



The Coal  
Authority

Resolving the **impacts** of mining

## Swale Diffuse Metals and Tees Diffuse Metals Project

# PROJECT SCOPE AND PROCUREMENT PROCEDURES DOCUMENT

Date: December 2018

Reference: CA18/2/1/19

## **Overview**

### **Overview and Programme Details**

DEFRA has allocated funds for the Coal Authority and Environment Agency to implement a programme of site assessment and remediation for Abandoned Metal Mines across the country. The upper River Swale and River Tees were heavily mined catchments; this historic mining activity has left behind a legacy of poor water quality due to a number of point (dissolved contamination in discharges) and diffuse sources (erosion and run-off from contaminated spoil deposits or other mining residues) of toxic metal pollution.

The objective of this project is to establish a programme of work to mitigate the diffuse pollution & thereby improve water quality in both catchments, through the scoping and implementation of interventions at specified sites in the upper Swale and Tees catchments. Early phase work (site identification and scoping) is intended to commence in early 2019 and to pick up from earlier work already completed (to different stages in the two catchments). The construction phase of agreed interventions is intended to start in summer 2020.

### **Background**

This contract is split into two distinct sections nominated as Swale Diffuse and Tees Diffuse, depending on the river catchment within which individual sites are located and the extent and nature of work already completed.

## Swale Diffuse Scope of Works

A number of studies have been undertaken by the Environment Agency and Yorkshire Dales National Park Authority which form the basis for the next phase of work. The contractor will need to work alongside and co-ordinate with stakeholder identification and engagement work being conducted by the North Pennines Area of Outstanding Natural Beauty Partnership (NP AONB) under the Tees-Swale Naturally Connected Heritage Lottery Fund project (HLF project).

Existing reports include:

- *"Arkle Beck Catchment Characterisation Report" (Environment Agency)*
- *"Barney Beck Catchment Characterisation Report" (Environment Agency)*
- *"Barney Beck Mines Factsheet" (Environment Agency)*
- *"Mitigating Pollution from Historic Lead Mining in the Yorkshire Dales National Park – Barney Beck" (Yorkshire Dales National Park)*
- *"Gunnarside Gill Catchment Characterisation Report (Environment Agency)*
- *"Gunnarside Gill Mines Factsheet" (Environment Agency)*
- *"Mitigating Pollution from Historic Lead Mining in the Yorkshire Dales National Park – Gunnarside Gill" (Yorkshire Dales National Park)*
- *"Report on ecological sampling to assess the impacts of metal pollution on Upper River Swale tributaries Gunnarside Gill and Barney Beck" (Environment Agency)*

Background information on the HLF project is available on the NP AONB website, with detailed information on site identification and stakeholder engagement to be provided through direct contact with NP AONB during the course of this project.

## Tasks and Deliverables (Swale Diffuse)

The deliverables required are:

- Deliverable 1: Scoping report detailing sources of diffuse metals within the Upper Swale catchment and prioritised list of potential interventions including:
  - Review of available information.
  - Identification of specific locations where diffuse mitigation works are likely to significantly decrease pollution of rivers.
  - Collection of samples (soil, water) to confirm water quality impacts from specific sources (e.g. spoil heaps, upstream and downstream): contractor to state whether samples will be analysed by independent laboratory or Environment Agency laboratory.
  - Estimate how much soil and metals are entering the river from each source for which interventions are proposed.

- Assessment of impacts on historic sites (e.g. scheduled monuments, listed buildings) that coincide with diffuse metal sources.
  - Assessment of impacts on sites of ecological interest (e.g. calaminarian grassland, SSSI, water voles) that coincide with diffuse metal sources.
  - Explain how engagement work has been co-ordinated with NP AONB who will be carrying out initial introductions to landowners/occupiers, and any issues arising.
  - Proposed interventions with recommendations on priorities for action. For each intervention, indicate:
    - Estimated costs, including maintenance;
    - Permissions required (e.g. planning, scheduled monument, SSSI, ordinary watercourse);
    - Likely stakeholder response (particularly landowner/occupier) to proposed intervention;
    - Any restrictions relating to time of year for works;
    - Whether the intervention requires formal engineering design;
    - Potential delivery contractors;
    - Any additional information needed before permissions can be secured (e.g. topographical survey, ecological survey);
    - How much soil and metals are entering the river from each source for which interventions are proposed.
  - Data presented in Word report and GIS project.
  - Identification of potential alternative funders.
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- Deliverable 2: Works programme report presenting costed action plans for sites agreed as priorities with the Coal Authority and Environment Agency.

