



UPDATED 18th July 2018

## INVITATION TO SUBMIT PROPOSALS

OPEN PROCEDURE

Version control

Version	Details
v1.0	Initial publication
v2.0 (current)	section 1.6 - Value of the Contract updated

**PROPOSAL FOR:** Provision of Filming Services within the Royal Borough of Kingston

**PROPOSAL RETURN DATE AND TIME (DEADLINE):** 12:00 on 30th July 2018



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## 1. INTRODUCTION AND BACKGROUND

### 1.1 Contents of the ITSP

This invitation to submit proposals (**ITSP**) comprises:

- Proposal completion requirements.
- Evaluation model.
- Service Specification.
- Draft contract and schedules.
- Technical and commercial questions **and** Method Statement.

### 1.2 Purpose and scope of this ITSP

This ITSP:

- Asks Bidders to submit their proposals in accordance with the instructions set out in the remainder of this ITSP.
- Sets out the overall timetable and process for the procurement to Bidders.
- Provides Bidders with sufficient information to enable them to submit a compliant Proposal (including providing templates where relevant).
- Sets out the Award Criteria and the Proposal Evaluation Model that will be used to evaluate the Bidders.
- Explains the administrative arrangements for the receipt of Proposals.

### 1.3 Introduction To The Authority

The Authority's vision, values and strategic objectives are set out in the Authority's medium term service and financial plan, Destination Kingston. This can be downloaded from the Authority's website:

[https://www.kingston.gov.uk/info/200279/performance\\_and\\_improvement/717/annual\\_planning](https://www.kingston.gov.uk/info/200279/performance_and_improvement/717/annual_planning)

### 1.4 Procurement Process

The Authority is conducting the procurement using an open procedure in accordance with the requirements of the Concession Contracts Regulations 2016 (SI 2016/273) (CCR 2016) for the purpose of procuring the services described in the Service Specification (**Services**).

This ITSP contains information about the procurement process, the Services, and assessment questions for Bidders to complete. Each Bidder's response (**Proposal**) should be detailed enough to allow the Authority to make an informed selection of the most appropriate solution.

### 1.5 **Scope Of The Project**

(a) Please see attached Specification of Requirements for details of the service expected to be delivered under this contract.

### 1.6 **Value Of The Contract**

The anticipated total income from the Services is approximately £500,000.00.

Details of current income or potential future uptake are given in good faith as a guide to past purchasing and current planning to assist you in submitting your Proposal. They should not be interpreted as an undertaking to purchase any goods or services to any particular value and do not form part of the Contract.

### 1.7 **Contract Term**

The Authority proposes to enter into one contract with the successful Bidder (**Service Provider**) for a period of 3 (three) years.

The Authority may at its discretion extend the Contract for a further period, of up to 2 (two) x 1 (one) years.

The anticipated service commencement date is August 2018.

### 1.8 **Clarifications About The Services Or ITSP**

Any clarifications relating to this ITSP must be submitted through the e-tendering portal. The Authority will respond to all reasonable clarifications as soon as possible through publishing the Bidder's questions and the Authority's response to them on the e-tendering portal (**Clarifications Log**).

If a Bidder wishes the Authority to treat a clarification as confidential and not issue the response to all Bidders, it must state this when submitting the clarification. If, in the opinion of the Authority, the clarification is not confidential, the Authority will inform the Bidder and it will have an opportunity to withdraw it. If the clarification is not withdrawn, the response will be issued to all Bidders.

Bidders are advised not to rely on communications from the Authority in respect of the Services or ITSP unless they are made in accordance with these instructions.

### 1.9 **Clarifications About The Contents Of The Proposals**

The Authority reserves the right (but is not obliged) to seek clarification of any aspect of a Bidder's Proposal during the evaluation phase where necessary for the purposes of carrying out a fair evaluation. Bidders are asked to respond to such requests promptly. Vague or ambiguous answers are likely to score poorly or render the Proposal non-compliant.

## **2. PROCUREMENT TIMETABLE**

### **2.1 Key Dates**

This procurement will follow a clear, structured and transparent process to ensure a fair and level playing field is maintained at all times, and that all Bidders are treated equally.

