

TMTii 57 - Evidential Trail Support for HADECS3x

Secondary Competition Questions and Answers

Version 8 – 16/12/2019

Our Ref	Date Received	Document Reference	Question and Answer	Date Released
1	20/11/19	Service Information	<p><u>Question:</u></p> <p>Can Highways England confirm the definition of a competent person? As referred to in Section 1.3.</p>	
			<p><u>Answer:</u></p> <p>See ETs for Enforcement Systems, Chapter 1, section 2.2.</p>	26/11/19
2	20/11/19	Service Information	<p><u>Question:</u></p> <p>Can Highways England confirm the role of the contractor in respect to the HADECS Police testing process?</p>	
			<p><u>Answer:</u></p> <p>Evidential Trails for Enforcement Systems Chapter 1 states “The final testing before “going live” is a Police ‘run through’ using Police vehicles with calibrated speedometers or suitably certified speed measurement equipment”.</p> <p>The relationship between the Evidential Trail supplier and the Police is such that the police facilitate the vehicles and drivers used for the high-speed runs part of the Evidential Trail production process.</p>	26/11/19
3	20/11/19	Service Information	<p><u>Question:</u></p> <p>The term scope document notes the following:-</p> <p>Senior Support Engineer (IT Management - SFIA 6) CEng Standard or equivalent, a recognised technology specialist with a proven track record of leading the delivery of evidential trails for enforcing authorities. This person</p>	

			<p>will lead the production of evidential trails, including identification and liaison with all necessary stakeholders.</p> <p>Only the incumbent can fulfil this requirement as only the current TMT58 contract has ever been let, could Highways England consider re-wording this requirement?</p>	
			<p><u>Answer:</u></p> <p><u>Tender Amendment 1 – TA1</u></p> <p>The scope has been updated to change the definition associated to 'Senior Support Engineer (IT Management – SFIA 6)'. Please see the TMTii 57 – Scope V2 (TA1) document which has been uploaded to the Tender Amendment folder on Bravo.</p>	26/11/19
4	20/11/2019		<p><u>Question:</u></p> <p>Please can you clarify closing date for all submissions, is it 11th Dec as stated in covering email or week 5 (19th Dec) as stated in RfQ based week 1 being 12th Nov?</p>	
			<p><u>Answer:</u></p> <p>The closing date for all submissions is stated on the Bravo system, which is 12:00 11th December 2019.</p>	26/11/19
5	20/11/2019		<p><u>Question:</u></p> <p>Can Highways England please confirm that transfer of staff from the current contract provider under the TUPE Regulations is not applicable for this contract?</p>	
			<p><u>Answer:</u></p> <p>We can confirm that this is not applicable for this contract. (original response which is now void)</p> <p>We can confirm that TUPE is applicable for this contract.</p>	<p>26/11/19 (original)</p> <p>02/12/19 (updated)</p>
6	27/11/2019	Scope Appendix 7b:	<p><u>Question:</u></p> <p>Smart Motorway Programme shows there are 6 schemes with confirmed sites (27 live, 28 non-live) and 13 schemes with unconfirmed sites (64 live and 73 non-live). Which tasks will be completed by the existing Consultant and which tasks should be allowed for in the Financial Submission?</p>	

			<p><u>Answer:</u></p> <p>It is expected that the pricing of the SMP programme should reflect all the confirmed and unconfirmed sites. After the 6th of January, all work will sit with the consultant awarded the TMTii 57 contract.</p>	12/12/2019
7	27/11/2019	Scope Appendix 8 Red X Enforcement High Level Programme:	<p><u>Question:</u></p> <p>Scope Appendix 8 Red X Enforcement High Level Programme shows the Initial Upgrade Programme ends around 02/07/2020. Will the existing Consultant carry on to complete those tasks or will the financial submission be required to allow for their completion after March 2020?</p>	
			<p><u>Answer:</u></p> <p>The Consultant which is awarded the TMTii 57 contract is expected to complete all work detailed in the Programme. After the 6th of January, all work will sit with the consultant awarded the TMTii 57 contract.</p>	12/12/2019
8	27/11/2019	Scope Appendix 8 Red X Enforcement High Level Programme:	<p><u>Question:</u></p> <p>Is it correct to assume that the successful TMTii 57 Consultant will be responsible under Work Package 2 for production of the Evidential Trails for the Further Upgrade Programme (c. 70 sites) starting in April 2020 and ending March 2023?</p>	
			<p><u>Answer:</u></p> <p>Yes, this is correct.</p>	12/12/2019
9	02/12/2019		<p><u>Question:</u></p> <p>The pricing schedule does not appear to require T&S or similar staff expenses to be shown. Is this correct?</p>	
			<p><u>Answer:</u></p> <p>T&S or similar staff expenses should be shown on an annual basis for each Work Package by using the 'Other Charges' table. Further explanation of these costs should be provided in the explanatory document which accompanies the Price Schedule.</p> <p>T&S is only can only be invoiced with prior approval from the Service Manager.</p>	06/12/2019
10	02/12/2019		<p><u>Question:</u></p>	

