

Section A

E-Scooters – DN479947

Market Testing



Contract Term: This is a Request for Information, not an Offer to Tender; no contract can be resultant from this document. Following a formal tender process, the term would be [enter term here].

**Correspondence relating to this Pre-Market Test may only be made through the Messaging area on the Due North Portal, ProContract.**

Closing date for receipt of Market Testing Response Document on ProContract: **No later than 15:00 on Thursday 11th June 2020**

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# PART A – INFORMATION FROM THE AUTHORITY

The Authority provides the information in this Part A to assist the Respondent in answering all questions and all sections in Part B of the Pre-Tender Market Testing document.

# Introduction

* 1. Purpose of this Market Test

This Market Test has been proposed and initiated for the purposes of providing information to the Authority. It is not to be construed as a request to submit an Offer by a Respondent at any stage.

The Authority requires information on the existing supply market and capabilities of the suppliers within that market relating to the Subject Matter of the Pre-Tender Market Test.

The Authority welcomes all and any information submitted as a Response to this Pre-Tender Market Test.

* 1. Subject Matter of this Market Test

The Subject Matter of this Market Test is:

E-Scooters

* 1. Expected outcomes from this Market Test

The expected outcome from this Market Test is:

To ascertain if any companies would want to put an E-Scooter sharing scheme in Liverpool

* 1. Prior Involvement of Tenderers should this Market Test become a full procurement exercise

This Market Test is issued subject to the Public Contract Regulations 2015, Regulation 40 paragraphs (1) to (3), which state that public authorities may conduct market consultations with a view to preparing the procurement and informing economic operators of their procurement plans and requirements.

Subject to Public Contract Regulations 2015, Regulation 41, any Respondent understands that all and any information they receive, and all and any information they submit, may be reproduced in full or partial format and disseminated as the Authority deems appropriate to any Tenderers or Bidders as part of a formal tendering procedure should one arise from this Market Test. This is in accordance with Regulation 41 (2) (a), in addition to the fixing of appropriate time limits as determined in Regulation 41 (2) (b).

If it becomes necessary to exclude a Tenderer due to prior involvement, the Authority reserves this right and must do so to remain compliant with Regulation 41 (3), but the Respondent shall have the opportunity to demonstrate that they would not be capable of distorting competition in accordance with Regulation 41 (4).

# Timescales & Contact Details

* 1. Method of Contact

The only permitted method of response under this Pre-Tender Market Testing document is:

The Due North Portal, ProContract (also referred to as “The Chest”).

It is strongly recommended that you register on The Chest, as any resultant tender will also be issued through this portal. The portal is utilised by a number of authorities in the north west of England.

Directly contacting the buyer detailed below is acceptable for a preliminary discussion, but all conversations must be formally recorded in writing. Detailed discussions are strictly prohibited, and utilisation of The Chest is preferred for all substantial discussion and information relating to this Market Test.

* 1. Details of Buyer

The Buyer’s details are:

|  |  |
| --- | --- |
| Buyer Job Title | Category Manager |
| Buyer Name | Roger Ruffles |
| Office Address | Liverpool City Council  4th Floor  Cunard Building  Water Street  Liverpool  L3 1DS |
| Email Address | [roger.ruffles@liverpool.gov.uk](mailto:roger.ruffles@liverpool.gov.uk) |
| Telephone No. | Please do not contact direct |

* 1. Timescales

The timescales relating to this Pre-Tender Market Test are:

|  |  |
| --- | --- |
| Date of Issue: |  |
| Date of Response Document Submission: |  |
| Date of any Resultant Tender/Quotation Process: | Unknown at this point |

# Required Information

If E-Scooters companies would operate an E-Scooter sharing scheme, on a 1 year trial basis, at no cost to the Council. Also how many E-Scooters could they provide and over what size geographic area.

