Highways England

Technical Surveys and Testing

Engineering and Construction Short Contract for

570135 A303 B3092 Underbridge VRS survey

Instructions for Tenderers

FOR INFORMATION ONLY

Deadline for Tender submission is 6/3/2020 12:00:00

INSTRUCTIONS FOR TENDERERS FOR

CONTENTS AMENDMENT SHEET

Amend. No.	Revision No.	Amendments	Initials	Date
0	0	Issued with Tender	ET	21/2/20

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1 THE TENDER PERIOD PROCESS

1.1 General

1.1.1 Highways England is seeking to appoint a Contractor to deliver the following project:

Summary of project	
Project title	570135 A303 B3092 Underbridge VRS survey
Pin	570135
Location	A303 B3092 Underbridge
Type of works	VRS survey
Description of the works	VRS survey
Estimated starting date	April 2020
Estimated completion date	May 2020

1.1.2 Full details on the requirements can be found within the Works Information.

1.1.3 These Instructions for Tenderers have been issued to those firms that have passed the Registration Questionnaire which evidences their compliance with Highways England's acceptability criteria for the submission of a tender for the above type of survey.

1.1.4 If you have not passed the Registration Questionnaire then you will need to submit a Registration Questionnaire in addition to the requirements contained in this document. Or if you are interested in providing similar technical surveys and testing to the requirements of this tender, and would like to register your interest to receive notifications of future work, please email nationaltst@highwaysengland.co.uk and they will be able to explain our registration process and requirements.

1.1.5 This tender process seeks to determine the most economically advantageous tender. Please refer to section 3 for the assessment process.

1.1.6 Any queries or request for clarification relating to this tender must be made via the e-sourcing portal by the deadline stated in Annex B.

1.1.7 The contents of these Instructions and of any other documentation sent to Tenderers in respect of this tender process are provided on the basis that they remain the property of Highways England. Tenderers must not release information concerning the tender documents for publication in the press or on radio, television, screen or any other medium. Tenderers must not disclose the fact that they are tendering or release details of the tender

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documents, other than on an "in confidence" basis to those who have a legitimate need to know or whom they need to consult for the purpose of preparing their tender response. Tenderers are required to conduct themselves in good faith in all dealings in relation to this tender process.

1.1.8 Under the Freedom of Information Act 2000 (as amended) ("the Act"), the Environmental Information Regulations 2004 ("EIR") and the Public Contracts Regulations 2015 as amended, Highways England may be obliged (subject to the application of any relevant exemptions and, where applicable, the public interest test) to disclose information relating to the tender process including any tenders received.

1.1.9 Under the Cabinet Office Efficiency Reform Group's Guidance Note dated December 2010 entitled "Transparency – Publication of New Central Government Contracts", or any later revision, Highways England is obliged to publish any contract resulting from this competition, excluding only information which is exempt from disclosure pursuant to the Act along with the EIR and PCR. The decision as to which materials are excluded from publication rests with Highways England in its sole discretion. Highways England's initial view is that the only materials likely to be excluded from publication on this basis are as follows:

- build-ups of the prices in the Price List (but not the total prices)
- EIR information

1.1.10 Tenderers should be aware that Highways England could receive requests for any information relating to this contract or tender. While Highways England reserves its discretion in responding to any such information request, Tenderers are invited to request that certain information is not disclosed or published if to do so would prejudice their commercial interests or is otherwise exempt from disclosure under the Act. Requests for nondisclosure under the Act must accompany the tender and include clear and substantive justification and a time limit when any confidential information could be disclosed. The terms of any confidentiality agreement would, if requested, be available for disclosure. Any request by the Tenderer under this paragraph is for information only and will not be taken into account in the tender assessment process, nor will it form part of any contract between Highways England and the Tenderer.

1.1.11 Tenderers must immediately advise Highways England and seek approval of such change if

(a) their ownership or the ownership of any member of their tendering consortium (or their parent company) changes, or

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(b) any organisation involved in the preparation of this contract is acquired by them or by any member of their consortium (or an associated company).

