

**FOL15/876: Hyde Park Borehole Pipe Distribution Works Project**

**Schedule 1 – Instructions to Tenderers**

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## Introduction

The Royal Parks (TRP) is inviting tenders for the provision of drilling, construction, development and test pumping works for a new borehole within Hyde Park. The NEC3 Engineering and Construction Short Contract (April 2013) will apply (NEC3 ECSC).

## TRP’s Corporate Objectives

TRP’s corporate objectives are as follows:

* To conserve and enhance sustainably, for the enjoyment of this and future generations, our world class natural and built historic environment and our biodiversity
* To engage with our visitors, stakeholders and partner organisations and understand their views.
* To manage the parks efficiently and secure investment in the parks' assets and services through an appropriate combination of government funding, commercial income and philanthropy.
* To be a centre of professional excellence where people want to work.

## Definitions

These are the definitions of the terms found in the tender documentation:

Contract Data, Works Information, Site Information and Price List have the meaning ascribed to them in the NEC3 ECSC.

Tenderer’s Offer is the completed Schedule 5 which includes the Form of Tender, completed tenderer’s Contract Data, Price List and Other Relevant Information. These documents demonstrate how a tenderer proposes to undertake the work defined in the Tender Work Package and how much it will cost the Employer including an allowance for compensation events.

Tenderers should note that statements may be incorporated into the Works Information and that any discrepancy between their statements and the original Works Information will be interpreted in a light less favourable to the party who created the discrepancy, i.e. the Contractor (see clause 7.2 of the additional conditions of contract in Schedule 2 of this Tender Work Package).

The Price List is the Price List under the NEC3 ECSC and is the document returned by the tenderer (who will become the Contractor if awarded the contract) as part of the Tenderer’s Offer. It is developed by the tenderer from ‘Schedule 4 – Works Information itemising quantity of work required’ which is supplied as an MS Excel spreadsheet. It must be returned in this file type.

Tender Work Package: these documents are provided by the Employer as part of the tender process, i.e. Schedules 1 to 6 as identified in section 4 of this schedule below.

Works Package: this is the document that defines the final contract by referencing the completed Contract Data, Site Information, Works Information and Price List. It includes any alterations and additions to the original Tender Work Package as a result of the winning Tenderer’s Offer as well as any developments necessary to avoid ambiguity and inconsistency i.e. clarifications identified during the evaluation procedure.

## Tender Work Package

The Tender Work Package is comprised of the following documents:

|  |  |
| --- | --- |
| Schedule 1 | Instructions to Tenderers |
| Schedule 2 | Employer’s Contract Data, including amended and additional conditions of contract. |
| Schedule 3 | Contract-specific Works Information documents and drawings |
| Schedule 4 | Works Information itemising quantity of work required |
| Schedule 5 | The Tenderer’s Offer |
| Schedule 6 | Tender Response Document |
|  | Tender Return Label |

## Timetable

It is envisaged that the contract will be awarded as close as possible to the following timetable:

|  |  |
| --- | --- |
| **Action** | **Due date** |
| Tender advertised | Friday 30th October, 2015 |
| Deadline for tender questions | 5 days before tender submission deadline |
| Tender submission deadline | Monday 30th November, 2015 |
| Evaluation  | Until Friday 11th December, 2015 |
| Clarification interviews | Week commencing Monday 14th December, 2015 |
| Contract award | Monday 21st December |
| Contract start | Monday 4th January, 2016 |

## Instructions to Tenderers

**Tender Work Package**

If awarded the Work Package, the Contractor (as defined under the NEC3 ECSC), shall verify the numerical sequence of the Site Information and Works Information by examining the numbers on each page. If any page is missing or duplicated or if any figures are indistinct they shall immediately notify the Employer’s Quantity Surveyor.

The tenderer shall not alter any text in the additional conditions of contract, the Site Information or Works Information, except as stated in order to develop ‘Schedule 4 - Works Information itemising quantity of work required’ into their Price List. Any other alteration or qualification made without written authority will be ignored and the text as originally printed will be adhered to.

