



Invitation to Tender (ITT)

Brief on the redesign & replacement of the Sewage Transfer System on HMS Warrior

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1. Summary Instructions and Details of Contract

SUBJECT	DETAILS
Contract Description	A contract for the redesign and installation of a new sewage system (For Specification on the Scope of Work and Deliverables see Annex 1)
Programme	To be completed as part of a programme to upgrade, where necessary, and simplify the maintenance of the pipe-runs on HMS <i>Warrior</i>
NMRN Contact during tender period	Clarifications and enquiries during the tender process can be sent to HST.procurement@nmrn.org.uk . Please note that this email address is different to the submission email.
Date of Tender Return	09/11/2017 – 12.00 Tender's must be submitted to tenders@nmrn.org.uk
Content for Submission	Content requirements for tender returns are listed in Annex 2 of this ITT.
Last date for Clarifications	03/11/2017
Annexes	Annex 1 – Tender Specification Annex 2 – Supplier Response Documents Annex 3 – Pricing Approach Annex 4 – Tender Conditions & Contractual Requirements Annex 5 – Terms and Conditions of Contract (separate document)

2. Company Overview

2.1 The National Museum of the Royal Navy (NMRN) spans a number of Museums across the UK, detailing the past, present and future of the Royal Navy. The Museum boasts the largest fleet of historic vessels in the world, the most well-known being HMS *Victory*, HMS *Caroline*, HMS *Trincomalee* and HMS *Alliance*. These ships are managed and cared for by the Historic Ships and Heritage Directorate who promote Heritage Best Practise in the conservation and care of historic vessels.

3. Project Introduction & Overview

3.1. HMS *Warrior* is a museum ship based at Portsmouth Historic Dockyard. The NMRN took over the care of HMS *Warrior* in the summer of 2017. The ship is open to the public all year round. It supports offices with NMRN staff and volunteers as well as a programme of large events.

3.2 It became apparent very quickly that the macerator and sewage system onboard HMS *Warrior* is not suitable to requirements. It is complex and difficult to maintain, with frequent blockages and overflowing.

3.2 In response to this, the NMRN want to commission a contractor to redesign, supply, install and commission the proposed new system over the low visitor season for the Museum (Late December 2017 – Mid-January 2018)

3.3 The purpose and scope of this ITT and its supporting documents is to explain in further detail the requirements of the NMRN and the procurement process for submitting a tender proposal.

4. Tender Process (“Procurement Process”)

This section explains the Procurement Process for tenderers before the submission deadline and the evaluation of tenders after submission. Further information on Tender Conditions & Contractual Requirements are found in Annex 4 and must be read before submission.

4.1 Applying before the Submission Deadline

4.1.1 Work Specification

For a full, detailed specification of the services required refer to Annex 1.

4.1.2 Key background documents

Further relevant background documents may be provided to the potential suppliers on request.

The following additional documentation / information can provided as part of this ITT:

- David Wade, 20155; *Sewage Transfer System Survey & Report*

Consultations and site visits are available for contractors before tender submission. Please contact HST.Procurement@NMRN.org.uk to arrange.

4.1.3 Timescales

Subject to any changes notified to potential suppliers by the NMRN in accordance with the Tender Conditions, the following timescales shall apply to this Procurement Process:

Activity	Date / time
Issue of Contract Notice / availability of ITT documents	09/10/2017
Deadline for clarification questions (Clarification Deadline)	03/11/2017
Deadline for submission of ITT responses by potential suppliers (Tender Response Deadline)	09/11/2017 – 12.00
Award decision standstill letters issued	15/11/2017
Contract concluded with winning supplier	27/11/2017
Contract start date	28/11/2017

4.2. Instructions for Submitting Tenders

4.2.1 The documents that must be submitted to form your tender response are listed in Annex 2 (Supplier Response) to this ITT.