1.1.12 If Highways England considers that a change in ownership has created a potential conflict or approval is not obtained, Highways England may exclude the Tenderer from the tender assessment and withdraw its Registration Certificate. If excluded, the Tenderer will be notified by the Procurement Officer.

1.1.13 If, at any time after the Registration Questionnaire stage or during the tender process and/or any subsequent contract, there is any change in circumstances which means that information submitted by the Tenderer is no longer correct or the Tenderer's ability to perform the contract materially deteriorates, the Tenderer must immediately inform Highways England in writing. Highways England may undertake any investigation it considers necessary and reserves the right to reconsider the Tenderer's ability to perform the contract and where necessary, disqualify a Tenderer who has previously passed the Registration Questionnaire stage of this procurement process.

1.1.14 Highways England reserves the right to disqualify any Tenderer that fails to inform or advise Highways England in accordance with paragraphs 1.1.11 and 1.1.12.

1.1.15 These Instructions are made in good faith. No warranty is given as to the accuracy or completeness of the information contained in it. Any liability or inaccuracy or incompleteness is expressly disclaimed by Highways England and its advisers. Tenderers are advised to satisfy themselves that they understand all of the requirements of the contract before submitting their tender.

1.1.16 Highways England reserves the right not to accept the lowest or any offer it receives and can cancel, amend or vary the tender process at any point and is not liable for any costs incurred by any tenderer.

1.1.17 Tenderers are deemed to understand fully the processes that Highways England is required to follow under relevant European and UK legislation, particularly in relation to the Public Contracts Regulations 2015 as amended.

1.1.18 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.

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1.1.19 For these purposes, Highways England may disclose within Government any of the Tenderer's documents and information (including any that the Tenderer considers to be confidential and/or commercially sensitive, such as specific bid information) submitted by the Tenderer to Highways England during this tender process. The information will not be disclosed outside Government. Tenderers taking part in this competition consent to these terms as part of the tender process.

1.2 Not used

1.3 Not used

1.4 Form of Contract

1.4.1 The agreement for the works is based on the NEC3 Engineering and construction short contract April 2013 with additional conditions of contract listed in the Contract Data. Highways England is bound by the Public Contract Regulations 2015 and will not enter into any post tender negotiations on the conditions of contract. Any tenderer who is unwilling to accept the terms of the contract will be disqualified from the process.

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2 SUBMISSION OF TENDERS

2.1 General

2.1.1 All tenders must be written in English and priced in Pounds Sterling.

2.1.2 Tenders must be submitted via Bravo and in accordance with these instructions and any tender amendments. The Tenderer must sign the Form of Tender and offers must remain open for acceptance for 90 calendar days from the tender return date.

2.1.3 Documents are to be returned in Microsoft Office 2010 or PDF compatible format. When uploading tender submissions into Highways England's e-Sourcing portal. No file is to be larger than 20MB.

2.1.4 Tenderers must return all information set out in Annex A.

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3 TENDER ASSESSMENT PROCEDURE

3.1 Method

3.1.1 Highways England assessment of tenders will be carried out in two stages. In the first stage there will be a check for tender compliance to assess if the required documentation has been submitted.

3.1.2 In the second stage the Assessment Panel ("the Panel") will assess the proposals and take account of the assessment criteria set out in Annex D and the financial aspect of the tenders.

3.1.3 The Panel will not have access to the financial information until after it has completed the assessment of the Proposals (please refer to Annex C).

3.1.4 During the assessment period, Highways England reserves the right to seek clarification from any or all of the Tenderers solely to assist it in its consideration of their tender but shall be under no obligation to do so.

3.1.5 A tender that:

(a) is not submitted in accordance with these Instructions and the tender documents including any tender amendments,

(b) is qualified or accompanied by statements or a covering letter that might be construed as rendering the tender equivocal or

(c) includes unauthorised alterations or additions made to any component of the tender documents,

may result in the tender being rejected. Highways England's decision will be final.