In developing the Price List from Schedule 4, and hence arriving at their tender Prices, the tenderer must adhere to the following:

* A price or rate shall be entered against each item in the Price List and any items not priced shall be deemed to have been allowed for in the other prices.
* The grouping together of existing items from the original spreadsheet of Schedule 4 to give a single price is not permitted.
* An item in the original spreadsheet of Schedule 4 may be broken down into not more than three sub-items. This may include separating out fixed and/or time related costs from quantity related items in order to facilitate cash flow to the Contractor as work is completed and assist in the rapid and fair assessment of compensation events to take account of setting up, maintaining, moving, clearing away etc. costs.
* The means of arriving at a price should be shown so that they can be evaluated as part of the tender process and then equitably used.
* The tenderer must not state assumptions in their Price List as these potentially do not lead to a fair comparison of Prices between tenderers. Such assumptions will be treated as qualifications to a tender (see section 8 of this Schedule).
* Fluctuations or increases in prices charged to the Tenderer’s Price List are not permissible as this is a fixed price tender.
* Where the price of items in Price List and the likely order of doing the work lead the Employer to believe that the tenderer has ‘frontloaded’ their Price List (to gain excessively positive cash flow which does not reflect the value of work delivered or approximately match the costs through time of doing the works), then this may render the tender liable to rejection.

## Period of Validity of Tenders

Tenders must remain open for consideration (unless previously withdrawn) for not less than 90 days from the tender submission deadline.

## Errors

Where examination of a tender which it is intended to accept reveals errors or discrepancies which would affect the tendered total of the Prices (or create uncertainty over these Prices), the tenderer will be given details of such errors and discrepancies and afforded an opportunity of confirming or amending his offer. Should the tenderer elect to amend his offer and the revised tender is no longer the lowest, the next tender, in competitive order, will be examined and dealt with in the same way.

## Qualifications

Tenders shall be submitted strictly in accordance with this Invitation to Tender document and any qualifications to the tender shall render it liable to rejection. If there are any circumstances which give rise to doubt or uncertainty in the mind of the tenderer then these doubts shall be reconciled with or via the Employer’s representatives or agent before the tender is submitted.

## Obligations

The Tenderer shall examine the site and satisfy themselves about all matters relating to the nature and extent of the proposed contract. The tenderer shall check all particulars relating to site boundaries, access, contractor’s compound, under/over ground services and obstructions, site location and all other matters to be inferred from the conditions of the contract.

The tenderer shall carefully study the specification and design drawings in order to fully comprehend the requirements of the Contract.

The following symbols and abbreviations are used in the Tendered Works Package and shall apply to the contract:

|  |  |  |
| --- | --- | --- |
| m | = | metre |
| m2 | = | square metre |
| m3 | = | cubic metre |
| nr | = | number |
| kg | = | kilogramme |
| t | = | tonne |
| hr | = | hour |
| % | = | percentage |
| - | = | hyphen |
| mm | = | millimetres |

Where no suffix to a measurement is found, it is deemed to be in millimetres.

## Tender Process Conditions

**Site visits:** tenderers should contact Edward Strickland, Project Sponsor, estrickland@royalparks.gsi.gov.uk, in order to arrange any site visits.

**Clarifications:** all supplier questions raised during the tender period must be emailed to procurement@royalparks.gsi.gov.uk. All questions and answers will be forwarded by email to all tenderers. The deadline for questions is 5 days before the tender submission deadline.

**Alterations:** the tenderer must not alter any of the documents in the Tender Works Package, except as necessary for completing the Tenderer’s Offer. Should the tenderer make a change and not inform the Employer, and this change is then inadvertently incorporated into the contract, then the Employer shall consider this as misrepresentation in contract law.

**Address label:** this is enclosed in the tender pack and must be used. Envelopes/packages should be plain and bear no reference to the tenderer’s name; franking machines which automatically print the company name should not be used. Tenders without the label or in envelopes which in any way identify the tenderers will not be considered.

**Tenderer’s Offer:** the following must be submitted:

Form of Tender

Contractor’s Contract Data

Price List

Completed Tender Response Document

**Return of tenders:** it is the tenderer’s responsibility to ensure that their tender is delivered no later than the appointed time. Tenders received after this time will automatically be rejected. Tenders are to be delivered to:

The Procurement Office

The Royal Parks

The Old Police House

Hyde Park

London

W2 2UH

BY 14:30 ON MONDAY 30TH NOVEMBER

**NOTE:** please take into account that couriers sometimes have difficulty locating our offices in the middle of Hyde Park, which must be approached from West Carriage Drive.

**Number of tenders:** only one electronic copy (our systems are compatible with Office 2007) on CD-Rom or memory stick of your tender should be submitted. Wherever possible, individual files should not exceed 10Mb in size.

**email and fax:** tenders will not be considered if submitted by email or fax.

**Basis of prices:** all prices must be quoted on the basis indicated in the accompanying documents and should exclude VAT. The tender shall be for a fixed price lump sum with options. The tendered price and rates shall include for materials, labour, plant, fuel, machinery repairs, expenses, supervision, insurances, CDM compliance and any other equipment or costs necessary for the satisfactory execution and completion of the Works.

