the date of receipt and within 30 days at the latest in line with standard terms and conditions of contract.

#  Evaluation of Tenders

Contractors are invited to submit full tenders of no more than 30 pages, excluding declarations. Tenders will be evaluated by at least three people, and may include representatives from other Government Departments or Agencies as appropriate.

DECC will select the bidder that scores highest against the criteria and weighting listed below:

**Conflict of interest:** pass/fail. See page 5 of the ITT for further information.

**EVALUATION CRITERIA AND SCORING METHODOLOGY**

|  |  |  |
| --- | --- | --- |
| Criterion | Description | Weighting |
| 01 | Understanding requirement and policy context | 20% |
| 02 | Proposed approach and methodology | 20% |
| 03 | Management and delivery | 20% |
| 04 | Skills and expertise | 20% |
| 05 | Addressing challenges and risks | 10% |
| 06 | Price | 10% |
|  | 100% |

**Scoring Method**

Tenders will be scored against each of the criteria above, according to the extent to which they meet the requirements of the tender. The meaning of each score is outlined in the table below.

The total score will be calculated by applying the weighting set against each criterion, outlined above; the maximum number of marks possible will be 100. Should any contractor score 1 in any of the criteria, they will be excluded from the tender competition.

|  |  |
| --- | --- |
| **Score** | **Description** |
| 1 | Not Satisfactory: Proposal contains significant shortcomings and does not meet the required standard |
| 2 | Partially Satisfactory: Proposal partially meets the required standard, with one or more moderate weaknesses or gaps  |
| 3 | Satisfactory: Proposal mostly meets the required standard, with one or more minor weaknesses or gaps. |
| 4 | Good: Proposal meets the required standard, with moderate levels of assurance |
| 5 | Excellent: Proposal fully meets the required standard with high levels of assurance |

**Scoring for Pricing Evaluation**

There will be a maximum of 10 marks:

Lowest priced bid receives 10 marks

2nd lowest priced bid receives 8 marks

3rd lowest priced bid receives 6 marks

4th lowest priced bid receives 4 marks

5th lowest priced bid receives 2 marks

All other bids receive 0 marks

**Structure of Tenders**

Contractors are strongly advised to structure their tender submissions to cover each of the criteria above. Complete the price schedule attached at Annex A, specifying the daily rates (ex-VAT) you will charge for each level of your staff.

**Bid Clarification**

It may be necessary to have a bid clarification meeting with suppliers.

**Feedback**

Feedback will be given in the unsuccessful letters or emails.

**Section 3**

**Further Information on Tender Procedure**

Invitation to Tender for review of the evidence on the effects of and response to amplitude modulation (AM) from wind turbines, with recommendations on how excessive AM might be controlled through the use of a planning condition

Tender Reference Number: 970/01/2015

Deadline for Tender Responses: Noon on Tuesday 21 April 2015

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# Definitions

Please note that references to the "Department" throughout these documents mean The Secretary of State of Energy and Climate Change acting through his/her representatives in the Department of Energy and Climate Change.

The Freedom of Information Act 2000 (“FOIA”) and the Environmental Information Regulations 2004 (“EIR”) apply to the Department. You should be aware of the Department’s obligations and responsibilities under FOIA or EIR to disclose, on written request, recorded information held by the Department. Information provided in connection with this procurement exercise, or with any contract that may be awarded as a result of this exercise, may therefore have to be disclosed by the Department in response to such a request, unless the Department decides that one of the statutory exemptions under the FOIA or the exceptions in the EIR applies. If you wish to designate information supplied as part of this response as confidential, of if you believe that its disclosure would be prejudicial to any person’s commercial interests, you must provide clear and specific detail as to the precise information involved and explain (in broad terms) what harm may result from disclosure if a request is received, and the time period applicable to that sensitivity. Such designation alone may not prevent disclosure if in the Department’s reasonable opinion publication is required by applicable legislation or Government policy or where disclosure is required by the Information Commissioner or the First-tier Tribunal (Information Rights).