3.2 Financial Evaluation

3.2.1 The Panel will determine a price score for each compliant Tender with acceptable proposals on the following basis:

(a) the total of the Prices in the Price List and

(b) allowance for the cost of TM associated with the Tenderer's proposed method of working

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3.2.2 The allowance for the cost of the TM will be added to the Tenderer's total of the Prices and the Tenderer with the lowest overall total and acceptable proposal will be awarded the maximum score of 100%. The score of other Tenderers with acceptable proposals will be awarded on a pro-rata basis in the ratio of the lowest total divided by the actual total. For example, if the lowest total was £22,500 and your total was £25,000 you would be awarded a score of 90%. Table 1 below gives an example of how this would affect the prices.

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Table 1 - Worked Example

Description	Tenderer			
	Tenderer 1	Tenderer 2	Tenderer 3	Tenderer 4
Total of the Prices	£25,000.00	£33,400.00	£22,000.00	£45,000.00
Allowance for provision of TM	£10,000.00	£12,000.00	£20,000.00	£5,000.00
Total Cost	**£35,000.00**	**£45,400.00**	**£42,000.00**	**£50,000.00**
Rank	**1**	**3**	**2**	**4**
Percentage Score	**100%**	**77%**	**83%**	**70%**

4 TENDER AWARD

4.1.1 Highways England will consider awarding the contract to the Tenderer with the highest score.

4.1.2 Highways England will inform the successful and unsuccessful Tenderers of its decision including feedback on their tender.

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ANNEXES

ANNEX A - TENDER DOCUMENTS

1 List of Documents included with Invitation to Tender

1.1 The following documents are provided to Tenderers:

	Document Title
1.	Instructions for Tenderers
2.	Contract Data including the *Contractor*'s Offer
3.	Price List
4.	Works Information
5.	Site Information

2 List of Documents to be returned with the Tender.

2.2 Tenderers are to note that all documents below must be completed and returned for their submission to be assessed as compliant. Failure to do so may result in the tender being rejected.

Documents to be returned by Tenderer
Signed and dated Form of Tender
Proposals for Providing the Works - Please refer to Annex C this should include as a minimum: • Programme • Health & Safety submission including a Risk Register
Completed *Contractor's* Offer
A completed priced Price List – See guidance notes below
Any request for non-disclosure relating to Freedom of Information requests
Summary of Insurance policies required for the contract or confirmation that the required Insurances will be provided[1]

3 Price List Guidance

3.3 Tenderers are to provide a priced Price List.

3.4 The *Contractor* is paid in accordance with Clause 50 & 51. The rates and prices entered in the Price List shall be deemed to be the full inclusive value of the work covered by the items.

3.5 Tenderers must price:

[1] A relevant statement is included in the Form of Tender

(a) all items and rates in the Price List,

(b) all items and rates to two decimal places and

(c) all items and rates separately.

3.6 Tenderers should avoid pricing any item as £0.00 (zero) or use terms such as included. Where the Tenderer wishes to price an item in this manner they should provide an explanation in their submitted tender. Where no explanation is provided, Highways England may contact the Tenderer for clarification.

3.7 Tenderers are not permitted to:

(d) cross subsidise any item or rate within any other item or activity in the Price List,

(e) make any assumptions regarding the use or relevance of any item or rate in the Price List or

(f) Add or amend any item in the Price List.

3.8 Tenderers who price on any other basis and/or make any such assumptions will be rejected.

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ANNEX B - INDICATIVE TENDER PERIOD TIMETABLE

Item	Activity	Date	Week
1	Commence Tender process	21/2/2020	
2	Not used		
3	Last Date for Tender Queries	28/2/2020	
4	Tender Return	6/3/2020	
5	Tender Assessment	6/3/2020	
6	Award Contract & Feedback	w/c 23/3/2020	

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ANNEX C - PROPOSALS FOR PROVIDING THE WORKS

1 General

1.1 Tenderers are required to submit their proposals to demonstrate how the Tenderer will Provide the Works and provide assurance to Highways England that they are competent of undertaking the project and capable of managing the risks involved in the project.

