

Cheshire East Borough Council

GUIDANCE DOCUMENT

REQUEST FOR QUOTATION

CONTRACT FOR THE SUPPLY OF OUTDOOR LITTER BINS (Further Competition via ESPO Framework 615)

CONTRACT PERIOD: 4 Years

CHEST REF: DN497670

INTERNAL REF: 20 091

© 2020

Copyright – Cheshire East Council - All rights reserved

No part of this publication may be reproduced,
stored in a retrieval system or transmitted
in any form or by any means electronic,
mechanical, photocopying, recording or
otherwise without the prior written permission
of the Council
Version 15.0

SUMMARY INSTRUCTIONS AND DETAILS OF CONTRACT

ITEM	CONTRACT DETAILS
Contract Description:	Cheshire East Council is seeking to purchase approximately 600 floor standing outdoor litter bins for the use across all areas of the borough. These bins will be called off as and when required.
Quantity:	As per specification at Appendix 1
Period of Contract:	4 Years
Procurement Officer:	Katie Griffin
Submission instructions:	<p>Submissions must be received via The Chest https://www.The-Chest.org.uk</p> <p>Please note you are required to register, express an interest, download the Request For Quotation (RFQ) documentation and upload the completed RFQ documentation by below deadline.</p>

Indicative Timetable

This timetable is indicative only. The Council reserves the right to change it at its discretion.

Stage	Date(s)/time
Issue of Request For Quotation	11 th September 2020
Deadline for Clarification questions	By 12:00:00 Noon 28 th September 2020 via Chest
Deadline for Submission of Quotations	12:00:00 Noon 5 th October 2020 via Chest
Evaluation of Quotations	W/C 5 th October 2020
Notification of Result of Evaluation	W/C 19 th October 2020
Voluntary 10 Day Standstill Period Commencement	W/C 19 th October 2020
Expected Contract commencement	16 th November 2020

CONTENTS

IMPORTANT NOTICE

INSTRUCTIONS

SECTION

1. BACKGROUND
2. QUOTATION SUBMISSION REQUIREMENTS
3. CONTRACT DOCUMENTS.....
4. CLARIFICATIONS
5. RFQ – EVALUATION CRITERIA.....

PROJECT BRIEF/REQUIREMENTS

SECTION

6. PROJECT BRIEF/REQUIREMENT
7. SUBMISSION & EVALUATION
8. FRAUD AND CORRUPTION.....
9. WHISTLEBLOWING POLICY.....
10. CONFLICTS, PAST PERFORMANCE & ‘SELF CLEANING’.....
11. MODERN DAY SLAVERY.....

APPENDIX 1: SPECIFICATION

APPENDIX 2: FORM OF CONTRACT AND CALL-OFF TERMS

IMPORTANT NOTICE – GENERAL

This Request for Quotation (“RFQ”) is issued to those companies who have **been approached** (“bidders”) by **Cheshire East Council** (the “Council”) to provide the supply of Outdoor Litter Bins (Further Competition via ESPO Framework 615) (the “Contract”), their professional advisers and other parties essential to preparing a Quotation for this Contract (the “Quote”) and for no other purpose.

The contents of this RFQ, and of any other documentation sent to you in respect of this quotation process, are provided on the basis that they remain the property of the Council and must be treated as confidential. If you are unable or unwilling to comply with this requirement you should destroy this RFQ and all associated documents immediately and not retain any electronic or paper copies.

No bidder will undertake any publicity activities with any part of the media in relation to the Contract or this RFQ process without the prior written agreement of the Council, including agreement on the format and content of any publicity.

This RFQ is made available in good faith. No warranty is given as to the accuracy or completeness of the information contained therein and any liability or any inaccuracy or incompleteness is therefore expressly disclaimed by the Council and its advisers.

The Council reserves the right to cancel the quotation process at any point. The Council is not liable for any costs resulting from any cancellation of this Quotation process nor for any other costs incurred by those quoting for this Contract.