Additionally, the Government’s transparency agenda requires that tender documents (including ITTs such as this) are published on a designated, publicly searchable web site. The same applies to other tender documents issued by the Department (including the original advertisement and the pre-qualification questionnaire (if used)), and any contract entered into by the Department with its preferred supplier once the procurement is complete. By submitting a tender you agree that your participation in this procurement may be made public. The answers you give in this response will not be published on the transparency web site (but may fall to be disclosed under FOIA or EIR (see above)). Where tender documents issued by the Department or contracts with its suppliers fall to be disclosed the Department will redact them as it thinks necessary, having regard (inter alia) to the exemptions/exceptions in the FOIA or EIR.

# Data security

The successful tenderer must comply with the Data Protection Act (DPA) 1998 and any information collected, processed and transferred on behalf of *DECC*, and in particular personal information, must be held and transferred securely**. Contractors must provide assurances of compliance with the DPA and set out in their proposals details of the practices and systems they have in place for handling data securely including transmission between the field and head office and then to *DECC***. Contractors will have responsibility for ensuring that they and any subcontractor who processes or handles information on behalf of *DECC* is conducted securely. The sorts of issues which must be addressed satisfactorily and described in contractors’ submissions include:

* procedures for storing both physical and system data;
* data back-up procedures;
* procedures for the destruction of physical and system data;
* how data is protected;
* data encryption software used;
* use of laptops and electronic removable media;
* details of person/s responsible for data security;
* policies for unauthorised staff access or misuse of confidential/personal data;
* policies for staff awareness and training of DPA;
* physical security of premises.
* How research respondents will be made aware of all potential uses of their data.

# Non-Collusion

No tender will be considered for acceptance if the contractor has indulged or attempted to indulge in any corrupt practice or canvassed the tender with an officer of DECC. Section 4 contains a "Statement of non-collusion" (declaration 1); any breach of the undertakings covered under items 1 - 3 inclusive will invalidate your tender. If a contractor has indulged or attempted to indulge in such practices and the tender is accepted, then grounds shall exist for the termination of the contract and the claiming damages from the successful contractors. You must not:

* Tell anyone else what your tender price is or will be, before the time limit for delivery of tenders.
* Try to obtain any information about anyone else's tender or proposed tender before the time limit for delivery of tenders.
* Make any arrangements with another organisation about whether or not they should tender, or about their or your tender price.

Offering an inducement of any kind in relation to obtaining this or any other contract with the Department will disqualify your tender from being considered and may constitute a criminal offence.

**Section 4**

**Declarations to be submitted by the Tenderer**

Invitation to Tender for review of the evidence on the effects of and response to amplitude modulation (AM) from wind turbines, with recommendations on how excessive AM might be controlled through the use of a planning condition

Tender Reference Number: 970/01/2015

Deadline for Tender Responses: Noon on Tuesday 21 April 2015

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# Declaration 1: Statement of non-collusion

To: The Department of Energy and Climate Change

1. We recognise that the essence of competitive tendering is that the Department will receive a bona fide competitive tender from all persons tendering. We therefore certify that this is a bona fide tender and that we have not fixed or adjusted the amount of the tender or our rates and prices included therein by or in accordance with any agreement or arrangement with any other person.

2. We also certify that we have not done and undertake not to do at any time before the hour and date specified for the return of this tender any of the following acts:

1. communicate to any person other than the Department the amount or approximate amount of our proposed tender, except where the disclosure, in confidence, of the approximate amount is necessary to obtain any insurance premium quotation required for the preparation of the tender;
2. enter into any agreement or arrangement with any other person that he shall refrain for submitting a tender or as to the amount included in the tender;
3. offer or pay or give or agree to pay or give any sum of money, inducement or valuable consideration directly or indirectly to any person doing or having done or causing or having caused to be done, in relation to any other actual or proposed tender for the contract any act, omission or thing of the kind described above.

3. In this certificate, the word “person” shall include any person, body or association, corporate or unincorporated; and “any agreement or arrangement” includes any such information, formal or informal, whether legally binding or not.

……………………………………………………………………………….….

Signature (duly authorised on behalf of the tenderer)

……….………………………………………………………………………….

