Schedule One (a) – Tenderer Response

Fleming Fund – Independent Evaluation Supplier

Tenderers are required to complete all the sections (taking into consideration the word count limits applied) and return the completed tender to the Authority. Please answer all questions as failure to do so may result in the tender being considered non-compliant and rejected. Where questions do not apply, please mark as “N/a” (Not Applicable) and provide a brief explanation as to why this is so.

1. Organisation details
2. Tenderer name

Please confirm the name of the Tenderer\*:

|  |  |
| --- | --- |
| Tenderer Name: | [Insert Tenderer name here] |

* Full name of organisation tendering (or of organisation acting as the lead contact where a consortium bid is being submitted)

1. Contact details\*

Tenderers must provide contact details for this tender.

|  |  |
| --- | --- |
| Contact Name\* |  |
| Telephone number |  |
| Email address: |  |
| Address: |  |

* Contact is the person responsible for any queries relating to this proposal

1. Organisation details

|  |  |
| --- | --- |
| Registered Office Address |  |
| Company or charity registration number |  |
| VAT registration number |  |
| Name of immediate parent company (if applicable) |  |
| Name of ultimate parent company (if applicable) |  |
| Type of organisation |  |
| If Other, please specify |  |

1. Consortia & Sub-Contracting

Please specify the type of Tenderer that is responding to this opportunity:

|  |  |
| --- | --- |
|  | Tick one box only |
| Type A: An organisation able to provide all the requirements itself |  |
| Type B: An organisation bidding in the role of Lead Contractor and intends to use third parties to provide some of the services |  |
| Type C: An organisation / group able to provide all the requirements as a consortium |  |

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| --- |
| Please indicate the composition of the supply chain, indicating which member of the supply chain will be responsible for which elements of the requirement. (This may be provided diagrammatically.) |
|  |

A consortium can rely on the capacity of other members of the consortium regardless of the legal nature of the link between the different members of the consortium. The Authority may ask for evidence that the resources necessary to perform the contract will be available and may require an undertaking/guarantee to that effect.

Bidders should provide details of the actual or proposed percentage shareholding of the constituent members within the consortium in the response above. If a consortium is not proposing to form a corporate entity, full details of alternative proposed arrangements should be provided.

However, please note the Authority reserves the right to require a successful consortium to form a single legal entity in accordance with the Public Contracts Regulations 2015.

The Authority reserves the right to require a consortium, if successful, to adopt such structure as may be considered by the Authority to be appropriate to the requirements of the contract.

1. Non-UK businesses

Please confirm the following

|  |  |
| --- | --- |
| 1. Is the business registered with the appropriate trade or professional register(s) in the EU member state where it is established (as set of in Annexes IX A-C of Directive 2004/18/EC) under the conditions laid down by that member state) |  |
| 1. Is it a legal requirement in the country where the Tenderer are established to be licensed or a member of a relevant organisation in order to provide the requirement in this procurement |  |

| If the response to A.5(b) is yes, please provide details of what is required and confirm that compliance has been achieved |
| --- |
|  |

1. Grounds for mandatory rejection

In some circumstances, the Authority is required by law to exclude Tenderers from participating further in the procurement.

If “NO” cannot be answered to every section in this question it is unlikely that this application will be accepted.

Please provide a response of “YES” or “NO” to each question below.

| Has your organisation or any directors or partner or any other person who has power of representation, decision or control been convicted of any of the following offences? | Response |
| --- | --- |
| 1. conspiracy within the meaning of section 1 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 of the Public Bodies Corrupt Practices Act 1889 or section 1 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;   ca) 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, 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 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 or section 72 of the Value Added Tax Act 1994 |  |
| * 1. an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice Act 1993; or |  |
| * 1. destroying, defacing or concealing of documents or procuring the execution of a valuable security within the meaning of section 20 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; |  |
| ea) 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; |  |
| eb) 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 |  |
| 1. Any other offence within the meaning of Article 45(1) of the Public Sector Directive as defined by the national law of any relevant State |  |
| 1. For any situation which is similar to (a) through to (f) above (please provide details below) | |
|  | |

1. Grounds for discretionary rejection

The Authority is entitled to exclude from consideration organisations to which any of the following apply, but may allow bidding to proceed.

