



Ministry of Housing,
Communities &
Local Government

10th September 2020

Ref: CDP 004/120/139

Dear Potential Supplier,

INVITATION TO TENDER (ITT) FOR Procurement of an Arts Consultant for a Windrush Monument

I am pleased, on behalf of the Secretary of State for the Ministry of Housing, Communities and Local Government (MHCLG), to invite you to submit a tender for the Procurement of an Arts Consultant for a Windrush Monument.

Your attention is drawn to the ITT Notices and Instructions overleaf. To ensure fairness all Potential Suppliers are required to submit their tenders in accordance with the Notices and Instructions. Failure to do so could invalidate the tender.

I look forward to hearing from you.

Yours faithfully
Joanna Means
Senior Procurement Advisor



ITT NOTICES AND INSTRUCTIONS

1. The Requirement

- 1.1 This ITT covers MHCLG's requirement for The Procurement of an Arts Consultant for a Windrush Monument
- 1.2 The Contract will be for a term of 08 months with the option to extend for up to an additional 12 months dependant on programme delivery and ad hoc consultation needs.
- 1.3 The maximum budget for this requirement is £35,000 (inc VAT). Tenders that are over budget may be considered unaffordable and may be excluded for non-compliance in accordance with clause 15.2 of this ITT document.
- 1.4 The requirement is further described within the Specification at Annex A.
- 1.5 The proposed conditions of Contract are referenced at paragraph 7.3.

2. Registering for e-Tendering and Acknowledgement of Receipt of ITT

- 2.1 Tender documentation will be issued via the Bravo e-Tendering system (located at <https://dclg.bravosolution.co.uk>), so in order to access the full set of documents and place bids you will need to be registered.
- 2.2 If you are not already registered please follow the instructions below to do so:
- 2.3 Register your company on the Bravo eSourcing portal (this is only required once):
 - I. Browse to the eSourcing Portal,
 - II. Click the 'Click here to register' link,
 - III. Accept the terms and conditions and click 'continue',
 - IV. Enter your correct business and user details,
 - V. Note the username you chose and click 'Save' when complete,
 - VI. You will shortly receive an email with your unique password (please keep this secure)
- 2.4 Registration is free and you will then be able to access full details of the tender and download all the accompanying documentation.
- 2.5 Once registered:
 - I. Click the 'ITTs Open To All Suppliers' link. (These are open to any registered supplier).
 - II. Click on the relevant ITT to access the content.
 - III. Click the 'Express Interest' button at the top of the page.
 - IV. This will move the ITT into your 'My ITTs' page. (This is a secure area reserved for your projects only)
 - V. You can now access any attachments by clicking 'Buyer Attachments' in the 'ITT Details' box



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- VI. Click 'My Response' under 'ITT Details', you can choose to:
- 'Create Response', or,
 - 'Decline to Respond' (please give a reason if declining).

2.6 You can now use the 'Messages' function to communicate with the Authority and seek any clarification. Follow the onscreen instructions to complete the ITT. There may be a mixture of online & offline actions for you to perform. You must then submit your reply using the 'Submit Response' button at the top of the page. If you require any further assistance please consult the online help, or contact the eTendering help desk.

2.7 The recipient of this ITT is required to acknowledge receipt of the ITT, state whether or not a tender will be submitted and advise who within the tendering organisation will be responsible handling the tender.

2.8 If the recipient does not wish to submit a tender MHCLG would appreciate if the recipient could also state the reasons for not tendering as this may assist future procurement exercises.

2.9 The acknowledgement should be made via the Bravo Solution portal (<https://dclg.bravosolution.co.uk>) by **24th September 2020**.

3. Use of ITT Documents and Publicity

3.1 All documents contained in this ITT are confidential and must be used solely for the purposes of this ITT. The documents can only be passed on to third parties on a strictly "need to know" basis for the purposes of the Potential Supplier preparing and submitting a tender.

3.2 Potential Suppliers must not undertake any publicity activity regarding the procurement within any section of the media.

