



Department
for Environment
Food & Rural Affairs

Bidder Pack

Part Two: Procurement Specific Requirements

Automatic Particulate Matter Analyser Contract for Ambient Air

C17622

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Automatic Particulate Matter Analyser Contract for Ambient
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Section 1: The Invitation

This procurement is being carried out by Defra group Commercial in accordance with the Open Procedure as set out in the Public Contract Regulations 2015 (PCR) on behalf of the Environment Agency.

The Bidder Pack comes in two parts. The first part, The Core Requirements, provides details of the General Requirements, Government Transparency Agenda and Government Priorities. **The second part, the Procurement Specific Requirements**, provides details of the Specification Requirements, Terms and Conditions of Contract, Evaluation Methodology, Procurement Timetable and Definitions.

The tendering process seeks to determine the Most Economically Advantageous Tender (MEAT). The Authority will evaluate the Tenders using the tender evaluation criteria and weightings listed in Section 4, Evaluation Methodology.

The Opportunity

This opportunity is advertised by Defra group Commercial (DgC) on behalf of the Environment Agency (EA).

The Environment Agency work to create better places for people and wildlife, and support sustainable development. EA is an executive non-departmental body, sponsored by the Department for Environment, Food and Rural Affairs. For further information please visit [Environment Agency - GOV.UK \(www.gov.uk\)](https://www.gov.uk).

The AURN PM_{2.5} procurement objectives are to;

- Provide reliable monitoring equipment, which will be able to measure the PM_{2.5} levels in England, Wales and across the UK, in a programme running to 2040
- Provide analysers that will meet UK Equivalence Monitoring Programme monitoring at different site types for the two PM_{2.5} targets; the annual mean concentration target (AMCT) which sets a maximum concentration to be reached by a future year, and a population exposure reduction target (PERT) which sets a reduction in average population exposure to be obtained by a future year compared to a base year;
- Be able to be maintained by a qualified ESU and provide consistent data.
- Provide consistent results at a variety of Urban Background and Rural Background sites these site types can be identified here; Site environment types - Defra, UK;
- Provide instruments deliveries and orders for this financial years phase of deliver so we can achieve our expansion ambitions;
- Be able to measure reliably as the UK pollution climate becomes cleaner for mass concentration results down to a lower target proposed in the Statutory Instrument. The instrument will be able to meet the current measurement standards required by MCERTS for UK Particulate Matter, and demonstrate performance is equal or better than the current PM_{2.5} certified limit in MCERTS for UK Particulate Matter of 30ug/m³ pseudo daily limit value, and the instruments will be tested against this on the UK

Equivalence Monitoring Programme to demonstrate compliance with BS EN 16450:2017 on an ongoing basis;

- Inform and support the development of cost-effective planning solutions and identify long-term trends and sources of pollution;
- Inform policy development;
- Provide data for use by the scientific community in research;

Prior to the Invitation to Tender, a Prior Information Notice was issued on the 14th July 2022 to assess the market interest. To gather interest on new instruments (not just those already operating on the UK-AIR AURN network) bidders were asked to reply if they were “If you have an automatic instrument that has or will soon have MCERTS for UK particulate Matter for PM2.5 please get in touch with Defra Group Commercial around opportunities for collocating instruments against reference methods in the UK prior to the possible opportunity in Spring 2023”.

Those that responded were sent a questionnaire, and an opportunity to be funded to co-locate evidence at an AURN UK air traffic site in Birmingham, where a reference instrument was located. The information collected will be shared back with each Contractor (not other Contractors to avoid any commercial and intellectual property conflicts). The evidence collected will not be used by the Authority during the Invitation to Tender Stage. If you haven't participated this doesn't preclude entering the ITT tender.

Timetable

The timetable below is subject to change from time to time as notified by the Authority. All Tenderers will be informed via the Authority's eSourcing System.

Activity Ref	Activity Title	Date (Time)
1	Opportunity Notice published in Find a Tender System / Contracts Finder and Bidder Pack released	09/06/2023
2	Deadline for ITT clarification questions	05/07/2023
3	Deadline for ITT Responses	14/07/2023
4	Evaluation of Tender	Start 18/07/2023 End 09/08/2023
5	Contract award notification	13/09/2023
6	Mandatory standstill period	Start 01/09/2023 End 12/09/2023
7	Contract award	13/09/2023
8	Contract start date	18/09/2023

All timescales are set using a 24-hour clock and when referring to “days” it means calendar days unless otherwise specified (for example, working days).