1.2 The Proposals are to include:

- a programme which meets with the requirements set out in the Works Information
- A Health & Safety submission which shall cover all requirements set out in Table D1

1.3 The proposals should be no greater than the stated word limit and the page limits are [10] sheets of A4 paper ([20] sides). This page limit includes title pages, drawings, diagrams, flow charts and annexes. All Documents shall be in PDF or in a format compatible with MS Office.

1.4 Tenderers may use A3 paper in lieu of A4, but each A3 sheet will be counted as two A4 sheets. Text must be presented in a font no smaller than 11 point.

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Table D1- Health and Safety Submission Requirements

The Health and Safety Submission shall set out how the Tenderer will fulfil the requirements of the Management of Health and Safety at Work Regulations 1999 and how they will work with others as appropriate (including CDM Regulations 2015 duty holders) and the requirements of BS OHSAS 18001. Tenderers attention is drawn to Annex 2 of the supplementary constraints of the Works Information which sets out specific requirements in relation to Health & Safety. The proposed management arrangements are to include an organogram detailing how the Duty Holders interface under the CDM regulations – addressing both external and internal facing contacts. Evidence shall be provided of the required skills knowledge and experience provided to fulfil these duty holder roles and to demonstrate that the Tenderer is able to deal with the key health and safety issues of the works to be undertaken. The submission shall include details of all of Contractor's proposed resources including any subcontractors (if known at point of Tender). As part of this submission a Risk Register which identifies the key hazards and health and safety risks relevant to the Works and set out the proposed mitigations and measures that will implemented by the duty holders to manage those risks shall be included. The Risk Register shall also cover any of the wider risks the Tenderer identifies as being associated with the project e.g. inclement weather.
Evidence of having managed the key health and safety issues previously in high risk environments such as the highways environment, including local council work, or Network Rail environment (Max 500 words)
Explanation of how shortfalls in experience or risks associated with the Works that have not been managed before, or have been managed but in a low risk environment, will be addressed (if none, state 'none') (Max 500 words)

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ANNEX D - ASSESSMENT OF THE PROPOSALS FOR PROVIDING THE WORKS

1 Marking of the Proposals for Providing the Works

1.1 The Assessment Panel will determine the acceptability of the Tenderer's proposals using the following criteria:

- Does the programme illustrate that the Tenderer can provide the Works using the contract *access date, completion date* and any *key dates*?
- Does the programme cover the tasks/activities required for the project?
- Has the risk register correctly identified and assessed the main risks to achieving Highways England's requirements for the contract, produced appropriate mitigating actions, and have the programme included appropriate allowances for the risks?
- Are the proposed resources adequate for successful delivery of the project?
- Does the Health and Safety submission align with Table D1? Have the key health and safety risks been identified, with suitable mitigation measures detailed to manage the risks? Does the evidence provided give confidence in the tenderers ability to manage the key health and safety risks in a high risk environment? Where there are shortfalls in previous experience, or identified risks which have not been managed before in a high risk environment, does the explanation provided give confidence that the risks will be adequately managed by the tenderer during delivery of the works?

1.2 The proposals must satisfy all the criteria listed in-order to be deemed acceptable.

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ANNEX E - HIGHWAYS ENGLAND FAIR PAYMENT CHARTER AND ANTI BRIBERY & ANTI FRAUD CODES OF CONDUCT

Highways England, working with its suppliers in good faith and in a spirit of mutual trust and respect, is committed to meeting the principles of fair payment, meeting the principles of anti-bribery (as enacted in the Bribery Act 2010 and Ministry of Justice guidance) and working fairly, honestly and with integrity and transparency.

As a supplier to Highways England you are therefore expected to strive to meet the commitments set out in Highways England's Fair Payment Charter and Anti Bribery & Anti Fraud Codes of Conduct which can be located once you log into Bravo File Share:

https://highways.bravosolution.co.uk/web/login.shtml

1) Go to File Sharing> Files> Directories
2) Click on Directory titled 'TST Supplier Area'

Note: Tenderers are not required to return signed copies.

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