Field Electrical Power Supplies – Support

(FEPS-S)

COMMERCIAL EVALUATION

1 COMMERCIAL EVALUATION

1.1 The Commercial Evaluation seeks to determine if the solution proposed by the Tenderer meets the minimum compliance standards across the two key areas of; full completion of DEFFORM 47 – Annex A, and the Commercial Offering.

1.2 The evaluation shall take place over two steps:

Step 1 – Assessment of DEFFORM 47 – Annex A (Offer) return

Step 2 – Assessment of the Commercial Offering

1.3 The scoring criteria for Commercial Evaluation, is as follows:

	Scoring Criteria
Pass	• The Tenderer's DEFFORM 47 – Annex A (Offer) return has been assessed as **compliant** (see section 2); and • The Tenderer's Commercial Offering has been assessed as **compliant** (see section 3)
Fail	• The Tenderer's DEFFORM 47 – Annex A (Offer) return has been assessed as **non-compliant** (see section 2); and/or • The Tenderer's Commercial Offering has been assessed as **non-compliant** (see section 3)

Table 1 – Commercial Evaluation Scoring Criteria

1.4 As noted in the Evaluation Methodology (DEFFORM 47 – Annex D), the entire commercial compliance response shall be evaluated during **Part A** (the initial assessment of the ITN) of the evaluation process. During **Part C** (the assessment of the Final Tender), only those elements which have been revised shall be re-evaluated.

1.5 The Tenderer must achieve a "Pass" following evaluation at **Part C** to be deemed compliant and proceed to **Part D,** where the Most Economic Advantageous Tender (MEAT) will be determined**.** If a "Fail" is awarded at **Part C**, then the tender will be deemed non-compliant and discounted from the rest of the evaluation process and will not proceed to **Part D**. Please refer to section 4 of the Evaluation Methodology at Annex D.

2 STEP 1 - ASSESSMENT OF DEFFORM 47 – ANNEX A (OFFER) RETURN

2.1 This step will evaluate the Tenderer's completion of the DEFFORM 47 – Annex A (Offer) form, and any associated supporting documents.

2.2 The Tenderer shall submit a completed DEFFORM 47 – Annex A (Offer) form, and; Form 1686, DEFFORMs 68, 528, 539A, and 711, as directed by their responses to the Mandatory Declarations in the DEFFORM 47.

2.3 This documentation shall be assessed for completeness, accuracy, consistency with other documents returned as part of the Tender, and to identify if it has been endorsed by an appropriate person within the Tenderer's organisation.

2.4 **Scoring criteria**

	Scoring Criteria
Pass	• The DEFFORM 47 Annex A (Offer) is signed, unaltered and the mandatory return completed; **and** • Form 1686, DEFFORMs 68, 528, 539A, and 711 returned as required, complete; **and** • All documents returned have been completed accurately and consistently, and signed by an appropriate person where required
Fail	• The DEFFORM 47 Annex A (Offer) is not signed, altered or the mandatory return is incomplete; **and/or** • One or more of Form 1686, DEFFORMs 68, 528, 539A, and 711 not returned as required, or incomplete; **and/or** • Not all documents returned have been completed accurately or consistently, or signed by an appropriate person where required

Table 2 – DEFFORM 47 – Annex A (Offer) Scoring Criteria

3 STEP 2 - ASSESSMENT OF THE COMMERCIAL OFFERING

3.1 This step will evaluate the Tenderer's commercial offering, focusing on the Terms and Conditions of the Contract, and provision of deliverables stated in the DEFFORM 47.

3.2 The Tenderer shall submit all documents, as detailed in Section C "Limitation of Contractor's Liability (LOCL)" and Section C "Checklist for Tender Returns", of the DEFFORM 47.

3.3 The Tenderer shall submit a completed Compliance Matrix (held at Appendix 2 to Annex D of the DEFFORM 47), indicating in Table 1 and Table 2 within that Matrix:

- if they accept each Term or Condition as drafted,

- details of any proposed new or amended Term or Condition as applicable.

3.4 The Authority will not consider proposed amendments to, or rejections of, Terms or Conditions marked as Non-Negotiable in the Compliance Matrix.