Variant Tenders

The Authority shall not accept variant Tenders.

For the avoidance of doubt, if the Authority has reserved a right to waive a requirement in this Bidder Pack and chooses to exercise such discretion, the Tender will not be considered a variant Tender.

Abnormally Low Tenders or Pricing Anomalies

If the Authority considers your Tender to appear abnormally low, an initial assessment will be undertaken using a comparative analysis of the pricing proposals received from all Tenderers and the Authority’s valuation of the procurement. If that assessment indicates that your Tender is abnormally low the Authority will request a written explanation of your Tender, or of those parts of your Tender which the Authority considers contribute to your Tender being abnormally low. The Authority reserves the right to reject your Tender if the response does not satisfactorily account for the low level of price or costs proposed.

The assessment of abnormally low tenders will be undertaken strictly in accordance with Regulation 69 of the Public Contracts Regulations 2015, which outlines how abnormally low tenders must be assessed and the circumstances in which the contracting authority can reject the tender.

Pricing Anomalies

If in the opinion of the Authority your Tender contains any pricing anomalies (for example apparent discrepancies between the financial submission and other parts of your response) the Authority may seek clarification. If the clarification response indicates that the pricing anomaly was the result of a clear and obvious error, in the interest of fairness the resulting change will be taken into consideration. If the clarification response results in a change to the initial tendered Commercial Response and price, it will not be taken into account.

Section 2: The Specification of Requirements

The Authority's Priorities

- 1.1. The Environment Agency wishes to let a call off contract to purchase new Particle Monitoring instruments for PM_{2.5} for an expansion of the AURN network for urban or rural background sites. This Procurement does not intend to cover procurement of instruments for PM_{2.5} roadside sites but the intention is there will be a further procurement to purchase instruments for roadside sites in the near future.
- 1.2. The contract is a call off contract for PM_{2.5} only automatic instruments - Particulate Matter Analysers that can measure particulate matter of size fraction 2.5µm in ambient air. Analysers for approximately 50 sites are expected to be purchased initially and delivered prior to installation in the financial year that ends March 2024. Contingency orders for approximately 20 extra analysers are expected for use elsewhere in the Environment Agency, for the existing network, to facilitate any additional needs for the project, or for use as hot spares throughout the remainder of the contract and any extension.
- 1.3. The Contract will be an initial period of 3 years, with an expectation that an initial equipment order will be completed (delivered) by March 2024 or as per the agreed delivery period, followed by a period of up to 2 years for installation and contingency orders. An additional option for 2 x 1-year periods of extension, to be exercised at the Authority's discretion, are included for purchase of consumables, spare parts and additional analysers, making the total contract length up to 5 years.
- 1.4. Partnership working with other AURN Suppliers is required for successful delivery of the overall project, namely the main AURN CMCU and PM_{2.5} AURN CMCU network provider(s) for installation and management of the installed analyser, the AURN cabin housing Supplier for cabin installations and the AURN QAQC Supplier responsible for quality assurance.
- 1.5. Hot spares are likely to be ordered to assist the CMCU(s) to help achieve high data capture in the event of any instrument faults.
- 1.6. The Supplier will be responsible for delivery, installation and commissioning of the instruments, in two stages:

Stage 1 - would be to deliver the instrument to an agreed location where it can be safely stored prior to installation.

Stage 2 – when each site is prepared transport the instrument to site and install it.

These are the priorities for the Procurement but the details can be found in the Specification.

Scope

The Specification of Requirements can be found in Schedule 2 of the Terms and Conditions.

The Charges are set out in Schedule 3 – charges.

The Authority intends to award a Contract to the most economically advantageous tender (in accordance with Section 4: Evaluation Methodology) for each Lot.

Accessibility

As a public body, any product that is published within the public domain must comply with the accessibility legislation. Please ensure that where the end product is to be published, reference is made to the following requirement which can be found here.