If you cannot answer “NO” to every question, it is possible that your application will not be accepted.

In the event that any of the following does apply, please set out full details of the relevant incident and any remedial action taken subsequently. The information provided will be taken into account by the Authority in considering whether, or not you will be able to proceed any further in respect of this procurement exercise.

| Is any of the following true of your organisation | Response |
| --- | --- |
| 1. Being an individual   is a person in respect of whom a debt relief order has been made or is bankrupt or has had a receiving order or administration order or bankruptcy restrictions order or a debt relief restrictions order made against him or has made any composition or arrangement with or for the benefit of his creditors or has made any conveyance or assignment for the benefit of his creditors or appears unable to pay, or to have no reasonable prospect of being able to pay, a debt within the meaning of section 268 of the Insolvency Act 1986, or article 242 of the Insolvency (Northern Ireland) Order 1989, or in Scotland has granted a trust deed for creditors or become otherwise apparently insolvent, or is the subject of a petition presented for sequestration of his estate, or is the subject of any similar procedure under the law of any other state) |  |
| 1. Being a partnership constituted under Scots law   has granted a trust deed or become otherwise apparently insolvent, or is the subject of a petition presented for sequestration of its estate |  |
| 1. Being a company of or any other entity within the meaning of section 255 of the Enterprise Act 2002   has passed a resolution or is the subject of an order by the court for the company’s winding up otherwise than for the purpose of bona fide reconstruction or amalgamation, or has had a receiver, manager or administrator on behalf of a creditor appointed in respect of the company’s business or any part thereof or is the subject of the above procedures or is the subject of similar procedures under the law of any other state |  |
| Has your organisation | |
| 1. been convicted of a criminal offence relating to the conduct of his business or profession |  |
| 1. committed an act of grave misconduct in the course of his business or profession |  |
| 1. failed to fulfil obligations relating to the payment of social security contributions under the law of any part of the United Kingdom or of the relevant State in which you are established |  |
| 1. failed to fulfil obligations relating to the payment of taxes under the law of any part of the United Kingdom or of the relevant State in which you are established; |  |

|  |  |
| --- | --- |
| Additional detail | Response |
|  | |
| 1. Is guilty of serious misrepresentation in providing any information referred to within this regulation or regulation 24, 25, 26 or 27, or has not provided such information in response to a request by the contracting authority |  |
| For any situation which is similar to (a) through to (i) above, please provide details below | |
|  | |

1. Organisational size / headcount

Tenderers should note that this response has no weighting and is not evaluated under this Procurement. The response is required from the Tenderer alone.

Please provide details of the Tenderer’s staff numbers. (This is the average annual numbers of both staff and managerial staff employed over the last trading year.)

|  |  |  |
| --- | --- | --- |
|  | Reference Year | Average AWU\*\* |
| The average staff number should be expressed in annual work units (AWU) |  |  |

\*\* Anyone that has worked full-time within the enterprise, or on its behalf, during the reference year counts as one unit. Part-time staff, seasonal workers and those who did not work the full year are treated as fractions of one unit.

1. Financial information

The purpose of the financial information section is to enable the Authority to confirm the identity and financial capacity and standing (and by inference financial capability) of a Tenderer and/or consortium member. It tests the solvency and ability to meet ongoing liabilities as they fall due, and the financial capability to undertake the procurement. The financial evaluation grading (on a simple Pass / Fail basis) relating to financial status is proportionate to the value of the procurement.

This section must be completed by the Tenderer in respect of itself and each consortium party (if a Type C bidding entity (see question A.4)). A Type B (see question A.4) bidding entity need only respond to this section in respect of itself.