IMPORTANT NOTICE: CONSORTIUM BIDDERS

Consortia Bids

If the potential supplier is bidding on behalf of a group, for example, a consortium, or intends to use sub-contractors, there are different actions required for completion of Part 3 of the standard Selection Questionnaire compared to Part 1 and Part 2.

The consortium lead should complete all of the questions on behalf of the consortium and/or any sub-contractors. The consortium lead should make it clear who the lead member of the group is, and who will be contractually responsible for delivery of the contract.

All members of the group are required to provide the information required in Part 3 of the standard Selection Questionnaire or procurement documents, as part of a single composite response (unless the question specifically directs otherwise). We may require members of the group to assume a specific legal form if awarded the contract, if considered necessary for the satisfactory performance of the contract. Where the group is proposing to create a separate legal entity, such as a Special Purpose Vehicle (SPV) or consortium, they should provide details of the actual or proposed percentage shareholding of the constituent members within the new legal entity. They should also provide the name for the new entity and details of its legal and operational structure. An SPV is a legal entity that is formed to perform a specific contract.

Consortium arrangements may be subject to future changes and any updates to the bidding model should be provided to the contracting authority so that a further assessment can be carried out (by applying the selection criteria to the new information provided). The contracting authority reserves the right to deselect the Supplier prior to any award of contract, based on an assessment of the updated information.

INSTRUCTIONS

1. BACKGROUND

- 1.1 Further details of the Council's requirements under the Contract and other relevant information are provided in the **Specification**.
- 1.2 If you have any questions or require any clarifications, please contact the Procuring Officer via The Chest [www.the-chest.org.uk] by the deadline in the timetable.
- 1.3 Other than the person identified above, no Council employee or member of the Council has the authority to give any information or make any representation (express or implied) in relation to this RFQ or any other matter relating to the Contract.
- 1.4 The Council reserves the right to issue supplementary documentation at any time during the quotation process to clarify any issue or amend any aspect of the RFQ. All such further documentation which may be issued shall be deemed to form part of the

RFQ and shall supplement and/or supersede any part of the RFQ to the extent indicated.

- 1.5 Under the Contract the Council will require compliance with its policies. Bidders are advised to satisfy themselves that they understand all of the requirements of the Contract before submitting their quote.
- 1.6 The Council will not be held responsible for organisations who do not keep their Chest contact details up to date.
- 1.7 Organisations not currently operating in the UK should, when answering each of the questions substitute where relevant the appropriate legislation/codes of practice, equivalent accreditations, appropriate professional, registrar of companies, commercial or other register applicable within their domestic jurisdiction.

2. QUOTATION SUBMISSION REQUIREMENTS

- 2.1 Please ensure you leave sufficient time to upload your RFQ prior to the closing date/time. The council cannot be held responsible for technical/ICT issues in leaving the uploading of your submissions too late.
- 2.2 Only one quotation is permitted from each bidder. In the event that more than one is submitted by a Bidder, the one with the latest time of submission will be evaluated and the other(s) disregarded.
- 2.3 The Quote (including price) should remain valid for a minimum period of 90 days.
- 2.4 The Quote must not be qualified in any way.
- 2.5 Quotes submitted by post or fax will not be accepted. No submission received after this closing date and time will be considered other than where there are exceptional Circumstances, which may be considered by Legal Services. Please note that submissions, which are partly through being uploaded at the closing time, will be considered to have not been received.
- 2.6 Any signatures must be made by a person who is authorised to commit the Quotation to the Contract.
- 2.7 **Submissions must be made using the response document only; answers to questions must be in the box provided within the response document and Cross Referencing Answer to Answer is not permitted.**

- 2.8 Please do not send any additional bidder literature, brochures, appendices, attachments if these have not been requested by the Authority. Answers to accreditation / certification questions in the Response Document are self certify until award, unless the authority have specifically required additional literatures.
- 2.9 The bidder should have the relevant levels of insurance in place at the time of bidding or agree to obtain prior to contract award.
- 2.10 Technical Support - Assistance
If you experience any technical problems in using The Chest, please email or ProcontractSuppliers@proactis.com telephone 0330 005 0352
- Bidder help guides are available on The Chest from www.the-chest.org.uk
- 2.11 **Social Value:** Cheshire East Council is committed to the Public Services (Social Value) Act 2012 (PSSVA 2012); ensuring that social, economic and environmental issues are considered at all stages of our commissioning and procuring process, and as part of the whole life cost of a contract.