			The pricing schedule shows the starting month on the Task Schedule is April 2019, so 'Yr1' appears to be 2019/20, yet the project doesn't start until March / April 2020. Please can you clarify what is required?	
			<u>Answer:</u> If there are no costs for the financial year 2019/20, then the associated 'Hours per month' table should not be populated. However, as stated in the question, there may be costs in March 2020 which would be the financial year 2019/20. Therefore, these costs should be captured as necessary by populating the 'Hours per month' table.	06/12/2019
11	02/12/2019		<u>Question:</u> In the pricing schedule Summary tab, the Total Price cells are showing as "#Ref!" (it looks like some columns on the Task Schedule have been deleted, but they haven't followed the formula through). Please can you clarify what is required?	
			<u>Answer:</u> <u>Tender Amendment 5 (TA5)</u> The formula has been amended to resolve this issue. Please see TMTii 57 – Price Schedule V2 (TA5) in the Tender amendment folder on Bravo.	06/12/2019
12	02/12/2019		<u>Question:</u> In the pricing schedule, the Task Schedule tab only allows for 9 names per Work Package, are we allowed to add in more if needed?	
			<u>Answer:</u> Yes, tenderers can add as many lines as needed to capture the personnel assigned to each Work Package.	06/12/2019
13	02/12/2019		<u>Question:</u> On the Pricing Schedule, there is no table that asks us to breakdown our rates. Is this correct and is necessary information to be included in "accompanying document". As required in the RfQ clause 42?	
			<u>Answer:</u>	06/12/2019

			As detailed in the second bullet point of clause 43 in the Request for Quotation V2 (TA3), tenderers should provide cost related information, such as a breakdown of their rates, in the explanatory document that accompanies the Price Schedule.	
14	02/12/2019		<u>Question:</u> Price schedule - Can you please confirm what the annual index rate changes are?	
			<u>Answer:</u> As per the Call Off Agreement V2 (TA2), the secondary option X1 applies to this contract. This means price adjustments for inflation are calculated on each anniversary of the Contract Date. As stated in the Call Off Agreement V2 (TA2), the index is Consumer Prices Index (CPIY). The Consultant will hold the responsibility to contact the Employer on an annual basis, to apply for the price adjustments.	06/12/2019
15	02/12/2019		<u>Question:</u> Resource schedule – on the ‘ref purposes tab’ there are three job tile / roles which do not reflect the key people identified in the scope section 3.3. Can you please confirm what is required and also the SFIA7 role equivalent?	
			<u>Answer:</u> The ‘ref purposes tab’ is hidden and shouldn’t be used by tenderers when populating the Price Schedule. The purpose of this tab is to enable the drop-down functionality of SFIA 7 roles and grades in the Staff Rates tab.	06/12/2019
16	02/12/2019		<u>Question:</u> Clause Z5.5 - all costs, charges, expenses (including legal and administrative expenses) and payments made by the Employer in connection to the Discrimination Acts resulting from any act or omission of the Consultant. We respectfully request that the words ""reasonably foreseeable, legally enforceable and properly mitigated"" after the word ""indemnifies"" needs to inserted in the first line of Z5.5"	
			<u>Answer:</u> This is a standard Highways England Z clause which will not be amended.	06/12/2019