# Background Summary

The Department for Transport plan to enable trials of rental e-scooters in several areas around the country, which are currently illegal to use on the highway. These would be on a one year trial basis. Liverpool Council are looking to take part in a trial as soon as it would be permissible to do so

# Outline Scope

During trials, e-scooters will continue to be classed as motor vehicles, meaning requirements to have insurance and the correct type of driving licence will continue to apply. In the future following trials, the DfT may look to amend the law to treat e-scooters more like EAPCs (electric bikes)

We are looking to work with E-scooter companies, to provide e-scooters on the street for hire, similar to the rental schemes seen in other countries. These allow people to unlock the e-scooter using an app, ride to their destination, park the e-scooter and pay in the app, usually priced by the length or duration of the journey.

It is important that trials take place in a safe and controlled way, and they can gather robust, meaningful data. That is why only selected rental e-scooters will be allowed in trials. Privately owned e-scooters will remain illegal to use on the road, cycle lanes and tracks and pavements.

Any scheme/E-scooter will have to satisfy the Department for Transport requirements.

We are currently looking at what areas of the city would be suitable for a one year trial. We would want to work with E-Scooter companies in deciding which area would be the most suitable.

# Supporting Information from the Authority

N/A (See above)

# Terms Applicable to Response Document

* 1. Defined Terms applicable to this entire Response Document

The following defined terms are applicable to this entire Response Document and any related correspondence:

|  |  |
| --- | --- |
| Authority | means Liverpool City Council; |
| Bidder | means a Tenderer or any party that participates in the response and making of a formal Offer |
| Offer | means a formal Offer to form a contract and supply goods, services or works to the Authority; for the avoidance of doubt, this Response Document is explicitly NOT to be interpreted under any circumstances as an invitation to any third party whosoever incorporated or construed to submit an Offer to the Authority and the Authority accepts no liability should a Respondent be mistaken in this regard, and no act or omission of the Authority relating to this Pre-Tender Market Testing document can or should ever be construed to be a request or offer to form a contract; |
| Pre-Tender Market Testing, and/or Market Test | means any conversation and document and this process for soft market testing the relevant supply market issued by the Authority; |
| Respondent | means any potential supplier, market operator or authority that responds or provides information under this soft market test, regardless of whether they later become a Bidder or Tenderer under a more formal procurement process; |
| Response | means any response whether it is verbal or non-verbal submitted to the Authority in order to reply to this Pre-Tender Market Testing document; |
| Response Document | means specifically the written response that is expected by the Authority to be written and submitted by the Respondent; |
| Subject Matter | means the subject matter, material or otherwise, relating to the market and the suppliers and any other aspect requested by the Authority; |
| Tenderer | means a Bidder; |