The key dates for this procurement (**Timetable**) are currently anticipated to be as follows:

<b>Event</b>	<b>Date</b>
Deadline for receipt of clarifications	16th July 2018
Deadline for receipt of Proposals	12:00 on 30th July 2018
Evaluation of Proposals	14th August 2018
Award by Authority	24th August 2018
Contract start and start of mobilisation period	August 2018
Target service commencement date	August / September 2018

Any changes to the procurement Timetable shall be notified to all Bidders as soon as practicable.

### **2.2 Deadline For Receipt Of Proposals**

Responses to this ITSP must arrive at the address and in the manner prescribed under paragraph 3.1 no later than the Deadline. Any Proposal received after the Deadline shall not be opened or considered. The Authority may, however, in its own absolute discretion extend the Deadline and in such circumstances the Authority will notify all Bidders of any change.

### **2.3 Clarification Meetings**

Bidders may be invited to meet with representatives of the Authority for the purpose of clarifying aspects of their Proposals. You should keep this date free in case you are asked to attend.

The names and positions of those attending from the Authority will be notified

to all Bidders in advance of the meeting.

## **2.4 Contract Award**

The Authority may award a contract on the basis of a Proposal submitted in accordance with the instructions set out in this Invitation To Submit Proposals.

Contract award is subject to the formal approval process of the Authority. Until all necessary approvals are obtained and the standstill period completed, no Contract will be entered into.

Once the Authority has reached a decision in respect of a contract award, it will notify all bidders of that decision and provide for a voluntary standstill period in accordance with CCR 2016 before entering into any Contract(s).

## **2.5 Debrief**

The contract award notification will be sent to each Bidder. The Authority will inform all unsuccessful Bidders of the identity and relative advantages and characteristics of the successful Proposal as compared with the successful Bidder's Proposal.

# **3. PROPOSAL COMPLETION INFORMATION**

## **3.1 Formalities**

All documents comprising the Proposal must be completed and uploaded to the e-tendering portal by the Deadline.

The following requirements must be adhered to when submitting Proposals:

- The pages of any Proposal documents uploaded to the e-procurement portal must be numbered sequentially as "Page [x] of [xx]" and include the date and title of the document on each page of the main body.
- Any additional pre-existing material which is necessary to support the Proposal should be included as schedules with cross-references to this material in the main body of the Proposal. Cross-references to this ITSP should also be included in the Proposal whenever this is relevant.
- Where documents are embedded within other documents, Bidders must upload separate copies of the embedded documents.
- The Proposal must be in English and drafted in accordance with the drafting guidance set out in this ITSP.
- Each Proposal must be uniquely named or referenced.
- The Proposal must be fully cross-referenced.

- A list of supporting material must be supplied.
- Bidders should use Arial size 12.

The Proposal must be clear, concise and complete. The Authority reserves the right to mark a Bidder down or exclude them from the procurement if its Proposal contains any ambiguities, caveats or lacks clarity. Bidders should submit only such information as is necessary to respond effectively to this ITSP. Proposals will be evaluated on the basis of information submitted by the Deadline.

The Bidder must upload a duly executed Form of Proposal the template of which is included in the Proposal Documents available on the e-procurement system.

Where the Bidder is a company, the Proposal must be signed by a duly authorised representative of that company. Where the Bidder is a consortium, the Proposal must be signed by the lead authorised representative of the consortium, which organisation shall be responsible for the performance of the Contract. In the case of a partnership, all the partners should sign or, alternatively, one only may sign, in which case he must have and should state that he has authority to sign on behalf of the other partner(s). The names of all the partners should be given in full together with the trading name of the partnership. In the case of the sole trader, he should sign and give his name in full together with the name under which he is trading.

### **3.2 Submission of Proposals**

The proposal must meet the Authority's minimum requirements, operate as a standalone bid and not be dependent on any other bid or any other factors external to the Proposal itself. That is, the Proposal must be capable of being accepted by the Authority in its own right.

### **3.3 Contract Terms**

The draft Contract that the Authority proposes to use is included in the Proposal documents on the e-portal system. By submitting a Proposal, Bidders are agreeing to be bound by the terms of this ITSP and the Contract without further negotiation or amendment.

