**Lake District National Park Authority**

**Public Path Orders associated with the upgrade of Wainwright’s Coast to Coast path to become a National Trail**

**Date**

 **5th June 2023**

**Deadline for Submissions**

**Midday Friday 7th July 2023**

# INFORMATION AND INSTRUCTIONS TO TENDERERS

### Introduction and background

The Coast to Coast is one of the world’s great walks, originally described by Alfred Wainwright in his 1973 book ‘A Coast to Coast Walk’.

The path runs from St Bees on the west coast, passing through Cumbria, the Lake District, Yorkshire Dales and North Yorkshire to Robin Hood’s Bay on the east coast. Whilst AW Wainwright gave an indicative route to follow, he encouraged walkers not to feel constrained by his recommendation. Walkers of the Coast to Coast, for the most part, use the route outlined by Wainwright, which presently uses a mixture of established public rights of way, permissive paths, and open access land.

The Wainwright Society has for many years championed the Coast to Coast walking route and publicises it on its website and reports access issues on the route. You can [find out more on the Wainwright Society website here](https://www.wainwright.org.uk/coast-to-coast/): <https://www.wainwright.org.uk/>

The Highway Authorities (Westmorland and Furness Council and Cumberland Council) are ultimately responsible for all Public Rights of Way in Cumbria. Since 1997 the Lake District National Park Authority (LDNPA) has had full delegated powers to manage aspects of rights of way network in the Lake District National Park, including maintenance, surveying, and updating the legal records. This entails various duties to assert and protect the rights of the public to their use and enjoyment, prevent as far as possible their obstruction, improve access where possible, and regulate their use as required.

In 2021 Natural England started work with the designated Highways Agencies along the entire route to understand what would be required (both in terms of practical work and legal work) to designate the Coast to Coast long distance path as a National Trail. The commitment to upgrade the Coast to Coast to be a National Trail was formally confirmed by Government in summer 2022.

With the route being upgraded to achieve National Trail status, the LDNPA is required to undertake a significant volume of Public Path Order work to ensure that there is legal RoW status established for the entire length of the route through our geographic area. This will enshrine enduring public access, and enable the award of grants and financial contributions toward its ongoing maintenance.

[Read more about the announcement to upgrade the Coast to Coast to a National Trail here](https://www.yorkshiredales.org.uk/coast-to-coast-national-trail-proposal-to-be-developed/): [New National Trail status awarded for popular Coast to Coast route - GOV.UK (www.gov.uk)](https://www.gov.uk/government/news/new-national-trail-status-awarded-for-popular-coast-to-coast-route)

Aside from the Public Path Order work there will also be a programme of practical works to define and enhance the route with the geographic area of the Lake District National Park.

### The issue

There are a number of challenges facing the LDNPA associated with the Public Path Order requirements arising from the upgrade of the Coast to Coast as a designated National Trail.

* There are some lengths of the route where a permissive path or a path with no explicit permission has been in use for over 50 years.
* There are some lengths of the route that, whilst on open access land, do not have legal RoW status, and are not bound with the same obligations as formal Rights of Way and therefore new Rights of Way need to be established.
* There are places where there are anomalies between the definitive line and the walked line exist (which would preclude the awarding of grants for maintenance on these sections).
* And other scenarios of a similar ilk…

The workload associated with undertaking the Public Path Orders required for the purpose of National Trail status is in addition to existing commitments of the LDNPA with regard to Rights of Way. It is on that basis that a supplier is sought to assist in delivery of legal work necessary to ensure that Wainwright’s Coast to Coast can be upgraded to a National Trail.

In order to carry out this work, we would like potential contractors to complete prices for each component of the work as set out in Supplier Pricing (4)

### Tender Objective

This tender is for the provision of a contractor to create Public Path Orders (PPO’s) to:

* Ensure that there is a legal Right of Way for every section in that falls within the area of the Lake District National Park.
* Satisfactorily resolve alignment issues (where the definitive line of existing RoW don’t match trods/routes taken on the ground).
* Potentially secure higher status for some categories of existing RoW.

