



2 Information (BTT)

Contract Reference

T00915RVS

Contract Title

**Supply, Delivery and Operation of an
Attraction in Torquay**

Contents

1	Procurement Information	3
1.1	Background Information.....	3
1.2	Contract Period.....	3
1.3	Division of Contract into Lots	3
1.4	Contract Price.....	3
1.5	Procurement Timetable	3
1.6	Authority Representatives.....	4
1.7	Site Visit	4
2	Procurement Process	4
2.1	Procurement Procedure.....	4
2.2	Tender Award Process	5
2.3	Evaluation Criteria	5
2.4	Stage One Evaluation Process	6
2.5	Stage Two Evaluation Process	7
2.6	Evaluation Assessment	8
3	Glossary	10
3.1	Definitions.....	10

1 Procurement Information

1.1 Background Information

The Authority had a Contract to supply, install and operate an Attraction on Torquay seafront next to the Pavilions. This attraction was a Big Wheel. This Contract has now come to an end and this specific site is no longer available.

The Authority is re-tendering this opportunity in order to provide a new Contract for an attraction of a similar scale. An experienced Operator of Attractions is being sought to supply, install and operate this new Attraction in Princess Gardens on Torquay Seafront from Easter 2016, with the aim of enhancing the visitor experience and increasing footfall in Torbay.

1.2 Contract Period

It is intended that any resultant Contract shall commence as soon after receipt of formal letter of award as may be agreed. The Contract will be a rolling 12-month Contract up to a period of five years or until the end of the allocated budget subject to termination clauses contained with the Contract terms and conditions.

1.3 Division of Contract into Lots

This Contract is not being divided into Lots. This is because it is not practical due to the nature of the Contract.

1.4 Contract Terms

The specific Contract terms, including insurances and liabilities, will be agreed once the nature of the Attraction proposed by the successful Applicant is known.

1.5 Procurement Timetable

The Authority proposes the following timetable for the award of the Contract(s):

Procurement Stage	Dates
Tender Documents Published	Monday 7 December 2015
Clarification Questions to be submitted by	14 December 2015 at 12:00 noon
Clarification Responses to be issued by	Within 5 working days
Tender Submission Date & Time	7 January 2016 at 12:00 noon
Tender Evaluation Period	13 – 18 January 2016
Contract Award	Wednesday 20 January 2016
Contract Start	Easter 2016

The Authority reserves the right to change the above timetable and Applicants will be notified accordingly if there is a change.

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1.6 Authority Representatives

Applicants are advised that the Authority Representatives will only respond to queries or questions in relation to this Tender opportunity via the Supplying the South West e-tendering portal and are unable to respond to any questions raised verbally or by email.

No other person other than the names listed below have the authority to make any representation as the meaning of these Procurement Documents or to issue any instruction in relation to this Tender process or to any other matter so as to bind the Authority.

1.6.1 Authority Authorised Representative: Richard Brown, Service Manager – Special Projects, Sports and Events

1.6.2 Procurement Representative: Joanna Pascoe, Procurement Officer

1.7 Site Visit

The Applicant may visit the sites prior to completing its offer to ensure that he is fully familiar with the site locations. Claims on the grounds of lack of knowledge of site locations/conditions will not be accepted by the Authority.

In order to help Applicants the following have been provided:

Appendix A – Princess Gardens site plan

Appendix B – Princess Gardens image

2 Procurement Process

2.1 Procurement Procedure

This Procurement is being undertaken following the Authority's Contract Standing Orders and in accordance with the Public Contracts Regulations 2015 (SI 2015/102) as a Concession.

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2.2 Tender Award Process

This is a one-stage process. However the Tender submissions will be evaluated in two stages. Stage one will be evaluated first. If you are not successful at stage one, your Tender Submission will be rejected and will not be evaluated any further. However, if you are successful at stage one, you will be taken forward to stage two and your stage two submission will be evaluated. The Evaluation Criteria used to evaluate the Tender submissions is detailed in Section 2.3 below.

The Tender will be awarded to the Applicant who is successful at stage one and is evaluated as having the Most Economic Advantageous Tender at stage two.

2.3 Evaluation Criteria

The evaluation process is a critical part of the Procurement Process and is the means by which the Authority is able to assess to whom the Authority wishes to award the Contract.