If the terms of the Contract render the proposals in the Bidder's Proposal unworkable, the Bidder should submit a clarification in accordance with paragraph 1.8 and the Authority will consider whether any amendment to the Contract is required. Any amendments shall be published through the Clarifications Log and shall apply to all Bidders.

Where both the amendment and the original drafting are acceptable and workable to the Authority, the Authority shall publish the amendment as an alternative to the original drafting. Bidders should indicate if they prefer the



amendment; otherwise the original drafting shall apply. Any amendments which are proposed, but not approved by the Authority through this process, will not be acceptable and may be construed as a rejection of the terms leading to the disqualification of the Proposal.

### 3.4 Documents Forming The Contract

The following documents shall form part of the Contract between the Authority and the Service Provider(s):

- Contract and its schedules.
- Service Specification.
- Schedules (such as service levels, site plans, asset lists, contracts list, list of transferring employees, relevant policies and so on).
- A pricing model (as completed by the Service Provider).
- Responses to requirements **and** method statement questions (as completed by the Service Provider).
- A list of commercially sensitive information (as completed by the successful Bidder).

### 3.5 Consortia and Subcontractors

The Authority requires all Bidders to identify whether and which subcontracting or consortium arrangements apply in the case of their Proposal, and in particular specify the share of the Contract it intends to sub-contract, any proposed sub-contractors, and precisely which entity they propose to be the Service Provider.

For the purposes of this ITSP, the following terms apply:

- **Consortium arrangement.** Groups of companies come together specifically for the purpose of bidding for appointment as the Service Provider and envisage that they will establish a special purpose vehicle as the prime contracting party with the Authority.
- **Subcontracting arrangement.** Groups of companies come together specifically for the purpose of bidding for appointment as the Service Provider, but envisage that one of their number will be the Service Provider, the remaining members of that group will be subcontractors to the Service Provider.

### 3.6 Warnings and Disclaimers

While the information contained in this ITSP is believed to be correct at the time of issue, neither the Authority, its advisors, nor any other awarding authorities will accept any liability for its accuracy, adequacy or completeness,

nor will any express or implied warranty be given. This exclusion extends to liability in relation to any statement, opinion or conclusion contained in or any omission from, this ITSP (including its appendices) and in respect of any other written or oral communication transmitted (or otherwise made available) to any Bidder. This exclusion does not extend to any fraudulent misrepresentation made by or on behalf of the Authority.

If a Bidder proposes to enter into a Contract with the Authority, it must rely on its own enquiries and on the terms and conditions set out in the Contract(s) (as and when finally executed), subject to the limitations and restrictions specified in it.

Neither the issue of this ITSP, nor any of the information presented in it, should be regarded as a commitment or representation on the part of the Authority (or any other person) to enter into a contractual arrangement.

### **3.7 Confidentiality and Freedom of Information**

This ITSP is made available on condition that its contents (including the fact that the Bidder has received this ITSP) is kept confidential by the Bidder and is not copied, reproduced, distributed or passed to any other person at any time, except for the purpose of enabling the Bidder to submit a Proposal.

As a public body, the Authority is subject to the provisions of the Freedom of Information Act 2000 (FOIA) in respect of information it holds (including third-party information). Any member of the public or other interested party may make a request for information.

The Authority shall treat all Bidder's responses as confidential during the procurement process. Requests for information received following the procurement process shall be considered on a case-by-case basis, applying the principles of FOIA.

While the Authority aims to consult with third-party providers of information before it is disclosed, it cannot guarantee that this will be done. Therefore, Bidders are responsible for ensuring that any confidential or commercially sensitive information has been clearly identified to the Authority in the template provided within the e-procurement portal.

Bidders should be aware that, in compliance with its transparency obligations, the Authority routinely publishes details of its contract(s), including the contract values and the identities of its suppliers on its website.

### **3.8 Publicity**

No publicity regarding the Services or the award of any Contract will be permitted unless and until the Authority has given express written consent to the relevant communication. For example, no statements may be made to the media regarding the nature of any Proposal, its contents or any proposals

relating to it without the prior written consent of the Authority.