4.2.2 Tender submissions must be sent to tenders@nmrn.org.uk before the submission deadline.

4.2.3 The following requirements should be complied with when submitting your response to this ITT:

- Please ensure that you send your submission in good time to prevent issues with technology – late tender responses may be rejected by the NMRN.
- Please ensure that information provided as part of your response is of sufficient quality and detail that an informed assessment of it can be made by the NMRN.
- Do not submit any additional supporting documentation with your ITT response except where specifically requested to do so as part of this ITT. PDF, JPG, PPT, Word and Excel formats can be used for any additional supporting documentation (other formats should not be used without the prior written approval of the NMRN).
- All attachments/supporting documentation should be provided separately to your main tender response and clearly labelled to make it clear as to which part of your tender response it relates.
- If you submit a generic policy / document you must indicate the page and paragraph reference that is relevant to a particular part of your tender response.
- Unless otherwise stated as part of this ITT or its Annexes, all tender responses should be in the format of the relevant NMRN requirement with your response to that requirement inserted underneath.
- Where supporting evidence is requested as 'or equivalent' – you must demonstrate such equivalence as part of your tender response.
- Any deliberate alteration of an NMRN requirement as part of your tender response will invalidate your tender response to that requirement and for evaluation purposes you shall be deemed not to have responded to that particular requirement.
- Responses should be concise, unambiguous, and should directly address the requirement stated.
- Your tender responses to the tender requirements and pricing will be incorporated into the Contract, as appropriate.

4.3. Clarification Requests

4.3.1 All clarification requests should be submitted to HST.Procurement@NMRN.org.uk by the Clarification Deadline, as set out in the Timescales section of this ITT. The NMRN is under no obligation to respond to clarification requests received after the Clarification Deadline.

4.3.2 Any clarification requests should clearly reference the appropriate paragraph in the ITT documentation and, to the extent possible, should be aggregated rather than sent individually.

4.3.3 The NMRN reserves the right to issue any clarification request made by you, and the response, to all potential suppliers unless you expressly require it to be kept confidential at the time the request is made. If the NMRN considers the contents of the request not to be confidential, it will inform you and you will have the opportunity to withdraw the clarification query prior to the NMRN responding to all potential suppliers.

4.3.4 The NMRN may at any time request further information from potential suppliers to verify or clarify any aspects of their tender response or other information they may have provided. Should you not provide supplementary information or clarifications to the NMRN by any deadline notified to you, your tender response may be rejected in full and you may be disqualified from this Procurement Process.

4.4. Evaluation Criteria

4.4.1 You will have your tender response evaluated as set out below:

Stage 1: Tender responses will be checked to ensure that they have been completed correctly and all necessary information has been provided. Tender responses correctly completed with all relevant information being provided will proceed to Stage 2. Any tender responses not correctly completed in accordance with the requirements of this ITT and/or containing omissions may be rejected at this point. Where a tender response is rejected at this point it will automatically be disqualified and will not be further evaluated.

Stage 2: If a bidder succeeds in passing Stage 1 of the evaluation, then it will have its detailed tender response to the NMRN's requirements evaluated in accordance with the evaluation methodology set out below.

4.4.2 Award Criteria – Responses from potential suppliers will be assessed to determine the most economically advantageous tender using the following criteria and weightings and will be assessed entirely on your response submitted:

Criteria	Weighting
Quality of Method & Approach	70%
Commercial/ Value for Money	30%

4.4.3 Scoring Model – Tender responses will be subject to an initial review at the start of Stage 2 of the evaluation process. Any tender responses not meeting mandatory requirements or constraints (if any) will be rejected in full at this point and will not be assessed or scored further. Tender responses not so rejected will be scored by an evaluation panel appointed by the NMRN for all criteria other than Commercial using the following scoring model:

Points	Interpretation
0	<p>Very Poor (does not meet any of the requirement) or Very High/Extreme Risk</p> <p>The response is significantly below what would be expected because of one or all of the following:</p> <ul style="list-style-type: none"> • The response indicates a significant lack of understanding • The response fails to meet the requirement
1	<p>Poor (meets some of the requirement) or Above Average/High Risk</p> <p>The response meets elements of the requirement but gives concern in a number of significant areas. There are reservations because of one or all of the following:</p> <ul style="list-style-type: none"> • There is at least one significant issue needing considerable attention • There is insufficient evidence to demonstrate competence or understanding • The response is light and unconvincing
4	<p>Fair (meets most, but not all the requirement) or Average Risk</p> <p>The response meets most of the requirement, but there is a least one significant issue of concern or several smaller issues. These would require some further clarification or attention later in the procurement process and may arise through lack of demonstrated capability and/or appropriate evidence. The response therefore shows:</p> <ul style="list-style-type: none"> • Basic understanding of the requirements • Sufficient competence demonstrated through relevant experience • Some areas of concern that require attention
7	<p>Good (meets the requirement) or Low Risk</p> <p>The response broadly meets what is expected for the criteria. There are no significant areas of concern, although there might be limited minor issues that need further exploration or attention later in the procurement process. The response therefore shows:</p> <ul style="list-style-type: none"> • Good understanding of the requirements • Sufficient competence demonstrated through relevant experience • Some insight demonstrated into the relevant issues.
9	<p>Very Good (exceeds the requirement) or Very Low Risk</p> <p>The response exceeds what is expected for the criteria. Leave no doubt as to the capability and commitment to deliver what is required. The response therefore shows:</p> <ul style="list-style-type: none"> • Very good understanding of the requirement • Considerable competence demonstrated through relevant experience • Considerable insight into the relevant issues <p>The response is also likely to propose additional value in several respects above that expected</p>

4.4.4 Quality & Method of Approach Evaluation – The Quality & Method of Approach will be evaluated using the following criteria by the evaluation panel:

- Relevant skills and experience in performing surveying, designing and installing sewage systems, ideally within a maritime environment.
- Understanding of the Brief
- Quality of Method Statement and Approach.

4.4.4 Commercial Evaluation – Your “Overall Price” (as calculated in accordance with requirements of Annex 2 (Pricing Approach) for the goods and/or services will be evaluated by the evaluation panel for the purposes of the commercial evaluation. Prices must not be subject to any pricing assumptions, qualifications or indexation not provided for explicitly by the NMRN as part of the pricing approach. In the event that any prices are expressed as being subject to any pricing assumptions, qualifications or indexation not provided for by the NMRN as part of the pricing approach, the NMRN may reject the full tender response at this point. The NMRN may also reject any tender response where the Overall Price for the goods and/or services is considered by the NMRN to be abnormally low following the relevant processes set out under the EU procurement rules. A maximum offer score will be awarded to the tender response offering the lowest “Overall Price”.

4.4.5 Moderation and application of weightings – The evaluation panel appointed for this procurement will meet to agree and moderate scores for each award criteria. Final scores in terms of a percentage of the overall tender score will be obtained by applying the relevant weighting factors set out as part of the award criteria table above. The percentage scores for each award criteria will be amalgamated to give a percentage score out of 100.

4.4.6 The winning tender response – The winning tender response shall be the tender response scoring the highest percentage score out of 100 when applying the above evaluation methodology

Annex 1 - Tender Specification

The following sets out a full, detailed specification of the services required by the potential supplier as part of this ITT.

1. Scope of Work

1.1 The NMRN want to commission a supplier to redesign, supply, implement and commission a new macerator system on HMS *Warrior*.

2. Deliverables

2.1 Propose New Design,

2.1.1 The supplier will propose a newly designed sewage system for HMS *Warrior* starting at the mains supply and including all associated pipework, fittings and electrics for the system.

2.1.2 The redesign must include the following:

- Removal of sanitary ware by existing staff mess, with the view that this is not reinstated in the new-design
- The design must be in accordance with current legislation and regulations
- A clear understanding of maximising ease of maintenance requirements, such as increasing the number of rodding eyes, isolation points and the possible use of a design which can quickly undergo repair, such as “off the shelf”.
- Upgrade, if necessary, the jetty pipework back to connection with mains
- Relocate mains water bypass valve on Jetty from in front of former Tourist Information Office to a more accessible location in the event of an emergency or future maintenance.
- Have the capacity to work to requirement, namely:
 - For office use by NMRN employees
 - For large on board events with over 250 guests within the space of 2 hours

2.1.3 The dismantling of the existing macerator and the design of the new system must reduce any chance of impact or damage to the historic fabric of the vessel. This means that the design must not involve the drilling of new holes or fittings into the vessel. Instead the supplier must work closely with the Museum to consider a design which can utilise current holes or be non-interventive to the ship. No design or installation of a system can be installed without prior approval by the NMRN. Any last-minute alterations must be referred back to the NMRN and approval received.

