**Tender reference PH/15/1212 Bridlington Hospital AMD clinic alterations**

Please complete, sign and re-attached to the tender portal as part of your submission – failure to do so, could mean that you are excluded from the tender process.

We reserve the right not to award the contract to the lowest bidder or indeed any bidder.

York Teaching Hospital NHS Foundation Trust is not liable for any costs that the bidders may incur in submitting a response to this tender.

Our policy is to use only Constructionline accredited contractors.

Award criteria will be based on **40% Cost and 60% Quality** with the responses weighted as below.

The criteria below will be scored on a 0-5 basis before the weightings are applied using the rationale below:

|  |
| --- |
| The Score is based on a 0 to 5 scoring scale where |
|   |
| 0 = Very Poor |
| 1 = Poor |
| 2 = Not Acceptable |
| 3 = Acceptable |
| 4 = Good |
| 5 = Excellent |

Cost will be evaluated as follows on compliant tenders:

• Bidder A £60,000 = lowest price = 40%

• Bidder B £100,000 = £60,000 divided by £100,000 x 40 = 24%

• Bidder C £120,000 = £60,000 divided by £120,000 x 40 = 20%

|  |  |
| --- | --- |
| **Criteria 1 Scheme Development (Proposals & Assurance)** | **10%** |
| Provide assurance of your proactive and responsive approach to delivering this project within agreed timescales.  |
| **Please enter your response here (max 400 words)** |   |
| **Criteria 2 Delivering Confidence** | **5%** |
| Provide an outline service delivery plan (time / cost / quality) for meeting the project objectives, to include: assurance of ability to react to clinical timetables / site constraints (please demonstrate facility and ability to react to out of hours requests for working); contract mobilisation; programming & programme duration; management of construction logistics); service delivery (i.e. on time, in budget, zero defects).Include your methodology – phasing/sequencing of works – to minimise/negate impact on delivery of adjacent clinical / non-clinical services |
| **Please enter your response here (max 400 words)** |   |
| **Criteria 3 Relevant Experience**  | **10%** |
| What experience does the contractor have of the successful delivery of projects at Acute NHS Hospitals. What lessons have been identified that will be incorporated into the scheme. |
| **Please enter your response here (max 400 words)** |   |
| **Criteria 4 Strength of Contractor's Project Team** | **5%** |
| How experienced are the project / site manager and the delivery team at working in Acute NHS hospital environments. |
| **Please enter your response here (max 400 words)** |   |
| **Criteria 5 H&S** | **5%** |
|   |   |
| Provide details of your approach to adhering to statutory H&S regulations and to implementing and maintaining a ‘zero incidents plan’. Include improvement/mitigation plans following any prosecution / improvement notices. |
| **Please enter your response here (max 400 words)** |   |
| **Criteria 6 Tender Sum** | **40%** |
|   |   |
|   |
| **Please enter the tender sum here (excluding VAT)** |   |
| **Criteria 7 Quality & Performance** | **5%** |
|   |   |
| Provide evidence where the contractor has exceeded agreed performance against scheme objectives and KPI’s. |
| **Please enter your response here (max 400 words)** |   |
| **Criteria 8 Working with the Supply Chain** | **5%** |
| How will the main contractor manage their supply chain / sub-contractors to ensure high quality workmanship, project safety, completion on programme? |
| **Please enter your response here (max 400 words)** |   |
| **Criteria 9 Approach to Project Risk**  | **10%** |
| Please provide protocols for implementing infection prevention and control measures. Include your processes for maintaining site cleanliness, clearance of emergency exit routes and disposal of surplus materials, packaging and waste, dust suppression, minimisation of noise and vibration on adjacent accommodation given the sensitivity of departmental functionality. |
| **Please enter your response here (max 400 words)** |   |
| **Criteria 10 Constructionline** | **5%** |
| Please provide your Constructionline registration details. |
| **Please enter your response here (max 400 words)** |   |

**Mandatory and Discretionary Exclusion**

Please complete below before signing.

Important note: In the case of consortium or sub-contracted provider, each member of the consortium or sub-contractor must complete the declaration in full.

Section 1 - Grounds for mandatory exclusion

You will be excluded from the procurement process if there is evidence of convictions relating to specific criminal offences including, but not limited to, bribery, corruption, conspiracy, terrorism, fraud and money laundering, or if you have been the subject of a binding legal decision which found a breach of legal obligations to pay tax or social security obligations (except where this is disproportionate e.g. only minor amounts involved).