<https://www.gov.uk/guidance/publishing-accessible-documents>

Anonymised recruitment

- Anonymised recruitment removes the candidate's personal details from their application. The most common items include name, age, employee number, email address, home address, nationality, and immigration details. This supports diversity in the workforce. It helps to create a more level playing field in the assessment process.
- Where procuring an opportunity that requires the provision of CVs, anonymised recruitment should be the default position.

Section 3: Terms and Conditions of Contract

The Terms and Conditions of Contract for this procurement are the Mid–Tier Contracts in Section 5.

The Terms and Conditions are split into Core Terms, Award Form and the Contracting Authority Terms within the Schedules, and details of the legal priority are provided in the Conditions of Contract.

The Authority proposes to enter into a Contract for a maximum period of 5 years with the successful Tenderer.

The initial contract term shall be 3 years with the potential for 2 x 12-month extension periods.

The anticipated commencement date is 1st October 2023.

Suggested Changes to Conditions of Contract

Tenderers may raise clarification questions relating to the amendment of contract terms during the clarification period only, as specified in the Timetable, if it can be demonstrated that there is a legal or statutory reason why they cannot be accepted. Where a legal or statutory reason cannot be substantiated the Authority has the right to reject the proposed changes.

Such requests must follow the Clarifications Sought by the Tender process set out in the Core Requirements element of this Bidder Pack.

Section 4: Evaluation Methodology

The overall aim of the evaluation process is to select the Tender that is the most economically advantageous to the Authority, having regard to the Authority's overall objectives and the criteria set out below.

Evaluation of Tenders comprise of the stages set out in the table below.

The Authority will carry out its evaluations of the Technical and Commercial elements according to the criteria, sub-criteria and weightings set out in the table below:

	Section Reference	Evaluation Criteria	Question Scoring/Weighting (%)
Evaluation Stage 1	Selection Stage: Selection Questionnaire (SQ) responses submitted in response to the Contract Notice	Part 1: covers the basic information about the supplier, such as the contact details, trade memberships, details of parent companies, group bidding and so on and is provided for information only.	Pass/Fail
		Part 2: covers a series of self-declarations by the supplier regarding whether or not any of the questionnaire exclusion grounds apply and will be assessed on that basis.	Pass/Fail
		Part 3: covers a series of self-declaration questions regarding whether or not the company meets the selection criteria in respect of their financial standing and technical capacity.	Pass/Fail
		Part 4: covers MCERTS certification or tenderer's plans to acquire it before 30 th September 2023.	Pass/Fail
	Section Reference	Evaluation Criteria	Question Scoring/Weighting (%)
Evaluation Stage 2	Form of Tender	This stage is not scored but if you do not upload a complete, signed and dated Form of Tender in accordance with the instructions in the eSourcing System/accept the Form of Tender statement in the SQ your Tender will be rejected as non-compliant.	Pass/Fail

	Note: Suppliers that pass Evaluation Stage 1 and 2 will be taken through to Evaluation Stage 3.		

	Section Reference	Evaluation Criteria	Question Scoring/Weighting (%)
Evaluation Stage 3	Evaluation Stage: Technical	This stage will be evaluated in accordance with the criteria set out in the technical questions along with the individual detailed criteria.	Scored – 70%
	The Technical evaluation will account for 70% of the total score. All responses will be scored in accordance with the detailed guidance within the Authority's eSourcing System.		
	Section Reference	Evaluation Criteria	Question Scoring/Weighting (%)
Evaluation Stage 4	Evaluation Stage: Commercial - Pricing Schedule	Prices will be evaluated in accordance with criteria set out in the Pricing Schedule in the Authority's eSourcing System.	Scored – 30%
	The Commercial evaluation will account for 30% of the total score. All responses will be scored in accordance with the detailed guidance within the Authority's eSourcing System.		
	Section Reference	Calculation	
Evaluation Stage 5	Final score	The final score is calculated by adding the total technical weighted score with the total commercial weighted score.	
		The most economically advantageous tender for each lot will be the Tender with the highest final score.	

Government wants to maximise the positive impact of public procurement on economic growth by encouraging procurers to take full account of the value suppliers can offer by using a balanced scorecard approach. It has adopted the balanced scorecard approach and serves in balancing straightforward matters such as cost against more complex issues such as social and wider economic considerations when designing their procurement approaches.