2.2 Installation

2.2.1 The contractor must supply and install the re-designed system. This must involve:

- The removal and disposal of existing machinery and pipework where proposed
- Full deep clean of the internal hull in the vicinity of the existing macerator and wherever black-water may have leaked in the past, with guidance from the Ship’s Conservator when dealing with the cleaning of historic surfaces
- Reduce impact on the everyday running of the vessel as a visitor attraction

2.3 Commission

2.3.1 To minimise disruption to the running of the ship to staff and visitors, the NMRN wish for the removal of the current system and the installation of the new system to take place from mid-December 2017 through to mid-January 2018.

2.3.2 The NMRN will require the system to be fully commissioned and live by the first large on board event of the new year which is scheduled for the 25th January 2018.

2.3.3 Accompanying this commissioning, the supplier will be required to provide:

- Full certification of the systems compliance with regulations
- A full draw up of the “as fitted” system, showing points for access and maintenance, with emergency shut down instructions. Line drawings of the ship will be provided to the supplier.
- A full 10 year maintenance programme, offering costs for continued survey and maintenance over the next 3 years.

2 Additional Requirements

3.1 Skills

3.1.1 The potential supplier will have previous experience designing, supplying and installing sewage systems within a marine environment.

3.2 Heritage Best-Practise

3.2.1 The supplier will be working within areas of the ships which have historically significant material, such as walls, fittings and decking. Extra care must therefore be exercised when working within this environment.

3.2.2 The dismantling of the exiting macerator and the design of the new system must reduce any chance of impact or damage to the historic fabric of the vessel. This means that the design must not involve the drilling of new holes or fittings into the vessel. Instead the supplier must work closely with the Museum to consider a design which can utilise current holes or be non-interventive to the ship. No design or installation of a system can be installed without prior approval by the NMRN. Any last-minute alterations must be referred back to the NMRN and approval received.

3.2.3 For further information of the approach the NMRN takes on the care of its historic ships, the supplier can reference National Historic Ships, *Conserving Historic Vessels* (2010) and Historic England; <https://historicengland.org.uk/images-books/publications/conservation-principles-sustainable-management-historic-environment/>].

3.3 Impact to the Visitor

3.3.1 The supplier is required to reduce impact on the vessel which is open to the public and also holds staff offices for the NMRN and regular events. The supplier is therefore required to demonstrate how they will minimise impact on the running of the ship throughout the contract.

3.3.2 This impact involves:

a) On the public: Removal of existing system and installation of new system (piperuns etc) will, in some areas, impact on the visitor route. How will the contractor reduce this impact?

b) On the staff and events: How will the contractor reduce impact on the staff and for events onboard if the system is shut off and is being replaced?

3.4 Materials

3.4.1 The supplier will provide all materials for the redesign, removal and installation of the system. This will include any lifting material or transport vehicles when working on and off the ship.

3.5 Safe Access

3.5.1 To access and work within the relevant spaces within the ship, the supplier will comply with IOSH Health and Safety standards.

3.5.2 Further to this, the supplier will confirm certification for Work in Confined Spaces and full up-to-date inoculations to work with the macerator.

3.5.3 Please also note that vehicles are not permitted on the Warrior jetty after 10.00 or before 17.00 as the site is open to the public.