Cheshire East Social Value policy sits within the overarching Cheshire East Corporate Plan. The Corporate Plan consists of six outcomes that demonstrate how Cheshire East Council will put the residents of Cheshire East first in the way that services are provided. Outcome numbers 1-5 focus on the activities directly affecting residents and local businesses. Outcome number 6 focuses on maximising value for money in the way the Council operates.

- Outcome 1 – Our local communities are strong and supportive
- Outcome 2 – Cheshire East has a strong and resilient economy
- Outcome 3 – People have the life skills and education they need to thrive
- Outcome 4 – Cheshire East is a green and sustainable place
- Outcome 5 – People live well and for longer
- Outcome 6 – A responsible, effective and efficient organisation

The Cheshire East Council Social Value Policy can be found at the following link
http://www.cheshireeast.gov.uk/business/procurement/procurement_strategy.aspx

Additional information on the PSSVA (2012) can be found at
<https://www.gov.uk/government/publications/social-value-act-information-and-resources/social-value-act-information-and-resources>

If Social Value forms part of the award criteria, it will be given a weighting and scored as per the evaluation matrix.

3. CONTRACT DOCUMENTS

- 3.1 Any resulting Contract will be on the Contractual Terms and Conditions (as attached at **Appendix 2**) .The Contract will be subject to English law and the exclusive jurisdiction of the English Courts.
- 3.2 Please note that no work must be commenced by the successful bidder and no payment can be made until the contractual terms and conditions are signed by both parties.
- 3.3 The Council reserves the right, as within Cheshire East Council's Contract Procedure Rules, to employ a Best and Final Offer stage (BAFO). Where that BAFO changes an element of evaluation criteria for the Core Requirement, then that element of the bidders quote will be re-scored. This process will be managed through The Chest.

4. CLARIFICATIONS

4.1. Pre-Submission Clarifications

- All clarifications raised by bidders prior to the submission deadline (as indicated in the timetable) in regard to this RFQ must be submitted via the e-tendering portal – “The Chest”: www.the-chest.org.uk by the date shown on the “Indicative Timetable”.
- The Council shall endeavour to respond to queries within two working days. If the Council considers any question or request for clarification to be of material significance, both the query and the response will be circulated in a suitably anonymous form to all bidders.
- **Any clarifications in respect of the Conditions of Contract or any specific industry related issues must be raised as a clarification during the pre-submission clarification stage as the terms and conditions will NOT be open to negotiation post award.**

4.2. Post-Submission Clarifications

- The Council reserves the right, after submissions have been opened, to clarify with any bidder, any aspect of the submission and to retain all and any of the information supplied to it by the bidder(s). It is imperative that all bidders are immediately available during the evaluation period of this submission.
- The Council may decide to interview Bidders or hold clarification meetings to assist its RFQ process, and Bidders will be notified in due course.

5. SQ & RFQ: EVALUATION CRITERIA

The evaluation will be based upon two stages within a single RFQ Response Document and will have two key areas consisting of:

- A Mandatory 'Standard Selection Questionnaire' (SQ); and
- An RFQ 'Award' section, made up of:
 - Financial Evaluation
 - Qualitative Evaluation Questions

Only those offers that meet the qualifying criteria in the 'SQ', will then be scored against the RFQ 'Award' criteria. Those deemed not to meet the qualifying criteria within the SQ will not be considered further.

The Council does not undertake to accept the lowest priced or any quotation and reserves the right to accept the whole or any part of any quotation submitted.

Completed RFQ Response Documents will be evaluated against the award criteria set out in Table 2 below.

