**Invitation to Tender (ITT)**

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| Direct line: | +44 (0) 20 8943 7233 |
| E-Mail: | alastair.hooley@nmro.gov.uk |
| Our Ref: | **V4810/0008/8/0001** |

Date: 23 July 2015

Dear Supplier,

**TESTING OF AUTOMOTIVE BATTERIES (LEAD-ACID STARTERS) FOR COMPLIANCE WITH CAPACITY LABELLING OF AUTOMOTIVE BATTERIES AND ACCUMULATORS LEGISLATION**

The National Measurement and Regulation Office (NMRO) invites you to bid in accordance with the enclosed specification, and terms and conditions of contract attached.

NMRO is an Executive Agency of the Department for Business, Innovation and Skills (BIS).

The NMRO Enforcement Authority is the appointed market surveillance authority responsible for enforcing the **Capacity labelling of portable secondary (rechargeable) and automotive batteries and accumulators** Regulations within the UK.

For more information, visit the NMRO website:

<https://www.gov.uk/government/collections/national-measurement-office-enforcement-authority>

**The final date for the submission of completed bid responses is**

**NOON on 14 August 2015**

NMRO operates a sealed bid process. Tenders should be sent electronically to:

[procurement@nmro.gov.uk](mailto:procurement@nmro.gov.uk)

Please note that the Reference Number: **V4810/0008/8/0001 MUST** be included in the subject line of your e-mail response. If you are not able to send electronically please contact me on the above number.

**As NMRO operates a sealed bid process you must not send or copy your tender response to any individual within NMRO. Failure to comply will result in disqualification of your tender response from consideration.**

Please contact the number shown if you have any questions about the sourcing procedure.

Subject to the Freedom of Information Act 2000, all information exchanged between NMRO and your company in connection with this bid shall be regarded as confidential.

Your response is incomplete unless all sourcing documents requiring signature are completed, signed and returned.

Regards,

Alastair Hooley

Commercial Manager

National Measurement and Regulation Office

**REFERENCE: V4810/0008/8/0001**

**ANNEX 1**

**INSTRUCTIONS TO SUPPLIERS**

1. **Introduction**

These instructions are designed to ensure that all bids are given equal and fair consideration. Please read the information provided carefully and ensure your response includes all the information requested as your company will be initially evaluated solely on the evidence supplied in response to this invitation to bid.

* 1. If having read the specification you wish to submit a tender by the required deadline and wish to receive details of any questions and answers related to this ITT then please advise [alastair.hooley@nmro.gov.uk](mailto:alastair.hooley@nmro.gov.uk) no later than NOON on 7 August 2015. Requests received after this deadline will not receive the information.
  2. You may submit, no later than NOON on 7 August 2015 any questions you may have relating to this ITT via email to [alastair.hooley@nmro.gov.uk](mailto:alastair.hooley@nmro.gov.uk).
  3. Any questions should clearly reference in the appropriate paragraph in the documentation and, to the extent possible, should be aggregated rather than sent individually. As far as is reasonably possible NMRO will respond to all reasonable requests for clarification of any aspect of this ITT and supporting documents in accordance with the following paragraph, provided they are received before the stated deadline in 1.2. No questions received after the deadline will be answered.
  4. Answers to questions received by NMRO will be circulated by email to all potential tenderers (without revealing the identity of the bidder that put forward a particular question).

1. **Timetable of Events**

Please note that NMRO reserve the right to amend any of the dates stated in this section at anytime

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| Sourcing Document Available | 23 July 2015 |
| Bid Return | NOON on 14 August 2015 |
| Estimated Dates for Evaluation | 17-21 August 2015 |
| Estimated Dates for follow-up clarification with suppliers | 17-21 August 2015 |
| Estimated Contract Award | 25 August 2015 |
| Estimated Contract Commencement | 7 September 2015 |