If you have answered “Yes” to question 1.2 on the non-payment of taxes or social security contributions, and have not paid or entered into a binding arrangement to pay the full amount, you may still avoid exclusion if only minor tax or social security contributions are unpaid or if you have not yet had time to fulfil your obligations since learning of the exact amount due. If your organisation is in that position please provide details using a separate Appendix. You may contact the authority for advice before completing this form.

|  |  |
| --- | --- |
| **1.1 Within the past five years, has your organisation (or any member of your proposed consortium, if applicable), Directors or partner or any other person who has powers of representation, decision or control been convicted of any of the following offences?** | **Please indicate your answer by marking ‘X’ in the relevant box.** |
| **Yes** | **No** |
| 1. conspiracy within the meaning of section 1 or 1A of the Criminal Law Act 1977 or article 9 or 9A of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 where that conspiracy relates to participation in a criminal organisation as defined in Article 2 of Council Framework Decision 2008/841/JHA on the fight against organised crime;
 |  |  |
| 1. corruption within the meaning of section 1(2) of the Public Bodies Corrupt Practices Act 1889 or section 1 of the Prevention of Corruption Act 1906;
 |  |  |
| 1. the common law offence of bribery;
 |  |  |
| 1. bribery within the meaning of sections 1, 2 or 6 of the Bribery Act 2010; or section 113 of the Representation of the People Act 1983;
 |  |  |
| 1. any of the following offences, where the offence relates to fraud affecting the European Communities’ financial interests as defined by Article 1 of the Convention on the protection of the financial interests of the European Communities:
 |  |  |
| (i) the offence of cheating the Revenue; |  |  |
| (ii) the offence of conspiracy to defraud; |  |  |
| (iii) fraud or theft within the meaning of the Theft Act 1968, the Theft Act (Northern Ireland) 1969, the Theft Act 1978 or the Theft (Northern Ireland) Order 1978; |  |  |
| (iv) fraudulent trading within the meaning of section 458 of the Companies Act 1985, article 451 of the Companies (Northern Ireland) Order 1986 or section 993 of the Companies Act 2006; |  |  |
| (v) fraudulent evasion within the meaning of section 170 of the Customs and Excise Management Act 1979 or section 72 of the Value Added Tax Act 1994; |  |  |
| (vi) an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice Act 1993; |  |  |
| (vii) destroying, defacing or concealing of documents or procuring the execution of a valuable security within the meaning of section 20 of the Theft Act 1968 or section 19 of the Theft Act (Northern Ireland) 1969; |  |  |
| (viii) fraud within the meaning of section 2, 3 or 4 of the Fraud Act 2006; or |  |  |
| (ix) the possession of articles for use in frauds within the meaning of section 6 of the Fraud Act 2006, or the making, adapting, supplying or offering to supply articles for use in frauds within the meaning of section 7 of that Act; |  |  |
| 1. any offence listed—
 |  |  |
| (i) in section 41 of the Counter Terrorism Act 2008; or |  |  |
| (ii) in Schedule 2 to that Act where the court has determined that there is a terrorist connection; |  |  |
| 1. any offence under sections 44 to 46 of the Serious Crime Act 2007 which relates to an offence covered by subparagraph (f);
 |  |  |
| 1. money laundering within the meaning of sections 340(11) and 415 of the Proceeds of Crime Act 2002;
 |  |  |
| 1. an offence in connection with the proceeds of criminal conduct within the meaning of section 93A, 93B or 93C of the Criminal Justice Act 1988 or article 45, 46 or 47 of the Proceeds of Crime (Northern Ireland) Order 1996;
 |  |  |
| 1. an offence under section 4 of the Asylum and Immigration (Treatment of Claimants etc.) Act 2004;
 |  |  |
| 1. an offence under section 59A of the Sexual Offences Act 2003;
 |  |  |
| 1. an offence under section 71 of the Coroners and Justice Act 2009
 |  |  |
| 1. an offence in connection with the proceeds of drug trafficking within the meaning of section 49, 50 or 51 of the Drug Trafficking Act 1994; or
 |  |  |
| 1. any other offence within the meaning of Article 57(1) of the Public Contracts Directive—
 |  |  |
| (i) as defined by the law of any jurisdiction outside England and Wales and Northern Ireland; or |  |  |
| (ii) created, after the day on which these Regulations were made, in the law of England and Wales or Northern Ireland. |  |  |
| **Non-payment of taxes****1.2 Has it been established by a judicial or administrative decision having final and binding effect in accordance with the legal provisions of any part of the United Kingdom or the legal provisions of the country in which your organisation is established (if outside the UK), that your organisation is in breach of obligations related to the payment of tax or social security contributions?**If you have answered Yes to this question, please use a separate Appendix to provide further details. Please also use this Appendix to confirm whether you have paid, or have entered into a binding arrangement with a view to paying, including, where applicable, any accrued interest and/or fines? |  |  |

