# TCA 3/7/1023

# INSTRUCTIONS ON SUBMISSION OF TENDERS

1. The MCA looks forward to receiving your tender for the work described in the attached documents. To ensure fairness all tenderers are required to submit their tenders in accordance with these instructions. **Failure to comply could invalidate your tender**.

1. The decision not to submit a Tender should be indicated by **e-mail** to [contracts@mcga.gov.uk](mailto:contracts@mcga.gov.uk)**.** If you are willing to state your reasons this would be appreciated and may help to inform us on future procurement exercises.

**Communications During the Tender Process**

1. This contract has been advertised on the Contracts Finder portal, and all communications with tenderers during the process will, as far as possible, take place via that portal. Tender documents, including the specification and documents for return with your tender, can be found in the ‘Attachments’ section of the Contracts Finder advertisement.
2. Tenderers are welcome to ask questions about any aspect of the procurement process. Such queries should be addressed to the Procurement Team at [contracts@mcga.gov.uk](mailto:contracts@mcga.gov.uk), and should contain the reference number or title of the contract. The deadline for submission of queries is **5pm on 7th November 2017**.
3. In the interest of fairness, all answers will be published on the Contracts Finder website as a further attachment to the advertisement, unless clearly only relevant to one supplier. **Answers to questions will not be individually emailed to tenderers**, so you are strongly advised to keep up to date with any additional documents posted to the site.
4. Please ensure that you have read all documents attached to the Contracts Finder advert before asking a question, as your query may already have been answered.
5. The MCA will inform all tenderers individually whether or not they have been successful in the tendering process.

**Submission of Tenders**

1. You should send your tender in a plain envelope, to the address on the eTender Label. It is your responsibility to ensure that your tender arrives at the address shown no later than **11am on 21st November 2017** (unless the date is subsequently amended in writing by the MCA). Your tender may be submitted before the due date, but **all** late tenders will be rejected.
2. Tenders **must not** be submitted by e-mail. The legal status of documents submitted by e-mail has yet to be clarified sufficiently to satisfy the Department’s needs to ensure the integrity and probity of the Tender process.
3. The envelope and any other packaging or labelling **should not identify the tenderer**. (You should note that courier firms often put the sender’s name and address on their outer envelopes).
4. You must ensure that your tender is completed legibly, in ink or typed, in English, with all prices in Sterling (exclusive of VAT), and is signed and dated where required. Any manuscript amendments you make to your tender, prior to submission, must be initialled and preferably also noted separately. Correction fluid must not be used.

12. You must include as part of your tender:

1. The MCA’s Form of Tender, signed and dated by an authorised representative of the tendering organisation;
2. Lead time for delivery of the equipment to Barnsley;
3. A completed Pricing Schedule showing full costs for your proposed solution (the MCA’s template Pricing Schedule must be used and can be downloaded from Contracts Finder);
4. A full system specification for the Shore Sealing Boom, including all major critical parts and assemblies, and a complete and comprehensive method statement describing how the system operates. This must cover all requirements in sections 1 – 13 of the specification inclusive, in the same order as set out there. Where reference is made to an International, European or British Standard you may offer an equivalent, provided that your Standard offers equivalent guarantees of safety, suitability and fitness for purpose to the one specified. It is your responsibility to demonstrate that your Standard is equivalent to the one specified;
5. Recommendations for any ancillaries, spare parts or consumables for the Shore Sealing Boom, not already included in the price, with separate quotes on the Pricing Schedule. This could include, but is not limited to, air blowers, anchors, mooring chains, buoys, winches, lifting/carrying aids or alternative storage solutions;
6. A statement of how your proposed solution promotes sustainable procurement, as set out in sections 15 - 16 of the specification. You must ensure that any environmental claim you make is fully in accordance with the Green Claims Code - this is available on the sustainable development website: <http://www.defra.gov.uk/environment/business/marketing/glc/code.htm>;

Although you may have this information available on the internet or on printed literature, to assist the MCA with the evaluation process it is **essential** that the responses be provided in the order set out above.