* 1. General Terms applicable to this entire Response Document
     1. In no circumstances should this Pre-Tender Market Testing Document be construed by any party to be an invitation requesting an Offer from a Respondent (whether they have formed a Response in any form relating to this Pre-Tender Market Testing Document or not).
     2. Any Response from a Respondent which takes the form of an Offer shall not under any circumstances be contractually binding upon the Authority.
     3. The Respondent is requested to provide answers to the specific questions asked in Section 8 – Specific Question Set.
     4. The Respondent may at their own option provide additional information beyond that which is requested as “in-scope”, but this must be clearly marked as such.
     5. Any pricing submitted under Part B, Section 4 is for information and estimation purposes by the Authority, shall not be shared with any third party that is not the Authority as it shall be deemed confidential information of the Respondent, although it may be used by the Authority for the purposes of budgetary and financial forecasting or planning.
     6. If any information provided by the Respondent is deemed by the Respondent to be confidential information which should not be shared with a third party, the Respondent accepts the direct obligation to mark it as such in each section of Part B.
     7. The Respondent accepts that the Authority has the direct obligation and legal requirement under the Public Contract Regulations 2015 to provide information received under this Market Test to any Tenderers should the Authority decide to proceed into an OJEU-compliant tendering exercise on the basis of information received. This means any Tenderers not given a chance to participate in this soft Market Test must be given the same information and opportunity as the Respondent in this Market Test, as well as any answers or a summary of answers provided to ensure the principles of the legislation and the directive relating to fairness and transparency.
     8. The Respondent accepts that should it mark information provided under this Market Test as confidential information and it should later be found or judged by any relevant authority or judicial process not to be confidential information, and/or possibly leading to or contributing to a determination that any subsequent and related Tendering process resulting in an Offer, than the Respondent is fully liable for all and any direct or indirect loss or liability experienced by the Authority.
     9. The Authority makes no representation or guarantee or promise that this Pre-Tender Market Testing will lead to any further competitive opportunity or Tender process.
     10. The Authority is subject to the Freedom of Information Act 2000 (hereinafter “FOI”), all regulations made under it and any amendment or re-enactment of any of them and any guidance issued by the Information Commissioner in relation to such legislation. Respondents shall be aware that the information they provide could be disclosed in response to a request under the FOIA.
     11. The Authority will use all reasonable endeavours to consult with Respondents over the release of information which is highlighted by a Respondent as commercial sensitive or confidential.
     12. No Response to this Pre-Tender Market Testing Document should be covered by a general statement regarding its overall confidentiality.
     13. Any timescales given in this Pre-Tender Market Testing Document are indicative only and should be treated as such, with the Authority explicitly having the right to vary, reduce or increase any timescale where it may be indicated or implied.
     14. Irrespective of the fact that no further Tendering opportunity is guaranteed as a result of this Market Test, the Respondent should be aware that the provision of false or misleading information could later lead to appropriate charges being brought on the grounds of material misrepresentation. In no circumstances or situation shall the right of the Authority be prejudiced for any other civil remedy available to the Authority and will not prejudice any criminal liability of the Respondent that such conduct by the Respondent may attract.
     15. The information contained within this Market Test has been prepared by the Authority in good faith but does not purport to be comprehensive or to have been independently verified. Respondents should not rely on the detailed information contained this this Pre-Tender Market Testing Document and should carry out their own due diligence checks and verify the accuracy of the detailed information contained in this Pre-Tender Market Testing Document at any appropriate stage. Nothing in this Pre-Tender Market Testing Document is, or should be construed as, a promise or representation as to the future.
     16. None of the Authority, the Authority’s members, directors, officers, employees, agents or advisors make any representation or warranty as to, or (save in the case of fraudulent misrepresentation) accept any liability or responsibility in relation to, the adequacy, accuracy, reasonableness or completeness of the Pre-Tender Market Testing Document or any part of it (including but not limited to loss or damage arising as a result of reliance by the Respondent on the Pre-Tender Market Testing Document or any part of it).
     17. The costs or expenses incurred by any Respondent or other person will not be reimbursed by the Authority and neither the Authority nor any of their representatives will be liable in any way to any Respondent or other person for any costs, expenses or losses incurred by any Respondent or other person in connection with any procurement result from this Market Test.
     18. At all times this Market Test is subject to the laws of England and Wales.

# Specific Question Set

The following questions should each by answered to the fullest extent possible by the Respondent in Part B, Section 2.

This is a Market Test and not a competitive Tender, so no scoring or weighting is required for any answer to any of these questions.

# PART B – INFORMATION FROM THE RESPONDENT

The Respondent is to answer all questions and all sections in this Part of the Pre-Tender Market Testing document.

# Form of Company Details

|  |  |  |
| --- | --- | --- |
| **Nature of information** | **Description of Response expected** | **Response** |
| **Name of legal entity or sole-trader** | **Unique name of legal entity or**  **name of individual** |  |
| **Registered office Address** | **Address line 1**  (Property name/number) |  |
| **Address line 2** |  |
| **Address line 3** |  |
| **Town** |  |
| **County** |  |
| **Postcode** |  |
| **Website address** | **website** (if applicable) |  |
| **Contact Details for Enquiries** | **Title** (Mr, Mrs, Ms, etc.) |  |
| **Forename** |  |
| **Family name** |  |
| **Job title** |  |
| **e-mail** |  |
| **Telephone number** |  |
| **Fax number** |  |
| **Address line 1**  (Property name/number) |  |
| **Address line 2** |  |
| **Address line 3** |  |
| **Town** |  |
| **County** |  |
| **Postcode** |  |
| **Registration number, if registered with Companies House or equivalent** | **Registration number with Companies House** |  |
| **Registration number with equivalent body** |  |
| **Charity registration number** | **Registration number (if applicable)** |  |
| **VAT registration number** | **VAT Registration number** |  |
| **Name of immediate parent company** | **Unique name of legal entity** |  |
| **Name of ultimate parent company** | **Unique name of legal entity** |  |