17	02/12/2019		<p>Question: Clause Z49.3 – "the employer may require a PCG in the event of any financial distress".</p> <p>Our standard Company position is that we will not provide a PCG due to the financial strength and liquidity of our business and this will therefore provide us with governance issues.</p> <p>Could you please either remove this requirement or confirm that this may be negotiated / subject to discussion and agreement at the time.</p>	
			<p>Answer:</p> <p>It is a Highways England policy to request a Parent Company Guarantee where deemed necessary. However, another form of guarantee could be provided, such as an ultimate parent company guarantee or a bank bond.</p>	06/12/2019
18	02/12/2019		<p>Question: Clause Z36.2 – the supplier "can be required to continue to provide the services despite termination of the contract."</p> <p>it is not clear which party will bear the costs of any additional work to be performed and it is highly unusual to potentially place the supplier in financial difficulties.</p> <p>Can you please confirm if this clause can be deleted.</p>	
			<p>Answer:</p> <p>Your quoted reference doesn't appear a within Clause Z36.2 of the Call Off Contract.</p> <p>This is a standard Highways England Z clause which will not be amended.</p>	06/12/2019
19	02/12/2019		<p>Question:</p> <p>Z16 – (Official Secrets Act) – The OSA applies and we are to ensure our Subconsultants comply with the OSA. Given the nature of the services, which are fairly standard highways related services, we would not expect such a requirement to apply.</p> <p>Please confirm if this can be deleted.</p>	
			<p>Answer:</p> <p>This is a standard Highways England Z Clause which will not be amended.</p>	06/12/2019

20			<p><u>UPDATE TO ALL TENDERERS</u></p> <p>Highways England’s initial response to tender question 5 is incorrect and has now been altered. We apologise for any inconvenience caused, but TUPE Regulations are applicable for this contract and a number of personnel have been identified as being eligible for TUPE. The current contract provider will provide anonymised data of these personnel and HR contact details by 15:00 4th December 2019. All TUPE questions relating to the eligible personnel should be directed to the HR department of the current contract provider.</p> <p>To account for the application of TUPE, tender amendments 2 and 3 have also been issued. These tender amendments are made up of the following:</p> <p><u>Tender Amendment 2 – TA2</u></p> <p>TMTii 57 – Call Off Agreement V2 (TA2): Clause Z28 has been added.</p> <p><u>Tender Amendment 3 – TA3</u></p> <p>TMTii 57 – Request for Quotation (RfQ) V2 (TA3): Paragraph 23 has been added.</p> <p>To give tenderers time to respond to these changes, the tender Q&A deadline has been extended to Monday 9th December 2019 and the tender return deadline has been extended to Friday 13th December 2019.</p>	02/12/2019
21			<p><u>Tender Amendment 4 – TA4</u></p> <p>TMTii 57 – TUPE Datasheet has been added to the tender documents folder.</p> <p>This document is password protected. If tenderers wish to access the data, then please send a request via text to Julie Prowse on 07584 263042.</p>	05/12/2019
22	06/12/2019	Price Schedule	<p><u>Question:</u></p> <p>The notes state, “Consultants are to price the Tasks within each Work Package as time charge/lump sum based upon information provided in the contract Scope.”</p> <p>Please can you confirm where in the Scope we will find the basis on which to price each Work Package?</p>	

			<p><u>Answer:</u></p> <p>Tenderers should firstly refer to Section 3 Employer's Requirements of the scope to understand the areas of work that will need pricing. This section refers out to other sections of the scope and other supporting documents which provide further context.</p>	06/12/2019
23	06/12/2019	Price Schedule	<p><u>Question:</u></p> <p>The Rates tab calls for an Overtime Hourly Rate (£) but the Task Schedule tab doesn't appear to use this information.</p> <p>Can you please confirm how we are to present any hours that should use the Overtime rate?</p>	
			<p><u>Answer:</u></p> <p>The Overtime Hourly Rate (£) is requested for information purposes only. Tenderers should not expect their staff to be working Overtime to deliver the contract requirements.</p>	06/12/2019
24	06/12/2019		<p><u>Question:</u></p> <p>Please can you confirm standard working hours and when you would expect Overtime rates to apply?</p>	
			<p><u>Answer:</u></p> <p>Standard working hours are 7.5 hours per day, as per the TMT2 Framework standards. Tenderers should not expect their staff to be working Overtime to deliver the contract requirements.</p>	06/12/2019
25	09/12/2019		<p><u>Question:</u></p> <p>A reminder was received today, stating the submission deadline is still 11 Dec. TQ 20 states the submission deadline has been extended to Friday 13th December.</p> <p>Please can you confirm that the submission deadline is Friday 13th December 2019?</p>	
			<p><u>Answer:</u></p> <p>I can confirm the tender submission deadline is Friday 13th December 2019. The Bravo system has been updated to reflect this.</p>	09/12/2019
26	09/12/2019		<p><u>Question:</u></p> <p>Please can you confirm that today, Monday 9th is the last day for tender Q&A?</p>	