5.1 SQ Evaluation Matrix

The principles of the Public Contract Regulations 2015 will be followed and based upon the following criteria in Table 1, any quote failing any of the below mandatory criteria, giving rise to concerns which cannot be satisfied, will not be evaluated further.

Table 1

Schedule / Section	Assessment	"Fail" on
Schedule 1 Form of Tender and Certificate of Non-Collusion & Non-Canvassing	This question is based on pass and fail. To accept formally by form or tender and confirm non collusion and canvassing.	No Acceptance /Signature of Schedule 1
Schedule 2 Standard Selection Questionnaire (SQ)		
Part 1 – Section 1 Potential Supplier Information	These sections are to be scored on a pass/fail basis. If an Organisation does not provide correct details to the Council, The	Incomplete Response

Schedule / Section	Assessment	“Fail” on
	Council reserves the right to disqualify the Organisation from the process at this point in the evaluation.	
Part 2 – Section 2 Grounds for mandatory exclusion	These sections are to be scored on a pass/fail basis.	Unlawful Actions
Part 2 - Section 3. Grounds for Discretionary Exclusion	If an Organisation cannot confirm any of the statements, The Council reserves the right to disqualify the Organisation from the process at this point in the evaluation.	Unlawful Actions
Part 3 – Section 4 and 5 . Additional SQ modules 4.1) Insurance 5.1) Modern Slavery	This section is to be scored on a pass/fail basis.	Incomplete response / Unlawful Actions
Schedule 6. Declaration	This is based on pass and fail. To accept completion of document formally.	No Acceptance /Signature of Schedule 6

6. PROJECT BRIEF/REQUIREMENTS

6.1 INTRODUCTION

This contract is for the supply of Outdoor Litter Bins – via a Further Competition from the ESPO Framework 615. Cheshire East Council is seeking to purchase approximately 600 floor standing outdoor litter bins for use across all areas of the borough. The key features are that it is robust, hard wearing and delivers a keyless mechanism to enable easy use by operatives.

6.2 REQUIREMENTS/SPECIFICATION

Please see the Specification (Appendix 1) attached on The Chest for the full list of requirements.

7. SUBMISSION EVALUATION

7.1 RFQ 'Qualitative Evaluation Questions' Award Criteria

Response to Request for Quotation (RFQ) will be evaluated to determine the Most Economically Advantageous Tender (MEAT) taking into consideration the following award criteria:

- The Council does not undertake to accept the lowest price or any Quotation and reserves the right to accept the whole or any part of any Quotation submitted.
- Where the pricing of a Quotation is abnormally low The Council reserves the right to reject the Quotation in accordance with the requirements for further investigation under The Public Contracts Regulations 2015 or if any form of modern slavery is suspected.
<http://www.legislation.gov.uk/ukxi/2015/102/contents/made>
- Each RFQ Response will be checked initially for compliance with all requirements of the RFQ.
- Quotations will be evaluated against the award criteria set out below in Table 2 and further detailed in 7.2.
- 'Scored' Qualitative Evaluation Questions will be scored between 0 and 10 according to the pre-agreed scoring grid.

7.2 RFQ Evaluation Summary Table

Table 2

Schedule / Section	Assessment
Full Response Document: Initial Compliance Checks	
Compliance with Form of tender and Certificate of Non-Collusion & Non-Canvassing (Schedule 1)	Pass / Fail
Compliance with SQ & RFQ process and of completeness of Information (Schedule 1-6)	Pass / Fail
Mandatory	
Schedule 2 Standard Selection Questionnaire (SQ) Part 1 Potential Supplier Information Part 2 Exclusion Grounds Part 3 Selection Questions	Pass / Fail

Schedule / Section	Assessment
Section 4 – Insurance Section 5 – Modern Slavery	
Award	
Schedule 3 Pricing Schedule	55%
Schedule 4 Compliance with Specification	Pass / Fail
Schedule 5 RFQ Qualitative Evaluation Questions	45%
Question 1 – Methodology for Delivering the Contract	25%
Question 2 – Customer Service	12.5%
Question 3 – Sustainability and Social Value	7.5%
Schedule 6 RFQ Declaration	Pass / Fail

7.3 RFQ Qualitative Evaluation Questions: Information required

NOTE TO ORGANISATION: For the RFQ Qualitative Evaluation Questions and a summary of information suppliers are to provide within each response. please see Schedule 5 of the RFQ Response Document.