Please identify which organisation to which the following details apply:

|  |  |
| --- | --- |
| Organisation Name |  |
| Organisation Status |  |

1. Financial standing

Please provide **one** of the following set out below

|  |  |
| --- | --- |
|  | Status |
| A copy of your audited accounts for the most recent two years |  |
| A statement of turnover, profit & loss account and cash flow for the most recent year of trading |  |
| A statement of your cash flow forecast for the current year and a bank letter outlining the current cash and credit position |  |
| Alternative means of demonstrating financial status if trading for less than a year |  |

1. Additional financial information

Tenderers should provide the information requested in the attached form for all consortia members (if applicable).



1. Technical and Professional Ability (Regulation 25)

Where the Tenderer is a special purpose vehicle and not intending to be the main provider of the services, the requested information should be provided in respect of the **principal** intended provider(s) of the services.

1. Organisational capability (Experience)

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Question | C.1 | Weight | **40%** | Word Limit | **1500**  see response template below |
| Information request | | Please provide details of up to three evaluation contracts from either, or both, the public and private sectors, that are relevant to the Authority’s requirement(s).  In particular, if relevant, contracts with the Department for International Development, other UK government departments or large aid agencies/donors.  If the Bidder is operating in a “management” capacity (e.g. as part / lead of a consortium), then this management integration capability as lead and or managing organisation should be evidenced along with the operational delivery activities. | | | |
| Subject | | Seeks to identify those organisations that have relevant management experience and the suitable tools, processes and governance to deliver the requirement(s) of this contract | | | |
| Criteria | | The Bidder’s response is relevant to this procurement in terms of  - Size  - Complexity  - Value | | | |

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| Tenderer Response / Additional commentary- Please fill in the template below |

(The customer contact should be prepared to speak to the Authority to confirm the accuracy of the information provided below.)

| Contract 1 | Response |
| --- | --- |
| Organisation name |  |
| Customer Contact name, phone & email |  |
| Contract start & completion date | From       to |
| Contract Value |  |
| Brief description of contract (max 500 words) including evidence as to your technical capability in this market | |
|  | |

| Contract 2 | Response |
| --- | --- |
| Organisation name |  |
| Customer Contact name, phone & email |  |
| Contract start & completion date | From       to |
| Contract Value |  |
| Brief description of contract (max 500 words) including evidence as to your technical capability in this market | |
|  | |

| Contract 3 | Response |
| --- | --- |
| Organisation name |  |
| Customer Contact name, phone & email |  |
| Contract start & completion date | From       to |
| Contract Value |  |
| Brief description of contract (max 500 words) including evidence as to your technical capability in this market | |
|  | |

1. Experience of conducting evaluations in the field of Health

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Question | C.2 | Weight | **30%** | Word Limit | **1000** |
| Information request | | Please outline your organisation’s experience in evaluating development programmes within health systems, the delivery of health services and/or initiatives working towards improving International Health Regulation (IHR) capacities.  In particular, if relevant, working on large scale evaluations of interventions targeting health systems and or health or health related service delivery for the Department for International Development, other UK government departments or large aid agencies/donors. | | | |
| Subject | | Bidders’ previous experience delivering evaluations of interventions targeting health systems and/or health or health related service delivery. | | | |
| Criteria | | Bidder’s response demonstrates  -their ability to deliver rigorous assessments in the health field, using appropriate evaluation methods including qualitative and quantitative methods.  - their experience and understanding of the unique challenges and considerations that must be taken into account when conducting evaluations specifically in the field of health, such as an understanding of the different disease burdens faced by different members of society.  -if relevant, their experience of conducting evaluations within international health environments | | | |