We are inviting tenders for the majority of this PPO work, at present identified as 15 individual PPO’s (though some will be batched processed, making the volume more akin to 9), comprising the following;

* Site visits\*
* Liaison and consultation with Natural England staff as required.
* Liaison and consultation with statutory bodies.
* Liaison with landowners (with LDNPA staff assistance)
* Map preparation (through liaison with LDNPA G.I.S staff)
* Consultation with stakeholders and the public.
* Assessment of the consultation results.
* Writing Authorisation Report & obtaining authorisation from Head of Service / RoW Committee through submission of those reports.
* Drafting Order and all associated paperwork (working with LDNPA admin / rangers and resources)

\*Site visits, if appropriate, will take place in remote upland areas and you should be capable of accessing those site, and willing to undertake them without in-person LDNPA support.

We anticipate that it will take between 100 and 160 days to fulfil the predetermined PPO’s required for project delivery. It is entirely possible that through the course of the project further PPO’s may be identified, therefore we ask that as part of the tender you include your hourly rate to allow us add additional work, through agreement, should the need arise. We ask you to tender on the basis that the work can be achieved within the timeframe of 100 days.

We may also seek support with any Public Inquiries that may arise from the proposals and also confirmation work with the programmed works.

To discuss the opportunity and consider any technical aspects of the work please contact Nick Thorne, LDNPA Senior Rights of Way Officer at nick.thorne@lakedistrict.gov.uk

Or

To discuss general aspects of the project please contact Steve Tatlock, LDNPA Team Leader at steve.tatlock@lakedistrict.gov.uk. Or Jo Willmott, Project Ranger at jo.willmott@lakedistrict.gov.uk.

**Timetable for this project**

We are working to very tight delivery timescales for this PPO work and a supplier will need the capability and ability to work at speed.

|  |  |
| --- | --- |
| Monday 24 July 2023 | Contract Award  |
| Bulk of work is delivered | Summer/Autumn/Winter 2023 and Spring 2024 (significant invoice deadlines in Sept 2023 and March 2024)Deadline for completion of work and billing to have taken place 31st March 2024 |
| If work is still outstanding, or additional pieces are factored in  | Summer 2024 – Summer 2025 |
| Project completion | All practical and PPO work must be completed well ahead of time, and invoices submitted by 30 September 2025 latest. |

### (PQQ) – Supplier Pre Qualification Questionnaire (1)

|  |  |
| --- | --- |
| **Essential** pre-qualifying requirements | **Tick** to confirm requirement is met |
| Experience - Proven track record of undertaking Public Path Order (PPO) work in the context of a National Park |  |
| Experience - Familiarity of using GPS mapping technology in the context of PPO’s  |  |
| Experience - Specific experience of undertaking the accompanying activity associated with Public Path Order work (drawing up of legal documentation, undertaking formal consultation, preparing papers for committee etc) |  |
| Staff - Suitably skilled and qualified/experienced staff (requiring walking solo in mountainous environments, in inclement weather) |  |
| Knowledge and skill base – ability to demonstrate compliance when undertaking PPO work with a range of acts, including the Highways Act 1980, the Countryside and Rights of Way Act 2000, the Town and Country Planning Act 1990 and the Deregulation Act 2015. |  |

### Experience/Skills/Competencies Required

**Excellence in interpersonal communication**

* Ability to flex communication style according to context and requirements (in person, on telephone/video conference)
* Confidence to liaise independently with landowners (with LDNPA staff assistance) and statutory bodies
* Listening and questioning to fully understand viewpoints and perspectives
* Deftness in handling objections
* Skilful in influencing and persuading

**Excellence in written communication**

* Track record of drawing up highly accurate PPOs
* Track record of accurate map preparation, including capture of GIS mapping data
* Track record of writing persuasive Authorisation Reports & obtaining authorisation from Head of Service / RoW Committee through submission of those reports.

**Expertise in Public Path Orders in comparable contexts**

* Strong knowledge of the Highways Act 1980, the Countryside and Rights of Way Act 2000, the Town and Country Planning Act 1990 and the Deregulation Act 2015
* Experience in leading PPO consultation activities with stakeholders and the public
* Track record of delivering PPO work within a National Park
* Accurate evaluation of the consultation result & ability to digest and inform subsequent work

**Attributes**

* Adeptness at following formal processes, and running several processes concurrently
* Demonstrable attention to detail
* Ability to work at pace
* Being able to work independently
* Flexible, can do approach

### Submission of the tender documents

**What you need to do**

### Your submission should include the following completed paperwork:

* Supplier (PQQ) – Supplier Pre Qualification Questionnaire (1)
* Supplier Information (2)
* Supplier Experience Table (3)
* A firm price for completion of all items listed in Supplier Pricing Table (4) (i.e. a price that is not subject to variation for the specified time of 100 days of work).
* Two references (two sheets enclosed). Supplier References (5)
* Declaration of non-collusion (sheet enclosed to be signed). See Supplier Statement (6)

