**Invitation to Tender (ITT)**

**Supplier Response Document**

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**Hawkinge Community Centre Carpark,**

**Extension, Drainage and Resurfacing Project**

**February 2024**

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# required DOCUMENTS

Please also complete and provide:

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* Appendix C – HTC - Tender Sum Analysis
* Appendix D – HTC – ITT Sub-Contractor Information (if applicable)
* Appendix E – Parent Company Guarantee (if applicable)

# appendices

Please list any additional documents you have submitted with your tender:

**SECTION 1 – SUITABILITY QUESTIONNAIRE**

## 1.1 ORGANISATION DETAILS

This section is forinformation only, but must be completed in full.

The terms 'the organisation' and 'your organisation' used in this document mean your business, company, charity, partnership or any other type of organisation identified below.

|  |  |
| --- | --- |
| Full name of the organisation submitting this tender |  |
| Registered office address: |  |
| Company registration or charity registration number  |  |
| VAT registration number |  |
| Name of immediate parent company |  |
| Name of ultimate parent company |  |
| Type of organisation:* public limited company (PLC)
* limited company (LTD)
* limited liability partnership (LLP)
* other partnership
* sole trader
* third sector (charity)
* other (please explain)
 | please state which: |
| Are you a Small, Medium or Micro Enterprise (SME)? | Yes / No |
| **Contact details for questions about this tender** |
| **Name:** |  |
| **Phone:** |  |
| **Mobile:** |  |
| **Email:** |  |

**Sole bidding organisation**

You are a ‘sole bidding organisation’ if this tender is submitted for your company only. If you intend to use sub-contractors, consultants or other partner organisations to deliver the contract, you do not need to identify them in your response\*. Your company will be entirely liable to Folkestone & Hythe District Council (HTC) for the delivery of the requirements of the contract.

\*Exception: where sub-contractors will play a significant role in the delivery of the services (e.g. more than 50%) please refer to Section 1.1

**Consortia, partnerships and joint ventures**

If you are tendering for this contract on behalf of a group of companies (a consortium, partnership or joint venture) the following information must be provided:

* Full details of the consortium, partnership or joint venture and
* Information sought in this questionnaire in respect of each of the consortia, partnership or joint venture constituent members as part of a single response.

If you propose to create a separate corporate entity for this contract, you must provide details of the actual or proposed percentage shareholding of the constituent members within the consortium in a separate schedule (how much of the new organisation each member will own).

HTC reserves the right to require a successful consortium to form a single legal entity in accordance with Regulation19(6) of the Public Contracts Regulations 2015.

If there is a change in the consortium, partnership or joint venture you must inform HTC immediately.

**Special Purpose Vehicles (SPV)**

You are a ‘Special Purpose Vehicle’ (SPV) if you have formed (or will form) a new legal entity for the purpose of bidding for this contract, with the intention that this organisation will be awarded the contract.

In addition the member organisation of the special purpose vehicle will be required to be jointly and severally liable to the Council for the delivery of the requirements of the contract, regardless of

(a) the value of their contributions in respect of the contract sum, time, volume, quality or any other considerations, or

(b) the future organisational or legal standing of the special purpose vehicle.

You must inform HTC of any withdrawal of members of the SPV during or subsequent to the ITT so that the implications of such a withdrawal may be assessed.

|  |
| --- |
| **Consortia and sub-contracting** (please tick) |
| 1. Your organisation is bidding to deliver the contract itself
 |  |
| 1. Your organisation is bidding in the role of prime contractor and intends to use third parties to deliver some of the contract

If more than 50% of the work will be completed by sub-contractors, please complete the sub-contractor information template provided. |  |
| 1. Bidding organisation is a consortium, joint venture or partnership
 |  |
| 1. Bidding organisation is a special purpose vehicle
 |  |
| **If your answer is (c) or (d)** please provide a separate document explaining which member of the group will be responsible for providing each part of the contract. |

|  |
| --- |
| **for non-UK organisations only** |
| Is your organisation registered with the appropriate trade or professional register(s) in the EU member state where it is established?If yes, please provide details and any registration numbers. | Yes / No |
| Is it a legal requirement in the state where you are established for you to be licensed or a member of a particular organisation in order to provide the services in this procurement? If yes, please provide details of what is required and confirm that you have complied with this. | Yes / No |

## 1.2 GROUNDS FOR MANDATORY REJECTION

This Section is **PASS/FAIL.** If you answer ‘yes’ to any question in this section your tender will be rejected.