The information disclosed by Applicants in its Tender will be used in this evaluation process and will form part of the resultant Contract.

The following criteria and weightings will be applied in the evaluation process:

Evaluation Criteria Breakdown	Sub Criteria	Main Criteria	Threshold
STAGE One - Selection			
Sub Criteria		Pass	
Pre Qualification Questionnaire	Pass		
Licensing and Registration	Pass		
Grounds for Mandatory Exclusion	Pass		
Grounds for Discretionary Exclusion	Pass		
Economic & Financial Standing	Pass		
Technical and Professional Ability	Pass		
Project Specific Questions to Assess Technical and Professional Ability	Pass		
Insurance	Pass		
Compliance with Equality Legislation	Pass		
Environmental Management	Pass		
Health and Safety	Pass		

For Information

Stage Two - Award			
Sub Criteria			
Mandatory Criteria – Meet Minimum Mandatory Requirement stated within the Method Statement	Pass	100%	
Method Statement	30%		
Income to the Authority	70%		

2.4 Stage One Evaluation Process

2.4.1 Selection criteria

Selection criteria are those that can be considered in assessing the Applicant’s suitability to pursue the professional activity concerned, the Applicant’s economic and financial standing and their technical and professional ability.

2.4.2 Pre Qualification Questionnaire

This Pre-Qualification Questionnaire (PQQ) has been designed to assess the suitability of an Applicant to deliver the Authority’s Contract requirement(s). This can be found in 4 Tender Submission (BTT) and is for all Applicants to answer in full.

The Applicants who have passed all the evaluation criteria within the PQQ will be considered to have been successful at this stage of the Procurement Process, and will be taken forward to Stage Two.

PQQ Section	Evaluation Criteria
Supplier Information	This section is for information only and will not be part of the assessment process.
Bidding Model	This will be assessed on the basis of pass or fail. The Applicant must demonstrate that the Bidding Model proposed meets the requirements of the tender to pass. The Authority may exclude any Applicant who fails this section
Contact Details	This section is for information only and will not be part of the assessment process.
Licensing and registration	This will be assessed on the basis of pass or fail. The Applicant must demonstrate that they meet the requirements of this section to pass. The Authority may exclude any Applicant who fails this section

For Information

Grounds for Mandatory Exclusion	This will be assessed on the basis of pass or fail. The Authority may exclude any Applicant who answers 'Yes' in any of the situations set out in this section
Grounds for Discretionary Exclusion	This will be assessed on the basis of pass or fail The Authority may exclude any Applicant who answers 'Yes' in any of the following situations set out in this section
Economic and Financial Standing	This will be assessed on the basis of pass or fail. The Applicant must demonstrate that they meet the requirements of this section to pass. The Authority may exclude any Applicant who fails any of these sections
Technical and Professional Ability – Relevant Experience and Contract Examples	
Project Specific Questions to Assess Technical and Professional Ability	
Insurance	
Compliance with Equality Legislation	
Environmental Management	
Health and Safety	

2.5 Stage Two Evaluation Process

2.5.1 Award Criteria

The Award criteria have been designed to assess the Most Economically Advantageous Tender (MEAT). This can be found in 4 Tender Submission (BTT) and 5 Income Schedule (BTT) is for all Applicants to answer in full.

The top scoring Applicant who has passed all the Evaluation criteria will be considered to have been successful.

Award Criteria	Evaluation Process
Mandatory Criteria – Minimum Mandatory Requirement stated within the Method Statement	The minimum requirement within the method statement will be assessed on the basis of pass or fail. The Authority may exclude any Applicant who fails this minimum requirement.
Method Statements	The questions within this section will be assessed on a scoring basis.

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Pricing	<p>The Applicant is to complete the income (excluding VAT) to be paid over to the Authority for each year of the Contract. The total for the life of the Contract in Box H8 is the figure which will be evaluated.</p> <p>Applicants with the highest amount will score maximum marks out of a possible one hundred (100) and Applicants submitting lower amounts will be awarded marks proportionate to their distance from the highest price.</p>
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2.6 Evaluation Assessment

Evaluation criteria will be assessed as either pass/fail or scored.

2.6.1 Pass/Fail

Where evaluation criteria are being assessed as either a pass/fail, the response will be assessed as either a pass or a fail. Guidance as to the Authority’s minimum requirements in relation to what constitutes a pass or a fail can be found within each question.