Section 2 – Grounds for discretionary exclusion

The authority may exclude any Supplier who answers ‘Yes’ in any of the following situations set out in paragraphs (a) to (i);

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| **2.1 Within the past three years, please indicate if any of the following situations have applied, or currently apply, to your organisation.** | **Please indicate your answer by marking ‘X’ in the relevant box.** |
| **Yes** | **No** |
| 1. your organisation has violated applicable obligations referred to in regulation 56 (2) of the Public Contracts Regulations 2015 in the fields of environmental, social and labour law established by EU law, national law, collective agreements or by the international environmental, social and labour law provisions listed in Annex X to the Public Contracts Directive as amended from time to time;
 |  |  |
| 1. your organisation is bankrupt or is the subject of insolvency or winding-up proceedings, where your assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business activities are suspended or it is in any analogous situation arising from a similar procedure under the laws and regulations of any State;
 |  |  |
| 1. your organisation is guilty of grave professional misconduct, which renders its integrity questionable;
 |  |  |
| 1. your organisation has entered into agreements with other economic operators aimed at distorting competition;
 |  |  |
| 1. your organisation has a conflict of interest within the meaning of regulation 24 of the Public Contracts Regulations 2015 that cannot be effectively remedied by other, less intrusive, measures;
 |  |  |
| 1. the prior involvement of your organisation in the preparation of the procurement procedure has resulted in a distortion of competition, as referred to in regulation 41, that cannot be remedied by other, less intrusive, measures;
 |  |  |
| 1. your organisation has shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity, or a prior concession contract, which led to early termination of that prior contract, damages or other comparable sanctions;
 |  |  |
| 1. your organisation—

(i) has been guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria; or(ii) has withheld such information or is not able to submit supporting documents required under regulation 59 of the Public Contracts Regulations 2015; or |  |  |
| (i) your organisation has undertaken to |  |  |
| (aa) unduly influence the decision-making process of the contracting authority, or |  |  |
| (bb) obtain confidential information that may confer upon your organisation undue advantages in the procurement procedure; or |  |  |
|  (j) your organisation has negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award. |  |  |

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| From 1 April 2013 onwards, have any of your company’s tax returns submitted on or after 1 October 2012; (Please indicate your answer by marking ‘X’ in the relevant box). |
| 4.1 | Given rise to a criminal conviction for tax related offences which is unspent, or to a civil penalty for fraud or evasion; | ▢ Yes▢ No  |
| 4.2 | Been found to be incorrect as a result of:* + - HMRC successfully challenging it under the General Anti-Abuse Rule (GAAR) or the “Halifax” abuse principle; or
		- A Tax Authority in a jurisdiction in which the legal entity is established successfully challenging it  under any tax rules or legislation that have an effect equivalent or similar to the GAAR or the “Halifax” abuse principle; or
		- the failure of an avoidance scheme which the Supplier was involved in and which was, or should have been, notified under the Disclosure of Tax Avoidance Scheme (DOTAS) or any equivalent or similar regime in a jurisdiction in which the Supplier is established.
 | ▢ Yes▢ No  |
| If answering “Yes” to either 4.1 or 4.2 above, the Supplier may provide details of any mitigating factors that it considers relevant and that it wishes the authority to take into consideration.  This could include, for example: * Corrective action undertaken by the Supplier to date;
* Planned corrective action to be taken;
* Changes in personnel or ownership since the Occasion of Non-Compliance (OONC); or
* Changes in financial, accounting, audit or management procedures since the OONC.
* In order that the authority can consider any factors raised by the Supplier, the following information should be provided:
* A brief description of the occasion, the tax to which it applied, and the type of “non-compliance” e.g. whether HMRC or the foreign Tax Authority has challenged pursuant to the GAAR, the “Halifax” abuse principle etc.
* Where the OONC relates to a DOTAS, the number of the relevant scheme.
* The date of the original “non-compliance” and the date of any judgement against the Supplier, or date when the return was amended.
* The level of any penalty or criminal conviction applied.
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| Name: |
| Signature: |
| Position: |
| Date: |