Annex 2 – Supplier Response

Part 1: Checklist

Below is a checklist of the desired content of the tender response to this ITT, in reference to the Specification in Annex 1:

Ref	Content	Ref	Detail	✓
1	CVs & Qual.s	1.1	The professional skills and qualifications of people involved in the project, including the names and CV's of proposed team members, their specific responsibilities and any arrangements for subcontracting.	<input type="checkbox"/>
2		Methods	2.1	Specify how the potential supplier will go about planning and executing the referenced tasks in Annex 1, namely;
	2.3		The re-design proposal	<input type="checkbox"/>
	2.4		The supply and installation	<input type="checkbox"/>
	2.5		The commissioning	<input type="checkbox"/>
3	H & S		3.1	How the contractor aims to comply with H & S IOSH standards. Please provide detailed description of your method for each deliverable, together with a template example of a Risk Assessment.
		3.2	Provide relevant H & S Qualifications, such as First Aid, Confined Space Training and Working at Height.	<input type="checkbox"/>
		3.3	Include confirmation of inoculations	<input type="checkbox"/>
4	Heritage Best-Practise	4.1	How the consultant will exercise conservation best practise (NHS; 2010, Historic England; 2008), including but not limited to mitigating risk of damage to the vessel during works	<input type="checkbox"/>
5	Schedule Work Programme	5.1	Scheduled work programme (in days) for all stages of the work with milestones and dates, including but not limited to; RAMS, Exclusion Zones & Consultations	<input type="checkbox"/>
			Stage 1 – Design	<input type="checkbox"/>
			Stage 2 – Supply & Install	<input type="checkbox"/>
			Stage 3 – Draft of Maintenance programme and costs	<input type="checkbox"/>
			Stage 4 - Commission	<input type="checkbox"/>
		5.2	How the supplier will reduce impact on the running of the ship.	<input type="checkbox"/>
6		Costs (see Annex 4 for Pricing Approac	6.1	A breakdown of costs for the work and materials as specified in Annex 1.
	6.2		Any travel, subsistence and accommodation cost for the work proposed in Annex 1.	<input type="checkbox"/>
	6.3		Schedule of hourly rates for the proposed labour, including sub-contractors	<input type="checkbox"/>

	h)			
7	Insurance	7.1	Full extent of professional insurance or indemnity cover	<input type="checkbox"/>

Part 2: Confidential/Commercially Sensitive Document Template

Below is a recommended template to allow potential suppliers to indicate any confidential/commercially sensitive information in accordance with the requirements of the Confidentiality and Information Governance section of this ITT.

Specify the precise elements which are considered confidential and/or commercially sensitive
Why do you consider an exemption under the POIA or EIR would apply?
Specify the estimated length of time during which the exemption will apply

Annex 3 – Pricing Approach

The following sets out information and a recommended template for the content and format of the pricing proposals for a bid.

Information

The potential supplier is requested to use terminology consistent with this ITT.

All pricing should be in Pound Sterling (GBP) and Exclusive of VAT.

As part of this ITT the NMRN require two types of pricing proposals;

- 1) A breakdown of costs for the works specified within this ITT (see Annex 1)
- 2) A breakdown of hourly costs for the supplier and any subcontractors, including any travel, subsistence and accommodation.

Template

- 1) A breakdown of costs for the works specified within this ITT

The following is a template for the fee proposal breakdown. It is recommended that this breakdown should include reference the scheduled works programme, bringing in milestones and dates. Please note this template is a guidance document and therefore is not all encompassing. Stages and Tasks can be added or removed by tenderers where seen fit:

Item	Description	Staff Member	Days	Cost (£) (Lump Sum)	Program & Milestone
1	Stage 1 – [insert]				
1.1	[detail stage 1]		0.25	£X	Week commencing (w/c)
1.2			-		w/c -
2	Stage 2				
2.1					w/c
2.2					
2.3					
	<i>Half-way stage invoice</i>				
3	Stage 3				
3.1					w/c
3.2					
4	Stage 4				
4.1					
4.2					
5	Stage 5				
5.1					
6	Revisions to draft				
7	Publication & Printing				
8	Submission of final				

	<i>Final invoice</i>				
TOTAL (EXC. VAT)			X Days	£X	w/c – w/end

- 2) A breakdown of hourly costs for the supplier and any subcontractors, including travel, subsistence and accommodation.