7.3.1 RFQ Qualitative Evaluation – 45% Weightings

Each question which is scored will have a weighting applied to it – to view the weighting allocated, please see the individual questions or refer to the right-hand column of Table 2 above, which is a summary of the sections.

The Organisations response to each scored questions at Schedule 5 is scored between 0 and 5 according to the pre-agreed scoring grid.

For each question the actual score given is divided by the maximum score possible, then multiplied by the weighting.

Actual score / Max score allowed X question weighting = score

The results of all the percentages allows ranking of applicants.

Qualitative Evaluation Methodology: Scoring

Each question that requires a score at Schedule 5 Qualitative Evaluation Questions within Response Document will be scored on the following basis:

Score	Rating	Basis for Allocating Score
5	Outstanding	Tender meets the required standard in all material respects and exceeds some or all of the major requirements.
4	Very good	Tender meets the required standard in all material respects.
3	Satisfactory	Tender meets the required standard in most material respects, but is lacking or inconsistent in others.
2	Basic	Tender falls short of achieving expected standard in a number of identifiable respects.
1	Wholly unsatisfactory	Tender significantly fails to meet the standards required, contains significant shortcomings and/or is inconsistent with other tender.
0	Not rated	Tender fails to meet required standard or does not provide any information.

7.3.2 Financial Evaluation – 55% Weighting

The price is converted into a score as a percentage. The lowest, but feasible, price is awarded 55%, with all other prices awarded as a percentage of the lowest price in accordance with the below.

Please note that the evaluated price will be the Total Amount Payable (excluding VAT), which must include **ALL** charges in respect of the terms of the contract. Failure to quote for all aspects of the specification will result in a score of zero for this section. If no separate charge is made for any of the above please indicate the charge is 0 rather than leaving the box blank.

The sum of all of these derived percentages allows ranking of applicants.

EXAMPLE

Pricing Element = 55% weighting:

Bidder A = £1000.00

Bidder B = £2000.00

Bidder C = £3000.00

Lowest Price/Submitted Price x Price Criteria Weighting:

Therefore – Bidder A = £1000.00/£1000.00 x 55% = 55%
Bidder B = £1000.00/£2000.00 x 55% = 27.5%
Bidder C = £1000.00/£3000.00 x 55% = 18.33%

8. NATIONAL FRAUD INITIATIVE

- 8.1. The Bidder should be aware that the Council may take part in bi-annual National Fraud Initiative (NFI) exercises undertaken by the Audit Commission, or equivalent body. This requires that the Council provides details of transactional activity for a period of time, namely invoice details, plus bidder master-file data e.g. bidder name, vat / bidder registration details, bank account details. Data matching exercises are then undertaken by the Audit Commission, or equivalent body, to assist in the prevention and detection of fraud.

9. WHISTLEBLOWING POLICY

- 9.1. The Supplier shall comply with Cheshire East Council's Whistle Blowing Policy which shall ensure that employees of the Supplier are able to bring to the attention of the Council malpractice, fraud and breach of Laws on the part of the Supplier or any sub-contractor without fear of disciplinary and other retribution or discriminatory action.
- 9.2. Tenderers and their employees may wish to acquaint themselves with the implications of the Policy for them. Tenderers' employees may wish, for example, to report any breaches in the way in which the contract is being performed or any unacceptable behaviour by either a fellow employee or a Council employee.
- 9.3. For further information and guidance along with details as to how to make such a disclosure, please refer to the [Whistleblowing Policy \(PDF, 85KB\)](#) or email whistleblowing@cheshireeast.gov.uk.