If you are unsure how to respond you should contact us for advice before completing this form.

If you are bidding as a consortium, partnership, joint venture or special purpose vehicle:
your response must apply to all members.

|  |  |
| --- | --- |
| 1.2.1 Details about the grounds for mandatory rejection are set out on online [(go to gov.uk webpage)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf).If your organisation or any other person who has powers of representation, decision or control in your organisation has been convicted anywhere in the world for any of the offenses below within the last 5 years, please mark which. | Answer |
| 1. Participation in a criminal organisation.
 | Yes / No |
| 1. Corruption.
 | Yes / No |
| 1. Fraud.
 | Yes / No |
| 1. Terrorist offences or offences linked to terrorist activities
 | Yes / No |
| 1. Money laundering or terrorist financing
 | Yes / No |
| 1. Child labour and other forms of trafficking in human beings
 | Yes / No |
| 1. Has your organisation been in breach of tax payment or social security contribution obligations?
 | Yes / No |
| 1.2.2 If you answered "yes" to any of (a) to (f) above, please provide:* Date of conviction;
* which the conviction was for;
* the reasons for conviction; and
* Identity of who has been convicted

If the relevant documentation is available online, please provide:* the web address;
* issuing authority; and
* reference of the documents
 |
| Not applicable / [insert details] |
| 1.2.3 If you answered "yes" to (g) above,1. provide details.
2. confirm you have paid, or have entered into a binding arrangement to pay, the outstanding sum (and any accrued interest or fines).
 |
| Not applicable / [insert details] |

## 1.3 GROUNDS FOR DISCRETIONARY REJECTION

This Section is **PASS/FAIL.** If you answer ‘yes’ to any question HTC is entitled to reject your tender but can choose to allow you to proceed further, after considering your circumstances.

If you answer ‘yes’ to any question, please set out (in 1.3.1) the full details of the relevant incident and any remedial action taken. HTC will consider your response before making a decision about whether or not to include your tender in its evaluations or to reject it.

If you are bidding as a consortium, partnership, joint venture or special purpose vehicle:
your response must apply to all members.

|  |  |
| --- | --- |
| 1.3.1 Details about the grounds for discretionary rejection are set out on online [(go to gov.uk webpage)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf).Do any of the below apply or have applied to your organisation or any other person who has powers of representation, decision or control in your organisation within the last 3 years? | Answer |
| 1. Breach of environmental obligations?
 | Yes / No |
| 1. Breach of social obligations?
 | Yes / No |
| 1. Breach of labour law obligations?
 | Yes / No |
| 1. Bankruptcy or gone into liquidation or receivership?Or currently subject to proceedings for the appointment of a receiver, manager or administrator on behalf of a creditor?
 | Yes / No |
| 1. Committed an act of grave misconduct in the course of your business or profession?

Or been convicted of a criminal offence relating to the conduct of your business or profession? | Yes / No |
| 1. been significantly or persistently deficient in the performance of a previous public contract, leading to early termination of the contract, damages, or other comparable sanctions
 | Yes / No |
| 1.3.2 Conflict of interest |
| 1. Is any officer, employee or consultant of your organisation an employee or ex-employee of HTC or in any way connected to an employee or ex-employee of HTC?

Or Is any officer, employee or consultant of your organisation an elected member of the Authority or someone who has been an elected member? | Yes / No |
| 1. Is any officer, employee or consultant of your organisation involved in any other organisation that may be interested in bidding for HTC services under this tender process?
 | Yes / No |
| 1. Been involved in the preparation of this procurement process, design of services, or tender documents?
 | Yes No |
| 1. Obtained or attempted to obtain confidential information,

or entered into unlawful agreements with competitors whose to restrain or distort competition, or influenced or attempted to influence the evaluation panel or HTCin the process of preparing this tender? | Yes / No |
| 1. Aware of any other conflicts of interest in submitting this tender or which may occur in delivering the services?
 | Yes / No |
| 1.3.3 If the answer to any of the criteria listed in 1.3.1 or 1.3.2 above is “yes”, please give details, including action has been taken to remedy the situation. |
| Not applicable / [insert details] |

## 1.4 ECONOMIC & FINANCIAL STANDING

This Section is risk based **PASS/FAIL**.

You are not required to submit any financial documents at this time, but HTC reserves the right to request further information and or request a credit agency report.

