



The Coal  
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# Taining Drain Subsidence Pumping Station MEP Works 2017

## INTRODUCTION AND PROCUREMENT PROCEDURES DOCUMENT

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## **1. Purpose and Scope of Document**

The purpose of this document is to explain the procurement process and the objective of the procurement process. This document details the following:

- the Authority's high level requirements
- the overall timetable and process for this procurement
- the tender process
- the clarification process
- the information required in the submission
- the selection criteria and process that will be used to evaluate the tender submissions

## **2. Introduction**

Thank you for showing an interest in the Authority's requirement for mechanical, electrical & pumping (MEP) works at Taining Drain Subsidence Pumping Station

The Authority is seeking to appoint a contractor to provide the requirements described in the works information commencing in mid-September 2017

## **3. Background**

The Authority was established by Parliament to undertake specific statutory duties, set out in the Coal Industry Act 1994, associated with licensing coal mining operations; managing property and the historic legacy arising from the ownership of the coal reserves and underground workings; settling subsidence damage claims not falling on coal mine operators and providing access to coal mining information.

It employs 200, based mainly at the head office in Mansfield with some field staff remotely based in order to enable a fast response to incidents in the coal mining areas.

The Authority is funded by Grant-in-Aid from the Department of Business, Energy and Industrial Strategy. The Authority takes pride in its achievements, quality and motivation of staff, and is focused on delivering its high level objectives.

## **4. Sustainability & Innovation**

The Authority expects its suppliers to work collaboratively and be supportive of its approach to continually improve performance, through the selection of sustainable products and solutions, innovative thinking and the employment of best practice to meet its objectives and targets.

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The Authority recognises that improving its performance is an ongoing process and that its suppliers are important partners in our aim to become more sustainable.

Details of our approach to sustainability and our overall performance can be found within the supplied documents and at:

<https://www.gov.uk/government/publications/coal-authority-sustainability-framework>  
<https://www.gov.uk/government/publications/coal-authority-sustainability-report-2015-16>

### 5. Objective of Project

The Authority is looking to work with a partner to deliver our requirements. The Authority requires delivery partners that will facilitate the achievement of its vision in an open manner and with mutual trust and co-operation. Both parties need to operate on the understanding that the Authority must receive value for money whilst the contractor must make a reasonable profit.

The Authority is seeking to appoint a contractor who shares a culture and ethos compatible with the Authority and partner with the Authority as an enabler to support it in meeting its statutory duties and objectives. The contractor will need to demonstrate that they are able to make a positive contribution to team working.

As a publicly funded organisation the Authority needs to obtain value for money whilst achieving the right balance of cost and quality. It is expected that this contract will deliver benefits through close working relationships and continuous improvement. There is the potential to drive down costs, improve cost certainty, service management and quality through:

- a pragmatic method of learning lessons and applying them as appropriate to gain maximum benefit
- appropriate risk management

### 6. Procurement Procedure

The Authority as a Non Departmental Public Body is required to undertake this process in compliance with the Public Contracts Regulations 2015 and has selected the *open procedure* for this requirement.

The process will be managed through the Authority's eTendering portal which provides a secure delivery mechanism and an auditable record of the process. There is no cost associated to using the portal and merely requires a short registration process.

Any issues, queries or problems with the eTendering portal needs to be addressed to BravoSolution Helpdesk on telephone number 0800 368 4850 or by email [help@bravosolution.co.uk](mailto:help@bravosolution.co.uk).

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Any questions in respect of the tender documentation are to be sent via the portal using the messaging facility within the system. This ensures that a complete audit trail of the process is achieved. Questions raised which result in additional information being provided will be shared with all organisations together with the Authority's response, but will not breach any areas of commercially sensitive information.

The Authority accepts no liability for any costs incurred by organisations in respect of preparing and submitting the Expression of Interest documentation or any element of the procurement process.