1. You must not alter any of the MCA’s tender documents.
2. You must not tell anyone else, even approximately, what your tender price is or will be, before the date of contract award. The only exception is if you need an insurance quotation to calculate your tender price - in which case you may give your insurance company or brokers any essential information they ask for, provided that you do so in strict confidence.
3. You must not try to obtain any information about anyone else’s tender or proposed tender before the date of contract award.
4. You must not make any arrangements with anyone else about whether or not they should tender, or about their or your tender price. The only exception is where tenderers are considering joint or team bids, which will be allowed providing all participants to the discussions surrounding the bid are clearly stated in the tender response. (See also ‘Group Bids’ below).
5. Tender documents must not be transferred to anyone without the prior approval of the MCA in writing.

**Group Bids**

1. The MCA welcomes tenders from groups/consortia of suppliers, each providing part of the specified requirement. In the event of a group of suppliers submitting an acceptable offer, the group will be required to nominate a lead partner with whom the Department can contract. Alternatively, the group will need to form themselves into a single legal entity before the contract is awarded. An undertaking that the group will so form themselves, if required by the Department, must be provided when the tender is submitted.

**Alternative Tenders**

1. If you wish you may tender on the basis of an alternative specification, but if you do this then you must also submit a separate, primary, tender based strictly on the MCA’s specification. Alternative tenders must be fully priced to show clearly how and where costs differ from the primary tender. You should also note that the MCA reserves the right to accept an alternative tender without recourse to re-tendering.

**Tender Validity**

1. The MCA will assume that your tender will remain open for acceptance for a minimum of 60 calendar days from the Tender Deadline.

**Scoring of Tenders and Acceptance of Offers**

1. The MCA will safeguard all tenders received and open them once the tender deadline has expired.
2. The scoring criteria for the contract will be as follows:

**o process for awarding the contract will be as follows:ng part of the tenderered requirement.**

|  |  |  |  |
| --- | --- | --- | --- |
| **Criterion** | **Sub-Criteria** | **Criterion Weighting** | **Sub-Criteria Weightings** |
| **Delivery Timeframe** |  | **CRITICAL** |  |
| **Evidence of Testing** |  | **CRITICAL** |  |
|  |  |  |  |
| **Price** |  | **40%** |  |
| **Compliance with the Technical Requirement** |  | **70%** |  |
|  | Technical specification |  | 9% |
|  | Dimensions of boom |  | 9% |
|  | Resistance to the elements |  | 9% |
|  | Tensile strength of boom and connectors |  | 9% |
|  | Flexibility of boom and connectors |  | 9% |
|  | Visibility of boom |  | 9% |
|  | Inflation chambers |  | 5% |
|  | Compatibility with existing equipment |  | 9% |
|  | Storage requirements |  | 5% |
|  | Expected service life of the boom |  | 9% |
|  | Method of cleaning |  | 4% |
|  | Features to prevent splash over |  | 9% |
|  | Warranty |  | 5% |
| **Ease of Operation** |  | **25%** |  |
|  | Compliance of boom with health and safety legislation in use |  | 25% |
|  | Ability to manually handle the boom for short lifts |  | 25% |
|  | Ease of transport to the deployment site |  | 25% |
|  | Comprehensive user manual |  | 25% |
| **Sustainability** |  | **5%** |  |
|  | Emissions from transport |  | 25% |
|  | Emissions from manufacturing |  | 25% |
|  | Use of resources in manufacturing |  | 25% |
|  | Poor working conditions / equality and diversity issues |  | 25% |

Compliance with the Technical Requirement, Ease of Operation and Sustainability together make up the Quality section of the scoring, which will be worth 60% of the overall score (with Price receiving the other 40%).