If you are bidding as a consortium, partnership, joint venture or special purpose vehicle:
we will obtain this information for each member of the group. The threshold for turnover can be met entirely by one member or by a combination of members; it is not necessary for each member to individually meet the threshold.

|  |  |
| --- | --- |
| 1.4.1 Is your annual turnover (at the date of the last audited accounts) greater than £1 million GBP? | Yes / No |
| 1.4.2 If the audited accounts dated more than 6 months ago, has been any material change in the financial or trading conditions of your organisation? | Yes material change/ No material change/ Not applicable |
| 1.4.3 If your organisation has been trading for fewer than 12 months, is your projected annual turnover greater than £1 million GBP? | Yes / No / Not applicable |
| 1.4.4 Please list which you are able to provide:A copy of your audited accounts for the last two years,Or financial statements for the most recent year,Or a statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position. |  |
| 1.4.5 If you cannot provide one of the above, please explain why and list any other financial information you can provide. |  |
| 1.4.6 If you have a parent companyare you able to provide parent company accounts? | Yes / No / Not applicable |
| 1.4.7 If you have a parent companyis the parent company willing to provide a guarantee at HTC's request? | Yes / No / Not applicable |
| 1.4.8 If you do not have a parent companyOr your parent company will not offer a Parent Company Guaranteewill you be able to obtain a guarantee elsewhere (e.g. from a bank)?  | Yes / No / Not applicable |

## 1.5 INSURANCE

This Section is **PASS/FAIL.** Your organisation will fail if it does not hold or is unwilling to obtain the minimum levels of insurance required.

You are not required to submit any evidence at this time. If you are successful, you will be asked to provide evidence in the form of copies of policies, letters of confirmation from insurers (or Brokers).

If you are bidding as a consortium, partnership, joint venture or special purpose vehicle:
you must be adequately covered as a whole but may do so through any combination of policies of member organisations.

|  |  |
| --- | --- |
| 1.5.1 Is your Public Liability indemnity cover greater than £10 million GBP per incident? | Yes / No / Can Obtain |
| 1.5.2 Is your Employers Liability cover greater than £5 million GBP per incident (or the amount required by law)? | Yes / No / Can Obtain |

## 1.6 HEALTH & SAFETY

If you are bidding as a consortium, partnership, joint venture or special purpose vehicle:
the lead member must ensure that this information is shared with all members. The lead member must confirm that all members understand and agree their obligations in this section.

Your organisation must:

* Ensure that its entire workforce and all sub-contractors will comply with all relevant health and safety legislation as well as any requirements or instructions from HTC.
* Have appointed a competent person with overall responsibility for health and safety that is duly authorised in the organisation.
* Have processes in place for the identification of training needs and delivery of training to its workforce appropriate to the work for which it is bidding.
* Have processes in place for the development of risk assessments and method statements relevant to the nature of the work for which it is bidding that will identify, manage and mitigate associated risks and hazards.

If your organisation has five or more employees

* have in place a written health and safety policy as required by Section 2(3) of the Health and Safety at Work etc Act 1974 and issue any codes of safe working practices to your workforce.
This policy must provide details of the competent person or persons that have been appointed on behalf of the organisation to undertake the measures needed to comply with the requirements and prohibitions of the Management of Health and Safety at Work Regulations 1999.

HTC may verify your compliance with the above requirements at any stage of the procurement process or during the life of the contract, by means of policy checking, validation of accreditations, site audits or any other method it deems appropriate.

Further information on employers’ health and safety obligations can be found on the Health and Safety Executive website at [hse.gov.uk/simple-health-safety/index](https://www.hse.gov.uk/simple-health-safety/index.htm).

Specific guidance on how to write a policy and risk assessment is available at [hse.gov.uk/simple-health-safety/write](http://www.hse.gov.uk/simple-health-safety/write.htm).

|  |  |
| --- | --- |
| Please confirm that you understand and agree to your obligations as described above | Yes / No |

## 1.7 equality & diversity

If you are bidding as a consortium, partnership, joint venture or special purpose vehicle:
your response must apply to all members.

