

1 December 2020

## **STATION ROAD CAR PARK, BRUTON, IMPROVEMENTS TO LOWER EVALUATION AND QUALIFICATION CRITERIA**

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This Section contains all the criteria that the Employer shall use to evaluate Tenders and qualify Tenderers in addition to prices in accordance with the ITT: Award Criteria. No other factors, methods or criteria shall be used. The Tenderer shall provide all the information requested.

### **Evaluation Criteria and Methodology**

#### **Alternative Tenders**

#### **Alternative Technical Proposals**

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This is a JCT Design & Build Contract (2016) and therefore the Contractor is required to design the construction works. Such design is not considered as an Alternative Tender.

Tenderers wishing to offer technical alternatives to the technical requirements of the tender documents must first price the Employer's Requirements of the tender documents and shall further provide all information necessary for a complete evaluation of the alternative by the Employer, including, as appropriate, drawings, design calculations, Technical Specifications, breakdown of prices, and other relevant details. Only the technical alternatives, if any, of the lowest evaluated responsive Tenderer shall be considered by the Employer.

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### **Alternative Time for Completion**

Alternative Time for Completion ***shall not*** be permitted.

Evaluation methodology and criteria for Alternative Times for Completion shall be specified.

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### **Discounts**

The Employer will adjust the Tender Price, using the methodology prescribed by the Tenderer in its Letter of Tender. Only those discounts will be taken into account for the tender evaluation purposes that are read out during the Tenders Opening in

accordance with ITT.

In the event of any ambiguity in the Tenderer's methodology, the benefit of the doubt shall be given to the Employer. If a Tenderer does not accept the Employer's determination, its tender shall be declared non-responsive and its tender security shall be forfeited.

### **Determination of Responsiveness**

#### **Nonmaterial Deviations**

Nonmaterial deviations (commercial and technical) in the tender will not constitute cause for rejection but shall be reflected in the evaluation wherever practicable and appropriate. The cost of all nonmaterial quantifiable deviations will be added or deducted to or from the tender price as may be appropriate. A reasonable estimate of the cost will be made by the Employer, taking into consideration the corresponding quotations of other responsive Tenderers or other appropriate market prices. Such costs will be at the Employer's sole discretion. A Tenderer will not be requested or permitted to offer a price adjustment for rectifying such nonmaterial deviations.

Deviations and other factors that are in excess of the requirements of the tender documents or otherwise result in unsolicited benefits for the Employer shall not be taken into account in tender evaluation.

#### **Correction of Mathematical Errors**

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- (a) Where there are errors between the total of the amounts given under the column for the price breakdown and the amount given under the Total Price, the former shall prevail and the latter will be corrected accordingly
- (b) If there is a discrepancy between the unit price and the total price that is obtained by multiplying the unit price and quantity, the unit price shall prevail and the total price shall be corrected, unless in the opinion of the Employer there is an obvious misplacement of the decimal point in the unit price, in which case the total price as quoted shall govern and the unit price shall be corrected;
- (c) If there is an error in a total corresponding to the addition or subtraction of subtotals, the subtotals shall prevail and the total shall be corrected; and
- (d) If there is a discrepancy between words and figures, the amount in words shall prevail, unless the amount expressed in words is related to an arithmetic error, in which case the amount in figures shall prevail subject to (a) and (b) above.

#### **Conversion to a Single Currency**

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Tenders will be evaluated as quoted in £ pounds, sterling.

### **Tender Adjustments**

The adjustment shall be made using the following methodology:

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In evaluating the tenders, the Employer will determine for each tender the evaluated tender price by adjusting the tender price as follows:

- (a) making any correction for errors pursuant to ITT Evaluation and Qualification Criteria
- (b) excluding provisional sums and the provision, if any, for contingencies in the Price Schedules, but including Dayworks, where priced competitively;
- (c) making appropriate adjustments to reflect discounts or other price modifications offered in accordance with ITT; and
- (d) making an appropriate adjustment for any other acceptable variations, deviations in accordance with ITT and Evaluation and Qualification Criteria

### **Qualification of the Tenderer**

#### **Post-qualification**

The Employer will determine to its satisfaction whether the Tenderer selected as having submitted the lowest evaluated responsive tender meets the qualifying criteria specified herein and on the basis of the Letter of Tender and any supplementary information submitted has demonstrated that it is capable of performing the contract satisfactorily.



## Qualification (Without Prequalification)

To be qualified for contract award, the Tenderer must demonstrate to the Employer that it substantially satisfies the requirements regarding eligibility, experience, personnel, equipment, financial position and litigation history, specified below:

### 1 Eligibility

Tenderers shall meet the eligibility requirements: to have no conflict of interest (to be assessed by Letter of Tender).

### 2 Historical non-performance

A consistent history of historical non-performance and/or litigation awards against the Tenderer or any partner of a joint venture may result in rejection of the tender. To be assessed by Letter of Tender.

*Non-performance of a contract did not occur within the last five (5) years prior to the deadline for tenders submission, based on all information on fully settled disputes or litigation. A fully settled dispute or litigation is one that has been resolved under the respective contract, and where all appeal instances available to the Tenderer have been exhausted.*

*Confirmation that there is no pending unresolved litigation against the Tenderer.*

### 3 Financial Situation

#### 3.1 Historical financial performance

The audited balance sheets for the last **5** years shall be submitted and must demonstrate the soundness of the Tenderer's financial position, showing long-term profitability. Where necessary, the Employer will make inquiries with the Tenderer's bankers.

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#### 3.2 Average Annual Turnover

The Tenderer shall have an average annual turnover as prime contractor over the last **5 years**

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of not less than **2.5 times the estimated annual cash flow in the proposed contract.**

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### 3.3 Financial Resources

The Tenderer shall complete Attachment 2, Financial Information, provided in Section IV, Tender Forms, and demonstrate that it has access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means sufficient to meet the construction cash flow for the contract for a period of 4 (four) months, estimated as not less than £100,000, taking into account the applicant's commitments for other contracts.

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## 4 Experience

### 1 Experience

The Tenderer shall demonstrate that it has successful experience as prime contractor in the execution of at least three projects of a nature and complexity comparable to the proposed contract within the last **5** years; in addition, the following specific experience **of working for a local authority.**

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## 5 Personnel

List only key management and specialist positions including their job title and experience in similar works. Do not include all principals or head office personnel who are not key to the Project, and other non-specialist personnel. In addition to the site-based staff, the proposed contract provides for the Works to be designed by the Contractor; particular criteria should be specified for the design personnel that may be proposed by the Tenderer.