4. Questions Arising

4.1 Any questions that the Potential Supplier may wish to pose to MHCLG during the tendering period must be sent via the Bravo Solution portal (<https://dclg.bravosolution.co.uk>). All questions must be submitted by **12:00 PM (Midday) hours on 28th September 2020**. Any questions submitted after this time will not be answered.

4.2 Questions and answers may, at MHCLG's discretion, be provided to other Potential Suppliers. However, such information will remain anonymous as to the source when passed on.

5. Conduct

5.1 The Potential Supplier must not communicate to any person the tender price (even approximately) before the date of the Contract award other than to obtain, in strict confidence, a quotation for insurance required to submit the tender.



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- 5.2 The Potential Supplier must not try to obtain any information about any other person's tender or proposed tender before the date of the Contract award.
- 5.3 The Potential Supplier must not make any arrangements with any other person about whether or not they should tender, or about their tender price. The only exception is where the Potential Supplier is considering a group tender (see paragraph 6 below).
- 5.4 The Potential Supplier must not offer any inducement to any member of MHCLG's staff for doing or refraining from doing any act in relation to the tender.
- 5.5 If the Potential Supplier engages in any of the activities set out this paragraph or if MHCLG considers the Potential Supplier's behaviour is in any way unethical MHCLG reserves the right to disqualify the Potential Supplier from the procurement.

6. Group Tenders

- 6.1 If the Potential Supplier wishes to submit a tender as part of a group or consortium of suppliers, the group or consortium must, prior to Contract award, either nominate a lead party with legal personality or create a single legal entity with whom MHCLG can Contract.
- 6.2 In the event of a tender being submitted by a group or consortium the Potential Supplier must provide an undertaking within the tender that the group or consortium will, when required by MHCLG, nominate a lead party or create a single legal entity which will take on full legal liability for the Contract.

7. Content of Tenders

- 7.1 The Potential Supplier is required to submit a proposal complying with the specified word limits for each question describing how they will meet the requirement set out in the Specification at Annex A having regard to each of the evaluation criterion set out at Annex E.
- 7.2 The Potential Supplier must indicate unequivocal acceptance of the conditions of Contract set out at Annex B. Potential Suppliers should note that the conditions of Contract are standard and MHCLG will not accept any non-compliance.
- 7.4 The Potential Supplier must nominate a Commercial Representative who will be the primary point of contact for this requirement.
- 7.5 The Potential Supplier must provide a quotation for delivering the Contract in accordance with the template at Annex C. All prices in all tender documentation must be in pounds sterling. Estimates are not acceptable.
- 7.6 The Potential Supplier is required to submit a complete and signed Form of Tender in accordance with the template at Annex D.



- 7.7 Where a conflict of interest exists or arises or may exist or arise during the procurement process or following Contract award the Potential Supplier must inform MHCLG and submit proposals to avoid such conflicts.

8. Security and Identity Checks

- 8.1 During the procurement process, MHCLG may undertake security and/or identity checks on personnel requiring unescorted access to MHCLG's premises or IT network. The Potential Supplier must be prepared to provide on request to MHCLG:

- 8.1.1 references covering the previous three years for individuals detailed in the tender requiring unescorted access to MHCLG's premises or IT network; or
- 8.1.2 where an individual has been employed by the Potential Supplier for less than three years, contact details for the individual's previous employer (to enable references to be obtained).

Note: individuals must be prepared to provide documentary evidence substantiating their identity and nationality and to sign a criminal declaration form on request by MHCLG.

