



INVITATION TO SUBMIT A PROPOSAL

Creative Commission opportunities at Royal Botanic Gardens, Kew

Contract Reference: RBGKEW/161

Part One: Invitation to Submit Proposal

(This document is for information)

SECTION ONE: INSTRUCTIONS TO SUBMIT PROPOSAL (ITSP)

1. Introduction

You are hereby invited by Royal Botanic Gardens, Kew (the “Authority”) to Submit a Proposal to meet the Authority requirements as advertised by the Authority in the OJEU Contract Notice dated 10/07/15 has been published.

These instructions are designed to ensure that all Candidates are given equal and fair consideration. It is important therefore that you provide all the information asked for in the format and order specified.

Candidates should read these instructions carefully before completing their Proposal documentation. Failure to comply with these requirements for completion and submission of the response may result in the rejection of the bid. Candidates are advised to acquaint themselves fully with the extent and nature of the requirements and their associated contractual obligations.

These instructions constitute the full conditions of the Proposal process and participation automatically signals that the Candidate accepts these conditions.

Please submit clarifications through the eProcurement System, Bravo if you have any doubt as to what is required or will have difficulty in providing the information requested.

The ITSP comprises the following documents:

Part 1: Invitation to Submit a Proposal	For Information
Part 2: Contract Terms and Conditions	For Information
Part 3: Creative Commission	For Information
Part 4: KPIs	For Information
Part 5: Contractor’s Code of Practice	For Information
Part 6: Quarantine Q&A	For information
Part 7: Proposal Response Document	For Completion
Part 7a: H&S Competency Questionnaire	For Completion
Part 8: Budget Response Document	For Completion

All material issued in connection with this ITSP (the “Information”) shall remain the property of the Authority and shall be used only for the purpose of this procurement exercise. All Information shall be either returned to the Authority or securely destroyed by the Candidate (at the Authority’s option) at the conclusion of the procurement exercise.

The Candidate shall ensure that each and every sub-contractor and adviser abides by the terms of these instructions.

The Candidate shall not make contact with any other employee, agent or consultant of the Authority who are in any way connected with this procurement exercise during the period of this procurement exercise, unless otherwise instructed by the Authority.

The Authority shall not be committed to any course of action as a result of:

- issuing this Invitation to Submit a Proposal;
- an invitation to submit any response in respect of this procurement exercise;
- communicating with a Candidate or a Candidate's representatives or agents in respect of this procurement exercise; or
- any other communication between the Authority (whether directly or by its agents or representatives) and any other party.

Candidates shall accept and acknowledge that by issuing this ITSP the Authority shall not be bound to accept any Proposal and reserves the right not to conclude a contract for some or all of the requirements for which Proposals are invited.

The Authority reserves the right to amend, add to or withdraw all or any part of this ITSP at any time during the procurement exercise at no cost to the Authority.

2. Confidentiality

Subject to the exceptions referred to below, the contents of this ITSP are being made available by the Authority on condition that:

- Candidates shall at all times treat the contents of the ITSP and the Information as confidential, save in so far as they are already in the public domain;
- Candidates shall not disclose, copy, reproduce, distribute or pass any of the Information provided to any other person at any time or allow any of these things to happen;
- Candidates shall not use any of the Information for any purpose other than for the purposes of submitting (or deciding whether to submit) a bid; and
- Candidates shall not undertake any publicity activity within any section of the media.

Candidates may disclose, distribute or pass any of the Information to the Candidate's advisers, subcontractors or to another person provided that either:

- This is done for the sole purpose of enabling a Proposal to be submitted and the person receiving the Information undertakes in writing to keep the Information confidential on the same terms as if that person were the Candidate; or
- The Candidate obtains the prior written consent of the Authority in relation to such disclosure, distribution or passing of Information; or
- The disclosure is made for the sole purpose of obtaining legal advice from external lawyers in relation to the procurement or to any contract arising from it; or
- The Candidate is legally required to make such a disclosure.

In the paragraph above in this Section 2 the definition of 'person' includes but is not limited to any person, firm, body or association, corporate or incorporate.

The Authority may disclose detailed information relating to Proposals to its officers, employees, agents or advisers and the Authority may make any of the contract documents available for private inspection by its officers, employees, agents or advisers.

The Authority also reserves the right to disseminate information that is materially relevant to the procurement to all Candidates, even if the information has only been requested by one Candidate, subject to the duty to protect each Candidate's commercial confidentiality in relation to its Proposal (unless there is a requirement for disclosure under the Freedom of Information Act (FoIA), as explained below).