**Timeline for responses**

### Tenders must be received by Midday, Friday 7th July 2023. Tender documents received late, i.e. after the specified date and time, will not be considered.

|  |  |
| --- | --- |
| **Date** | **Activity** |
| Monday 5 June 2023 | Publication of Tender Documentation |
| **Fri 7 July 2023 (by midday)** | **Tenders return deadline** |
| 10 July 2023 | Tender evaluation and shortlisting |
| by 6pm Tuesday 11 July 2023  | Notification to successful supplier |
| Monday 24 July 2023 | Contract Award (after 10 working day cooling off period) |
| Supplier commences work | As soon as possible after contract award |

**How to return the tender**

### The tender is to be submitted in electronic format via The CHEST online procurement system at <https://www.the-chest.org.uk>. The system will notify you by email to acknowledge receipt of your submission. Please note that no tender document will be deemed to have been received unless an email receipt has been sent.

**Opening of tenders**

### Tender documents will remain unopened until after the closing date, after which time they will be opened at one time, with witnesses, by independent officers of the LDNPA. All tenders submitted will be verified to ensure that the information requested has been provided. Once tender documents have been opened and signed they are then passed to the originating department for evaluation.

**Contact and information**

### For further information or any queries regarding the content of the tender please submit questions via The CHEST messaging system.

### For feedback on your submission please contact Nick Thorne (nick.thorne@lakedistrict.gov.uk), Steve Tatlock (steve.tatlock@lakedistrict.gov.uk) or Jo Willmott (jo.willmott@lakedistrict.gov.uk)

### Lake District National Park Authority

### Wayfaring House, Murley Moss Business Park,Oxenholme Road, Kendal, LA9 7RL

### Tender Submission

Please also include a completed copy of the Pre-Qualifying Questionnaire (1) as part of your submission.

### Supplier Information (2)

|  |
| --- |
| Information about youAll sections to be completed |
| Your organisations name |  |
| The formal name under which you/your organisation trades |  |
| Name of key contact |  |
| Contact telephone number |  |
| Contact email address |  |
| Is the organisation for whom you work registered for VAT? (Y/N) |  |
| If we were to contract with you, confirm the number of people in your organisation who are able to deliver this work |  |

|  |
| --- |
| General charges and costsAll sections to be completed |
| If we were to contract with you, please confirm that you are happy to accept a min number of contracted days (envisaged at present to be 100 days). Y/N |  |
| If we were to contract with you, please confirm that you have the *interest* & *ability* to pick up additional work on an ad-hoc basis?  |  |
| Please give details of how you charge (For example, do you have a minimum unit - per hour/per half day, or day?) |  |
| Irrespective of min unit, what is your **hourly rate**? (before VAT) |  |
| Give details of your rate for **desk based** work (per hour) |  |
| Give details of your rate for **field based** work (per hour) |  |
| If you charge travel time, what is the rate at which you charge?  |  |
| If you charge a mileage rate, what is the likely min charge per field trip (assume your office destination to Ambleside as a ready-reckoner) |  |
| Do you envisage needing overnight accommodation in order to fulfil field based work?  |  |
| If yes to the question above, what amount (per night) should be set aside for such accommodation (excl VAT. An approx. cost will suffice) |  |

### Supplier Experience Table (3) –

|  |
| --- |
| Summary of relevant skills, experience and proposed delivery All sections to be completed |
| Previous experienceDescribe the role(s) and functions that you have previously undertaken your background in delivering this type of work, including specific jobs and clients.Max 600 words |  |
| Qualifications/ experience leading implementation of this work Max 400 words |  |
| Ability to complete work to timescaleMax 150 words |  |
| Summary of how you intend to do the workIf we were to contract with you, give a description of how you would approach from start to finishMax 600 words |  |
| Risk assessment & health & safety in the field(outline matters you would consider for managing risk when undertaking solo field visits and how you would manage these risks)Max 400 words |  |
| Knowledge and experience applicable to the Lake District National ParkMax 400 words |  |
| **Points to highlight** Please detail anything else you would like to add in support of your submissionMax 200 words |  |

