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**Health and Safety Executive**

**Invitation to Tender for the**

**Purchase of Handheld XRF Analysis Equipment for Compositional Analysis of Heavy Elements**

Instructions to Bidders and Supporting Information

**Tender Reference Number**

**HSE/T3877**

# 1. Introduction

1.1 These instructions and supporting information are designed to ensure that all interested and eligible organisations are given the opportunity to compete on a fair and equal basis for this contract.

1.2 This Invitation to Tender (ITT) comprises of the following documents:

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| * **Schedule A** : | A Statement of Service Requirements which described the services HSE require; |
| * **Schedule B** : | The Tender Submission Form which must be completed by Bidders; |
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1.3 If you wish to tender for this procurement, you must do so in accordance with these instructions.

1.4 Please ensure that you read these instructions carefully and note all of the information in this document before you respond. Failure to comply with any of these instructions may result in your elimination from this competition.

1.5 Neither HSE nor its advisers make any representation or warranty (express or implied) as to the accuracy, adequacy or completeness of the ITT document pack, or the reasonableness of any assumption on which it is based. HSE accepts no liability to any organisation whatsoever and howsoever arising and whether resulting from the use of the ITT document pack, or any deficiencies in or omissions from the ITT document pack. This exclusion does not extend to any fraudulent misrepresentation made by or on behalf of HSE.

1.6 You are advised that nothing herein, or in any other communication made between HSE and any other person shall be taken as constituting a contract, agreement or representation that a contract for services shall be offered in accordance herewith or at all. A contract will not exist and work may not commence until the contract documentation has been signed and dated by HSE and the successful bidder.

# 2. Tender Process and Documents

2.1 HSE reserves the right to discontinue this tendering process at any time and not to award a contract.

2.2 HSE reserves the right, subject to the appropriate procurement regulations, to change without notice the basis, structure or content of, or the procedures for, the competitive tendering process.

2.3 In the event that HSE exercises its right in paragraph 2.2, it will give bidding organisations reasonable time in which to take the amendment into account in preparing their Tenders. HSE may, at its discretion, extend the deadline for the receipt of Tenders.

2.4 Tenders must be submitted via email to [tenders@hse.gov.uk](mailto:tenders@hse.gov.uk), quoting the tender reference number above. No other means of submitting your bid is permissible unless in exceptional circumstances and with the advance agreement of HSE Procurement Unit.

# 3. Inducements and Collusion

3.1 Offering an inducement of any kind in relation to this competition will disqualify you from being considered and may constitute a criminal offence. Also, you must not try to obtain any information about anyone else's Tender before the completion of this competition, or make any arrangements with anyone else about how or whether they should participate. Subject to any discussions which you may need to have with other organisations with which it intends to submit a joint bid on a consortium basis, any breach of requirements in this paragraph will result in exclusion from the competition.

3.2 Direct or indirect canvassing of any Ministers, public sector employee or agent concerning this requirement, or any attempt to procure information from any Ministers, public sector employee or agent concerning this ITT may result in your disqualification from consideration for this requirement.

# 4. Costs and Expenses

4.1 You will not be entitled to claim from HSE any costs or expenses which you may incur in preparing and/or submitting your Tender at any stage of this procurement exercise. This applies whether or not you or any other organisation is successful. It also applies to any additional cost you may incur if HSE modifies or amends its requirements or if HSE discontinues this procurement exercise for whatever reason.

# 5. Compliance and Clarification

5.1 All requests for clarification or further information and any questions about the procurement should be submitted through the HSE Tenders inbox. No approach of any kind in connection with this Invitation to Tender should be made to any other person within, or associated with, the HSE. Your attention is drawn to paragraph 3.2.

5.2 If HSE considers any question or request for clarification to be of material significance, both the question and the response will be communicated via the HSE Tenders inbox to all before the closing date for responses. All responses received and any communication from Bidders will be treated in confidence but will be subject to this paragraph.

# 6. Timetable

6.1 Set out below is the proposed procurement timetable. This is intended as a guide and, whilst HSE does not intend to depart from it, HSE reserves the right to do so at any time.

6.2 Award of Contract shall be subject to internal governance and budgetary approvals.

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| Invitation to Tender (ITT) issued | 17 February 2021 |
| Deadline for receipt of tenders | 13:00hrs, 24 February 2021 |

# 7 Status of Tenders

7.1 HSE does not undertake to accept any Tender and reserves the right to reject the whole (or any part) of any Tender. HSE reserves the right to reject a Tender if you propose to add to or substitute any terms or conditions which are at variance with, or inconsistent with, HSE’s terms and conditions, or are otherwise unacceptable to HSE.

7.2 Your Tender should remain open for acceptance for a period of not less than 6 months after the due date for the return of Tenders.