Below is a desired template of daily rate costs from the supplier and their sub-contractors:

Staff Member	Daily Rate (£)	Travel (per day or per visit) (£)	Accommodation (per night) (£)	Subsistence (per day) (£)
	£X	£X	£X	£X
	£X	£X	£X	£X
	£X	£X	£X	£X

Annex 4 – Tender Conditions & Contractual Requirements

1. Contracting requirements

1.1 The contracting authority is NMRN Operations, or any NMRN subsidiary companies and other organisations that control or are controlled by the NMRN from time to time.

1.2 The appointed supplier will be expected to travel to NMRN Portsmouth.

1.3 The NMRN's contracting and commercial approach in respect of the required goods and/or services is set out at Annex 5 (Terms and Conditions of contract) ("**Contract**"). By submitting a tender response, you are agreeing to be bound by the terms of this ITT and the Contract without further negotiation or amendment.

1.4 The Contract awarded will be for a duration as quantified by the tenderer during the tendering process with an option for an extension if the need arises and on permission by the NMRN.

1.5 In the event that you have any concerns or queries in relation to the Contract, you should submit a clarification request in accordance with the provisions of this ITT by the Clarification Deadline (as defined below in the Timescales section of this ITT). Following such clarification requests, the NMRN may issue a clarification change to the Contract that will apply to all potential suppliers submitting a tender response.

1.6 The NMRN is under no obligation to consider any clarifications / amendments to the Contract proposed following the Clarification Deadline, but before the Tender Response Deadline (as defined below in the Timescales section of this ITT). Any proposed amendments that are received from a potential supplier as part of its tender response shall entitle the NMRN to reject that tender response and to disqualify that potential supplier from this Procurement Process.

2. Policy Requirements

2.1 By submitting a tender response in connection with this Procurement Process, potential suppliers confirm that they will, and that they shall ensure that any consortium members and/or subcontractors will, comply with all applicable laws, codes of practice, statutory guidance and applicable NMRN policies relevant to the goods and/or services being supplied.

2.2 For the successful delivery of the work the tenderer should have an in-depth understanding of designing and installing sewage systems within the marine environment.

2.3 The tenderer must exercise full awareness in the appropriate practises of working within a historic marine environment: **Conserving Historic Vessels**, National Historic Ships (2010), **Conservation Principles, Policies & Guidance**, Historic England (2008) [<https://content.historicengland.org.uk/images-books/publications/conservation-principles-sustainable-management-historic-environment/conservationprinciplespoliciesguidanceapr08web.pdf/>]. Any methods used will not pose a risk to the historic material. All intended material intervention must be notified to the NMRN as part of the tender process and receive written consent before work commences.

2.4 The tenderer must also comply with IOSH Health & Safety Standards when on the NMRN's site and when undertaking the tendered work [<http://www.iosh.co.uk/>]. When working in confined spaces or at height, the contractor and/or any sub-contractor must have the necessary relevant training in confined spaces and/or working at height before work commences.

2.5 The Copyright of any information and/or data generated by the awarded supplier as part of the works as set out in this ITT shall be considered as under the ownership of the NMRN.

3. General Tender Conditions (“Tender Conditions”)

3.1 Application of these Tender Conditions – In participating in this Procurement Process and/or by submitting a tender response it will be implied that you accept and will be bound by all the provisions of this ITT and its Annexes. Accordingly, tender responses should be on the basis of and strictly in accordance with the requirements of this ITT.

3.2 Third party verifications – Your tender response is submitted on the basis that you consent to the NMRN carrying out all necessary actions to verify the information that you have provided, and the analysis of your tender response being undertaken by one or more third parties commissioned by the NMRN for such purposes.

3.3 Information provided to potential suppliers – Information that is supplied to potential suppliers as part of this Procurement Process is supplied in good faith. The information contained in the ITT and the supporting documents and in any related written or oral communication is believed to be correct at the time of issue but the NMRN will not accept any liability for its accuracy, adequacy or completeness and no warranty is given as such. This exclusion does not extend to any fraudulent misrepresentation made by or on behalf of the NMRN.

3.4 Potential suppliers to make their own enquires – You are responsible for analysing and reviewing all information provided to you as part of this Procurement Process and for forming your own opinions and seeking advice as you consider appropriate. You should notify the NMRN promptly of any perceived ambiguity, inconsistency or omission in this ITT and/or any in of its associated documents and/or in any information provided to you as part of this Procurement Process.