### Supplier Pricing Table (4) –

|  |  |  |
| --- | --- | --- |
|  | Total price | Additional Notes  |
| 100 days (750 hours) activity in support of PPO work to cover at least 15 PPO pieces of work (some of which present the opportunity to be bundled)* Majority of time on desk based work
* Up to 9 days of field based work

**Please ensure your price includes all elements of undertaking Public Path Order work. We expect the work to take a minimum of 100 days.** |  |  |
| Estimated costs of travel *time* (if charged) associated with 9 field visits **(Assume your office destination to Ambleside as a ready-reckoner)** |  |  |
| Estimated costs of travel**(Assume your office destination to Ambleside as a ready-reckoner)** |  |  |
| Estimated costs of accommodation (if required) associated with 9 field visits**(Assume your office destination to Ambleside as a ready-reckoner)** |  |  |
| **Total Cost (based on 100 days)** |  |  |

### Supplier References (5) –

### Potential suppliers are required to submit details of two organisations for which they delivered services. This is so that references may be obtained. The Authority may wish to obtain an email/telephone reference for the successful tenderer prior to the award of the contract.

**Reference 1 Comments**

|  |  |  |
| --- | --- | --- |
| Organisation Name |  | Please give the project name or reference number that would be most applicable |
| Contact Name  |  |
| Address |  |
| Telephone Number |  |
| E Mail address |  |
| Approx value of contract awarded (£) |  |

**Reference 2 Comments**

|  |  |  |
| --- | --- | --- |
| Organisation Name |  | Please give the project name or reference number that would be most applicable |
| Contact Name  |  |
| Address |  |
| Telephone Number |  |
| E Mail address |  |
| Approx value of contract awarded (£) |  |

PLEASE NOTE THAT ALL INFORMATION WILL BE TREATED IN THE STRICTEST CONFIDENCE AND WILL BE USED PURELY AS A MEANS OF OBTAINING REFERENCES.

### Supplier Statement (6) – Declaration of Non-Collusion

To: **Lake District National Park Authority**

The essence of selective tendering is that the LDNPA shall receive bona fide competitive tenders from all firms tendering. In recognition of this principle, I/We certify that this is a bona fide tender, intended to be competitive and that I/We have not and will not (either personally or by anyone on my/our behalf):-

1. Fix or adjust the amount of the tender (or the rate and prices quoted) by agreement with any other person.
2. Communicate to anyone, other than the person calling for this tender, other than the person calling for this tender, or names offered in support of queries, the amount or approximate amount or terms of the proposed tender (except other than in confidence, where essential to obtain professional advice or insurance premium quotations required for the preparation of the tender).
3. Enter into any agreement or arrangement with any other person that he shall refrain from tendering or as to the amount or terms of any tenders to be submitted.
4. Canvass or solicit any member, officer, or other employee of the LDNPA in connection with the award of this or any other LDNPA contract or tender.
5. Offer, give, or agree to give any inducement or reward in respect of this or any other Authority contract or tender.

|  |  |
| --- | --- |
| **Signed** (as in Tenders) duly authorised to sign  | …………………………………………….. …… |
| **For and on behalf of**  | ………………….. ……………………...………. |
| **Date** | …………………….…………………………….. |

### Evaluation of tenders

**Evaluation criteria**

All tenders received will be considered based on the information they have submitted in their tender. The tenders will be evaluated upon the following criteria;

|  |  |  |  |
| --- | --- | --- | --- |
| **Criteria**  | **Score** | **Weighting** | **Max Score** |
| Strength of experience in this field/delivering projects of this nature for a National Park | 1-6 | 6 | 36 |
| Demonstrable understanding of the activities needing to be undertaken | 1-5 | 5 | 25 |
| Outline of proposed approach | 1-5 | 5 | 25 |
|  |  |  |  |
| Compliance with tender brief & quality of the submission (detail; presentation; clarity; quality of relevant project work) | 1-4 | 4 | 16 |
| Estimated price (based on hourly rates and expected min number of contracted days)  | 1-4 | 4 | 16 |
| Estimated additional costs, such as accommodation/travel expenses (with assumption 9 Field Days)  | 1-4 | 4 | 16 |
| Willingness to accept a min contract of 100 days | 1-4 | 4 | 16 |
| Willingness & ability to undertake ad-hoc basis additional work | 1-4 | 4 | 16 |
| References | 1-4 | 4 | 16 |
|  |  |  |  |
| Specific knowledge and experience applicable to the Lake District National Park | 1-3 | 3 | 9 |
| Capacity (cover of sickness etc) | 1-3 | 3 | 9 |
| **Overall Score** |  |
| Maximum possible score  | 200 |

**Questions on tender submissions**

If tenderers have any questions they wish to ask the LDNPA, they must submit them to the LDNPA via The CHEST messaging system. Any questions received will be made anonymous and responses sent to all tenderers.