# 8. Consistency of Tender Information

8.1 It is your responsibility to ensure that the information you provide remains consistent throughout the competition. Under no circumstances will you be permitted to make any amendments to your completed Tender after the closing date.

8.2 You should notify us promptly of any perceived ambiguity, inconsistency or omission in the ITT, any associated documents or information issued to you during the procurement process.

8.3You must be explicit and comprehensive in your responses to the ITT as this will be the single source of information on which responses will be scored and ranked. You are advised neither to make any assumptions about your past or current supplier relationships with HSE nor to assume that such prior business relationships will be taken into account in the evaluation procedure.

**9. Additional Information**

9.1 HSE expressly reserves the right to require you to provide additional information supplementing or clarifying any of the information provided in response to the requests set out in this Invitation to Tender. HSE may seek independent financial and market advice to validate information declared, or to assist in the evaluation.

**10. Sub-contracting**

10.1 Where a sub-contracting approach is proposed, all information requested should be given in respect of the proposed prime contractor. Relevant information should also be provided in respect of sub-contractors who will play a significant role in the delivery of services or products under any ensuing contract. Responses must enable HSE to assess the overall service proposed.

10.2 HSE recognises that arrangements in relation to sub-contracting may be subject to future change. You should therefore respond in the light of such arrangements as are currently envisaged. You are reminded that any future change in relation to sub-contracting must be notified to the HSE so that it can make a further assessment by applying the selection criteria to the new information provided as this may your ability to proceed with the procurement process or to provide the goods and/or services. Details should also be provided in relation to the proportion of any contract awarded that you propose to subcontract.

**11. Contact points**

11.1 You are asked to include a single point of contact in your organisation for your response to the Invitation to Tender. HSE will not be responsible for contacting you through any route other than the nominated contact. You must therefore undertake to notify any changes relating to the contact promptly.

**12. Confidentiality and Freedom of Information**

## 12.1 HSE is committed to open government and to meeting its legal responsibilities under the Freedom of Information Act 2000. Accordingly, all information submitted to HSE may need to be disclosed by HSE in response to a request under the Act. HSE may also decide to include certain information in the publication scheme which we maintain under the Act. If you consider that any of the information included in your tender is commercially sensitive, please identify it in your response explain (in broad terms) what harm may result from disclosure if a request is received, and the time period applicable to that sensitivity. You should be aware that even where you have indicated that information is commercially sensitive, HSE may be required to disclose it under the Act if a request is received. Please also note that the receipt of any material marked ‘confidential’ or equivalent by HSE should not be taken to mean that HSE accepts any duty of confidence by virtue of that marking. If a request is received, HSE may also be required to disclose details of unsuccessful tenders.

**13. Transparency**

13.1 The Government has set out the need for greater transparency across its operations to enable the public to hold public bodies and politicians to account. This includes commitments relating to public expenditure, intended to help achieve better value for money. HSE is obliged to publish ITT documents for contracts with a value over £10,000.

13.2 In addition, you should be aware that if you are awarded a new contract with a value of over £10,000, the resulting contract comprising of Specification, Terms and Conditions and Associated Schedules (including the winning bid) will be published.

13.3 By exception, requests for redaction will be subject to the public interest test and redaction will only be agreed where the public interest in withholding the information outweighs the public interest in disclosure. You must identify / reference the relevant text, show clear justification for redaction and detail the appropriate section of the Freedom of Information Act 2000 (for example, Sections 40, 41, 43) on which the redaction request is sought.

**14. Information sharing**

14.1 All Central Government Departments and their Executive Agencies and Non-Departmental Public Bodies are subject to control and reporting within Government. In particular, they report to the Cabinet Office and HM Treasury for all expenditure. Further, the Cabinet Office has a cross Government role delivering overall Government policy on public procurement – including ensuring value for money and related aspects of good procurement practice.

14.2 For these purposes, the Authority may disclose within Government any of the documentation/information (including any that you consider to be confidential and/or commercially sensitive such as specific bid information) you submit during this procurement. This information will not be disclosed outside of Government. By taking part in this procurement you consent to these terms.

**15. Submission of Tenders**

* 1. You must complete and return the following documents:

1. The Tender Submission form at Schedule B: and
2. Your detailed quote for all of our requirements.

* 1. The deadline for receipt of responses is no later than **13:00 hrs, Wednesday 24th February 2021**, HSE reserves the right to reject any tender received after this deadline, for whatever reason.
  2. Responses should be submitted via the [tenders@hse.gov.uk](mailto:tenders@hse.gov.uk) inbox.

**16.** **Evaluation of submissions**

16.1Submissions will be evaluated as detailed in Schedule A.

16.2 Following the selection process bidders may be required to supply some additional information to HSE.