Print name

…………………………………………………………….…………………….

On behalf of (organisation name)

…………………………………………………………………….…………….

Date

# Declaration 2: Form of Tender

To: The Department of Energy and Climate Change

1. Having considered the invitation to tender and all accompanying documents

(including without limitation, the terms and conditions of contract and the Specification) we confirm that we are fully satisfied as to our experience and ability to deliver the goods/services in all respects in accordance with the requirements of this invitation to tender.

2. We hereby tender and undertake to provide and complete all the services required to be performed in accordance with the terms and conditions of contract and the Specification for the amount set out in the Pricing Schedule.

3. We agree that any insertion by us of any conditions qualifying this tender or any unauthorised alteration to any of the terms and conditions of contract made by us may result in the rejection of this tender.

4. We agree that this tender shall remain open to be accepted by the Department for 8 weeks from the date below.

5. We understand that if we are a subsidiary (within the meaning of section 1159 of (and schedule 6 to) the Companies Act 2006) if requested by the Department we may be required to secure a Deed of Guarantee in favour of the Department from our holding company or ultimate holding company, as determined by the Department in their discretion.

6. We understand that the Department is not bound to accept the lowest or any tender it may receive.

7. We certify that this is a bona fide tender.

…………………………………………………………………………........

Signature (duly authorised on behalf of the tenderer)

…………………………………………………………………………………

Print name

………………………………………………………………………….

On behalf of (organisation name)

………………………………………………………………………….

Date

# Declaration 3: Conflict of Interest

I have nothing to declare with respect to any current or potential interest or conflict in relation to this research (or any potential providers who may be subcontracted to deliver this work, their advisers or other related parties). By conflict of interest, I mean, anything which could be reasonably perceived to affect the impartiality of this research, or to indicate a professional or personal interest in the outcomes from this research.

Signed …………………………………….

Name …………………………………….

Position …………………………………….

***OR***

I wish to declare the following with respect to personal or professional interests related to relevant organisations\*;

* X
* X

*Where a potential conflict of interest has been declared for an individual or organisation within a consortia, please clearly outline the role which this individual or organisation will play in the proposed project and how any conflict of interest has or will be mitigated.*

* X
* X

Signed …………………………………….

Name …………………………………….

Position …………………………………….

Please complete this form and return this with your ITT documentation - Nil returns **are** required.

**\*** These may include (but are not restricted to);

* A professional or personal interest in the outcome of this research
* For evaluation projects, a close working, governance, or commercial involvement in the project under evaluation
* Current or past employment with relevant organisations
* Payment (cash or other) received or likely to be received from relevant organisations for goods or services provided (Including consulting or advisory fees)
* Gifts or entertainment received from relevant organisations
* Shareholdings (excluding those within unit trusts, pension funds etc) in relevant organisations
* Close personal relationship or friendships with individuals employed by or otherwise closely associated with relevant organisations

***All of the above apply both to the individual signing this form and their close family / friends / partners etc.***

If your situation changes during the project in terms of interests or conflicts, you must notify DECC straight away.

A DECLARATION OF INTEREST WILL NOT NECESSARILY MEAN THE INDIVIDUAL OR ORGANISATION CANNOT WORK ON THE PROJECT; BUT IT IS VITAL THAT ANY INTEREST OR CONFLICT IS DECLARED SO IT CAN BE CONSIDERED OPENLY.

# Declaration 4: Questions for tenderers

In some circumstances the Department is required by law to exclude you from participating further in a procurement. If you cannot answer ‘no’ to every question in this section it is very unlikely that your application will be accepted, and you should contact us for advice before completing this form.