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| Tenderer Response |

1. Experience in Low and Middle Income Countries (LMICs) and relevant regions

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Question | C.3 | Weight | **30%** | Word Limit | **1000** |
| Information request | | Please outline your organisation’s experience in evaluating development programmes within LMICs  In particular, if relevant, working on large scale evaluations of interventions taking place across a range of LMICs in Sub-Saharan Africa and Southern and South Eastern Asia for the Department for International Development, other UK government departments or large aid agencies/donors. | | | |
| Subject | | Bidder’s experience in delivering evaluations in a wide range of LMICs, with a focus on the regions of Africa and Asia, including any relevant experience on evaluation in fragile states. | | | |
| Criteria | | Bidder’s response demonstrates  - their ability to deliver rigorous assessments of programmes in LMICs, particularly within relevant regions  -their experience and understanding of the unique challenges and considerations that must be taken into account when conducting evaluations specifically within LMICs, particularly within relevant regions  -their experience of delivering multi-country evaluation programmes and processes over a sustained period of time. | | | |

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| Tenderer Response |

**Tenderers should note the following:**

* **The weightings provided indicate the relative importance of each question (which should be taken into consideration when constructing a response);**
* **Tenderers should reference Section Three, paragraph 6 of Part A of the ITT for further detail.**

1. Solution Proposal

**D.1 Overview**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Question | D.1 | Weight | **None** | Word Limit | **500** |
| Information request | | Bidder must provide a concise summary highlighting the key aspects of their proposal, which is used to contextualise the Bidder’s response.  If relevant, Bidders should also include a brief section on how their bid:  - may support the Authority in meeting Government policy targets around SME’s, sustainability and skills development.  - may utilise equipment compliant with the Energy Efficiency Directive (EED6) to deliver the service  - can evidence a commitment to support the development of skills and apprenticeships through service delivery  - has an ethical approach to supply chain management that supports outcomes such as prompt payment | | | |
| Subject | | Overview | | | |
| Criteria | | This response is not evaluated and is used to contextualise the Bidder’s response. | | | |

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| Tenderer Response / Additional commentary |

**D.2(i) Quality of proposed Project / Delivery Leads(s) to deliver this evaluation**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Question** | D.2 (i) | **Weight** | **15%** | **Word Limit** | **500** |
| **Information request** | | Bidder must provide details of the qualifications, skills and competencies of the individual(s) whose responsibility will be to ensure that the requirement is delivered.  (This may be a Partner, Project Manager, Lead Consultant or similar) | | | |
| **Subject** | | Seeks to establish that the Bidder's Project / Delivery Lead(s) have the appropriate skills, qualifications and expertise for the scope of service delivery requirements | | | |
| **Criteria** | | The Bidder’s response shows that it:  - Has made Project / Delivery Lead arrangements that are sufficient and suitable with individual(s) that have the appropriate expertise and leadership capability to manage the scope of the requirements | | | |

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| Tenderer Response / Additional commentary |

**D.2 (ii) Quality of proposed team to deliver this evaluation**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Question** | D.2 (ii) | **Weight** | **15%** | **Word Limit** | **1000** |
| **Information request** | | Bidder must provide details of the key team members, highlighting the role each will undertake in delivering the requirement, outlining their qualifications, skills and competencies to fulfil the specific roles identified. | | | |
| **Subject** | | Seeks to establish that the Bidder's key team personnel (i.e. those delivering the services) have the appropriate skills, qualifications and expertise for a scope of service delivery requirements | | | |
| **Criteria** | | The Bidder’s response shows that it:  - Has an appropriate balance of resources, with the skills and inputs required, deployed across the team to effectively deliver the programme  - Has given due regard to the diversity and suitability of the proposed team in light of the Fleming Fund evaluation requirements (i.e. the requirement as detailed in part B; Scope of the Fleming Fund Evaluation)  - Has individual team members with expertise within low and middle income countries, and a demonstrable understanding of the developing country context within the team itself.  -Has the expertise relevant to undertaking the required work in both Africa and Asia. | | | |

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| Tenderer Response / Additional commentary |