Should an Applicant fail one or more questions, they will be considered to have failed the Tender process in its entirety and as such shall be deselected from participating further in this process and will be notified accordingly.

2.6.2 One to Ten Scoring

Where evaluation criteria are being assessed on a scoring basis, a one to ten scoring system will be used in accordance with the guidelines in the table below.

The scoring system awards the highest marks to Applicants who show innovation, creativity, further relevant details and information that could potentially enhance the Applicant’s proposal. It should be noted that to achieve the highest marks available for the questions you should not only meet but exceed the requirements of the specification.

Where any questions have been given a weighting, that weighting shall be applied to the scores awarded e.g. a question weighted a one which achieves a score of five will achieve an overall score of five and a question weighted a three which achieves a score of five will achieve an overall score of fifteen.

Score 0	No response	No response	
Score 1	Extremely Weak	Very poor proposal/response; does not cover the associated requirements, major deficiencies in thinking or detail, significant detail missing, unrealistic or impossible to implement and manage	Weak

For Information

Score 2	Very Weak	Poor proposal/response, only partially covers the requirements, deficiencies in thinking or detail apparent, difficult to implement and manage	
Score 3	Weak	Mediocre proposal/response, moderate coverage of the requirements, minor deficiencies either in thinking or detail, problematic to implement and manage	
Score 4	Fair - Below Average	Proposal/response partially satisfies the requirements, with small deficiencies apparent, needs some work to fully understand it	Fair - Good
Score 5	Fair - Average	Satisfactory proposal/response, would work to deliver all of the Authority's requirements to the minimum level	
Score 6	Fair - Above Average	Satisfactory proposal/response, would work to deliver the majority of the Authority's requirements to the minimum level with some evidence of where the Applicant could exceed the minimum requirements	
Score 7	Good	Good proposal/response that convinces the Authority of its suitability, response slightly exceeds the minimum requirements with a reasonable level of detail	
Score 8	Strong	Robust proposal/response, exceeds minimum requirements, including a level of detail or evidence of original thinking which adds value to the bid and provides a great deal of detail	Strong - Excellent
Score 9	Very Strong	Proposal/response well in excess of expectations, with a comprehensive level of detail given including a full description of techniques and measurements employed	
Score 10	Outstanding/ Excellent	Fully thought through proposal/response, which is innovative and provides the reader with confidence of the suitability of the approach to be adopted due to the complete level of detail provided	

3 Glossary

3.1 Definitions

Term	Definition
BTT	Shall mean Below Threshold Tender
1 Instructions (BTT)	Shall mean the document containing all the instructions on how to conduct the procurement process
2 Information (BTT)	Shall mean the document containing information relating to the procurement including definitions, information on the procurement procedure, the evaluation process, information about the Contract and other information that may assist the Applicant to complete their submission.
3 Specification (BTT)	Shall mean the document containing the Authority's requirements in relation to the goods, services or works being procured.
4 Tender Submission (BTT)	Shall mean the document which the Applicant is required to complete and submit, containing Stage One of the Process - the Pre-Qualification Questionnaire and for Stage Two of the process, the Mandatory Requirements, Method Statements, Technical Questions and certificates / declarations certificates / declarations Applicants are required to sign
5 Income Schedule (BTT)	Shall mean the document which the Applicant is required to complete and submit, containing their pricing for this Tender.
Abnormally Low Tender	Shall mean a Tender where the Authority considers the Applicant's price to be abnormally low.
Applicant	Shall mean the organisation responding to this tender opportunity.
Authority	Shall mean Torbay Council.
Authority Authorised Representative	Shall mean the Officer leading the Procurement process on behalf of the Authority
Award	Shall mean the process by which the Authority shall