### **3.9 Bidder Conduct and Conflicts of Interest**

Any attempt by Bidders or their advisors to influence the contract award process in any way may result in the Bidder being disqualified. Specifically, Bidders shall not directly or indirectly at any time:

- Devise or amend the content of their Proposal in accordance with any agreement or arrangement with any other person, other than in good faith with a person who is a proposed partner, supplier, consortium member or provider of finance.
- Enter into any agreement or arrangement with any other person as to the form or content of any other Proposal, or offer to pay any sum of money or valuable consideration to any person to effect changes to the form or content of any other Proposal.
- Enter into any agreement or arrangement with any other person that has the effect of prohibiting or excluding that person from submitting a Proposal.
- Canvass the Authority or any employees or agents of the Authority in relation to this procurement.
- Attempt to obtain information from any of the employees or agents of the Authority or their advisors concerning another Bidder or Proposal.

Bidders are responsible for ensuring that no conflicts of interest exist between the Bidder and its advisers, and the Authority and its advisers. Any Bidder who fails to comply with this requirement may be disqualified from the procurement at the discretion of the Authority.

### **3.10 Authority's Rights**

The Authority reserves the right to:

- Waive or change the requirements of this ITSP from time to time without prior (or any) notice being given by the Authority.
- Seek clarification or documents in respect of a Bidder's submission.
- Disqualify any Bidder that does not submit a compliant Proposal in accordance with the instructions in this ITSP.
- Disqualify any Bidder that is guilty of serious misrepresentation in relation to its Proposal, or the procurement process.
- Withdraw this ITSP at any time, or to re-invite Proposals on the same or any alternative basis.
- Choose not to award any Contract as a result of the current

procurement process.

- Make whatever changes it sees fit to the Timetable, structure or content of the procurement process, depending on approvals processes or for any other reason.

### **3.11 Bid Costs**

The Authority will not be liable for any bid costs, expenditure, work or effort incurred by a Bidder in proceeding with or participating in this procurement, including if the procurement process is terminated or amended by the Authority.

### **3.12 Insurance**

The Authority will require the successful Bidder to have in place as a minimum the following insurances in place.

- (a) Employer's Liability Insurance Policy of not less than £10m for each and every claim, act or occurrence or series of claims, acts or occurrences; and
- (b) Public and Product Liability Insurance Policy of not less than £10m for each and every claim, act or occurrence or series of claims, acts or occurrences.
- (c) Professional Indemnity Insurance Policy of not less than £1m for each and every claim, act or occurrence or series of claims, acts or occurrences.

## **4. GUARANTEE**

The Authority may require that, where the Bidder is an operating company, it will be guaranteed by the parent company. As a result, the Authority may require each Bidder to confirm the identity of the guarantor of its obligations under any Contract(s). This guarantor should be the ultimate parent company of the Bidder, except in exceptional circumstances.

In the case of consortia, the Authority will require confirmation that the consortium will provide either a parent company guarantee from the lead consortium member or an equivalent level of security.

If a Bidder has no parent company, they should provide details of what guarantee they can provide to the Authority in the absence of a parent company guarantee (e.e. from a bank).

## **5. PROPOSAL EVALUATION MODEL**

### **5.1 Selection Criteria Evaluation**

If a “Fail” score is obtained on any of the questions designated “Pass/Fail”, this will result in the Proposal being rejected.

4.2 The following table provides the summary scoring mechanism which will be applied.

<b>Section</b>	<b>Question Ref</b>	<b>Scoring Method</b>
General Information	1.1– 1.3	None - for information only
Grounds for Mandatory Exclusion	2.1	Pass/Fail
Grounds for Discretionary Exclusion	3.1	Pass/Fail
Economic & Financial Standing	4.1-4.3	Pass/Fail
Parent Company	5.1	None
	5.2-5.4	Pass/Fail
Technical & Professional Ability	6.1-6.2	Pass/Fail
Modern Slavery Act 2015	7.1	None
	7.2	Pass/Fail
Insurance	8.1	Pass/Fail
Certification	9.1	For Info Only
Certificate of Collusion or Canvassing	11.1	Not Scored but failure to complete and return this form may result in the Proposal being rejected.
Form Of Proposal	12.1	Not Scored but failure to complete and return this form

		may result in the Proposal being rejected.
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### 4.3 Financial Information Evaluation Process

#### Satisfaction of the Authority's Minimum Standards relating to Economic and Financial Standing and Professional and Technical Ability

This is assessed on a pass/fail basis. Bidders will be required to pass a multi-step test to meet the Authority's minimum standards relating to Economic and Financial Standing and Professional and Technical Ability.