### 7. Programme for Delivery

| Phase  | Process                                                    | Date             |
|--------|------------------------------------------------------------|------------------|
| Tender | Contract Notice Published                                  | w.c.5 June 2017  |
|        | Tender Documentation available                             | w.c.5 June 2017  |
|        | Site Visit                                                 | 22 June 2017     |
|        | Deadline for Queries                                       | 30 June 2017     |
|        | Tender Closing Date                                        | 5 July 2017      |
|        | Evaluation of Tenders starts including any clarifications* | 5 July 2017      |
| Award  | Award Notification*                                        | w.c.17 July 2017 |
|        | Contract Award *                                           | w.c.31 July 2017 |
|        | Indicative Start on site*                                  | Mid-Sept.2017    |

\*Any Changes will be notified as appropriate throughout the procurement process.

### 8. Site Visit

Interested parties are invited to visit the Taining Drain site for an escorted inspection on

**22 June 2017 at 1000 hrs**

**Please confirm your attendance at this visit by way of a message on the Coal Authority's e-sourcing portal. Please also confirm names and contact details of those attending**

### 9. Tender Phase

#### Selection Criteria/Scoring

The ITT Bid evaluation will be based on the technical and financial proposals within the bids and the information set out in each compliant bid

Bidders must accept the Coal Authority's terms & conditions.

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Conditions of contract will be the NEC3 ECC Contract Option A. Appropriate Z clauses relevant to the scope of activities outlined in the specification have been included and are attached for information.

The Coal Authority will reject any Bid which is not a Compliant Bid.

A Bid shall only be a compliant bid if the following documents have been completed and submitted:

- Qualification Envelope completed in the Bravo e-portal
- Technical Questionnaire and Responses - Completed in the Bravo e-portal
- Commercial Offer - Completed and attached where indicated

The Evaluation of the ITT responses will be carried out in two stages.  
These stages are:

- Stage One: Core Assessment;
- Stage Two: Technical Assessment.

### **Stage 1 – Core Assessment**

The assessment at Stage 1 will comprise of a number of questions on the following topics:

- General & Organisation
- Economic & Financial & Legal Standing and Insurance
- Safety, Health & Environmental Issues

These elements will be assessed on a minimum “meets requirements” basis.

The Authority reserves the right to exclude any bid that does not meet the minimum requirements for these elements

The “meets requirements” score required in the health and safety and environmental sections of the questionnaire is 40%.

The Authority reserves the right to exclude any submission not achieving this minimum requirement for those sections

The Authority will exclude a bid from this process if it establishes that the economic operator has been convicted of any of the offences defined in Regulation 57 of the Public Contract Regulations 2015

Bids meeting requirements will then be evaluated on the basis of the most economically advantageous tender. The weighting to be applied to scoring questions within the tender will be as follows

**Technical / Quality – 65%**

**Price – 35%**

## **10. Submission of Tender**

Your tender should be submitted on a fixed price basis and should remain open for acceptance for a period of 120 days from the closing date for the receipt of tenders.

Tenders received after the tender closing date will not be considered. Failure to comply with the provisions of these Instructions or to complete the tender document in full and without alteration may also result in the disqualification of your tender.

Your submitted tender rates and prices must be exclusive of Value Added Tax.

## **11. Technical Assessment**

The following information will be assessed and the selection will be based on the demonstration of the ability to deliver the requirements detailed within the works information.

- experience to demonstrate competence and capability in the areas identified within the specification
- capacity
- skills & education
- confidentiality

## **12. Scoring**

Scoring questions are identified within the tender and the table below provides a summary of the scoring to be applied.

| <b>Score Categories</b>  | <b>Meaning</b>                                                                                                                                                                                                                  | <b>Scores</b> |
|--------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| Adds Value               | The evaluators believe that as well as meeting requirements in all respects, the response has additional features that benefit and adds value for the Authority                                                                 | 5             |
| Fully Acceptable         | The evaluators are fully satisfied that the proposal meets the requirement in all aspects                                                                                                                                       | 4             |
| Minor Reservations       | The evaluators are confident that the supplier has the ability to meet the requirement but have some minor reservations                                                                                                         | 3             |
| Significant Reservations | The evaluators believe the supplier has the ability to partially meet the requirement, but has some major reservations about the approach or solution proposed. The supplier has not met the minimum requirements as specified. | 2             |
| Requirement Not Met      | The evaluators believe that the evidence fails to show that the contractor is capable in the requirements area                                                                                                                  | 0             |