This will develop priority interventions from the scoping report to the point where they are ready to be implemented. Key tasks include (this list is not exhaustive):

    - Confirm land ownership details for interventions and gain agreement to the works;
    - Confirm and apply for permissions required for the works at each site;
    - Confirm and carry out required appropriate environmental surveys (e.g. habitat surveys and checks for presence of protected species);
    - Arrange and attend site visits & meetings (potentially in conjunction with NP AONB) with environmental stakeholders (e.g. voluntary, local authority & Natural England) to understand potential constraints and consenting requirements for the works;
    - Arrange and attend site visits & meetings (potentially in conjunction with NP AONB) with archaeological stakeholders (e.g. voluntary, local authority & Historic England) to understand potential constraints and consenting requirements for the works;
    - Review ground conditions and stability risk assessment including mining review and utility checks;
    - Undertake geomorphological surveys and assessments for proposals;
    - Understand and progress planning requirements of the works;

- Confirm nature and cost of any maintenance, including who would monitor and maintain interventions;
- Where appropriate, work with other contractors (including Coal Authority engineers) to develop formal engineering design details;
- Development of construction tender pack including pre-construction info, drawings/specifications & site information;
- Work in conjunction with the Coal Authority's procurement team to manage the tender process for the construction phase including assessment of bids and recommendations for suitable contractors to deliver the works (as a single package, or site by site depending on the scale of work required at each site and overall);
- Identify and where possible, secure alternative funding (i.e. non-Defra).
- Agree stakeholder engagement with North Pennines AONB in a two-way information sharing manner (NP AONB appointed separately to carry out a stakeholder engagement exercise across the Tees-Swale area);
- Provide monthly progress reports and works programme updates to the Coal Authority to include as a minimum a record of tasks completed and detailed landowner engagement actions and outcomes for that period;
- Make use of The Coal Authority's collaboration tool for the submission of reports and other contract administration.

The following tasks are expected to be completed:

<b>Task</b>	<b>Item</b>	<b>Timescale (indicative)</b>
1	Start-up meeting	Within 2 weeks of award (Feb 2019)
2	Draft Scoping Report with recommended sampling locations	Within 6 weeks of award (April 2019)
3	Review meeting	One week following submission of draft report (April 2019)
4	Field visits and sampling to inform prioritisation	Feb-June 2019
5	Updated draft scoping report	Jun 2019
6	Review meeting	One week following submission of updated draft report (Jun 2019)
7	Final scoping report	Within 2 weeks of review meeting (Jul 2019)
8	Draft works programme report presenting costed action plans for priority sites	Within 4 weeks of final scoping report submission (Aug 2019)
9	Review meeting	One week following submission of draft report (Sep 2019)
10	Final works programme report	Within 2 weeks of review meeting

		(Sep/Oct 2019)
11	Identify work to be included in Tees-Swale HLF project delivery phase	Jul 2019
12	Submit applications for consents, permits and approvals	Oct 2019
13	Secure all permissions for priority sites	Jan 2020
14	Review work to be included in Tees-Swale HLF project delivery phase	Jan 2020
15	Tendering for delivery of prioritised interventions	Jul-Sep 2020
16	Delivery of interventions	Mar 2021 to Dec 2023

Tasks 12, 13, 15 and 16 above may be required for all, some or none of the highlighted interventions.

As such, Tasks 12, 13 and 15 should be priced on a "per-site" basis.

Task 16 does not need to be priced at this stage.

## Tees Diffuse Scope of Works

Although similar in nature, the work required in the Tees catchment area is at a slightly more advanced stage than in the Swale. Two feasibility studies were undertaken for the Environment Agency by Tees Rivers Trust in 2016 and 2017.

- *“Tees Diffuse Metals Project – Harwood and Langdon Beck Catchments”* and
- *“Tees and Wear Diffuse Metals Project - Hudeshope and Egglestone Catchments”*

These studies identified the key sources of diffuse metal pollution and proposed a number of remediation / mitigation options (programme of works for individual sites) but further work is needed to prioritise which interventions should be carried out first. The Environment Agency has carried out some additional monitoring, particularly in the Hudeshope and Egglestone catchments, to inform prioritisation and results will be shared with the appointed contractor.