**D.3 Methodology**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Question** | D.3 | **Weight** | **35%** | **Word Limit** | **2000** |
| **Information request** | | Bidder must provide a methodology detailing how it proposes to fulfil the Authority’s requirements (as described in the Specification). This should include a description of how it is intended to obtain, deliver and sustain the services for all aspects of the requirement. This should also include a proposed design of the methodology for the evaluation, detailing the model, any statistical analysis tools and reporting mechanisms with a specific focus of operating in lower-middle income countries (LMICs). | | | |
| **Subject** | | Seeks to establish that the Bidder has understood the requirements and has a credible plan for delivering successful outcomes | | | |
| **Criteria** | | The Bidder’s response shows that it:  - Has a credible solution  - Has a defined and achievable timeline detailing intervention points and timing of reporting deliverables  - Has considered the approach to working in numerous countries across Sub-Saharan Africa and Asia  - Has considered challenges and risks of evaluating in LMICs  - Has a reasoned proposed strategic approach to evaluating the grants, with regard to how many projects or the whole programme require, for example, full evaluation, light touch approach, deep dive approach.  - Has a quality assurance regime that monitors, measures and assures quality outcomes  -Has outlined the ethical guidelines they will follow in carrying out evaluation activities. | | | |

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| Tenderer Response / Additional commentary |

**D.4 Approach to project management**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Question** | D.4 | **Weight** | **10%** | **Word Limit** | **500** |
| **Information request** | | Bidder must outline the processes it proposes to use in order to fulfil the Authority’s requirements.  Bidder should demonstrate how it will  -Comply with the timetable shown in part B  -Continuously review and manage risks appropriately (including delivery to budget)  -Adhere to the required quality standards  -Comply with reporting requirements and feed into DH and Fleming Fund proposed governance | | | |
| **Subject** | | Seeks to establish that the Bidder has the necessary management and project delivery methods to successfully deliver the Specification | | | |
| **Criteria** | | The Bidder’s response shows that it  - Has the discipline and ability to comply with Fleming Fund timetables  - Has identified the key risks, or has a strong methodology in place to identify risks  - Manages risk appropriately  - Understands and can comply with the quality standards required by the project  - Understands and can comply with the reporting and governance arrangement required by the project | | | |

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| Tenderer Response / Additional commentary |

**D.5 Approach to flexibility**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Question** | D.5 | **Weight** | **10%** | **Word Limit** | **500** |
| **Information request** | | Bidder must indicate how they could adapt their methodology and the practical delivery of the evaluation to react to small or large changes and challenges that are likely when working in challenging environments, such as LMICs.  Bidders must outline the ability to be flexible when working between a range of countries and regions | | | |
| **Subject** | | Seeks to ensure that the Bidder is able to be flexible and adaptable to unforeseen change in elements of the Fleming Fund | | | |
| **Criteria** | | The Bidder’s response show that it  - Has awareness of why flexibility is important when conducting evaluations in a challenging environment  - Has examples of how flexibility in their design/delivery can be achieved  - Has the ability to be flexible in order to handle the evaluation of multiple projects across a number of countries and regions  - Has a strong proposed approach to adapting the evaluation as the Fleming Fund portfolio evolves | | | |

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| Tenderer Response / Additional commentary |

**D.6 Approach to working with multiple stakeholders**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Question** | D.6 | **Weight** | **10%** | **Word Limit** | **500** |
| **Information request** | | Bidder must identify suggested ways of working between the Management Agent, DH and the Bidder during inception phase and design learning loops to be built into the fund reporting mechanism | | | |
| **Subject** | | Seeks to ensure that the Bidder is able to work with partners during the inception phase of the Fleming Fund and maintain a professional relationship with such partners throughout the life of the fund. | | | |
| **Criteria** | | The Bidder’s response shows that it  - Has evidence of an understanding of the inception phase and its governance and can provide options for improvement if deemed necessary.  - Has the skills required to work with multiple partners to design and deliver evaluations  - Has a strong approach to retaining independence while working alongside the Management Agent during inception phase.  - Has the skills required to work with multiple stakeholders, from community organisations, national governments through to multilaterals. | | | |