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The following questions are the scoring questions

The weightings for each question are indicated in the subject field

| Subject                                      | Question                                                                                                                                                                                                                                                                                                                                                          | High Scoring Response                                                                                                                                                                                                                       |
|----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Experience – 40%</b>                      | <p>Please provide by way of attachment evidence of three previous projects that you have delivered which are relevant and / or similar to the scope of this contract.</p> <p>Please include detailed information on the scope of these previous projects, the extent and detail of the mechanical, electrical and pumping works involved, location and value.</p> | <p>Technically relevant examples provided.</p> <p>Sites closely match Taining Drain and the extent of works required.</p> <p>Responses with technical content providing significant detail to assure technical capability.</p>              |
| <b>Experience – 20%</b>                      | <p>By way of attachment please confirm how many projects similar in scope and the requirements to Taining Drain has your organisation completed in the last three years?</p> <p>Please provide relevant details such as extent of the mechanical, electrical and pumping works, location and value.</p>                                                           | <p>Number of installations completed that evidences both capacity and technical capability.</p> <p>Responses with technical content providing significant detail to assure technical capability.</p>                                        |
| <b>Outline Programme – 20%</b>               | <p>By way of an attachment please provide an outline programme for the delivery of the requirements of Taining Drain as detailed in the Works Information.</p> <p>This could be in the form of either a Gantt chart or spreadsheet but should clearly illustrate the detail of each stage of the process.</p>                                                     | <p>Submission that provides evidence of understanding the project requirements.</p> <p>A programme that shows evidence of detailed planning and optimally balances the timescales for delivery with realistic estimates for completion.</p> |
| <b>Qualifications &amp; Experience – 20%</b> | <p>By way of attachment please provide details of the qualifications and experience of the team members that would be delivering this contract if your bid was successful.</p> <p>Particular reference should be made</p>                                                                                                                                         | <p>Relevant experience and qualifications for the delivery of this requirement.</p> <p>Evidence of capacity to meet Coal Authority requirements.</p> <p>Evidence of safety and CDM capability</p>                                           |



| <b>Subject</b>                    | <b>Question</b>                                                                                                                                                                                                                                                                                                                                                                                             | <b>High Scoring Response</b>                              |
|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|
|                                   | to Health & Safety and CDM<br>Principle Contractor qualifications<br>and/or experience.                                                                                                                                                                                                                                                                                                                     | and experience.                                           |
| <b>Delivery –<br/>non scoring</b> | By way of an attachment please<br>detail how you will deliver the<br>various requirements of this project.<br><br>Will all elements be delivered by<br>direct labour or will specialist sub-<br>contractors be utilised?<br><br>If work is to be sub contracted<br>please detail the organisations<br>concerned and the process that your<br>organisation follows to approve and<br>employ sub-contractors. | This is not a scoring question – for<br>information only. |

Each question will be individually assessed

The Coal Authority reserves the right to deem any submission scoring a 0 or 2 for any scored question as non – compliant and as such may be excluded from consideration

### **13. Guidelines**

The questionnaire should be completed by a partner/director/senior manager.

Please answer each question fully. The Authority stresses the value and importance of substantiating answers with supporting documentation when requested.

The questionnaire should be completed accurately, if successful this document will form part of the contract.

The response and supporting documents must relate specifically to the organisations policy and arrangements.

Organisations currently providing services to the Authority must provide full details as requested and not just refer to the Authority.

Appendices in the form of attachments are either requested for the response to a specific question or can be included in the General Attachment area of this questionnaire but where included must be clearly labelled and cross referenced to ensure the information supplied can be assessed in full.