3. Freedom of Information

In accordance with the obligations and duties placed upon public authorities by the FoIA, the Authority may, acting in accordance with the Secretary of State's Code of Practice on the Discharge of the Functions of Public Authorities under Part 1 of the said Act, or the Environmental Information Regulations (EIR) be required to disclose information submitted by the Candidate to the to the Authority.

In respect of any information submitted by a Candidate that it considers to be commercially sensitive the Candidate should:

- Clearly identify such information as commercially sensitive;
- Explain the potential implications of disclosure of such information; and
- Provide an estimate of the period of time during which the Candidate believes that such information will remain commercially sensitive.

Where a Candidate identifies material as commercially sensitive, the Authority will endeavour to maintain confidentiality. Candidates should note, however, that, even where information is identified as commercially sensitive, the Authority may be required to disclose such information in accordance with the FoIA or the EIR. In particular, the Authority is required to form an independent judgment concerning whether the information is exempt from disclosure under the FoIA or the EIR and whether the public interest favours disclosure or not. Accordingly, the Authority cannot guarantee that any information marked 'confidential' or "commercially sensitive" will not be disclosed.

Where a Candidate receives a request for information under the FoIA or the EIR during the procurement process, this should be immediately passed on to the Authority and the Candidate should not attempt to answer the request without first consulting with the Authority.

4. Transparency

Candidates should note that the Government has set out the need for greater transparency in public sector procurement.

Candidates submitting a response should be aware that if they are awarded a Contract, the resulting Contract between the Candidate and the Authority will be published on the Contracts Finder website. 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.

5. Contract

The contract will be awarded in October 2015 and will expire in September 2016 – we may extend the contract, if the content could be included in an autumn festival programme.

The contract terms and conditions are detailed in Part 2: Contract Terms and Conditions.

6. Proposal Validity

Your proposal should remain open for acceptance for a period of 120 days from the deadline date for Candidate responses. A Proposal valid for a shorter period may be rejected by the Authority.

7. Timescales

Set out below is the proposed procurement timetable. This is intended as a guide and whilst the Authority does not intend to depart from the timetable it reserves the right to do so at any stage.

Activity	Description	Date
Brief published	The tender will be advertised on Contracts Finder and available through the eProcurement System, BRAVO	10 July 2015
Site Visit	Invitation to visit Kew	Tbc
Supplier questions	Candidates submit clarification questions	6 to 22 July 2015
Closing date for Clarification questions / responses issued		22 July 2015
Closing date for proposals		18 Aug 2015 15:00pm
Supplier selection	Shortlist for Evaluation (qualification questions)	18 Aug 2015
	Evaluation (1 st moderation meeting)	10 & 11th Sept 2015
	Shortlisted to invite to presentation	w/c 14 Sept 2015
	Presentations	w/c 21 Sept 2015
	Evaluation (2 nd moderation meeting)	23 Sept 2015
Programme Feasibility	Programme Feasibility review	w/c 28 Sept
	Preferred suppliers selected	w/c 28 Sept
	Tender Evaluation Report & sign off	25 Sept 2015
Approval	10 day standstill to finalise the OJEU process	2 Oct 2015
	Contract Award	15 Oct 2015

8. Preparation of Proposals

Candidates must obtain at their own responsibility and expense, all information necessary for the preparation of Proposals. Candidates are solely responsible for the costs and expenses incurred in connection with the preparation and submission of their Proposal and all other stages of the selection and evaluation process. Under no circumstances will the Authority, or any of their advisers, be liable for any costs or expenses borne by Candidates, sub-contractors, Candidates or advisers in this process.

The Authority relies on Candidates' own analysis and review of information provided. Consequently, Candidates are solely responsible for obtaining the information which they consider is necessary in order to make decisions regarding the content of their Proposals and to undertake any investigations they consider necessary in order to verify any information provided to them during the procurement process.

Candidates must form their own opinions, making such investigations and taking such advice (including professional advice) as is appropriate, regarding the requirements and their Proposals, without reliance upon any opinion or other information provided by the Authority or their advisers and representatives. Candidates should notify the Authority promptly of any perceived ambiguity, inconsistency or omission in this ITT, any of its associated documents and/or any other information issued to them during the procurement process.

8.1 Tender Response Documents

The Services required are fully described in the Part 3: Creative Commission. The lots are as follows:

- Lot 1 – Core Festival -Major Installation
- Lot 2 – Core Festival Small installation
- Lot 3 – Engaging families
- Lot 4 - Performance
- Lot 5 - Horticultural Highlights

The Bidders can apply for one, two, three, four or five lots.