3.5 Amendments to the ITT – At any time prior to the Tender Response Deadline, the NMRN may amend the ITT. Any such amendment shall be issued to all potential suppliers, and if appropriate to ensure potential suppliers have reasonable time in which to take such amendment into account, the Tender Response Deadline shall, at the discretion of the NMRN, be extended. Your tender response must comply with any amendment made by the NMRN in accordance with this paragraph 3.3.5 or it may be rejected.

3.6 Compliance of tender response submission – Any goods and/or services offered should be on the basis of and strictly in accordance with the ITT (including, without limitation, any specification of the NMRN's requirements, these Tender Conditions and the Contract) and all other documents and any clarifications or updates issued by the NMRN as part of this Procurement Process.

3.7 Format of tender response submission – Tender responses must comprise the relevant documents specified by the NMRN completed in all areas and in the format as detailed by the NMRN in Annex 2 (Supplier Response). Any documents requested by the NMRN must be completed in full. It is, therefore, important that you read the ITT carefully before completing and submitting your tender response.

3.8 Modifications to tender response documents once submitted – You may modify your tender response prior to the Tender Response Deadline by giving written notice to the NMRN. Any modification should be clear and submitted as a complete new tender response in accordance with Annex 2 (Supplier Response) and these Tender Conditions.

3.9 Rejection of tender responses or other documents – A tender response or any other document requested by the NMRN may be rejected which:

- contains gaps, omissions, misrepresentations, errors, uncompleted sections, or changes to the format of the tender documentation provided;
- contains hand written amendments which have not been initialled by the authorised signatory;
- does not reflect and confirm full and unconditional compliance with all of the documents issued by the NMRN forming part of the ITT;
- contains any caveats or any other statements or assumptions qualifying the tender response that are not capable of evaluation in accordance with the evaluation model or requiring changes to any documents issued by the NMRN in any way;
- is not submitted in a manner consistent with the provisions set out in this ITT;
- contains information which is inconsistent with answers already given in the pre-qualification questionnaire completed as part of this Procurement Process or;
- is received after the Tender Response Deadline.

3.10 Disqualification – If you breach these Tender Conditions, if there are any errors, omissions or material adverse changes relating to any information supplied by you at any stage in this Procurement Process, if any other circumstances set out in this ITT, and/or in any supporting documents, entitling the NMRN to reject a tender response apply and/or if you or your appointed advisers attempt:

- to inappropriately influence this Procurement Process;
- to fix or set the price for goods or services;

- to enter into an arrangement with any other party that such party shall refrain from submitting a tender response;
- to enter into any arrangement with any other party (other than another party that forms part of your consortium bid or is your proposed sub-contractor) as to the prices submitted;
- to collude in any other way;
- to engage in direct or indirect bribery or canvassing by you or your appointed advisers in relation to this Procurement Process; or
- to obtain information from any of the employees, agents or advisors of the NMRN concerning this Procurement Process (other than as set out in these Tender Conditions) or from another potential supplier or another tender response,

the NMRN shall be entitled to reject your tender response in full and to disqualify you from this Procurement Process. Subject to the “Liability” Tender Condition below, by participating in this Procurement Process you accept that the NMRN shall have no liability to a disqualified potential supplier in these circumstances.

3.11 Tender costs – You are responsible for obtaining all information necessary for preparation of your tender response and for all costs and expenses incurred in preparation of the tender response. Subject to the “Liability” Tender Condition below, you accept by your participation in this procurement, including without limitation the submission of a tender response that you will not be entitled to claim from the NMRN any costs, expenses or liabilities that you may incur in tendering for this procurement irrespective of whether or not your tender response is successful.