Please state ‘Yes’ or ‘No’ to each question.

|  |  |
| --- | --- |
| **Has your organisation or any directors or partner or any other person who has powers of representation, decision or control been convicted of any of the following offences?** | **Answer** |
| 1. conspiracy within the meaning of [section 1](http://www.lexisnexis.com:80/uk/legal/search/runRemoteLink.do?langcountry=GB&linkInfo=F%23GB%23UK_ACTS%23section%251%25sect%251%25num%251977_45a%25&risb=21_T12077301839&bct=A&service=citation&A=0.2630909849289865) 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;
 |  |
| 1. corruption within the meaning of [section 1](http://www.lexisnexis.com:80/uk/legal/search/runRemoteLink.do?langcountry=GB&linkInfo=F%23GB%23UK_ACTS%23section%251%25sect%251%25num%251889_69a%25&risb=21_T12077301839&bct=A&service=citation&A=0.774070316337072)(2) of the Public Bodies Corrupt Practices Act 1889 or [section 1](http://www.lexisnexis.com:80/uk/legal/search/runRemoteLink.do?langcountry=GB&linkInfo=F%23GB%23UK_ACTS%23section%251%25sect%251%25num%251906_34a%25&risb=21_T12077301839&bct=A&service=citation&A=0.24433813672949012) of the Prevention of Corruption Act 1906; where the offence relates to active corruption;
 |  |
| 1. the offence of bribery, where the offence relates to active corruption;
 |  |
| 1. bribery within the meaning of section 1 or 6 of the Bribery Act 2010;
 |  |
| 1. fraud, 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, within the meaning of:
 |  |
| 1. the offence of cheating the Revenue;
 |  |
| 1. the offence of conspiracy to defraud;
 |  |
| 1. fraud or theft within the meaning of the [Theft Act 1968](http://www.lexisnexis.com:80/uk/legal/search/runRemoteLink.do?langcountry=GB&linkInfo=F%23GB%23UK_ACTS%23num%251968_60a_Title%25&risb=21_T12077301839&bct=A&service=citation&A=0.35766330215827113), the Theft Act (Northern Ireland) 1969, the Theft Act 1978 or the Theft (Northern Ireland) Order 1978;
 |  |
| 1. fraudulent trading within the meaning of [section 458](http://www.lexisnexis.com:80/uk/legal/search/runRemoteLink.do?langcountry=GB&linkInfo=F%23GB%23UK_ACTS%23section%25458%25sect%25458%25num%251985_6a%25&risb=21_T12077301839&bct=A&service=citation&A=0.5972529271560607) of the Companies Act 1985, article 451 of the Companies (Northern Ireland) Order 1986 or section 993 of the Companies Act 2006;
 |  |
| 1. fraudulent evasion within the meaning of section 170 of the [Customs and Excise Management Act 1979](http://www.lexisnexis.com:80/uk/legal/search/runRemoteLink.do?langcountry=GB&linkInfo=F%23GB%23UK_ACTS%23num%251979_2a_Title%25&risb=21_T12077301839&bct=A&service=citation&A=0.22540552446837803)  [or section 72 of the Value Added Tax Act 1994](http://www.lexisnexis.com:80/uk/legal/search/runRemoteLink.do?langcountry=GB&linkInfo=F%23GB%23UK_ACTS%23num%251994_23a_Title%25&risb=21_T12077301839&bct=A&service=citation&A=0.9838628229561671);
 |  |
| 1. an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice Act 1993;
 |  |
| 1. destroying, defacing or concealing of documents or procuring the execution of a valuable security within the meaning of [section 20](http://www.lexisnexis.com:80/uk/legal/search/runRemoteLink.do?langcountry=GB&linkInfo=F%23GB%23UK_ACTS%23section%2520%25sect%2520%25num%251968_60a%25&risb=21_T12077301839&bct=A&service=citation&A=0.5036676212568264) of the Theft Act 1968 or section 19 of the Theft Act (Northern Ireland) 1969;
 |  |
| 1. fraud within the meaning of section 2, 3 or 4 of the Fraud Act 2006; or
 |  |
| 1. making, adapting, supplying or offering to supply articles for use in frauds within the meaning of section 7 of the Fraud Act 2006;
 |  |
| 1. money laundering within the meaning of section 340(11) of the Proceeds of Crime Act 2002;
 |  |
| 1. 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; or
 |  |
| 1. 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
 |  |
| 1. any other offence within the meaning of Article 45(1) of Directive 2004/18/EC as defined by the national law of any relevant State.
 |  |