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| Tenderer Response / Additional commentary |

**D.7 Appendix I- Scenario 1**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Question** | D.7 | **Weight** | **2.5%** | **Word Limit** | **1000** |
| **Information request** | | Bidder must provide a methodology detailing how it proposes to fulfil the Authority’s requirements (as described in the Scenario 1 – Sierra Leone, Africa). | | | |
| **Subject** | | Application of delivery methodology – Africa (Scenario 1) Sierra Leone | | | |
| **Criteria** | | The Bidder’s response shows that it:  - Has a credible solution  - Has considered the approach to working in Africa and can demonstrate application of its methodology to the given scenario | | | |

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| Tenderer Response / Additional commentary |

**D.8 Appendix II- Scenario 2**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Question** | D.8 | **Weight** | **2.5%** | **Word Limit** | **1000** |
| **Information request** | | Bidders must provide a methodology detailing how it proposes to fulfil the Authority’s requirements (as described in the Scenario 2 – Burma, Asia). | | | |
| **Subject** | | Application of delivery methodology – Asia (Scenario 2) Burma | | | |
| **Criteria** | | The Bidder’s response shows that it:  - Has a credible solution  - Has considered the approach to working in Asia and can demonstrate application of its methodology to the given scenario | | | |

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| Tenderer Response / Additional commentary |

The two areas (D9 & D10) below are not weighted but bidders are required to provide a response (see note 1 and 2). The following questions are assessed on a pass / fail basis only, any bid that is scored as a fail for either or both questions D.9 and D.10 will be set aside and will not be considered for further evaluation, or as being eligible for Contract award.

**D.9 (i) Conflict of Interest. Please describe (i) any conflicts of interest**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Question** | D.9 (i) | **Weight** | **P/F** | **Word Limit** | **500** |
| **Information request** | | Please confirm there are no conflicts of interest that you are aware of that would preclude you from undertaking the Fleming Fund Evaluator role | | | |
| **Subject** | | Conflict of Interest | | | |
| **Criteria** | | Any bid that is scored as a fail will be set aside and will not be considered for further evaluation, or as being eligible for Contract award. | | | |

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| Tenderer Response / Additional commentary |

**D.9 (ii) Conflict of Interest. Please describe (ii) how any future conflicts will be managed and mitigated against**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Question D** | D. 9 (ii) | **Weight** | **P/F** | **Word Limit** | **500** |
| **Information request** | | Please provide a description of how you intend to manage any conflict of interests which may arise if you undertake the Fleming Fund Evaluator role | | | |
| **Subject** | | Conflict of Interest | | | |
| **Criteria** | | Any bid that is scored as a fail will be set aside and will not be considered for further evaluation, or as being eligible for Contract award. | | | |

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| --- |
| Tenderer Response / Additional commentary |

**D.10 Duty of Care (DoC)**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Question** | D.10 | **Weight** | **P/F** | **Word Limit** | **1000** |
| **Information request** | | -Bidders are required to confirm their acceptance of Duty of Care responsibility and confirm they have the capability to take on and effectively manage their DoC Responsibilities throughout the life of the contract. Refer to part B for details on DoC.  -Bidders are required to describe their DoC plans which are to include risk management and mitigation; general responsibilities and duties under relevant health and safety law including appropriate risk assessments, adequate information, instruction, training and supervision, and appropriate emergency procedures. | | | |
| **Subject** | | Duty of Care | | | |
| **Criteria** | | Any bid that is scored as a fail will be set aside and will not be considered for further evaluation, or as being eligible for Contract award. | | | |

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| Tenderer Response / Additional commentary |

Note 1: Due to the nature of the Fleming Fund Evaluator activity conflict of interest earns either a Pass or a Fail. DH reserves the right to reject any tTender which, in DH’s opinion, gives rise, or could potentially give rise to, a conflict of interest. The Authority reserves the right to request Tenderers to provide adequate assurance over independence or to disqualify those Tenderers who fail to satisfy the Authority that they have satisfactory conflict of interest management procedures in place.