3.12 Rights to cancel or vary this Procurement Process - By issuing this ITT, entering into clarification communications with potential suppliers or by having any other form of communication with potential suppliers, the NMRN is not bound in any way to enter into any contractual or other arrangement with you or any other potential supplier. It is intended that the remainder of this Procurement Process will take place in accordance with the provisions of this ITT but the NMRN reserves the right to terminate, suspend, amend or vary (to include, without limitation, in relation to any timescales or deadlines) this Procurement Process by notice to all potential supplier in writing. Subject to the “Liability” Tender Condition below, the NMRN will have no liability for any losses, costs or expenses caused to you as a result of such termination, suspension, amendment or variation.

3.13 Consortium Members and sub-contractors – It is your responsibility to ensure that any staff, consortium members, sub-contractors and advisers abide by these Tender Conditions and the requirements of this ITT.

3.14 Liability – Nothing in these Tender Conditions is intended to exclude or limit the liability of the NMRN in relation to fraud or in other circumstances where the NMRN’s liability may not be limited under any applicable law.

4. Mandatory Requirements / Constraints

4.1 As part of your tender response, you must confirm that you meet the mandatory requirements / constraints, if any, as set out in the NMRN’s specification forming part of this ITT. A failure to comply with one or more mandatory requirements or constraints shall entitle the NMRN to reject a tender response in full.

5 Confidentiality and Information Governance

5.1 All information supplied to you by the NMRN, including this ITT and all other documents relating to this Procurement Process, either in writing or orally, must be treated in confidence and not disclosed to any third party (save to your professional advisers, consortium members and/or sub-contractors strictly for the purposes only of helping you to participate in this Procurement Process and/or prepare your tender response) unless the information is already in the public domain or is required to be disclosed under any applicable laws.

5.2 You shall not disclose, copy or reproduce any of the information supplied to you as part of this Procurement Process other than for the purposes of preparing and submitting a tender response. There must be no publicity by you regarding the Procurement Process or the future award of any contract unless the NMRN has given express written consent to the relevant communication.

5.3 This ITT and its accompanying documents shall remain the property of the NMRN and must be returned on demand.

5.4 The NMRN reserves the right to disclose all documents relating to this Procurement Process, including without limitation your tender response, to any employee, third party agent, adviser or other third party involved in the procurement in support of, and/or in collaboration with, the NMRN. The NMRN further reserves the right to publish the Contract once awarded and/or disclose information in connection with supplier performance under the Contract in accordance with any public sector transparency policies (as referred to below). By participating in this Procurement Process, you agree to such disclosure and/or publication by the NMRN in accordance with such rights reserved by it under this paragraph.

5.5 The use of blanket protective markings of whole documents such as “commercial in confidence” will not be sufficient. By participating in this Procurement Process you agree that the NMRN should not and will not be bound by any such markings.

5.6 In addition, marking any material as “confidential” or “commercially sensitive” or equivalent should not be taken to mean that the NMRN accepts any duty of confidentiality by virtue of such marking. You accept that the decision as to which information will be disclosed is reserved to the NMRN, notwithstanding any consultation with you or any designation of information as confidential or commercially sensitive or equivalent you may have made. You agree, by participating further in this Procurement Process and/or submitting your tender response, that all information is provided to the NMRN on the basis that it may be used by the NMRN in accordance with the provisions of this ITT.

5.7 Tender responses are also submitted on the condition that the appointed supplier will only process personal data (as may be defined under any relevant data protection laws) that it gains access to in performance of this Contract in accordance with the NMRN’s instructions and will not use such personal data for any other purpose. The contracted supplier will undertake to process any personal data on the NMRN’s behalf in accordance with the relevant provisions of any relevant data protection laws and to ensure all consents required under such laws are obtained.

6. Tender Validity

6.1 Your tender response must remain open for acceptance by the NMRN for a period of ninety days from the Tender Response Deadline. A tender response not valid for this period may be rejected by the NMRN;

7. Payment and Invoicing

7.1 The NMRN will pay correctly addressed and undisputed invoices within 30 days in accordance with the requirements of the Contract. Suppliers to the NMRN must ensure comparable payment provisions apply to the payment of their sub-contractors and the sub-contractors of their sub-contractors. General requirements for an invoice for the NMRN include:

- A description of the good/services supplied is included.
- The NMRN's reference number/Purchase Order number is included.
- The address must reflect that supplied on the NMRN Purchase Order.