1. **Freedom of Information and Government Transparency Agenda**
   1. The Freedom of Information Act 2000 (“FOIA”) and the Environmental Information Regulations 2004 (“EIR”) apply to NMRO. You should be aware of NMRO’s obligations and responsibilities under FOIA or EIR to disclose, on written request, recorded information held by NMRO. Information provided by you in connection with this procurement exercise, or with any contract that may be awarded as a result of this exercise, may therefore have to be disclosed by NMRO in response to such a request, unless NMRO decides that one of the statutory exemptions under the FOIA or the exceptions in the EIR applies. If you wish to designate information supplied as part of this response as confidential, or if you believe that its disclosure would be prejudicial to any person’s commercial interests, you must provide clear and specific detail as to the precise information involved. Such designation alone may not prevent disclosure if in NMRO’s reasonable opinion publication is required by applicable legislation or Government policy or where disclosure is required by the Information Commissioner or the First-tier Tribunal (Information Rights).
   2. Additionally, the Government’s transparency agenda requires that tender documents (including ITTs such as this) are published on a designated, publicly searchable web site which is called “Contracts Finder”. The same applies to other tender documents issued by NMRO (including the original advertisement and the pre-qualification questionnaire (if used)), and any contract entered into by NMRO with its preferred supplier once the procurement is complete. By submitting a tender you agree that your participation in this procurement may be made public. The answers you give in this response will not be published on the transparency web site (but may fall to be disclosed under FOIA or EIR (see above)). Where tender documents issued by NMRO or contracts with its suppliers fall to be disclosed, NMRO will redact them as it thinks necessary, having regard (inter alia) to the exemptions/exceptions in the FOIA or EIR.

**The Specification**

See attached “Batteries – Specification” document.

**Evaluation of Bids**

**Part 1 – Pre-Qualification Questions**

In the event of a bidder failing to meet the requirements of any of the mandatory pass / fail criteria in this stage, the authority reserves the right to disqualify the bidder and not consider them for part 2 of the evaluation.

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| **Question A-1** | **Company Details**  Please state the full legal name and address and contact details of the organisation tendering (or organisation acting as lead contact where a consortium bid is being submitted). |
| Bidder guidance | This is the legal entity with whom we will contract if successful. |
| Scoring criteria | For information only |
| Bidder response |  |

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| **Question A-2** | **Financial stability**  We are required to make an assessment of your economic and financial standing.  To facilitate this we require a copy of the most recent audited accounts that cover the last 2 years of trading or for the period that is available if trading for less than 2 years. If these accounts are over 6 months old then a copy of the Year To Date internal management accounts providing the trading profit and loss balance sheet should also be provided. |
| Bidder guidance | The Authority will make a judgment based on the information supplied.  **Pass** – The Authority considers the information provided demonstrates the financial stability of the Bidder is sufficient to be considered for this procurement.  **Fail** – The Authority considers the information provided fails to demonstrate the financial stability of the Bidder is sufficient to be considered for this procurement.  Bidders are invited to embed their attachments to this question in the ‘Bidder response’ section. |
| Scoring criteria | Mandatory Pass / Fail |
| Bidder response | Yes/ No |

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| **Question A-3** | **Freedom of Information Act 2000 (FOI) and / or Environmental Information Regulations 2004 (EIR)**  Information provided in the course of the procurement process may be disclosed under Freedom of Information Act 2000 or Environmental Information Regulations 2004 if requested under an FOI request or EIR request.  Please note that some of the information provided may be protected under the FOI Act exemptions and EIR Exceptions. More information on applying the exemptions or exceptions can be found under the Information Commissioners Office (ICO) website <http://ico.org.uk>  Please confirm you have been informed that information provided under this Bid may be disclosed under the FOI Act 2000 and Environmental Information Regulations 2004 and agree to it being published. |
| Bidder guidance | The Bidder shall answer **Yes** or **No**  **Yes** – Pass  **No** - Fail |
| Scoring criteria | Mandatory Pass / Fail |
| Bidder response | Yes / No |