# Declaration 5: Code of Practice[[2]](#footnote-2)

I confirm that I am aware of the requirements of the DECC Code of Practice[[3]](#footnote-3) for Research and, in the proposed project, I will use my best efforts to ensure that the procedures used conform to those requirements under the following headings[[4]](#footnote-4):

Responsibilities

Competence

Project planning

Quality Control

Handling of samples and materials

Facilities and equipment

Documentation of procedures and methods

Research/work records

I understand that DECC has the right to inspect our procedures and practices against the requirements of the Code of Practice, and that I may be asked to provide documentary evidence of our working practices or provide access and assistance to auditors appointed by DECC.

(There is some flexibility in the application of the Code of Practice to specific research projects. Contractors are encouraged to discuss with DECC any aspects that cause them concern, in order to reach agreement on the interpretation of each requirement.)

**Annex A: Pricing Schedule**

**Part A – Staff/project team charges**

|  |  |
| --- | --- |
| Set up Costs – please specify  |  |
|  |
| Expenses  |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **\*Grade/level of staff** | **Daily rate** **(ex VAT)** | **No. days offered over course of contract** | **Tasks to be undertaken on this project** | **Total price offered per staff member** |
|  | £ |  |  | £ |
|  | £ |  |  | £ |
|  | £ |  |  | £ |
|  | £ |  |  | £ |
|  | £ |  |  | £ |
| **Sub-total**  |  | **£** |

[\*Suppliers should also include sub-contractors]

**Part B – Non-staff/project team charges**

|  |  |  |  |
| --- | --- | --- | --- |
| **Item** | **No. of items** | **Price per item** **(ex VAT)** | **Total price per offered** |
|  |  | £ | £ |
|  |  | £ | £ |
|  |  | £ | £ |
|  |  | £ | £ |
|  |  | £ | £ |
| **Sub-total**  | **£** |

**Part C – Full price offered**

|  |  |
| --- | --- |
| **Sub-total (Part A + Part B)** | **£** |
| **VAT** | **£** |
| **TOTAL (Sub-total + VAT)** | **£** |

**Annex B: Code of Practice for Research**

**CODE OF PRACTICE FOR RESEARCH**

***Issued by the Department of Energy of Climate Change***

DECC has developed this Code of Practice from the Joint Code of Practice issued by BBSRC; the Department for Environment, Food and Rural Affairs (Defra); the Food Standards Agency; and the Natural Environment Research Council (NERC) which lays out a framework for the proper conduct of research. It sets out the key aspects of the research process and the importance of making judgements on the appropriate precautions needed in every research activity.

The Code applies to all research funded by DECC. It is intended to apply to all types of research, but the overriding principle is fitness of purpose and that all research must be conducted diligently by competent researchers and therefore the individual provisions must be interpreted with that in mind.

***PRINCIPLES BEHIND THE CODE OF PRACTICE***

Contractors and consortia funded by DECC are expected to be committed to the quality of the research process in addition to quality of the evidence outputs

The Code of Practice has been created in order to assist contractors to conduct research of the highest quality and to encourage good conduct in research and help prevent misconduct,.

Set out over 8 responsibilities the code of practice provides general principles and standards for good practice in research.

Most contractors will already have in place many of the measures set out in the

Code and its adoption should not require great effort.

***COMPLIANCE WITH THE CODE OF PRACTICE***

All organisations contracting to DECC (including those sub-contracting as part of a consortium) will be expected to commit to upholding these responsibilities and will be expected to indicate acceptance of the Code when submitting proposals to the Department.

Contractors are encouraged to discuss with DECC any clauses in the Code that they consider inappropriate or unnecessary in the context of the proposed research project. The Code, and records of the discussions if held, will become part of the Terms and Conditions under which the research is funded.

Additionally, DECC may conduct (or request from the Contractor as appropriate) a formal risk assessment on the project to identify where additional controls may be needed.

***MONITORING OF COMPLIANCE WITH THE CODE OF PRACTICE***

Monitoring of compliance with the Code is necessary to ensure:

* Policies and managed processes exist to support compliance with the Code
* That these are being applied in practice.