9. Due Diligence

- 9.1 While reasonable care has been taken in preparing the information in this ITT and any supporting documents, the information within the documents does not purport to be exhaustive nor has it been independently verified.
- 9.2 Neither MHCLG, nor its representatives, employees, agents or advisors:
- 9.2.1 makes any representation or warranty (express or implied) as to the accuracy, reasonableness or completeness of the ITT and supporting documents; or
 - 9.2.2 accepts any responsibility for the adequacy, accuracy or completeness of the information contained in the ITT and supporting documents nor shall any of them be liable for any loss or damage (other than in respect of fraudulent misrepresentation) arising as a result of reliance on such information or any subsequent communication.
- 9.3 It is the Potential Supplier's sole responsibility to undertake such investigations and take such advice (including professional advice) as it considers appropriate in order to make decisions regarding the content of its tenders and in order to verify any information provided to it during the procurement process and to query any ambiguity, whether actual or potential.

10. Format of Tenders

- 10.1 Tenders must be legible and in English.



10.2 Tenders must be compatible with Microsoft Office 2010.

11. Standards

11.1 Where the Specification refers to an International, European or British standard, the Potential Supplier may offer an equivalent standard, provided that the standard offered contains equivalent guarantees of safety, suitability and fitness for purpose to the standard referred to in the Specification.

12. Green Claims Code

12.1 Any environmental claim made in the tender must comply with the Green Claims Code, which is available at:
<https://www.gov.uk/environmental-claims-and-labels-guidance-for-businesses>

13. Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE")

13.1 The Potential Supplier's attention is drawn to the above regulations. As a successful Potential Supplier may be a potential transferee for the purposes of TUPE, the Potential Supplier should ensure legal advice is sought as to whether TUPE applies to the proposed Contract, and if so, to reflect the financial implications of such a transfer in the tender. If TUPE is deemed to apply then the financial implications are a matter for the Potential Supplier and the incumbent Contractor, not MHCLG.

14. Tender Return and Validity

14.1 The closing date and time for tenders is no later than **12:00 P.M [Mid-day on Friday 2nd October 2020.**

14.2 Tenders must be submitted via the Bravo Solution portal (<https://dclg.bravosolution.co.uk>).

14.3 All tenders received will remain sealed by the Bravo Solution portal. MHCLG will gain access to the tenders once the closing date and time has passed.

14.4 It is the Potential Supplier's responsibility to ensure that the tender arrives no later than the time and date stated above (unless the time and/or date are subsequently amended in writing by MHCLG). Late tenders may be rejected by MHCLG so it is recommended that Potential Suppliers allow sufficient time to upload their completed proposals on to the Bravo Solution portal before the tender deadline.

14.5 The tender must be based upon the conditions and Specification(s) set out in the ITT and must contain all the information requested otherwise it may be rejected on the basis of being unsuitable and non-compliant.

14.6 It is intended that the Contract will be awarded no later than **2nd November 2020**. By submitting a tender, the Potential Supplier agrees that the tender



remains valid for acceptance for a period of 90 days from the tender closing date.

15. Evaluation

15.1 The evaluation procedure is divided into the following key stages, which MHCLG may nevertheless decide to run concurrently;

- Compliance/validation – all Tenders will be checked to ensure compliance with the ITT and that the responses are valid. Non-compliant Tenders may be excluded from this Procurement following completion of this process.
- Award Stage evaluation - All Tenders that pass the Compliance/validation Stage will be assessed against the Award Criteria at Annex E in accordance with paragraph 15.3 below.

15.2 Compliance/validation stage

15.2.1 Prior to commencing the formal evaluation process, Tenders will be checked to ensure they are compliant with the requirements of this ITT and its Annexes. Any non-compliant Tenders may, including in the event further questions are asked or clarification is sought by MHCLG but fail to produce a satisfactory response, be excluded by the MHCLG without proceeding to the next stage of evaluation.

15.2.2 Potential Suppliers who are excluded on grounds of non-compliance will be notified accordingly.

15.3 Award Stage Evaluation

15.3.1 Potential Suppliers whose Tenders pass the compliance checks and mandatory PASS/FAIL question as stated at paragraph 15.2 will proceed to the Award Stage.

15.3.2 The maximum score capable of being achieved by a Potential Supplier will be 100% which is the combined sum of the percentage breakdown for the quality evaluation (set out in paragraph 15.3.3) and the price evaluation (set out in paragraph 15.3.4) respectively as set out below.