The Scorecard sets out key strategic themes encompassing policy areas which are of importance to Government, such as appropriate use of the supply chain, creation of

apprenticeships and engagement with SMEs, which can be built into procurement decisions, alongside well-established criteria, such as quality, risk and cost.

Each Balanced Scorecard is individually designed to maximise benefit for the procurement requirement in question and has been designed with proportionality at the fore.

Selection Questionnaire - Financial standing

The Authority will review the economic information provided as part of the Selection Questionnaire response to evaluate a Tenderer's economic and financial standing. The Authority's evaluation will be based on all the information reviewed and will not be determined by a single indicator. If, based on its assessment of the information provided in a Response, the Authority decides that a Tenderer does not meet the Authority's required level of economic standing, the Authority may:

- ask for additional information, including information relating to the Tenderer's parent company, if applicable; and/or
- require a parent company guarantee or a performance bond.

If the Authority decides that a parent company guarantee or performance bond is required, the Authority will reject a Response if the Tenderer is unable to offer a commitment to make such provision. In addition to the information provided in a Response, the Authority may, at its discretion, consult Dun & Bradstreet reports and other credit rating or equivalent reports depending on where a Tenderer is located.

The Authority's assessment of economic and financial standing will consider financial strength and risk of business failure. Financial strength is based on tangible net worth and is rated on a scale of 5A (strongest) to H (weakest) obtained from Dun & Bradstreet. There are also classifications for negative net worth and net worth undetermined (insufficient information). Financial strength will be assessed relative to the estimated annual contract value.

The Authority will also consider annual turnover. For this procurement, the Authority expects the contractor to have an annual turnover for each of its last two financial years of at least 150% of the contract value.

In the case of a joint venture or a consortium bid, the annual turnover is calculated by combining the turnover of the relevant organisations in each of the last two financial years. In addition, the annual turnover of at least one of those organisations is expected to be 5m GBP.

Risk of Business Failure is rated on a scale of 1 (minimal) to 4 (significant) obtained from Dun & Bradstreet. There is also a classification of insufficient information. The Authority regards a score of 4 as indicating inadequate economic and financial standing for this procurement. The Authority will also calculate and evaluate the Tenderer's:

- operating performance: growth or reductions in sales, gross profit, operating profit, profit before tax and earnings before interest, tax, depreciation, amortisation, exceptional items and profit/loss on sale of businesses;
- liquidity: net current assets, movements in cash flow from operations, working capital and quick ratios, and average collection and payments periods; and
- financial structure: gearing ratios and interest cover.

Evaluation of Responses

Evaluation of Responses will be undertaken by a panel appointed by the Authority, the technical evaluation team will consist of Environment Agency officers and AURN network contractor's who are evaluating under Non-disclosure agreements.

Each panel member will first undertake an independent evaluation of the Responses applying the relevant evaluation criteria for each question. Then, a moderation meeting will be held at which the evaluation panel will reach a consensus on the marking of each question.

During the consensus meeting, the decision may be taken that a Response will not be carried forward to the next evaluation stage if the consensus view is that the Tenderer has failed to meet any minimum or mandatory requirements, and/or provided a non-compliant response.

Scoring Criteria

The following scoring criteria is to be used when evaluating responses to Stage 3 Technical Questionnaire. A Tenderer's response will be assessed against the detailed criteria provided for each question and be assigned a Descriptor and score from the table below:

Descriptor	Score	Definition
Very Good	100	Addresses all the Authority's requirements with all the relevant supporting information set out in the Bidder Pack. There are no weaknesses and therefore the tender response gives the Authority complete confidence that all the requirements will be met to a high standard.
Good	70	Addresses all the Authority's requirements with all the relevant supporting information set out in the Bidder Pack. The response contains minor weaknesses and therefore the tender response gives the Authority confidence that all the requirements will be met to a good standard.
Moderate	50	Addresses most of the requirements with most of the relevant supporting information set out in the Bidder Pack. The response contains moderate weaknesses and therefore the tender response gives the Authority confidence that most of the requirements will be met to a suitable standard.
Weak	20	Substantially addresses the requirements but not all and provides supporting information that is of limited or no relevance or a methodology containing significant weaknesses and therefore raises concerns for the Authority that the requirements may not all be met.