|  |  |
| --- | --- |
| 1.7.1 Does your organisation comply with its legal obligations under the Equality Act 2010, relating to the protected characteristics as follows? | Answer |
| Age  | Yes / No |
| Disability  | Yes / No |
| Gender reassignment  | Yes / No |
| Marriage and civil partnership  | Yes / No |
| Pregnancy and maternity  | Yes / No |
| Race  | Yes / No |
| Religion or belief  | Yes / No |
| Sex  | Yes / No |
| Sexual orientation  | Yes / No |

|  |  |
| --- | --- |
| 1.7.2 In the last three years has any finding of unlawful discrimination been made against your organisation by any court or industrial or employment tribunal?Or in comparable proceedings in any jurisdiction other than the UK? | Yes / No |
| 1.7.3 In the last three years has any finding of unlawful discrimination been made against your organisation as a result of a formal investigation by the Equality and Human Rights Commission (EHRC) or any relevant statutory European Body? | Yes / No |
| 1.7.4 If the answer to either 1.8.2 or 1.8.3 was **Yes**, provide the following information:(a) If your organisation was required to take action, did the action taken satisfy the relevant organisation?(b) what action your organisation was required to take(c) what action your organisation took. If your organisation did not take the required action, explain why not.You may be excluded if you are unable to demonstrate to HTC's satisfaction that appropriate remedial action has been taken to prevent similar unlawful discrimination occurring in the future. |
| Not applicable / [insert details] |
| 1.7.5 If you use sub-contractors, do you have processes in place to check whether any of the above apply to your sub-contractors? | Yes / No/ Not applicable |

## 1.8 Whistleblowing

|  |  |
| --- | --- |
| 1.8.1 Do you have a Whistleblowing policy in place; or do you agree to have in place or adopt HTC's Whistleblowing policy by contract award?([go to HTC's policy page](https://folkestone-hythe.gov.uk/your-council/policies-plans-and-documents/policy-documents)) | Yes / No |

# SECTION 2 –TECHNICAL and quality QUESTIONS

## 2.1 CAPABILITY

This section is **PASS/FAIL**. A bidding organisation will fail if it cannot provide details of up to 3 contracts that demonstrate technical capability or provide alternative evidence.

|  |
| --- |
| **RELEVANT EXPERIENCE AND CONTRACT EXAMPLES** |
| Please provide details of up to three contracts from the public, private or voluntary sector, that are relevant to the services described in this tender. Contracts for the supply of goods or services should be from the past three years. Works contracts may be from the past five years. The customer contact for each example should be prepared to speak to HTC to confirm the accuracy of the information provided below. Suppliers should not use previous work for or associated with HTC in these examples.  |
|  | **Contract 1** | **Contract 2** | **Contract 3** |
| Name of Customer Organisation |  |  |  |
| Contact name, telephone number & and email |  |  |  |
| Start date |  |  |  |
| End date |  |  |  |
| Estimated Contract Value |  |  |  |
| Brief description of contract |  |  |  |
| If you cannot provide three contract examples please give evidence of your technical capability in this market. |  |

## 2.2 General Data PRotection

For the purposes of the Data Protection Legislation, HTC does not anticipate the contractor processing any data on our behalf. The contractor will be a data controller of information relating to HTC and its officers as clients of the contractor.

|  |
| --- |
| 2.2.1 Do you have the resources, systems and procedures in place to ensure your organisation will comply with the General Data Protection Regulations and HTC's information management policies while performing the contracted services?If **yes**, please provide details of the measures currently in place.If **no**, please detail what measures will be in place before the contract starts.  |
| Yes / No[details] |

## 2.3 Skills and apprentices

This question is for information only, but must be completed.

|  |  |
| --- | --- |
| 2.3.1 Please state whether you will be supporting apprenticeships and skills development through this contract. | Yes / No |
| 2.3.2 If **‘yes’** please set out how you will develop and maintain skills to build a more skilled and productive workforce. Please also provide details of the process in place to ensure that your supply chain supports skills, development and apprenticeships. |
| [insert details] |

## 2.4 WEighted QUESTIONS

|  |
| --- |
| **Q1. METHODOLOGY (8%)**Please provide an indicative methodology for undertaking the work set out in the Tender Documents.*[500 word count]* |
|  |
| **Q2. TRAFFIC MANAGEMENT (8%)**Please provide details of your proposals for both vehicular and pedestrian traffic management for this project.*[500 word count]* |
|  |
| **Q3. QUALITY CONTROL (8%)**Please explain what your Quality Control Procedures will be for this project *[500 word count]* |
|  |
| **Q4. POTENTIAL RISKS (8%)**Please list your highest 3 risks for the project to meet dates set up within the brief and describe your proposed mitigation measures to reduce the risks identified. Please can you submit a draft programme of works with this submission. *[500 word count]* |
|  |
| **Q5. COMMUNICATION (8%)**Please provide details on your communication strategy.*[500 word count]* |

# SECTION 3 – Tender Sum Analysis

Please complete Appendix C – HTC - Tender Sum Analysis

Prices/rates are to be in £ Sterling (GBP), net only, and inclusive of all costs associated with the provision of the services (or works or goods).