QUALITY	PRICE	MAXIMUM SCORE
70%	30%	100%

15.3.3 Quality Evaluation

15.3.3.1 The Quality Evaluation consists of:

- Qualifying Question – assessed on a ‘pass/fail’ basis. If a Potential Supplier receives a ‘fail’ for any of these questions their tender will be excluded from further participation in this Procurement.



- Scoring criteria – assessed in accordance with the Scoring Guidance set out at Annex E. If a Potential Supplier fails to meet any specified minimum threshold stated in the Award Criteria at Annex E their tender will be excluded from further participation in this Procurement.
- The evaluation of each response to the Quality questions will be conducted and consensus checked in accordance with paragraph 15.3.3 (Consensus Marking Procedure).

15.3.4 Consensus Marking Procedure

15.3.4.1 The Consensus Marking Procedure is a two-step process, comprising of:

- Independent evaluation; and
- Group consensus marking.

15.3.4.2 During the independent evaluation process each evaluator will separately (i.e. without conferring with other evaluators) scrutinise the quality of answers given in the Tender. Evaluators will apply the criteria applicable to the question as set out in the evaluation guidance to determine the overall quality of each answer. Each evaluator will then allocate a mark for the answer in accordance with the Scoring Guidance set out at Annex E and will also provide justification for that mark.

15.3.4.3 When the independent evaluation exercise has been completed by all of the evaluators, a group consensus marking exercise will be coordinated by an independent facilitator.

15.3.4.4 During the group consensus meeting, each evaluator will discuss the quality of the answers given to a question and review his/her justification for attributing the score in accordance with the Scoring Guidance set out at Annex E. The evaluators will continue to discuss the answers until a consensus score has been reached.

15.3.4.5 The independent facilitator will record the consensus score and the justification for the consensus score.

15.3.5 Price Evaluation

15.3.5.1 Failure to submit a completed Price Schedule Template at Annex C in accordance with the given instructions, may result in your Tender being deemed as non-compliant. Any Tender which is deemed non-compliant will be excluded



from further participation for the purposes of this Procurement.

- 15.3.5.2 The Price Evaluation will be undertaken by different evaluators to those individuals involved with the Quality Evaluation.
- 15.3.5.3 The Price Schedule at Annex C will be scored in accordance with the Authority's 'Lowest Cost Price Scoring' methodology.
- 15.3.5.4 The Authority will evaluate the total fixed prices submitted by the Potential Suppliers. The Tender with the lowest total fixed price achieves the maximum score and all other Tenders are reduced by reference to the lowest price using the formula below.

$$\frac{\text{Lowest Price Tendered}}{\text{Tender price}} \times \text{Maximum Score Available}$$

15.3.6 Final Score

- 15.3.6.1 The Quality Score awarded will be added to the Price Score to determine the final score for each Potential Supplier ("Final Score").
- 15.3.6.2 Where the Final Score achieved by multiple Potential Suppliers ranks them equal, then the scores for each sub-criterion in order of importance will be considered. Where the sub-criteria are of equal weight an average of the scores across those criteria will be taken.



16. Acceptance of Tender and Notification of Award

- 16.1 MHCLG reserves the right to amend, add to or withdraw all, or any part of this ITT at any time during the procurement.
- 16.2 MHCLG shall not be under any obligation to accept the lowest price tender or any tender and reserves the right to accept such portion or portions as it may decide (unless the Potential Supplier includes a formal statement to the contrary in the tender). MHCLG also reserves the right to award more than one Contract to fulfil the requirement.
- 16.3 The Potential Supplier will be notified of the outcome of the tender submission at the earliest possible time and will be afforded the opportunity of receiving feedback.
- 16.5 Nothing in the documentation provided by MHCLG to the Potential Supplier during this procurement or any communication between the Potential Supplier and MHCLG or MHCLG's representatives, employees, agents or advisors shall be taken as constituting an offer to Contract or a Contract. No tender will be deemed to have been formally accepted until the successful Potential Supplier has received a formal Contract award letter from MHCLG.