Note 2: The assessment of your Duty of Care (DoC) plans will be on a Pass / Fail basis and failure to provide the necessary assurances around your DoC capability will see you eliminated from the procurement process.

Please refer to the Supplier Information Note on the DFID website for further information on this Duty of Care to Suppliers Policy http://www.dfid.gov.uk/Work-with-us/Procurement/Duty-of-Care-to-Suppliers-Policy/

Schedule Four – Confidential & commercially sensitive information

1. General
   1. All the information that the Authority supplies as part of this Contract may be regarded as Confidential Information as defined in Condition 1 (Definitions) of Section Three – Conditions of Contract.
   2. The Contractor considers that the type of information listed in paragraph 2.1 below is Confidential Information.
   3. The Contractor considers that the type of information listed in paragraph 2.2 below is Commercially Sensitive Information.
2. Types of Information that the Contractor Considers to be Confidential
   1. Type 1: Confidential information:

|  |  |  |
| --- | --- | --- |
| Information considered confidential | Reason for FoIA exemption  (Include paragraph reference) | Period exemption is sought (Months) |
|  |  |  |
|  |  |  |
|  |  |  |

* 1. Type 2: Commercially sensitive information:

|  |  |  |
| --- | --- | --- |
| Information considered commercially sensitive | Reason for FoIA exemption  (Include paragraph reference) | Period exemption is sought (Months) |
|  |  |  |
|  |  |  |
|  |  |  |

Schedule Five – Administrative instructions

1. Authorisation
   1. The person shown below person shall act as the Authority's Representative on all matters relating to the Contract:

|  |  |
| --- | --- |
| Name | **To be confirmed at Contract Award** |
| Contact Details | **To be confirmed at Contract Award** |

* 1. The Authority's Representative may authorise other officers to act on their behalf.

1. Notices
   1. Any notice the Contractor wishes to send the Authority shall be sent in writing to the Authority's Representative at the address shown in paragraph 1.1 above.
   2. Any notice the Authority wishes to send the Contractor shall be sent in writing to the Contractor's Representative at the address shown in paragraph 4.2 below.
2. Address for Invoices
   1. All invoices shall be sent to the Department addressed to:

Accounts Payable

Room 530

Richmond House

79 Whitehall

London

SW1A 2NS.

* 1. NB. Invoices must be sent to Accounts Payable at the above address. Invoices must not be sent to the Authority’s Representative.

1. Correspondence
   1. All correspondence to the Authority except that for or relating to invoices shall be sent to the following address:

**Paul Eagleton**

**Procurement Services**

**2w56, Quarry House**

**Quarry Hill**

**Leeds**

**LS2 7UE**

* 1. All correspondence to the Contractor shall be sent to the following address:

**Tenderer to provide Address**

[**INSERT ADDRESS**]

Appendix A – Sub-Contractors

All suppliers to the Department of Health are asked to provide details of all sub-contractors that will be used to perform the contract.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Name & Address of Sub-Contractor | | Service performed for Contractor | Provide details of staff numbers[[1]](#footnote-1) | Provide latest year’s turnover |
| Name: |  |  |  |  |
| Address: |  |
| Name: |  |  |  |  |
| Address: |  |
| Name: |  |  |  |  |
| Address: |  |

Appendix B – Parent Company Guarantee

**Tenderers should provide a copy of this form only if a Parent Company Guarantee (PCG) is required. This should be provided on appropriate letter-headed paper and as a separate document.**

**Those organisations that DO NOT require a PCG (to demonstrate financial standing) tick this box:**

PROVISION OF (**DN: INSERT THE DESCRIPTION OF GOODS AND/OR SERVICES**)

With reference to the tender for the above services submitted by [**insert name of Contractor**] (hereinafter referred to as "the Contractor"), as a condition precedent for and in consideration of The Secretary of State for Health, (hereinafter referred to as "the Authority") entering into a contract (hereinafter referred to as "the Contract") with the Contractor for the above services, we, as the Contractor's ultimate holding company do hereby enter into the following unconditional and irrevocable undertakings with the Authority.