8.1.1 PROPOSAL RESPONSE (Document: Part 7 - Proposal Response Document & Part 8 – Budget Response Document)

All Candidates are to complete Phase 1 in line with the document called '**Part 7 - Proposal Response Document & Part 8 – Budget Response Document**'. This will be the Phase 1 element of the tender evaluation. Following Phase 1 a minimum of three (3) but no more than eight (8) Candidates who have achieved the highest scores, from each lot, will progress on to Phase 2. If a candidate achieves one of the highest scores in more than one lot then only one presentation to cover all lots will be undertaken.

This document needs to be completed for each lot tendered for as these will be evaluated separately, e.g. if you apply for all five lots the Candidate will need to complete the document five times. The document needs to clearly identify which lot the Candidate is applying for.

Please refer to section **19. Evaluation**. Your proposal should address each of the 5 evaluation criteria within the following word counts.

- Your response to criteria 2 should be no more than 1500 words which is to include all questions.
- Your response to criteria 3 should be no more than 1500 words which is to include all questions.

9. Proposal Submission

The Authority may at its own absolute discretion extend the closing date and the time for receipt of Proposals specified above. Any extension granted by the authority will apply to all Candidates.

You must submit your Proposal **via Bravo** no later **than 10 August at 10am**. Proposals may be submitted at any time before the closing date. Proposals received before this deadline will be retained unopened until the closing date.

You should not include in the Proposal any extraneous information which has not been specifically requested in the ITSP including, for example, any sales literature, standard terms of trading etc. Links to websites or digital content can be provided but should not be relied upon in place of the Proposal and may not be reviewed at this stage.

The Proposal and any documents accompanying it must be in the English language.

Any financial data provided must be submitted in or converted into pounds sterling. Where official documents include financial data in a foreign currency, a sterling equivalent must be provided.

10. Canvassing

Any Candidate who directly or indirectly canvasses any officer, member, employee, or agent of the Authority or its members concerning the establishment of the contract or who directly or indirectly obtains or attempts to obtain information from any such officer, member, employee or agent concerning any other Candidate, the Proposal or proposed Proposal will be disqualified.

11. Disclaimers

Whilst the material in this ITSP and the Information has been prepared in good faith, it does not purport to be comprehensive nor has it been independently verified.

Neither the Authority nor their advisors, their respective directors, officers, members, partners, employees, other staff or agents makes any representation or warranty (express or implied) as to the accuracy, reasonableness or completeness of the Information; or accepts any responsibility for the information contained in the Information or for their fairness, accuracy or completeness of that Information nor shall any of them be liable for any loss or damage (other than in respect of fraudulent

misrepresentation) arising as a result of reliance on such Information or any subsequent communication.

Any persons considering making a decision to enter into contractual relationships with the Authority following receipt of the ITSP should make their own investigations and their own independent assessment of the Authority and its requirements and should seek their own professional financial and legal advice.

For the avoidance of doubt the provision of clarification or further information in relation to the ITSP or any other associated documents is only authorised to be provided following a query made in accordance with the provisions of this ITT.

Any contract concluded as a result of this ITSP shall be governed by English law.

12. Collusive behaviour

Any Candidate who:

- fixes or adjusts the amount of its Proposal by or in accordance with any agreement or arrangement with any other party; or
- communicates to any party other than the Authority the amount or approximate amount of its proposed Proposal or information which would enable the amount or approximate amount to be calculated (except where such disclosure is made in confidence in order to obtain quotations necessary for the preparation of the Proposal or insurance or any necessary security); or
- enters into any agreement or arrangement with any other party that such other party shall refrain from submitting a Tender; or
- enters into any agreement or arrangement with any other party as to the amount of any Proposal submitted; or
- offers or agrees to pay or give or does pay or give any sum or sums of money, inducement or valuable consideration directly or indirectly to any party for doing or having done or causing or having caused to be done in relation to any other Proposal or proposed Tender, any act or omission, shall (without prejudice to any other civil remedies available to the Authority and without prejudice to any criminal liability which such conduct by a Candidate may attract) be disqualified.

13. Acceptance and Admission

The Candidate undertakes that in the event of the Proposal being accepted by the Authority and the Authority confirming in writing such acceptance to the Candidate, the Candidate will within 30 days of being called upon to do so by the Authority execute the contract in the form set out in this ITSP or in such amended form as may subsequently be agreed.