The contractor will need to work alongside and co-ordinate with stakeholder identification and engagement work being conducted by the North Pennines Area of Outstanding Natural Beauty Partnership (NP AONB) under the Tees-Swale Naturally Connected Heritage Lottery Fund project (HLF project).

Background information on the HLF project is available on the NP AONB website, with detailed information on site identification and stakeholder engagement to be provided through direct contact with NP AONB during the course of this project.

## Tasks and Deliverables (Tees Diffuse)

The deliverables required are:

- Deliverable 1: Report detailing sources of diffuse metals within the Tees catchment and prioritised list of potential interventions including:
  - Review of available information.
  - Outcome of prioritisation exercise carried out through discussions with the Environment Agency and Coal Authority.
  - Estimate how much soil and metals are entering the river from each source for which interventions are proposed.
  - Assessment of impacts on historic sites (e.g. scheduled monuments, listed buildings) that coincide with diffuse metal sources.
  - Assessment of impacts on sites of ecological interest (e.g. calaminarian grassland, SSSI, water voles) that coincide with diffuse metal sources.
  - Explain how engagement work has been co-ordinated with NP AONB who will be carrying out initial introductions to landowners/occupiers, and any issues arising.

- Proposed interventions with recommendations on priorities for action (updating the existing scoping report). For each intervention, indicate:
    - Estimated costs, including maintenance;
    - Permissions required (e.g. planning, scheduled monument, SSSI, ordinary watercourse);
    - Likely stakeholder response (particularly landowner/occupier) to proposed intervention;
    - Any restrictions relating to time of year for works;
    - Whether the intervention requires formal engineering design;
    - Potential delivery contractors;
    - Any additional information needed before permissions can be secured (e.g. topographical survey, ecological survey);
    - How much soil and metals are entering the river from each source for which interventions are proposed.
  - Data presented in Word report and GIS project.
  - Identification of potential alternative funders.
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- Deliverable 2: Works programme report presenting costed action plans for sites agreed as priorities with the Coal Authority and Environment Agency.

This will develop priority interventions from the scoping report to the point where they are ready to be implemented. Key tasks include (this list is not exhaustive):

    - Confirm land ownership details for interventions and gain agreement to the works;
    - Confirm and apply for permissions required for the works at each site;
    - Confirm and carry out required appropriate environmental surveys (e.g. habitat surveys and checks for presence of protected species);
    - Arrange and attend site visits & meetings (potentially in conjunction with NP AONB) with environmental stakeholders (e.g. voluntary, local authority & Natural England) to understand potential constraints and consenting requirements for the works;
    - Arrange and attend site visits & meetings (potentially in conjunction with NP AONB) with archaeological stakeholders (e.g. voluntary, local authority & Historic England) to understand potential constraints and consenting requirements for the works;
    - Review ground conditions and stability risk assessment including mining review and utility checks;
    - Undertake geomorphological surveys and assessments for proposals;
    - Understand and progress planning requirements of the works;
    - Confirm nature and cost of any maintenance, including who would monitor and maintain interventions;
    - Where appropriate, work with other contractors (including Coal Authority engineers) to develop formal engineering design details;
    - Development of construction tender pack including pre-construction info, drawings/specifications & site information;

- Work in conjunction with the Coal Authority's procurement team to manage the tender process for the construction phase including assessment of bids and recommendations for suitable contractors to deliver the works (as a single package, or site by site depending on the scale of work required at each site and overall);
- Identify and where possible, secure alternative funding (i.e. non-Defra).
- Agree stakeholder engagement with North Pennines AONB in a two-way information sharing manner (NP AONB appointed separately to carry out a stakeholder engagement exercise across the Tees-Swale area);
- Provide monthly progress reports and works programme updates to the Coal Authority to include as a minimum a record of tasks completed and detailed landowner engagement actions and outcomes for that period;
- Make use of The Coal Authority's collaboration tool for the submission of reports and other contract administration.