			<u>Answer:</u> Yes, the deadline for tender Q&A is 14:00 Monday 9 December 2019 – which is today.	09/12/2019
27	09/12/2019		<u>Question:</u> In Section 1.3 of the Scope, the table differs to the equivalent tables in Chapter 2 and Chapter 5. Please confirm which ones we should be working to.	
			<u>Answer:</u> Please work to the table provided in Chapter 5 as this is the most up-to-date version.	12/12/2019
28	09/12/2019		<u>Question:</u> Can Highways England please confirm how they would like us to reflect within the Price Schedule the rate to be charged for any work undertaken by our personnel outside of normal working hours, e.g. night works.	
			<u>Answer:</u> If these 'outside of normal working hours' rates differ from the overtime rates, then please record these rates within the accompanying explanatory document. It is not expected that these rates will be utilised, unless instructed by Highways England on a case by case basis.	12/12/2019
29	09/12/2019		<u>Question:</u> Please can you inform us if any of the TUPE individuals identified have any legacy (previous TUPE) ts and cs?	
			<u>Answer:</u> As per Tender Amendment 4 (response #21 on this Q&A sheet), all further questions regarding the personnel eligible for TUPE should be directed to Julie Prowse (07584 263042).	12/12/2019

30			<p><u>UPDATE TO ALL TENDERERS</u></p> <p><u>Tender Amendment 6 – TA6</u></p> <p>TMTii 57 Call Off Agreement V3 (TA6) has been added to the Tender Amendment Folder on Bravo. This document has been updated in section 3 – Time of Contract Date Part 1. Previously the Service Period was not stated. An amendment has been made to detail the Service Period as being 2 years with a +1-year option to extend.</p> <p>Please note that the tender return deadline has been extended to 14:00 Tuesday 17th December 2019.</p>	12/12/2019
31	12/12/2019		<p><u>Question:</u></p> <p>Following your latest responses to the clarifications, and in particular to the amendment of the Contract term from 3 years to 2 years plus an optional 1 year, can you please confirm:</p> <ol style="list-style-type: none"> 1. Our assumption that we are still required to price for a 3 year programme (despite the contract now being on a 2 year plus an optional further year) basis is correct. 2. That we are still required to comply with the expectations of Question 5.1 of the RfQ and 3.1.2 and Appendix 8 of the Scope to complete the works within the 3 year Contract period. 	
			<p><u>Answer:</u></p> <ol style="list-style-type: none"> 1. Yes, please price for the 3-year programme. 2. Yes, please comply with the expectations to complete the works within the 3-year contract period. 	12/12/2019
<p><u>Questions asked after the Tender Question Deadline (02/12/19 12:00)</u> Note Highways England can't guarantee to answer these questions however will endeavour to do so</p>				
32	16/12/2019	Price List	<p><u>Question:</u></p> <p>There are some errors in the yellow formula cells in the 'price schedule'. For example, we have found the following errors in the yearly "hours and cost for each month by Work Package" tables within the task schedule tab. The errors include:</p> <ul style="list-style-type: none"> • The work package 4 costs in all the tables are calculated based on staff 'overtime hourly rates' while the costs for the other work packages are based on normal staff hourly rates • In the Year 4 (i.e. Year 2022/23) table the March 2023 cost for 'WP4', cell ref BS124, refers to an 	

			incorrect cell. There may be other such inconsistencies in the spreadsheet.	
			<u>Answer:</u> <u>Tender Amendment 7 – TA7</u> The errors on the price list have been corrected. Please see Price Schedule V3 on Bravo	
			<u>Question:</u>	
			<u>Answer:</u>	
			<u>Question:</u>	
			<u>Answer:</u>	