Price(s) submitted must be **exclusive** of Value Added Tax (VAT). The percentage and amount of VAT will be shown on invoices at the current rate at the time of invoicing, if VAT applies.

Any estimated requirements (e.g. volumes) we give are intended for guidance only and are not guaranteed. Please submit your best commercial offer based on the information provided.

Unless otherwise stated, prices must be fixed (i.e. not subject to variation) for the period of the contract.

If we find any arithmetical or mathematical errors in your tender, we correct it and inform you of any corrections we make. However, we are not responsible for finding errors. It is your responsibility to make sure your tender is complete, comprehensive and correct.

**ZONE 1**

Price for completing Zone 1 as a single project.

refer to Appendix C – HTC - Tender Sum Analysis

**ZONE 2**

Price for completing Zone 2 as a single project.

refer to Appendix C – HTC - Tender Sum Analysis

**ZONE 3**

Price for completing Zone 3 as a single project.

refer to Appendix C – HTC - Tender Sum Analysis

**TOTAL PRICE**

Price for completing Zones 1, 2 & 3 as a complete project.

refer to Appendix C – HTC - Tender Sum Analysis

# SECTION 4 – TERMS & CONDITIONS OF CONTRACT

This Section is **PASS/FAIL.** If you answer 'no' HTC is entitled to reject your tender but can choose to allow you to proceed further, after considering your circumstances.

If you answer 'no', please set out the full details in an additional appendix. HTC will consider your response before making a decision about whether or not to include your tender in its evaluations or to reject it.

|  |  |
| --- | --- |
| Please ensure you have read Appendix A Preliminaries. Do you accept HTC's terms (or the terms as amended by HTC in any pre-tender clarifications)? | Yes / No |

# SECTION 5 – DECLARATIONS

TO: Hawkinge Town Council (HTC)

PROVISION OF: **Hawkinge Community Centre Carpark, Extension, Drainage and Resurfacing Project**

On behalf of [insert your organisation name], I offer to provide the supplies, services and/or works to HTC as specified in the tender documents, commencing and continuing for the period specified in those documents (including any option to extend).

The tender documents consist of:

* Appendix A – HTC – ITT Invitation to Tender instructions, Drawings and Preliminaries
* Appendix B – HTC - ITT Supplier Response Form
* Appendix C – HTC - Tender Sum Analysis
* Appendix D – HTC – ITT Sub-Contractor Information (if applicable)
* Appendix E – Parent Company Guarantee (if applicable)
* and any documents I have submitted with this response document
(listed on the first page)

If this offer is accepted, we will execute such documents as maybe appropriate in order to create a binding contract between HTC and ourselves.

I agree with the Council in legally binding terms to comply with the provisions of confidentiality set out in the **Invitation to Tender Instructions**.

I understand HTC is not obliged to accept the tender with the lowest cost or any tender.

I accept that any costs incurred in preparing this tender are at my organisation's own cost and HTC will not provide any reimbursement of these costs for unsuccessful or successful tenders.

I declare that to the best of my knowledge the answers submitted and information contained in this document are correct and accurate.

I declare that, upon request and without delay I will provide the certificates or documentary evidence referred to in this document.

I understand that the authority may reject this submission in its entirety if there is a failure to answer all the relevant questions fully, or if false/misleading information or content is provided in any section.

I am aware of the consequences of serious misrepresentation.

I declare our tender has not been calculated by agreement or arrangement with any person other than HTC and that the pricing information for our tender has not been shared with any person before the Tender Return Date and not without the written consent of HTC.

I declare no person at my organisation has canvassed or solicited any member, officer, employee or agent of HTC in connection with the award of the Contract and that no person will do so before HTC completes the evaluation process.

I warrant that I have all requisite authority to sign this tender and confirm that I have complied with all the requirements of the tender process described in the **Invitation to Tender Instructions** and this **Invitation to Tender supplier response document.**

|  |  |
| --- | --- |
| Signature: |  |
| Name & job title: |  |
| Dated: |  |
| For and on behalf of: |  |