1. Bidders must:
  - a. pass the turnover test;
  - b. pass the current ratio review; and
  - c. pass the Contract test.
2. If the Bidder does not meet the multi step test, then the Authority reserves the right to fail the Bidder at suitability assessment, in which case its submission will not be considered any further.

Each of the tests above are explained in more detail below:

#### Turnover Test

To pass the Turnover Test, Bidders Applicants must meet or exceed the Turnover Threshold.

The Authority has set a minimum financial threshold of £100,000.00 per annum as the Turnover Threshold by reference to the estimated contract value of the procurement. This minimum financial threshold is set to ensure that the Bidder's annual turnover is at least equal to the Turnover Threshold. The Authority wishes to ensure that the contract will not excessively dominate the existing business of any Bidder. Therefore, the turnover of the Bidder for the contract should not be less than the Turnover Threshold.

Where a Bidder cannot meet the Turnover Test, letters of support from their parent company (or, in the case of consortium including Prime Contractor bids, the parent companies of the Lead Applicant and/or relevant consortium member/Significant Subcontractor) who can meet the Turnover Test may be deemed sufficient. The Authority will review the financial information presented from an organisation's parent or Guarantor Company where a

guarantee is confirmed.

The Turnover Test will be carried out by the Authority using information provided by the Bidder in the most recent annual reports including full signed audited accounts.

For Bidders whose turnover is not measured in sterling the Authority will use the closing Foreign Exchange rate as at the date of assessment to convert the currency into sterling in order to carry out the Turnover Test. The same date will be used for all Bidders. Bidders that do not pass the Turnover Test will not be considered further.

### Current Ratio Review

The financial ratio / figures described in Table 1 below will be calculated using the annual report and if applicable other financial documents that have been provided as requested.

Figure/Ratio	Calculation of Figure/Ratio
Current Ratio	Calculated as:  <u>Current assets</u>  Current liabilities  Minimum acceptable value: 1

Table 1- Current Ratio

The Authority reserves the right to reject a proposal if the Bidder does not satisfy the Authority's Minimum Standards relating to economic and financial standing as outlined in above.

The Authority reserves the right to send clarification questions to Bidders on any part of the Financial and Economic information provided by the Bidder.

### Contract Test

The Authority requires the Bidder to demonstrate it has carried out similar contracts in its previous 3 financial years with public sector bodies or similar clients. Where Bidders are not able to provide at least one example please provide an explanation that includes a description of your Business Plan and details how this contract opportunity fits in with your Business Plan.

Bidders that do not pass this Contract Test will not be considered further.

#### 4.4 Award Criteria Evaluation

Any Contract awarded as a result of this procurement will be awarded on the basis of the offer that is the most economically advantageous to the Authority. The Award Criteria (**Award Criteria**) are:

- 40% quality
- 60% cost.

Scores are arrived at following the application of the Evaluation Criteria (**Evaluation Criteria**) set out below to the Bidder's Proposal.

Bidders are required to submit a Proposal strictly in accordance with the requirements set out in this ITSP, to ensure the Authority has the correct information to make the evaluation. Evasive, unclear or hedged Proposals may be discounted in evaluation and may, at the Authority's discretion, be taken as a rejection by the Bidder of the terms set out in this ITSP.

The Proposal Evaluation Model showing the Evaluation Criteria and the maximum scores attributable to them are set out below.