## **14. Assessment & Feedback**

The tender submissions will be assessed in accordance with selection criteria.

The Authority will recognise the required standstill period when notifying all bidders of the outcome of the process.

Feedback will be provided at that time to organisations which are not successful through the issue of a letter providing debrief information on the assessment of the tender, scoring, confirmation of the successful tenderer and the characteristics and relative advantages of the successful tender.

## **15. Acceptance Procedure**

The Authority does not bind itself to accept your tender and will not be responsible for, nor pay for, any expenses or losses which may be incurred by you in the preparation of your tender.

No tender shall be deemed to have been accepted unless such acceptance has been notified in writing to the tenderer.

Whether or not your tender is accepted, you must treat the details of all tender documents as private and confidential. If you decide not to submit a tender, you must reply that you wish to reject the tender and provide a comment why.

If you require clarification then a query through the online messaging facility should be submitted.

## **16. Declaration**

We declare that this is a bona fide tender, intended to be competitive, and that we have not fixed or adjusted the amount of the tender by or under or in accordance with any agreement or arrangement with any other person.

We also declare that we have not done and we undertake that we will not do at any time before the returnable date for this tender any of the following acts:-

- (a) Communicate to a person other than the person calling for these tenders the amount or approximate amount of the proposed tender;

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- (b) Enter into any agreement or arrangement with any other person that he shall refrain from tendering or as to the amount of any tender to be submitted;
- (c) Offer, pay or give or agree to pay or give any sum of money or valuable consideration directly or indirectly to any person for doing or having done or causing or having caused to be done in relation to any other tender or proposed tender for the said work any act or thing of the sort described above.

In this declaration the word 'person' includes any persons and any body or association, corporate or unincorporated; and 'any agreement or arrangement' includes any such transaction, formal or informal, and whether legally binding or not.

## Appendix A – Whistle Blowing

### COAL AUTHORITYS WHISTLE BLOWING POLICY

#### **Public Interest Disclosure Act 1998 (“Pida”) Whistle Blowing Policy**

Should appointed Contractors not have a Whistle Blowing Policy in place similar to that of the Authority’s below, they are to ensure that the Authority’s Whistle Blowing Policy, and contact details, is made available to their employees who will undertake works and services on this Contract.

The Authority’s Whistle Blowing Policy will enable an employee of an appointed Contractor, who may have a concern in respect of this Contract, to have the right to raise the concern and have the concern investigated without fear of reprisal. As a first step, being encouraged to speak to the Authority’s Head of Procurement who will then follow the Authority’s policy for handling such concerns.

#### **1. AIM**

The Coal Authority is committed to providing an ethical and moral working environment, free from malpractice, harassment, bullying, discrimination and breaches of Health and Safety regulations. This Policy aims to encourage employees not to turn a blind eye to malpractice in the work place, to voice their concerns and to facilitate a more open and honest working environment.

#### **2. APPLICATION**

This Policy applies to all Coal Authority employees, permanent and temporary, agency staff and staff seconded to The Coal Authority.

#### **3. LEGAL BACKGROUND**

The Public Interest Disclosure Act 1998 came into force in July 1999 and introduced increased employment rights to the Employment Rights Act 1996. In summary the Act introduces statutory protection against dismissal and victimisation for all workers who speak out about malpractice in the workplace or similar concerns, “qualifying disclosures”.

#### **4. SCOPE OF THE POLICY**

A disclosure will qualify for protection if the concern relates to unlawful conduct, financial malpractice or dangers to the public or the environment. Specific examples could include:

- A criminal offence, e.g. fraud, corruption or theft
- Failure to comply with a legal obligation
- Endangering the Health and Safety of any individual
- Causing environmental damage
- A miscarriage of justice
- The deliberate concealment of information which would constitute evidence of any of the above.

If an employee has made a “qualifying disclosure” then they must follow the procedure set out below in order to gain the protection of the Policy.