**Most Economically Advantageous Tender:** TRP reserves the right to reject any or all of the tenders. Tenderers should note that the contract will be awarded based on the Most Economically Advantageous Tender received, according to the award criteria listed in section 11.

**Incomplete tender:** tenders may not be considered if the complete information called for is not given at the time of tendering.

**Confidentiality of tenders:** please note the following requirements, any breach of which will invalidate your tender:

* You must not tell anyone else, even approximately, what your tendered total of the prices is or will be, before the tender submission deadline. The only exception is if you need an insurance quotation to calculate your tendered total of the prices: you may give your insurance company or brokers any essential information they ask for, so long as you do so in strict confidence.
* You must not try to obtain any information about anyone else's tender or proposed tender before the tender submission deadline.
* You must not make any arrangements with anyone else about whether or not they should tender, or about their or your tender price.

**Extension of tender period:** any request for an extension of the period for tendering must be received at least seven working days before the due date for return, but no undertaking can be given that an extension will be granted.

**Expenses and losses:** The Royal Parks will not be responsible for or pay any expenses or losses incurred by any tenderer in preparing its tender.

**Freedom of Information Act:** we are committed to open government and to meeting our legal responsibilities under the Freedom of Information Act 2000. Accordingly, all information submitted to us may need to be disclosed by us in response to a request under the Act. We 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 and explain (in broad terms) what harm may result from disclosure if a request is received, and the time period applicable to that sensitivity.

**Transparency:** 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. Suppliers and those organisations looking to bid for public sector contracts should be aware that if they are awarded a new government contract, the resulting contract between the supplier and government will be published. In some circumstances, limited redactions will be made to some contracts before they are published in order to comply with existing law and for the protection of national security.

**Trading names/invoicing:** where invoices will be rendered by or payments are required to be made to an entity whose title differs in any respect from the title in which the tender is submitted, full details must be provided in a letter accompanying the tender. Successful tenderers who fail to provide this information at tender stage may well experience delays in settlement of their account.

## Award Criteria

The price/quality percentage split used to assess tenders is as follows:

|  |  |
| --- | --- |
| Quality | 40% |
| Price | 60% |

Tenderers must meet or exceed the 50% threshold at suitability assessment stage in order for their tenders to be evaluated in accordance with the award criteria.

The qualitative criteria weightings are detailed in the tender response document. Each qualitative criterion will be scored on the following basis:

|  |  |
| --- | --- |
| **Score** | **Interpretation** |
| 10 | Exceeds expectations. The response is excellent, meeting the requirements in all respects and providing additional benefits |
| 9 | Excellent, all key requirements have been met to a high standard |
| 8 | Very good, key requirements have been met |
| 7 | Good, most key criteria requirements have been met |
| 6 | Acceptable, many key criteria requirements have been met |
| 5 | Broadly acceptable, meeting requirements in some key areas |
| 4 | Broadly unacceptable, but addresses some requirements in some respects |
| 3 | The response is unacceptable and does not address the key criteria |
| 2 | The response is largely inadequate |
| 1 | The response is wholly inadequate |
| 0 | No response or response is irrelevant |

Your bid should include sufficient information to enable these aspects to be evaluated. Each answer provided within your bid will be scored on the above basis, divided by 10 and then multiplied by its % weighting as provided in the tender response document. The scores for each answer will then be added together to give a total percentage score.

After the initial examination and evaluation of tenders, TRP will interview all tenderers who have passed the suitability assessment stage. Your tender scores may be reviewed and revised in light of your performance at interview.

The tenderer is obliged to submit within the tender document details of all sub-contractors to be employed during the period of the contract for the Works stating the scope of the sub-contractor's responsibility and the company’s name and address.

The Price list provides the breakdown of itemised prices and does not necessarily include all the requisite items for the complete works. It is the tenderer’s responsibility to fully understand the requirement of the scope of the works. Clarification of any point may be obtained by emailing procurement@royalparks.gsi.gov.uk.

Price will be evaluated as follows:

1) Calculate the mean price of the tendering suppliers.

|  |  |
| --- | --- |
| E.g. | Sum of tender Prices |
|  | Number of tender Prices |

2) Calculate the % difference between the tender price and the mean.

|  |  |  |
| --- | --- | --- |
| E.g. | Tender Price – Mean Price x 100 |  |
|  | Mean Price |

3) The mean is given the value of 50.

a) One point is deducted from the tenderer’s score for each percentage point above the mean.

b) One point is added to the tenderer’s score for each percentage point below the mean.

 E.g. % Difference x –1 (round to nearest whole number) + Mean Value (50)

4) Multiply price score by the agreed price weighting.

E.g. Points Score x 60%.