14. Clarification

All requests for clarification about the requirements or the process of this procurement exercise shall be made in accordance with these Instructions. The Authority will endeavour to answer all questions with two working days, but cannot guarantee a minimum response time. Candidates should ensure that any clarifications are submitted to the Authority no later than **22 July 2015** to enable a response and, subsequent consideration by Candidates, before the prescribed deadline date. All clarification requests should be submitted via the Bravo eProcurement System

In order to ensure equality of treatment of Candidates, the Authority intends to publish the questions and clarifications raised by Candidates together with the Authority's responses (but not the source of the questions) to all participants. Candidates should indicate if a query is of a commercially sensitive nature and where disclosure of such query and the answer would, or would be likely to, prejudice its commercial interests.

If the Authority at its sole discretion does not either; consider the query to be of a commercially confidential nature or one which all Candidates would potentially benefit from seeing both the query and Authority's response, the Authority will either invite the Candidate submitting the query to either declassify the query and allow the query along with the Authority's response to be circulated to all Candidates; or request the Candidate, if it still considers the query to be of a commercially confidential nature, to withdraw the query.

The Authority reserves the right not to respond to a request for clarification or to circulate such a request where it considers that the answer to that request would or would be likely to prejudice its commercial interests.

15. Late Proposals

Any Proposal received at the designated point after the prescribed deadline may be rejected unless the Candidate can provide irrefutable evidence that the Proposal was capable of being received by the due date and time.

16. Withdrawal

Candidates may withdraw their Proposal at any time prior to the Deadline or any other time prior to accepting the offer of a Contract. The notice to withdraw the Proposal must be in writing and sent to through Bravo.

17. Right to Reject / Disquality

The Authority reserves the right to reject or disqualify a Candidate where:

- the Candidate fails to comply fully with the requirements of this ITSP or is guilty of a serious misrepresentation in supplying any information requested in this ITSP document; or
- the Candidate is guilty of serious misrepresentation in relation to its Tender; expression of interest; and/or the Proposal process;

18. Right to Cancel, Clarify or Vary the Process

The Authority reserves the right to:

- amend the terms and conditions of the procurement process,
- cancel the evaluation process at any stage; and/or
- require the Candidate to clarify its Proposal in writing and/or provide additional information. (Failure to respond adequately may result in the Candidate not being selected).

19. Evaluation

The evaluation criteria shall be scored in accordance with the model below. ***It should be noted that the Candidate will need to complete the questionnaire for each lot applied for and answer the questions specifically in relation to the lot.***

The Proposal evaluation process will be conducted in two phases (for each lot) and will ensure that the Proposals are evaluated fairly to ascertain the most economically advantageous tender. Account will also be taken of any factors which may impact on the Candidates suitability that emerge from the proposal process. Candidates should examine the evaluation model closely to ensure that they are able to submit the information and supporting evidence required.

Phase 1: Evaluation of Proposal

The Phase 1 evaluation shall consist of mandatory requirements based on the Bidders ability to provide information that demonstrates the Bidders health and safety, previous experience, delivery, quality and programme. Bidders should provide the information requested. Failure to do so may lead to exclusion from the process and the Authority will be under no obligation to give your Bid any further consideration.

EVALUATION FOR PROPOSAL (Maximum Score: 75%)

Ref	Criteria	Evidence	Score
1	Qualification Questions	These questions are to be answered in Bravo	
NB: Only Candidates who have satisfied Criteria 1 will be taken through to the next stage of the evaluation process.			
2	Themes and messaging	The proposal creatively explores, demonstrates and responds to the theme of the commission and to the KPIs highlighted in Part 4. The proposal delivers thought provoking content of relevance to target audiences, in an accessible and informal format that encourages participation and discussion.	8%
	Creativity & innovation	The proposal demonstrates creativity & innovation with artists, designers and specialists who are engaged in the development and delivery. The proposal is presenting something new or something old in a new way.	10%
	Proposal	The proposal is detailed and realistic describing: the concept, the visitor experience/journey, scale of work, media being used, numbers of people that can access, target audience, potential for media attraction, site specific or unique to Kew, IP rights.	7%
	Visual representation	The proposal offers a clear visual representation of what the project will look like; these can be sketches or CGI's if it is a new work and must be photographs if it is an existing work	8%
3	Project plan	A realistic outline project plan for this proposal, with a clearly defined timeline of activity and an outline method statement about the works being proposed.	8%
	Operational/ staffing plan	An realistic outline operational/staffing plan	3%
	H&S	A satisfactory completed H&S competency form (<u>document called Part 7a - contractors-health-&-safety-competency-questionnaire part two only</u>) (Appendix 7a)	4%
	Installation, derig and operations	The proposal details install and/or operation of the proposal and assumptions of support from Kew. The proposal takes into account robustness, weatherproofing, resilience to visitor interaction, specialist equipment required, that Kew is a UNESCO world heritage site, with many listed components	4%
	Experience (requires 2 examples)	The proposal demonstrates competency and experience in delivering a high quality, viable and innovative creative project. The 2 examples must be relevant to this proposal and include the key personnel involved and their relevant experience to the role they will undertake as part of this proposal.	8%