#### **5. REPORTING A CONCERN**

An employee should raise their concern with their immediate line manager. If for any reason they feel unable to do this they should contact a member of the HR Department or the Chairman of the Audit Committee. The Chairman of the Audit Committee will report the fact of the referral and the resultant response to the Audit Committee who in turn may refer the matter to the Board. Contact details of the Chairman of the Audit Committee can be obtained from the staff directory on the Coal Authority’s intranet.

If the complaint is regarding how an individual has been treated in their employment then the correct procedure to follow is the Grievance Procedure and not the Whistleblowing Policy. Individuals will be advised of the correct procedure to use should they raise a concern.

If a staff member who has raised a qualifying disclosure is unhappy with the outcome, they may contact the independent charity ‘Public Concern At Work’, who are a leading authority on whistleblowing. Its lawyers can give staff free confidential advice at any stage about how to raise a concern about serious malpractice at work.

Should staff decide to report a matter externally, then due care should be taken not to disclose confidential information unless it is covered by the Public Interest Disclosure Act as referred to in Section 4 of this Policy, as the Act does not provide for blanket disclosure.

#### **6. ANONYMITY**

An employee can request that their identity be protected and this will not be disclosed without their consent. If due to the nature of the disclosure, The Coal Authority is unable to resolve the concern without revealing the employee’s identity, e.g., if the

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employee's evidence is needed in court, this will be fully discussed with the employee before the matter is progressed.

### **7. PROTECTION AGAINST VICTIMISATION, HARASSMENT OR DISMISSAL**

The Authority seeks to encourage employees to report any concerns or malpractice internally. Employees reporting as such will be protected from harassment, victimisation, dismissal or any other reprisal which may result.

Any employee found to be victimising, harassing or subjecting any other employee to any reprisal may be subject to disciplinary action. Depending on the seriousness of the case, an act of reprisal may be viewed as an act of gross misconduct warranting summary dismissal.

### **8. DETERRING DISCLOSURES**

Deterring any employee from reporting a legitimate concern is viewed as a serious offence. Any employee found to be deterring another employee would be subject to disciplinary action, which could result in dismissal.

### **9. FALSE ALLEGATIONS**

The reporting of false or malicious allegations is deemed to be a serious disciplinary offence. Any employee found to have made a malicious or deliberately false allegation may be subject to disciplinary action, which could result in dismissal.

### **10. COMMUNICATION OF THE POLICY**

This policy has been communicated to all employees via management briefings and its inclusion in the Staff Handbook and on the Intranet.

### **11. INTERFACE WITH OTHER POLICIES AND PROCEDURES**

The Whistleblowing Policy is not designed to replace the Authority's Grievance Procedure but evidence gathered may lead to other procedures such as the disciplinary procedure and audit procedure being invoked.

### **12. REVIEW OF THE POLICY**

The Coal Authority commits to monitor and review the operation of the Whistleblowing Policy on an annual basis.

## **REPORTING PROCEDURES**

### **1. Making a disclosure**

- 1.1. As soon as a staff member becomes concerned about an issue at work relating to matters of public interest, they should report the matter either verbally or in writing to their line manager.

If, for whatever reason, the staff member feels unable to report this to their line manager, they may report the matter to the Director of People and Client Services on 07824 550908, e-mail: [lisastanger@coal.gov.uk](mailto:lisastanger@coal.gov.uk) , or Bob Spedding, Non-Executive Board Member on 07802 522280 or [bspedding@btinternet.com](mailto:bspedding@btinternet.com) .

In Bob Spedding's absence, alternative contacts are Gemma Pearce, email: [gemmapearce@coal.gov.uk](mailto:gemmapearce@coal.gov.uk). Letters may also be sent to the Non Executive Board Members c/o Diane Moore, PA to the Chief Finance and Information Officer

- 1.2 The staff member should ensure their disclosure includes the name(s) of the employee(s) against whom allegations are being made, the nature of their concern and evidence supporting their disclosure.
- 1.3 The receiving manager should ensure that if they receive a verbal disclosure that they make a note of the information provided and send a copy to the staff member to sign to confirm accuracy of the content within 5 working days.