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| **Question A-4** | **Freedom of Information Act 2000 (FOI) and / or Environmental Information Regulations 2004 (EIR) Exemptions**  **Please complete this section only if you have agreed for you information to be disclosed under the FOI Act or EIR in Question A-3**  Please tell us what exemptions or Exceptions may apply to your information and why? | |
| Bidder guidance | The Bidder shall provide details of their proposed exemptions/exception in the table below.  The Bidder shall note that if the Authority believes that the suggested Exemptions or Exceptions have not been applied properly as per the Act or Regulation, the Authority will disclose the requested information unless another exemption or exception can be applied by the Authority.  Be aware that by completing Section A you have agreed for the Authority to disclose the provided information under the Freedom of Information Act 2000 or Environmental Information Regulation 2004, therefore you will not be approached for consent. | |
| Scoring criteria | For information only | |
| Bidder response | Confidential Information | Justification for exemption under FOI Act |
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|  | Commercially sensitive information | Justification for exemption under FOI Act |
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| **Question A-5** | Any subsequent Contract or Purchase Order will be subject to BIS/NMRO Standard Terms and Conditions for the Purchase of Services as attached**.**  **Please confirm your acceptance of the attached Contract Terms.** |
| Bidder guidance | The Bidder shall answer **Yes, No with justification** or **No**  **Yes** – Pass  **No with justification** – In this situation where the Bidder must demonstrate to the Authority’s satisfaction there is a legal requirement or statutory regulation where a specific clause or series of clauses cannot be accepted shall propose alternative drafting to the relevant clause which demonstrates the justification for change and does not expose NMRO to risk it deems unreasonable to achieve a Pass.  **No** – Fail |
| Scoring criteria | Mandatory Pass / Fail |
| Bidder response |  |

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| **Question A-6** | **Compliance to the Specification**  Please confirm your compliance to the requirements as outlined in the specification  Suppliers should also provide certificates / guarantees’ that relevant staff are fully trained and qualified |
| Bidder guidance | The Bidder shall answer **Yes** or **No**  **Yes** – Pass  **No** – Fail |
| Scoring criteria | Mandatory Pass / Fail |
| Bidder response |  |

**Part 2 – Evaluation Criteria & Weighted Questions**

ITTs will be evaluated solely on the evidence provided in the submission and will be evaluated against the following main and sub criteria headings and weightings:

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| **Question B-1** | **Competency**  Please describe the test methods to be used in the response to this ITT.  The supplier must confirm that they can fulfil the evidential traceability requirements laid out in ISO 17025 for supplying evidence that may be used as part of a prosecution.  As testing may be used as part of a criminal investigation, evidential traceability and the safe and secure transportation of the test samples are of utmost importance. Bidders must therefore provide details of how this will be guaranteed by considering the following questions:   * How will the samples be packed to mitigate risk of damage and to guarantee security, and how will this be documented? Your answer should reflect the shipping methods and modes of transportation you intend to use from the time you take control of the samples from NMRO until they are delivered back to NMRO after testing. * Criminal proceedings: the supplier may be required to provide evidence to support and corroborate the findings of the test process. This is most likely to take the form of witness statements but could also include presentation of evidence in a court of law. Furthermore, it is an absolute requirement that in the unlikely occurrence that the supplier is called to give evidence in a court of law, the supplier is prepared to make available the required representative to attend. Please list details of how your organisation will fulfil these requirements and guarantees that this will apply even for witnesses located outside the UK.   If a suitably secure shipping method cannot be sourced or evidential requirements cannot be guaranteed, NMRO reserves the right to exclude the proposal.  Accredited test labs would be preferred, but other labs with suitable quality management systems would be accepted.  All requirements apply equally to any sub-contractors used (including courier services where applicable) and the supplier must make all sub-contractors fully aware of the requirements and responsibilities.  Bidders must include details of any work that will be sub-contracted. |
| Bidder guidance | Words and attachments. (if attachment please display question it is linked to)  Based on 0 – 10 evaluation criteria |
| Scoring criteria | Maximum Score 40**%** |
| Bidder response |  |

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| **Question B-2** | **Experience**  Reliable and accurate evidence is the highest priority, therefore bidders are required to outline their experience in testing of this nature. |
| Bidder guidance | Words and attachments. (if attachment please display question it is linked to)  Based on 0 – 10 evaluation criteria |
| Scoring criteria | Maximum Score 20**%** |
| Bidder response |  |