4	Budget	<p>An assessment of the likely cost of the proposal and any potential for leveraging commercial revenue. Budget should include research & development, site visit(s), project meetings, materials, build/construction; install infrastructure and staff, transport, public liability insurance, structural engineer (if necessary), content delivery & operational staffing, workshop/studio/rehearsal space, maintenance & removal and contingency. Please provide a cost for the period Sat 28 May 2016 to Sun 4 Sept 2016.</p> <p>Non-scored</p> <p>There is a possibility that this Contract may be extended until the end of November. Please provide an indicative cost from the 5th September until the 30th November. It should be noted that this element will not be scored.</p>	15%
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Phase 2: Presentations (Maximum Score: 25%)

Following Phase 1 a minimum of three (3) but no more than eight (8) Candidates who have achieved the highest scores, from each lot, will progress on to Phase 2. If a candidate achieves one of the highest scores in more than one lot then only one presentation to cover all lots will be undertaken.

EVALUATION FOR PRESENTATION

Ref	Criteria	Evidence	Score
5	Curation	The proposal when put into a programme alongside other proposals fits within the budget, is rich in creativity, contributes to a festival that will deliver the KPI's & explores the breadth of the theme.	11%
	Value for money	The proposal is value for money against numbers of people that can participate, quality of the visitor experience, press worthiness and innovation. The proposal has income attached, which either offsets the cost or offers a profit.	6%
	Press appeal	The proposal has great press appeal	3%
	Feasibility	The proposal is realistic for the Kew site, in terms of cost, infrastructure, & operations.	5%

Scoring Mechanism

The evaluation criteria shall be scored in accordance with the model below:

Score 3: Good	Satisfies the requirement with additional benefits
	Above average demonstration by the Tenderer of the relevant ability, understanding, experience, skills, resource and quality measures required to Provide the Works, with clear evidence to support the response.
Score 2: Acceptable	Satisfies the requirement
	Demonstration by the Tenderer of the relevant ability, understanding, experience, skills, resource and quality measures to Provide the Works, with clear evidence to support the response.
Score 1: Minor Reservations	Satisfies the requirement with minor reservations
	Some minor reservations of the Tenderer's relevant ability, understanding, experience, skills, resources and quality measures required to Provide the Works, with little or no evidence to support the response.
Score 0: Serious Reservations	Satisfies the requirements with serious reservations
	Considerable reservations of the Tenderer's relevant ability, understanding, experience, skills, resources and quality measures required to Provide the Works, with little or no evidence to support the response.

The evaluation process may feature some, if not all, the following phases:

Phase 1 – Compliance Checks

- (a) **Receipt and Opening** - Responses will be formally logged upon receipt in accordance with the Authority's procurement procedures. Any ITSP Response that is received after the deadline may be rejected and not considered for evaluation.
- (b) **Compliance Check** - The Authority will check that the contents of the proposal comply with the requirements set out in this ITSP. Any proposal that fails to comply with those requirements may be considered non-compliant and will not be taken through the evaluation process.

Phase 2 –Evaluation of Responses

- (a) **Qualitative Evaluation** – proposals will be evaluated against the weighted evaluation criteria, using the scoring mechanism described.

Phase 3 – Final Clarifications/ Presentations

RBG, Kew reserves the right to hold post Proposal clarification meetings which are to be advised accordingly. The top three Candidates for each lot will be invited to give a presentation. The presentation is to present the Proposal and have an opportunity to clarify your tender

Phase 4 – Evaluation Report and Recommendation

The evaluation panel will complete their evaluation and recommend the successful suppliers. Subject to Kew's internal approvals process, suppliers will then be notified.

20. Award Notification

The Authority will notify the successful Candidate(s) of their admission to the contract in writing. All Candidates will be informed of the Authority decision in writing in relation to contract award as soon as possible after on conclusion of the evaluation process.