### **2. Handling a disclosure**

- 2.1 The receiving manager will then report the matter to the Head of HR and OD who will advise if the concern raised falls within the scope of the policy. The Head of HR and OD will inform the Board for information and, where appropriate, appoint an investigation officer, who will contact the employee to explain the process to be followed and to make arrangements to hold an investigative meeting with them.
- 2.2 The investigating officer will also be responsible for notifying the staff member(s), who have had allegations made about them, of the process and to arrange to meet with them accordingly. The staff member will be given the opportunity to respond verbally and in writing to the claims being made against them and to consider any relevant evidence provided.
- 2.3 In handling the disclosure, the investigation may involve seeking assistance from other agencies or bodies, e.g. Department of Business, Energy and Industrial Strategy, the police, auditors, etc, interviewing witnesses to gather the facts and any documentary evidence.

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- 2.4 It is the Coal Authorities intention to ensure that disclosures are handled confidentially and sensitively and an outcome reached within two months. If this timescale cannot be achieved then all parties will be informed accordingly.
- 2.5 The investigation officer will ensure that all parties are kept informed of the status of the investigation.

### **3. Outcome of a disclosure**

- 3.1 The investigation officer will advise both parties of the outcome of the investigation both verbally and in writing, e.g., if the disclosure will result in disciplinary action or if the disclosure cannot be substantiated.
- 3.2 The investigation officer, where appropriate, will provide recommendations to change The Coal Authority's procedures, practices or policies to prevent a similar situation occurring in the future.
- 3.3 Both parties, if required will be provided with counselling support during the investigation and mediation support after the investigation should this be appropriate.
- 3.4 In the event that the employee making the disclosure is unhappy about the outcome they may consider contacting the independent charity 'Public Concern at Work' if they so wish on 020 7404 6609.
- 3.5 Public Concern at Work provide independent and confidential advice to workers who are unsure whether or how to raise a public interest concern, if they are aware of a possible wrongdoing or malpractice in the workplace. The advice line is managed by qualified lawyers with a wealth of experience in whistle blowing law and practice.



## Appendix B – Values & Behaviours

### External values

#### **Expert**

We deliver peace of mind underpinned by our expertise and in-depth knowledge of our subject.

#### **All Angles**

We bring all our experience from public safety, environmental and information viewpoints to deliver more sustainable solutions.

#### **Inventive**

We always look for creative and intelligent ways to meet our customers' needs.

#### **Agile**

We are agile, responsive and committed to delivering the best value solutions for customers.

## **Appendix C – Transparency Guidance**

### **Transparency**

Government has set out the need for greater transparency across its operations to enable the public to hold public bodies and politicians to account. This includes commitments relating to public expenditure, intended to help achieve better value for money.

As part of the transparency agenda, Government has made the following commitments with regard to procurement and contracting:

- All new central government ICT contracts over the value of £10,000 to be published in full online from July 2010.
- All new central government tender documents for contracts over £10,000 to be published on a single website from September 2010, with this information to be made available to the public free of charge.
- All new central government contracts over the value of £10,000 to be published in full from January 2011.
- New items of central government spending over £25,000 to published online from November 2010.

Suppliers and those organisations looking to bid for public sector contracts should be aware that if they are awarded a new Government contract, the resulting contract between the supplier and Government will be published. In some circumstances, limited redactions will be made to some contracts before they are published in order to comply with existing law and for the protection of national security.

The publication of information incorporates but is not limited to the following documentation/information. This will cover potential contract extensions and orders placed against a framework or term contract.

Contracts: contract, specification, terms and conditions, schedules and pricing – issued by both the tenderer and the Authority.

Tenders: invitation to tender, specification, terms and conditions, prequalification questionnaires, OJEU notices – issued by the Authority.

Spending: summary of invoice information in relation to payments made and includes invoice values – submitted by suppliers.