#### Method Statements [ 40 %] (quality criteria)

The Method Statement questions and their weightings are shown in ProContract. The question weightings add up to 100% in the system; but the overall weighting applied to Quality is 40%

Description	Quality weighting (%)	Overall weighting (%)	Page Limit (A4 sides)
<b>Method Statement 1: Service Delivery</b>	<b>70</b>	<b>28</b>	<b>N/A</b>
a. How do you propose to maximise income if you were to deliver the in-scope services, whilst also managing and minimising disruption to residents, local businesses and other stakeholders of filming in their neighbourhood	20	5.6	2
b. Please outline your approach to promoting Kingston as a filming destination and increasing the number of filming days /	20	5.6	2



maximising income, including innovative approaches to promoting the filming service. This should be represented as a plan.			
c. Please provide examples of a website/systems that you have in place or have previously created to market filming sites across the borough and to manage any filming requests. You will need to demonstrate how you would tailor this to Kingston's requirements	20	5.6	2
d. Outline how you would manage the relationships identified within the specification and ensure key stakeholders are briefed in a timely way	20	5.6	2
e. Provide details of a timeline and plan for mobilisation of the contract and any steps you would take to ensure a smooth transition to the service	20	5.6	2
<b>Method Statement 2: Social Value</b>	<b>10</b>	<b>4</b>	<b>N/A</b>
Please identify any additional social value through the delivery of this contract such as using residents in casting, local training and education opportunities, reducing your carbon footprint and contributing to the local economy	100	4	1
<b>Method Statement 3: Health &amp; Safety</b>	<b>10</b>	<b>4</b>	<b>N/A</b>
Please provide examples of risk assessment from previous shoots and a copy of your H&S policy.  NB: The H&S policy is not included in the page limits for this question	100	4	2
<b>Method Statement 4: Equalities &amp; Diversity</b>	<b>10</b>	<b>4</b>	<b>N/A</b>

<p>a. Please provide details of how you would identify and deliver voluntary donations to local residents associations, community projects or other local charitable cause</p>	33	1.3	1
<p>b. Please outline how you will ensure that the diverse community, e.g. people with disabilities, BAME communities are included in your activities.</p> <p>Explain how your organisation will address accessibility issues when filming so as not to disadvantage people with disabilities or other members of the public including residents.</p> <p>Please provide your equalities and diversity policy. NB: The equalities policy is not included in the page limits for this question.</p>	33	1.3	1
<p>c. Please provide details of how you will ensure your communications are accessible to the various residents, businesses and communities that will be affected by the filming service.</p> <p>Please provide your community engagement plan or policy to support your response. NB: the community engagement plan and/or policy is not included in the page limits for this question.</p>	34	1.4	1

#### 4.5 Evaluation Process

##### Quality evaluation

The technical evaluation will be scored in accordance with the table below.

##### Scoring matrix for the technical and quality criteria

0	Completely fails to meet required standard or does not provide a proposal.
1	Proposal significantly fails to meet the standards required and contains significant shortcomings.
2	Proposal falls short of achieving expected standard in a number

	of identifiable respects.
3	Proposal meets the required standard in most material respects, but is lacking in key areas.
4	Proposal meets the required standard in all material respects.
5	Proposal meets the required standard in all material respects and exceeds some or all of the major requirements.

The Council's approach is that individual evaluators record their scores first. Following completion of individual scoring, panel members will meet to discuss the characteristics and relative advantages of each proposal against the evaluation criteria to arrive at an agreed score.

The outcome of the tender, bidder's final scores and the disadvantages and advantages of their bid will then be communicated to each bidder individually via a tender response letter.

#### **4.7 Pricing evaluation: [ 60 %]**

The Pricing Schedule will be marked out of 100% on the system but the overall weighting applied to Price is 60%.

Bid prices will be scored on a comparative basis with the highest bid receiving 100% of the available marks 60% following weighting. All other bids will be compared against that highest bid. This is assumed bids meet the Authority minimum income requirements of this contract.

$$\text{Bidder's Price Score} = (\text{Bidders Submission} \div \text{Highest Bidder Submission}) \times 100$$

Note: the total value of the 'projection of total income' for the total contract term will be used as the bidders price score for this tender.

The menus of charges and the revenue sharing model detailed in the pricing schedule shall remain fixed for the duration of the contract, including any extension period. Changes may be proposed, but will be at the Authority's discretion.