These undertakings being on condition that the Authority enters into the Contract with the Contractor for the above services and in consideration of the same:

1. The Contractor shall perform all its obligations contained in the Contract;
2. If the Contractor shall in any respect fail to perform the said obligations contained in the Contract or commits any breach thereof we shall ourselves perform on simple demand by the Authority, or take whatever steps may be necessary to achieve performance of the obligations under the Contract of the Contractor, and shall indemnify and keep indemnified the Authority against any loss, damages, costs and expenses howsoever arising from the said failure or breach for which the Contractor may be liable;
3. We shall not be discharged or released from our undertakings hereunder by any waiver or forbearance by the Authority, whether as to payment, time, performance or otherwise;
4. This guarantee shall be unconditional and irrevocable and shall continue in force, notwithstanding any variations or additions to or deletions from the scope of services to be performed under the Contract, until all the Contractor's obligations thereunder have been performed; and,
5. This document shall be construed and take effect in accordance with English Law and, furthermore, we submit to the jurisdiction of the English Courts.

Completed by: ............................……. Position: ...............................

Name: ..............................…... Date: ...............................

For and on behalf of [**insert name of the Contractor's ultimate holding company**]

N/A Appendix C – Conflicts of Interest

**Note to Bidders- Please do not complete this Appendix. Conflict of interest considerations will be detailed throughout question D9 above.**

**Tenderers have a continuing duty to disclose actual or potential conflicts of interest in respect of itself, its named sub-contractors and / or consortia members.**

**Please describe any (potential) conflicts of interest that the Tenderer has identified and how these will be managed\*:**

If you **DO** **NOT** have any conflicts to declare, please tick this box:

* Tenderers are reminded that failure to identify material conflicts of interest may lead to rejection of its tender response.

Schedule Six – Form of Tender

**Declaration**

**PROPOSAL FOR THE PROVISION OF Fleming Fund – Independent Evaluation Suppler.**

Having examined the proposed Contract comprising of:

1. Part A – Section Two, (Conditions of Contract);
2. Part B – Schedules One, One (a), Two and Six; and
3. Part B – Schedules Four and Five (as amended).

As enclosed in the ITT response dated (**INSERT DATE**). We do hereby tender against the requirements, and terms and conditions of the proposed Contract.

We undertake to keep the tender open for acceptance by the Authority for a period of ninety (90) days from the deadline for receipt of tenders.

We declare that this is a bona fide tender, intended to be genuinely competitive, and that we have not fixed or adjusted the amount of the tender by, or under, or in accordance with, any agreement or arrangement with any other person. We further declare that we have not done, and we undertake that we will not do, any of the following acts prior to award of this Contract:

1. Collude with any third party to fix the price of any number of tenders for this Contract;
2. Offer, pay, or agree to pay any sum of money or consideration directly or indirectly to any person for doing, having done, or promising to be done, any act or thing of the sort described herein and above.

We agree that the Authority may disclose the Contractor's information/documentation (submitted to the Authority during this Procurement) more widely within Government for the purpose of ensuring effective cross-Government procurement processes, including value for money and related purposes.

Unless and until the Tenderer and the Authority have executed a formal agreement, the Authority's acceptance of this tender with all its enclosures shall not constitute a binding contract between us. We understand that you are not bound to accept the lowest price, or any, tender.

Name of person duly authorised to sign tenders:

Date: ..........................................

Signed: ..........................................

in the capacity of: ................................................................

duly authorised to sign tenders for and on behalf of:

............................................................................

By completing this Declaration and submitting your tender, you have agreed that the statements in this Form of Tender are correct.

1. This is the average annual numbers of both staff and managerial staff employed over the last trading year [↑](#footnote-ref-1)