17. Tender Costs

- 17.1 Potential Suppliers must obtain for themselves at their own responsibility and expense all information necessary for the preparation of tenders. MHCLG is not liable for any costs incurred by the Potential Supplier as a result of the tendering procedure. Any work undertaken by the Potential Supplier prior to the award of Contract is a matter solely for the Potential Supplier's own commercial judgement.

18. Freedom of Information

- 18.1 In accordance with the obligations and duties placed upon public authorities by the Freedom of Information Act (FoIA) and the Environmental Information Regulations (EIR) and in accordance with any government Code of Practice on the discharge of public authorities' functions under the FoIA, all information submitted to the Authority may be disclosed under a request for information made pursuant to the FoIA and the EIR.
- 18.2 A Potential Supplier should note that the information disclosed pursuant to a FoIA or EIR request may include, but is not limited to, the disclosure of its Tender (including any attachments or embedded documents) and/or any score or details of the evaluation of its Tender.
- 18.3 If the Potential Supplier considers any part of its Tender or any other information it submits to be confidential or commercially sensitive, the Potential Supplier should:
 - 18.3.1 clearly identify such information as confidential or commercially sensitive;



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- 18.3.2 explain the potential implications of disclosure of such information taking into account and specifically addressing the public interest test as set out in the FoIA; and
- 18.3.3 provide an estimate of the period of time during which it believes that such information will remain confidential or commercially sensitive.
- 18.4 If the Potential Supplier identifies that part of its Tender or other information it submits is confidential or commercially sensitive, the Authority in its sole discretion will consider whether or not to withhold such information from publication. The Potential Suppliers should note that, even where information is identified as confidential or commercially sensitive, the Authority may be required to disclose such information in accordance with the FoIA or the EIR.
- 18.5 The Authority is required to form an independent judgement of whether the Potential Supplier's information referred to in paragraph 18.4 is exempt from disclosure under the FoIA or the EIR and whether the public interest favours disclosure or not. The Authority cannot guarantee that any information indicated as being confidential or commercially sensitive by the Potential Supplier will be withheld from publication.
- 18.6 If the Potential Supplier receives a request for information under the FoIA or the EIR during and in relation to this Procurement, it should be immediately referred to the Authority.

19. Transparency

- 19.1 Potential Suppliers should be aware that in accordance with the Government's transparency agenda, it is MHCLG's intention to publish the resultant Contract (except any information which is exempt from disclosure in accordance with the provisions of the FOIA or EIR) on the Contracts Finder website <https://www.gov.uk/contracts-finder>

20. Proposed Timetable

- 20.1 Set out below is the proposed procurement timetable. This is intended as a guide. Should it be necessary, MHCLG reserves the right to deviate from this at any stage.

DATE	ACTIVITY
10 th September 2020	Release of ITT
11 th September 2020	Clarification period starts
28 th September 2020	Clarification period closes
30 th September 2020	Deadline for the publication of responses to Tender Clarification questions
24 th September 2020	Deadline to acknowledge intention to submit a Tender



DATE	ACTIVITY
2 nd October 2020	Deadline for submission of Tenders ("Tender Submission Deadline")
5 th October – 31 st October 2020	Evaluation period
W/C 2 nd November 2020	Prospective contract award date.
W/C 9 th November 2020	Prospective commencement date for Contract

ANNEXES

ANNEX A – SPECIFICATION
ANNEX B – CONTRACT TERMS AND CONDITIONS
ANNEX C – PRICE SCHEDULE TEMPLATE
ANNEX D – FORM OF TENDER
ANNEX E – AWARD CRITERIA AND SCORING GUIDANCE
ANNEX F - PRE-MARKET ENGAGEMENT MINUTES – AUGUST 2020
ANNEX G – WAYS OF WORKING BRIEF