In the short term, DECC can require contractors to conduct planned internal audits although DECC reserve the right to obtain evidence that a funded project is carried out to the required standard. DECC may also conduct an audit of a Contractor’s research system if deemed necessary.

In the longer term it is expected that most research organisations will assure the quality of their research processes by means of a formal system that is audited by an impartial and competent third party against an appropriate internationally recognised standard that is fit for purpose.

A recommended checklist for researchers can be found on the UK Research Integrity Office (UKRIO) website at http://www.ukrio.org/what-we-do/code-of-practice-for-research

***SPECIFIC REQUIREMENTS IN THE CODE OF PRACTICE***

***1. Responsibilities***

All organisations contracting to DECC (including those sub-contracting as part of a consortium will be responsible for the overall quality of research they conducted. Managers, group leaders and supervisors have a responsibility to ensure a climate of good practice in the research teams, including a commitment to the development of scientific and technical skills.

The Principal Investigator or Project Leader is responsible for all the work conducted in the project including that of any subcontractors. All staff and students must have defined responsibilities in relation to the project and be aware of these responsibilities.

***2. Competence***

All personnel associated with the project must be competent to perform the technical, scientific and support tasks required of them. Personnel undergoing training must be supervised at a level such that the quality of the results is not compromised by the inexperience of the researcher.

***3. Project planning***

An appropriate level of risk assessment must be conducted to demonstrate awareness of the key factors that will influence the success of the project and the ability to meet its objectives. There must be a written project plan showing that these factors (including research design, statistical methods and others) have been addressed. Projects must be ethical and project plans must be agreed in collaboration with DECC, taking account of the requirements of ethical committees[[5]](#footnote-5) or the terms of project licences, if relevant.

Significant amendments to the plan or milestones must be recorded and approved by DECC if applicable.

***4. Quality Control***

The organisation must have planned processes in place to assure the quality of the research undertaken by its staff Projects must be subjected to formal reviews of an appropriate frequency. Final and interim outputs must always be accompanied by a statement of what quality control has been undertaken.

The authorisation of outputs and publications shall be as agreed by DECC, and subject to senior approval in DECC, where appropriate. Errors identified after publication must be notified to DECC and agreed corrective action initiated.

***5. Handling of samples and materials***

All samples and other experimental materials must be labelled (clearly, accurately, uniquely and durably), and retained for a period to be agreed by DECC. The storage and handling of the samples, materials and data must be as specified in the project plan (or proposal), and must be appropriate to their nature. If the storage conditions are critical, they must be monitored and recorded.

***6. Documentation of procedures and methods***

All the procedures and methods used in a research project must be documented, at least in the personal records of the researcher. This includes analytical and statistical procedures and the generation of a clear audit trial linking secondary processed information to primary data.

There must be a procedure for validation of research methods as fit for purpose, and modifications must be trackable through each stage of development of the method.

***7. Research/work records***

All records must be of sufficient quality to present a complete picture of the work performed, enabling it to be repeated if necessary.

The project leader is accountable for the validity of the work and responsible for ensuring that regular reviews of the records of each researcher are conducted[[6]](#footnote-6)

The location of all project records, including critical data, must be recorded. They must be retained in a form that ensures their integrity and security, and prevents unauthorised modification, for a period to be agreed by DECC

A recommended checklist for researchers can be found on the UK Research Integrity Office (UKRIO) website at http://www.ukrio.org/what-we-do/code-of-practice-for-research

1. A scheme for calculating and applying a penalty to the measured noise level [↑](#footnote-ref-1)
2. Please note that this declaration applies to individuals, single organisations and consortia. [↑](#footnote-ref-2)
3. The Code of Practice is attached to this ITT as Annex C [↑](#footnote-ref-3)
4. Please delete as appropriate [↑](#footnote-ref-4)
5. Please note ethical approval does not remove the responsibility of the individual for ethical behaviour. [↑](#footnote-ref-5)
6. Please note that this also applies to projects being undertaken by consortia. [↑](#footnote-ref-6)