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| **Question B-3** | **Price**  Please show a price for testing all seven samples. Your price should include shipping of the test samples from/to NMRO, but you should show a breakdown of testing price and shipping price. The total price will be used as a basis for evaluation, however NMRO reserves the right with the winning bidder to arrange either part of or all of the shipping itself, in which case a suitable reduction in the bidder’s shipping price would be expected. |
| Bidder guidance | Price will be evaluated as follows:  The bidder that submits the lowest total price will receive a maximum score of 10 marks. The other bidders will receive a proportion of the maximum score. This is calculated by dividing the lowest priced bid by each of the other bids and multiplying the results by 10. Figures will be rounded to the nearest two decimal places. |
| Scoring criteria | Maximum Score 40% |
| Bidder response |  |

**Evaluation Scoring**

Non-price scoring will be based on a scale of 0-10 as follows.

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| **Score** | **Evaluation response** |
| 0-2 | Very poor response, the Question is not answered or the response is completely unacceptable. It does not meet the minimum requirement or they have completely missed the point of the question. Requires major revision to the proposal to make it acceptable. |
| 3-5 | Poor response and only partially satisfying requirement/standard with deficiencies apparent. Some useful evidence provided but response falls well short of minimum requirements. Low probability of success, sufficient obstacles but correctable. |
| 6-7 | Response is acceptable and meets minimum requirement but still remains basic and could have been expanded upon. Response is sufficient but does not inspire. Good probability of success, weaknesses can be readily corrected. |
| 8-9 | Good response which meets the requirements set and demonstrated that you can meet the specified performance or capability. High probability of success, no significant weaknesses noted. The response includes a full description of techniques and measurements to be employed. |
| 10 | Excellent response which clearly meets the requirements set and demonstrates that you are able to perform above and beyond the specified performance or capability. Very high probability of success. The response has a clear and concise description of works that we require in a format that is easy to look through and comprehend. |

**The Bid Response**

The lowest bid may not necessarily be accepted. NMRO shall be under no obligation to accept the lowest or any bid.

NMRO reserves the power, unless the supplier expressly stipulates to the contrary in the tender, of accepting a portion of the tender as they may decide.

ALTERNATIVE, ETC. CONDITIONS. Responses should be to the conditions set out or referred to in this form and in the Schedule. Offers made subject to additional or alternative conditions may not be considered and may be rejected on the grounds of such conditions.

SCHEDULE NOT TO BE ALTERED BY THE SUPPLIER. The Schedule must not be altered by the supplier. Any modification of the Schedule considered expedient by the supplier should form the subject of a separate letter to accompany the tender.

BIDS FOR SELECTED ITEMS. Bids need not necessarily be for all the items mentioned in the Schedule. Where a supplier does not wish to quote for some items, a line should be drawn across the relevant spaces in the price column.

INCOMPLETE BIDS. It may not be possible to consider a response if complete information is not given at the time of sourcing, or if any particulars and data asked for in the schedule are not provided in full.

PRICES. Quotations should be net, all cash and trade discounts being allowed for. Any carriage charges should be shown separately.

VALUE ADDED TAX. Price(s) bid should be exclusive of any tax chargeable. If tax exemption applies this should be stated in the bid.

ALTERATION OF PRICES, ETC. Figures should not be altered or erased; any alteration of prices, etc., should be effected by striking through the incorrect figures and inserting the correct figures above the original figures. All such alterations should be initialled by the tenderer.

DRAWINGS, PATTERNS, ETC. The tender documents and any specifications, plans, drawings, patterns, samples or information issued or furnished by, or on behalf of, NMRO in connection therewith are issued solely for the purpose of enabling a bid to be completed and may not be used for any other purpose. Such response and other documents and any information provided remain the property of NMRO.