10. CONFLICTS, PAST PERFORMANCE & 'SELF CLEANING'

10.1. Conflicts of interest

In accordance with **RFQ Response Document, SQ question 3.1** and regulation 57(8e), the authority may exclude the Supplier if there is a conflict of interest which cannot be effectively remedied. The concept of a conflict of interest includes any situation where relevant staff members have, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement procedure.

Where there is any indication that a conflict of interest exists or may arise then it is the responsibility of the Supplier to inform the authority, detailing the conflict in the fields above; provided that it has been carried out in a transparent manner, routine pre-market engagement carried out by the Authority should not represent a conflict of interest for the Supplier.

10.2. Taking Account of Bidders' Past Performance

In accordance with **RFQ Response Document SQ question 3.1** and regulation 57(8g), the authority may assess the past performance of a Supplier (through a Certificate of Performance provided by a Customer or other means of evidence). The authority may take into account any failure to discharge obligations under the previous principal relevant contracts of the Supplier completing the SQ. The Authority may also assess whether specified minimum standards for reliability for such contracts are met.

In addition, the authority may re-assess reliability based on past performance at key stages in the procurement process (i.e. supplier selection, tender evaluation, contract award stage etc.). Suppliers may also be asked to update the evidence they provide in the SQ Schedule to reflect more recent performance on new or existing contracts (or to confirm that nothing has changed).

10.3. 'Self-cleaning'

Any Supplier that answers '**YES**' to questions 2.1 and 3.1 should provide sufficient evidence using the fields above, that provides a summary of the circumstances and any remedial action that has taken place subsequently and effectively "self cleans" the situation referred to in that question. The supplier has to demonstrate it has taken such remedial action, to the satisfaction of the authority in each case.

If such evidence is considered by the authority (whose decision will be final) as sufficient, the economic operator concerned shall be allowed to continue in the procurement process. In order for the evidence referred to above to be sufficient, the Supplier shall, as a minimum, prove that it has;

- paid or undertaken to pay compensation in respect of any damage caused by the criminal offence or misconduct;
- clarified the facts and circumstances in a comprehensive manner by actively collaborating with the investigating authorities; and
- taken concrete technical, organisational and personnel measures that are appropriate to prevent further criminal offences or misconduct.

The measures taken by the Supplier shall be evaluated taking into account the gravity and particular circumstances of the criminal offence or misconduct. Where the measures are considered by the Authority to be insufficient, the Supplier shall be given a statement of the reasons for that decision.

11. Modern Day Slavery

Cheshire East Council would like to highlight the importance of ensuring that all organisations operate within social and labour laws and uphold the human rights of others. Failure to do so by breaching any of the principles of the Modern Slavery Act 2015 can have serious and detrimental consequences for organisations and all those involved with working with and for them, including prison sentences of potentially 14 years or more and the inability to bid for future work in the public sector for up to 5 years. Organisations that wish to work for and with the Council

should have adequate measures in place to ensure staff members and their own supply chain understand what to look out for and the risks involved in modern slavery. Any concerns should be reported to either the National Crime Agency's referral mechanism or to social or emergency services. Further information can be found at <https://www.gov.uk/government/publications/modern-slavery-training-resource-page/modern-slavery-training-resource-page>

Please note that should the council have any reason to believe that any form of modern slavery is taking place with any of its contractors or their subcontractors then it will promptly utilise the National Crime Agency's referral mechanism or contact the emergency services if required.

The Council has an obligation to ensure that all of its employees, suppliers and their subcontractors are operating within the law and are respectful of the human rights of others. Should the Council have any concerns or suspicions around modern slavery within its supply chain, appropriate action will be taken through the National Crime Agency's referral mechanism or incidents will be reported to social or emergency services. The Council urges all of its suppliers and contractors to adopt the same approach to their own supply chains as failure to act against such activity or become involved in inhumane conduct in this regard would result in the Council terminating its contract with the offending organisation and may affect their ability to bid for future work if self-cleansing is not evidenced.

End of RFQ Guidance Document