For Information

	determine to whom the Contract will be awarded in accordance with the Public Contracts Regulations 2015
Award Questions	Shall mean the written response submitted by the Applicant to evidence their ability to meet the Authority's requirements, which will form part of the evaluation process upon which award of the Contract will be based.
Bidding Model	Shall mean the Applicant's proposals relating to any consortia or sub-contracting arrangements that will be put in place in order to deliver the Contract.
Call for Competition	Shall mean the notice sent for publication by electronic means to the EU Publications Office for Publication.
Confidential Information	Shall mean any information or documents which the Authority considers to be of a confidential nature and which will only be made available to Applicants who sign and submit a Confidentiality Agreement.
Confidentiality Agreement	Shall mean the Agreement which Applicants are required to complete and submit in order to access any confidential documents.
Consortia/Consortium	Shall mean two or more persons, at least one of whom is an economic operator, acting jointly for the purpose of being awarded a public contract (pursuant to Article 28(1) Public Contracts Regulations 2006).
Contract	Shall mean the same as the Contract Terms and Conditions.
Contract Term	Shall mean the length of the Contract including extensions, if available.
Contract Terms and Conditions	Shall mean the Agreement this is the Agreement between the Authority and the successful Applicant for the provision of the goods, services or works, including all documents to which reference may properly be made in order to ascertain the rights and obligations of all the parties involved.
Contracting Authority	Shall mean Torbay Council and any other Authority on whose behalf Torbay Council may be working.
Contractor	Shall mean the Applicant awarded the Contract culminating from an offer to supply accepted by this Authority.

For Information

<p>Discussions Facility</p>	<p>Shall mean the area within Supplying the Southwest where Applicants submit clarification questions and confidentiality agreements during the tender process and through which the Authority will post its replies.</p>
<p>Documents</p>	<p>Shall mean all of the tender documents in relation to this process as detailed in section 2 The Tender Documents of One Tender Instructions.(BTT)</p>
<p>DOTAS</p>	<p>Shall mean Disclosure of Tax Avoidance Scheme.</p>
<p>Eligible Users</p>	<p>Shall mean any organisation given access to a Contract as a result of the procurement process and on whose behalf the Authority may be establishing the arrangements.</p>
<p>Employers' Liability (Compulsory Insurance)</p>	<p>Shall mean an insurance that enables organisations to meet the costs of damages and legal fees for employees who are injured or made ill at work through the fault of the employer. Employees injured due to an employer's negligence can seek compensation even if the organisation goes into liquidation or receivership. The NHS can also claim the costs of hospital treatment (including ambulance costs) when personal injury compensation is paid. This applies to incidents that occur either on or after 29 January 2007.</p> <p>By law, an employer must have EL insurance and be insured for at least £5 million. Most insurers automatically provide cover of at least £10 million. The insurance must cover all the organisation's employees in England, Scotland, Wales and Northern Ireland.</p> <p>If the organisation is not a limited company, and you are the only employee or you only employ close family members, you do not need compulsory Employers' Liability Insurance. Limited companies with only one employee, where that employee also owns 50 per cent or more of the issued share capital in the company, are also exempt from compulsory Employers' Liability Insurance. However, there is nothing to prevent an exempt employer from choosing to buy this insurance in view of the financial security it can provide.</p>
<p>Evaluation Questions</p>	<p>Shall mean the written response submitted by the Applicant to evidence their ability to meet the Authority's requirements, which will form part of the evaluation process upon which award of the Contract will be based.</p>

For Information

GAAR	Shall mean the General Anti Abuse Rule, which details the tax arrangements which are abusive under UK Law.
Goods	Shall mean all Goods to be supplied as part of this Contract and covered by the Official Purchase Order.
Halifax Abuse Principle	Shall mean the principle of an 'abuse of rights' under UK VAT Law, that where a tax arrangement is set up with the essential aim of avoiding tax, it will not be effective for tax purposes.
Incomplete Tender	Shall mean a Tender which has been submitted with information / documents missing or in an incorrect format.
Irregular Tender	Shall mean a Tender which has not been submitted via Supplying the Southwest.
Late Tender	Shall mean a Tender which has been automatically classified by Supplying the Southwest as being received after the submission deadline.
Lead Applicant	Shall mean the organisation leading the Procurement Process on behalf of its consortia or sub-contractor partners.
Lot	Shall mean one of a number of categories of goods or services which a single procurement process has been divided into. The use of lots potentially allows for multiple providers to be appointed following one Procurement Process.
MEAT	Shall mean most economically advantageous tender from the point of view of the contracting authority in relation to the subject matter of the contract.
Official Purchase Order	Shall mean the Authority's Official Purchase Order, to which these conditions apply.
On Time Tender	Shall mean a Tender which has been automatically classified by Supplying the Southwest as being received by the Tender submission deadline.
Open Procedure	Shall mean the procedure the procurement process is following, in accordance with the Public Contract Regulations 2015.
Portal	Shall mean the same as Supplying the South West