All documents must be returned to the sender whether or not a response is submitted and any special instructions applicable to the response and other documents must be adhered to. The drawing, etc., must be accompanied, if required, by a declaration that the designs, and particulars have not been copied, seen or extracted wholly or partly for any unauthorised purpose and that they have only been used for the purpose of sourcing.

1. **Period for which Bids Shall Remain Valid**

Your response should be valid for acceptance for 90 days from the bid return date. The receipt of the enclosed bid documents shall be regarded as adequate consideration for maintaining the validity of your response for the period requested in this letter.

1. **Consortium**

NMRO will not contract with a consortium and any sub-contractor services introduced to deliver the Requirement. Any use of sub-contractor services must be declared in the response and the purpose of their engagement. Any Supplier awarded the contract will be liable and responsible for any sub-contractor services provided for the period of the contract.

1. **Inducement**

Offering an inducement of any kind in relation to obtaining this or any other contract with NMRO will disqualify your response and will prevent you from receiving any future tenders.

1. **Bid Feedback**

Following award of contract, feedback to unsuccessful Suppliers will be provided if requested.

1. **Enquiries**

Queries may be raised at any reasonable time during the sourcing period with the appropriate contact as detailed above:

Please note any questions regarding the bid may be published to other Suppliers if the answer is seen as relevant to all bidding suppliers, but will not contain the identification of the company who asked the question.

1. **Invoicing**

NMRO’s preferred trading method is to receive invoices submitted electronically. Payment cannot be made in advance of any work being carried out.

**Statement of Non-collusion**

To:

National Measurement and Regulation Office, Stanton Avenue, Teddington, TW11 0JZ.

1. We recognise that the essence of competitive tendering is that NMRO will receive a bona fide competitive tender from all persons tendering. We therefore certify that this is a bona fide tender and that we have not fixed or adjusted the amount of the tender or our rates and prices included therein by or in accordance with any agreement or arrangement with any other person.

2. We also certify that we have not done and undertake not to do at any time before the hour and date specified for the return of this tender any of the following acts:

(a) Communicate to any person other than NMRO the amount or approximate amount of our proposed tender, except where the disclosure, in confidence, of the approximate amount is necessary to obtain any insurance premium quotation required for the preparation of the tender;

(b) Enter into any agreement or arrangement with any other person that he shall refrain for submitting a tender or as to the amount included in the tender;

(c) Offer or pay or give or agree to pay or give any sum of money, inducement or valuable consideration directly or indirectly to any person doing or having done or causing or having caused to be done, in relation to any other actual or proposed tender for the contract any act, omission or thing of the kind described above.

3. In this certificate, the word “person” shall include any person, body or association, corporate or unincorporated; and “any agreement or arrangement” includes any such information, formal or informal, whether legally binding or not.

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Signature (duly authorised on behalf of the Tenderer)

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Print name

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On behalf of (organisation name)

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Date

**Form of Tender**

To:

National Measurement and Regulation Office, Stanton Avenue, Teddington, TW11 0JZ.

1. Having considered the invitation to tender and all accompanying documents (including without limitation, the terms and conditions of contract and the Specification) we confirm that we are fully satisfied as to our experience and ability to deliver the goods/services in all respects in accordance with the requirements of this invitation to tender.

2. We hereby tender and undertake to provide and complete all the goods/services required to be performed in accordance with the terms and conditions of contract and the Specification for the amount set out in the Pricing Schedule.

3. We agree that any insertion by us of any conditions qualifying this tender or any unauthorised alteration to any of the terms and conditions of contract made by us may result in the rejection of this tender.

4. We agree that this tender shall remain open to be accepted by NMRO for 90 days from the last date for the receipt of tenders.

5. We understand that if we are a subsidiary (within the meaning of section 1159 of (and schedule 6 to) the Companies Act 2006) if requested by NMRO we may be required to secure a Deed of Guarantee in favour of NMRO from our holding company or ultimate holding company, as determined by NMRO in their discretion.

6. We understand that NMRO is not bound to accept the lowest or any tender it may receive.

7. We certify that this is a bona fide tender.

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Signature (duly authorised on behalf of the tenderer)

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Print name

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On behalf of (organisation name)

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Date