The following tasks are expected to be completed:

<b>Task</b>	<b>Item</b>	<b>Timescale (indicative)</b>
1	Start-up meeting	Within 2 weeks of award (Mar 2019)
2	Draft Scoping Report	Within 6 weeks of award (May 2019)
3	Review meeting	One week following submission of draft report (May 2019)
4	Final scoping report	Within 2 weeks of review meeting (Jun 2019 )
5	Draft works programme report presenting costed action plans for priority sites	Within 4 weeks of final scoping report submission (Jun 2019)
6	Review meeting	One week following submission of draft report (Jun 2019)
7	Final works programme report	Within 2 weeks of review meeting (Jul 2019)
8	Identify work to be included in Tees-Swale HLF project delivery phase	Jul 2019
9	Submit applications for consents, permits and approvals	Oct 2019
10	Secure all permissions for priority sites	Jan 2020
11	Review work to be included in Tees-Swale HLF project delivery phase	Jan 2020
12	Tendering for delivery of prioritised interventions	Jul-Sep 2020
13	Delivery of interventions	Mar 2021 to Dec 2023

Tasks 9, 10, 12 and 13 above may be required for all, some or none of the highlighted interventions.

As such, Tasks 9, 10 and 12 should be priced on a “per-site” basis.

Task 13 does not need to be priced at this stage.

## **Conditions of Contract & Procurement Procedure**

The Authority as a Non Departmental Public Body is required to undertake this process in compliance with the Public Contracts Regulations 2015.

The conditions of contract are the core clauses of the NEC3 Professional Services Contract June 2013 together with main Option A, dispute resolution Option: W1, secondary Options : X2, X9, X10, X11, X18

Employer’s agent shall be: Christopher Newton

A financial ceiling will be set, based upon the appointed Consultant’s financial submission. The financial ceiling will not be exceeded by the appointed Consultant without prior justification and the written authorisation of the Coal Authority’s Project Manager.

Change will be managed on this project by The Coal Authority and the appointed Consultant through the NEC 3 Early Warning and Compensation Event process. The Coal Authority’s Conject system will be used to manage & track the change process.

Any questions in respect of the tender documentation are to be sent via the procurement 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 documentation or any element of the procurement process.

## Programme for Delivery

Phase	Process	Date
Tender	Contract Notice Published	20 December 2018
	Tender Documentation available	20 December 2018
	Deadline for Queries	18 January 2019
	Tender Closing Date	25 January 2019
	Evaluation of Tenders starts including any clarifications*	w/c 28 January 2019
Award	Award Notification*	w/c 11 February 2019
	Indicative start of contract*	w/c 25 February 2019

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

## Submission of Tender

Your tender 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.

## Tender Phase

### Selection Criteria/Scoring

The Invitation To Tender (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.

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 "meets minimum 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 - 60%**

**Price - 40%**

### **Stage 2 - 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 of delivering this type of works
- Methodology proposed to deliver the project
- Knowledge of local stakeholders
- Experience of proposed staff

## Scoring

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

Score Categories	Meaning	Scores
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.	1
Requirement Not Met	The evaluators believe that the evidence fails to show that the contractor is capable in the requirements area	0

The Coal Authority reserves the right to deem any submission scoring 0 or 1 as being non-compliant and therefore excluded from consideration

The following questions are the scoring questions

The weightings for each question are indicated in the subject field

<b>Subject</b>	<b>Question</b>	<b>High Scoring Response</b>
<b>1 - Experience of delivering this type of work – 30%</b>	Please provide examples and case studies of where you have undertaken similar work successfully, clearly demonstrating your knowledge and experience in this area. <i>Max 3 pages A4</i>	Technically relevant examples provided. Sites closely matching this requirement and extent of works required. Responses with technical content providing significant detail to assure technical capability.
<b>2 - Knowledge of local stakeholders – 30%</b>	Please provide details of where you have used your knowledge and experience of working with local stakeholders to obtain permissions for similar works. <i>Max 1 page A4</i>	Relevant examples provided evidencing work with local stakeholders to deliver a project
<b>3 - Methodology proposed to deliver the project – 25%</b>	Please explain the approach you will take to deliver this project. <i>Max 2 pages A4</i>	Technically relevant submission with appropriate detail to assure of method employed
<b>4 - Experience of proposed staff – 15%</b>	Please provide up to 5 CVs of key staff who would deliver this work. <i>Max 2 pages A4 per CV</i>	Evidence of relevant experience and qualifications for the delivery of this requirement.

Each question will be individually assessed.

**The Coal Authority reserves the right to deem any submission scoring a 0 or 1 for any scored question as non – compliant and as such may be excluded from consideration**

## **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.

## **Assessment & Feedback**

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

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 and confirmation of the successful tenderer.

## **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.

It is intended that the procurement process will take place in accordance with the provisions of this ITT but The Coal Authority reserves the right to terminate, suspend, amend or vary this procurement process by notice to all potential bidders in writing.

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.

## **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;
- (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 – 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 B – 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 be 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.