1. The method of scoring all tenders will be:
   1. Any scoring criterion shown as ‘Critical’ above will be assessed first. These criteria are the most important ones to the MCA, and will be marked on a pass/fail basis. Any supplier that fails on a Critical criterion will be excluded from this procurement and their tender will not be assessed further.
   2. A score out of 3 will then be assigned to each sub-criterion for the other Quality aspects, according to the scheme below:

**0** – Inadequate response

**1** – Major weaknesses in the response

**2** – Minor weaknesses in the response or detail missing

**3** – Satisfactory response that fully meets the requirement and includes all relevant supporting evidence.

* 1. The score for each sub-criterion will be converted into a weighted percentage of the total score for the criterion it sits under, using the formula:

**Quality Score for the**

**sub-criterion = \_\_\_\_\_\_\_\_Tenderer’s Score\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ x Weightings**

**Highest Quality Score Possible for the Sub-Criterion**

* 1. Once all sub-criteria have been scored and weighted, the total weighted score for each Quality criterion will be calculated by:

**Weighted Score for the**

**Criterion = (Total of the Weighted Scores for each sub-criterion) X Criterion Weighting**

* 1. A final Quality score will be arrived at by adding up all weighted scores for overall criteria and multiplying by 0.6 (to represent the 60% weighting given to the Quality score overall).
  2. Each supplier’s price will be scored according to the formula below:

**Price Score = \_\_\_\_\_Lowest Price\_\_\_\_\_\_\_\_\_\_\_\_ x Price Weighting**

**Each Tenderer’s Price**

Price will be scored based on the total cost of the contract, not each aspect individually. As a result, the figure for ‘Each Tenderer’s Price’ in the above formula will be the total of all prices in the ‘Main Requirement’ box of the Pricing Schedule. Prices for optional ancillaries are requested for information only and will not be scored.

g. Each supplier’s total score will be:

**TOTAL SCORE** **= Total Quality Score + Total Price Score**.

The MCA intends to award the contract to the tenderer that receives the highest Total Score. **A worked example of how tenders will be scored, using hypothetical figures, is available on Contracts Finder**.

1. You should note that:-
2. The MCA reserves the right not to accept the lowest, or any, tender.
3. The MCA reserves the right to accept any part of the tender without accepting the remainder.
4. Acceptance of a tender/award of contract will be by written communication from the MCA.
5. Where the tender process has been subject to the full EU Procurement Process, a mandatory 10-day standstill period must be applied between communicating the award decision to tenderers and awarding the contract.
6. Complaints arising from the tender process should be directed in the first instance to the Procurement Team ([contracts@mcga.gov.uk](mailto:contracts@mcga.gov.uk)). If you are still aggrieved by the outcome then please contact the Crown Commercial Service customer service desk, at [supplier@crowncommercial.gov.uk](mailto:supplier@crowncommercial.gov.uk).

**Tender Costs**

1. You should note that any expenditure, work or effort undertaken by you prior to the award of a contract is a matter solely for your own commercial judgement. The MCA reserves the right to withdraw this tender invitation at any time or to re-invite tenders on the same or any alternative basis. In such circumstances, and in any event, the MCA and/or its advisers shall not be liable for any costs or loss of expenses whatsoever incurred by the bidder or any company, agent, subsidiary or organisation who may have contributed to the proposals submitted by the bidder in response to this tender invitation.

**Trading Names/Invoicing**

1. If your tender is submitted in the name of one organisation but you intend submitting invoices in the name of another, or require payments to be made to another, please give full details. Otherwise there may be delay in payment.

**Access to Government Information**

1. Under the Freedom of Information Act 2000 (“FOIA”) and the Environmental Information Regulations 2004 (“EIRs”), the Department is obliged (subject to the application of any relevant exemptions and, where applicable, the public interest test) to disclose information in response to requests for information.

You need to be aware that the Department could receive requests for *any* information relating to this contract. The contract will include provisions to reflect the Department’s obligations under those disclosure regimes. The Department cannot contract out of its obligations in this respect and will only accept confidentiality clauses in very exceptional and narrowly defined circumstances. In this regard, your attention is drawn to the Code of Practice (in particular, section V thereof) issued by the Lord Chancellor under section 45 of the FOIA (section IX of the Code of Practice issued under regulation 16 of the EIRs includes similar guidance).