**Award of tender**

The LDNPA will decide to whom the contract shall be awarded based on the evaluation criteria outline above. The LDNPA does not bind itself to accept the lowest or any tender/quotation and reserves the right to accept the whole or parts of tenders/quotations. The LDNPA will notify acceptance of the tender to the successful tenderer as soon as is reasonably practicable.

### TENDER INFORMATION

**Confidentiality**

The details of these documents and all associated documents are to be treated as private and confidential for use only in connection with the Tender process.

**Freedom of Information**

The LDNPA is committed to meeting its legal responsibilities under the Freedom of Information Act 2000. Accordingly all information submitted to the LDNPA may need to be disclosed in response to a request under the Act. If you consider that any of the information included in your tender is commercially sensitive, please identify it and explain (in broad terms) what harm may result from disclosure if a request is received, and the time period applicable to that sensitivity. You should be aware that, even where you have indicated that information is commercially sensitive, we may be required to disclose it under the Act if a request is received. Please also note that the receipt of any material marked ‘confidential’ or equivalent by the public authority should not be taken to mean that the public authority accepts any duty of confidence by virtue of that marking. If a request is received, we may also be required to disclose details of unsuccessful tenders.

**Anti-Fraud and Corruption Policy**

The LDNPA has an Anti-Fraud and Corruption Policy which sets out the responsibilities of officers and action to be taken in cases of theft, corruption, irregularity, or when damage is suspected. The Confidential Reporting Policy, (Whistle Blowing Policy), provides a mechanism for staff to report suspected wrong doings confidentially.  In the event of such an issue, an investigation would be carried out and action taken as necessary.

**Costs and expenses**

The LDNPA will not be responsible for, or pay for, expenses or losses which may be incurred by a tenderer in the preparation of their tender. The LDNPA does not bind itself to accept any of the tenders as a result of the tendering process including the lowest tender.

**Preparation of Tenders**

For the preparation of their tender and entering into a contract with the LDNPA, tenderers must ensure that they have all the information required and must satisfy themselves of the correct interpretation of terminology used in these documents.

**Queries on the tenders**

If any points in these tender documents are considered by the tenderer as unclear, the tenderer should address their queries via The CHEST messaging system to obtain an explanation before sending their tender. Their query will be responded to via The CHEST, but it shall not be construed in a way that adds to, modifies or takes away from the meaning and intent of the contract and/or the obligations and liabilities of the contract.

**Alterations**

None of these documents may be altered by the tenderer. If the tenderer wishes to propose modifications to any of the documents (which they may consider would provide a better way to achieve the contracts objectives) they must provide details in a separate letter accompanying the tender response.

**Prices**

All prices must be net and, where applicable, carriage paid with all cash and trade discounts allowed for.

**VAT**

All prices and/or rates shall be exclusive of Value Added Tax.

**Validity of tenders**

Tenders shall be valid for a minimum of three calendar months from the closing date for receipt of tenders.

**Sub-contractors**

The level of sub-contracting and the processes for doing so must be pre-approved with the Fix the Fells Programme Manager to comply with the funding agreement and Public Contracts Regulations 2015.

**Quality of goods / services**

Tenderers must possess relevant professional qualifications and experience.

**Conflict of Interest**

The LDNPA requires all tenderers to confirm whether any actual or potential conflicts of interest that exist which may prevent them undertaking this work, and a description of measures they would adopt if a potential conflict of interest arose during or following completion of this work.

**Treatment of tender**

The acknowledgement of receipt of any submitted tender shall not constitute any actual or implied agreement between the LDNPA and the tenderer.

**Debriefing**

All unsuccessful bidders will be offered the opportunity to be given a debriefing. Requests for debriefing are to be made in writing.

**The Authority’s use of Contract Outputs**

The LDNPA may wish to publicly quote the Contract Outputs such as any policies, figures, training materials, risk assessments etc. Tenders are requested to confirm that the LDNPA may (at the LDNPA’s own discretion) do so without restriction.

**Ownership**

The intellectual property rights associated with PPO and any associated GPS mapping rests with the Authority, not the tenderer.

Ends