For Information

Post Tender Clarification	Shall mean the process by which the Authority will seek clarification or supplementary information from Applicants following submission of their Tender.
Price Review Mechanism	Shall mean the mechanism that will be used to vary the pricing of the Contract.
Pre Qualification Questionnaire	Shall mean the questionnaire to be completed by all Applicants, containing the selection requirements through which Applicants shall be assessed against in order to move through to the next stage of the process.
Process	Shall mean the Procurement Process in relation to this Tender opportunity.
Procurement Process	Shall mean the process in relation to this tender opportunity.
Procurement Representative	Shall mean the Procurement Officer who is leading the Procurement Process on behalf of the Authority
Product Liability Insurance	<p>In Product Liability Insurance terms, a product is any physical item that is sold or given away.</p> <p>Products must be 'fit for purpose'. The organisation is legally responsible for any damage or injury that a product it supplies may cause (in some circumstances this also includes products that the organisation does not manufacture).</p> <p>Product Liability Insurance covers the organisation against damages awarded as a result of damage to property or personal injury caused by the product. If damages are paid for personal injury, the NHS can claim to recover the costs of hospital treatment (including ambulance costs). This applies to incidents that occur either on or after 29 January 2007.</p>
Professional Indemnity Insurance	<p>Shall mean a liability cover that provides protection for negligent advice or a service provided by the organisation, it also protects against damages the organisation becomes liable for in relation to mistakes made such as errors of judgement, basic administration errors, mislay of or damage to clients' documents. It is designed to safeguard it against claims made by clients for any resulting financial loss or damage to their reputation. This type of insurance should also cover legal fees and costs.</p> <p>Individuals and organisations that provide professional</p>

For Information

	advice or consultancy services need Professional Indemnity cover.
Public Contracts Regulations	Shall mean the legislation incorporated in to English law concerning public procurement, which can be found at: www.legislation.gov.uk .
Public Liability Insurance	<p>Shall mean an insurance that covers members of the public or customers coming to the organisation's premises or if the organisation's staff go to theirs (including if the organisation is based 'at home').</p> <p>It covers any awards of damages given to a member of the public because of an injury or damage to their property caused by the organisation. It also covers any related legal fees, costs and expenses as well as costs of hospital treatment (including ambulance costs) that the NHS may claim from the organisation.</p> <p>Premiums are based on the type of business and rated on an estimate for the level of activity of the business.</p>
Relevant Tax Authority	Shall mean the organisation responsible for administering tax policy in the country in which the Applicant's organisation is established.
Selection	Shall mean the process by which Applicants will be selected to move forward to the next stage of the procurement process, in accordance with the Public Contracts Regulations 2015.
Service(s)	Shall mean any action/s by the Contractor required by the Contract.
Specification	Shall mean the detailed description of the Authority's requirements.
Stage One	Shall mean the first stage of the Procurement Process and contains the selection criteria in the form of the Pre Qualification Questionnaire. The Applicant must be successful at this stage in order for the Stage Two submission to be evaluated.
Stage Two	Shall mean the second stage of the Procurement Process and contains the Award criteria.
Submission	Shall mean the correct and proper process for electronically

For Information

	submitting the Applicant's Tender, as detailed in section 4 Completion, Submission and Receipt of Tenders of 1 Tender Instructions (BTT)
Supplying the South West	Shall mean the e-Tendering Portal through which the Authority advertises procurement opportunities and conducts procurement processes electronically. www.supplyingthesouthwest.org.uk
Tender	Shall mean the invitation to bid for this Contract. Shall mean the Applicant's response to this Tender opportunity.
Tender Clarification	Shall mean the opportunity for Applicants to submit questions, within a specified timescale, relating to this Procurement Process.
Tender Submission	Shall mean the correct and proper process for electronically submitting the Applicant's Tender, as detailed in section 4 Completion, Submission and Receipt of Tenders of 1 Tender Instructions (BTT)
Terms	Shall mean the same as the Contract.
Transfer of Undertaking (Protection of Employment) Regulations 2006 (TUPE)	Shall mean the regulations which govern how employers shall deal with transfer of staff when a service or business changes hands from one employer to another in order to ensure the principal terms of employees' rights are protected.
Whole Life	Shall mean the Contract length, including extensions, if available.