3.5 The Authority will consider proposed amendments to, or rejections of, Terms or Conditions marked as Negotiable in the Compliance Matrix.

3.6 The wording for any proposed new or amended negotiable Term or Condition must be detailed in Table 2 of the Compliance Matrix, submitted with the Tenderer's Tender Return. These will be assessed in accordance with the scoring criteria detailed in Table 3 below.

3.7 **Scoring Criteria**

	Scoring Criteria

Pass	• The Tender is in the format stated in the Tender documentation (paragraphs C1 to C3 (inclusive)); **and**
	• The Tenderer has submitted all documents, as detailed in Section C of the DEFFORM 47; **and**
	• The Tenderer accepts all non-negotiable Terms and Conditions as drafted by the Authority; **and**
	
	• In the Authority's assessment, the Tenderer has proposed no amendments to any of the draft negotiable Terms and Conditions of Contract other than typographical and/or grammatical amendments; **or**
	• The Tenderer has proposed amendments to the draft negotiable Terms and Conditions of the Contract which, in the Authority's assessment, do not materially alter the Tenderer's deliverability and/or performance and/or the required transfer of risk to the Authority and are within the scope of the requirement as advertised; **and**
	  o The Tenderer has proposed no changes to the aggregate Heads of Loss Limits stated in the Contract; **or**
	  o The Tenderer has proposed changes to the aggregate Heads of Loss Limits stated in the Contract which would create a new or amended LoCL. Following assessment, as detailed in Table 4 of this Commercial Evaluation question, a score of **Pass** has been achieved;
	and
	
	• The Tenderer has met the insurance requirements.

Fail	• The Tender is not in the format stated in the tender documentation (paragraphs C1 to C3 (inclusive)); **and/or** • The Tenderer has not submitted all documents, as detailed in Section C of the DEFFORM 47; **and/or** • No response is provided, or an insufficient response is provided to enable an evaluation; **and/or** • The Tenderer rejects any non-negotiable Terms and Conditions; **and/or** • The Tenderer amends any non-negotiable Terms and Conditions; **and/or** • The Tenderer has proposed amendments to the draft negotiable Terms and Conditions of the Contract which, in the Authority's assessment, give rise to moderate to major concerns in relation to deliverability and/or performance and/or transfer of risk to the Authority, and/or are outside the scope of the requirement as advertised; **and/or** • The Tenderer has proposed a change to the aggregate Heads of Loss Limits, which would create a new or amended Limitation of Contractor's Liability (LoCL), and following assessment, as detailed at Table 4 of this Commercial Evaluation question, a score of **Fail** has been achieved; **and/or** • The Tenderer has not met the insurance requirements.

Table 3 – Commercial Offering Scoring Criteria

3.8 A Limitation of Contractor's Liability (LoCL) limits (or caps) a contractor's financial liability under a contract. If the Tenderer proposes a new Term and/or Condition, or an amendment against a negotiable Term and/or Condition of Contract, or a change to the aggregate Heads of Loss Limits as stated under Clause 16 of the Contract Terms and

Conditions – Limitation of Contractor's Liability, which results in a new or amended Limit of Contractor's Liability, each will be assessed and scored as in table 4:

Score	LoCL Evaluation Criteria
Pass	The Tenderer accepts **all** the Heads of Loss, with no changes to the aggregate values of any Head of Loss**; or** The Tenderer has made a change to one or more of the aggregate values of Heads of Loss. The Tenderer's response provides the information requested in section C7, presented in the format at section C8, of the DEFFORM47. The response demonstrates that key risks have been assessed, the Tenderer has proposed mitigation for each of those risks, and there is no Contingent Liability to the Authority.
Fail	The Tenderer has made a change to one or more of the aggregate values of Heads of Loss. The Tenderer's response doesn't provide the information requested in section C7 of the DEFFORM47, **and/or** information is not presented in the format at section C8 of the DEFFORM47, **and/or** the response doesn't demonstrate that key risks have been assessed, **and/or** the Tenderer hasn't proposed mitigation for each of the risks, **and/or** there is a potential Contingent Liability to the Authority.

Table 4 – Limitation of Contractor's Liability Scoring Criteria