Unacceptable	0	No response or provides a response that gives the Authority no confidence that the requirement will be met.
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Calculation Method

For both elements, providing the bidder has met any mandatory criteria and minimum quality thresholds, the total weighted scores are calculated as follows:

Technical (WT)

$$\left[\frac{\text{Bidder's Total Technical Score}}{\text{Highest Technical Score}} \times 100 = X \right] \quad \text{then} \quad \left[\frac{X}{100} \times [\text{Weighting}] \right]$$

Commercial (WC)

$$\left[\frac{\text{Lowest Commercial Score}}{\text{Bidder's Total Commercial Score}} \times 100 = X \right] \quad \text{then} \quad \left[\frac{X}{100} \times [\text{Weighting}] \right]$$

The Total Score (weighted) is then calculated by adding the Total Weighted Technical Score to the Total Weighted Commercial Score: **WT+ WC**.

Section 5: Appendices

1. Definitions

Unless the context otherwise requires, the following words and expressions used within the Bidder Pack (except for Section 3: Terms and Conditions of Contract) shall have the following meanings to be interpreted in the singular or plural as the context requires.

TERM	MEANING
“Authority”	the Environment Agency
“Bidder Pack”	this invitation to tender and all related documents published by the Authority and made available to Tenderers.
“Contract”	the contract to be entered into by the Authority and the successful Tenderer.
“EIR”	the Environmental Information Regulations 2004 (as amended) together with any guidance and/or codes of practice issued by the Information Commissioner or any Government Department in relation to those Regulations.
“eSourcing system”	eSourcing system is the eSourcing system used by the Authority for conducting this procurement, on https://defra-family.force.com/s/Welcome for projects run on Atamis
“FOIA”	the Freedom of Information Act 2000 (as amended) and any subordinate legislation made under that Act together with any guidance and/or codes of practice issued by the Information Commissioner or any Government Department in relation to that legislation.
“Form of Tender”	means the form contained in Annex 2 to the Procurement Specific section of the Bidder Pack which must be signed, scanned and uploaded into the Authority’s eSourcing System by the Tenderer to indicate that it understands the Tender and accepts the various terms and conditions and other requirements of participating in the exercise.
“Information”	means the information contained in the Bidder Pack or sent with it, and any information which has been made available to the Tenderer by the Authority, its employees, agents or advisers in connection with the procurement.
“Involved Person”	means any person who is either working for, or acting on behalf of, the Authority in connection with this procurement and/or the Contract including, without limitation, any officer, employee, advisor, agent, member, partner or consultant”.
“Pricing Schedule”	the form accessed via eSourcing system in which Tenderers are required to submit their pricing information as part of a Tender.
“Regulations”	the Public Contracts Regulations 2015.
“Relevant Body”	means any other organisation, body or government department that is working with or acting on behalf of the Authority in connection with this procurement and/or the Contract including, without limitation, its officers, employees, advisors, agents, members, partners or consultants.

“Response”	means the information submitted in response to the Bidder Pack via the online response forms on eSourcing system including the Tenderer’s formal Tender.
“Specification of Requirements”	the Authority’s requirements set out in Section 2 of the Bidder Pack Procurement Specific Requirements.
“Tender”	the formal offer to provide the goods or services described in section 1.1 of part 1 of the Bidder Pack and comprising the responses to the questions in eSourcing system and the Pricing Schedule.
“Tenderer”	anyone responding to the Bidder Pack and, where the context requires, includes a potential tenderer.
“Timetable”	the procurement timetable set out in Section 1 of the Bidder Pack Procurement Specific Requirements.

2. Form of Tender

The Form of Tender document is located here under as an attachment on the Authority's eSourcing system.

It is to be printed, signed, scanned and uploaded into the Authority's eSourcing System as instructed within the eSourcing system.

3. Specification

Located in Schedule 2 of the Conditions of Contract.

4. Conditions of Contract

This is located on the Authority's eSourcing system, consisting of the Mid-tier Contract Award Form, Core Terms and Schedules 01 – 37, omitting any schedules that do not apply to this Contract.