# Specific Question Set Answers

The following questions should each by answered to the fullest extent possible by the Respondent:

|  |  |
| --- | --- |
| 1 | Question: Are you interested in taking part in a E-Scooter ride share scheme trial in Liverpool, and why? |
| Question Answer: | |

|  |  |
| --- | --- |
| 2 | Question: Do you currently operate, or plan to operate (subject to other tender processes or completion of discussions) any E-scooter ride share schemes and where are these?  Please also indicate, if local authority led, how this engagement was actioned/plans to be actioned. |
| Question Answer: | |

|  |  |
| --- | --- |
| 3 | Question: What income models do you operate? Would you offer the scheme at net Zero cost to the Council?  (NOTE: please provide word explanation here. Space for sums and calculations are provided in a later part of this document) |
| Question Answer: | |

|  |  |
| --- | --- |
| 4 | Question: How quickly could you start up a scheme once given the permission to do so, and what support or involvement would you require from the local authority or any other third party? |
| Question Answer: | |

|  |  |
| --- | --- |
| 5 | Question: How many E-Scooters could you provide? After an initial launch could the scheme be expanded at a later date? |
| Question Answer: | |

|  |  |
| --- | --- |
| 6 | Question: Can your E-Scooters be Geo-fenced to restrict the areas they are allowed to travel in? |
| Question Answer: | |

|  |  |
| --- | --- |
| 7 | Question: Would your scheme have docking stations?  If not how would you address the issue of parking the Scooters in a safe manner and prevent them becoming an obstruction on the Highway? |
| Question Answer: | |

|  |  |
| --- | --- |
| 8 | Question: What data do the E-scooters/scheme collect and is there scope to expand this? |
| Question Answer: | |

|  |  |
| --- | --- |
| 9 | Question: Does/do your e-Scooters meet the requirements of the DfT  that is;   * is fitted with no motor other than an electric motor * is designed to carry one person in a standing position with no provision for seating * has a maximum speed of 12.5 mph * has 2 wheels, one front and one rear, aligned along the direction of travel * has a mass, excluding the rider, not exceeding 35 kilograms * has means of directional control via the use of handlebars * has means of controlling the speed via hand controls and its power control defaults to the ‘off’ position. * Speed limited and tamperproof * 2 independent brakes * Light – back and front * Audible waring – bell or horn * Suitable resilient or pneumatic tyres * Electric battery   Please confirm on each point, and any other general requirement of the DfT |
| Question Answer: | |

|  |  |
| --- | --- |
| 10 | Question: If the E-Scooter don’t meet the requirements are you looking to apply for an exemption for them to the DfT? |
| Question Answer: | |

|  |  |
| --- | --- |
| 11 | Question: There are requirements of users by DfT below;  how will you address each of these?   * E-scooters in trials are required to be covered by a motor vehicle insurance policy, by their provider., * E-scooter users are required to have a driving licence in some form.   Also refer to any other DfT requirements you are aware of. |
| Question Answer: | |

|  |  |
| --- | --- |
| 12 | Question: While there is no requirement for training and the use of helmets, are you able to provide training where requested and promote the use of helmets? |
| Question Answer: | |

This is a Market Test and not a competitive Tender, so no scoring or weighting is required for any answer to any of these questions.

# General Information Provided

|  |
| --- |
| The Respondent provides the following general information   1. There are no word limit or diagram or picture restrictions 2. Expand the box as much as required to provide/enter information |
|  |

# Indicative Pricing

|  |
| --- |
| The Respondent provides the following pricing information   1. Please make pricing as comprehensive as possible 2. Pricing shall not be shared with any other party apart from the Authority (it is commercially sensitive information to the Respondent and would be removed before sharing as part of any resultant tender process) 3. Expand the box as much as required to provide/enter information |
| NOTE: We expect this to be at least zero-cost to the Council.   1. We would be interested in any profit sharing scheme proposed (details to be provided clearly below), or confirm you would offer this at zero-cost with no exceptions (e.g. installation cost/contribution). 2. Please use this section to explain/indicate the charging mechanisms to the public |

# Declaration

I can confirm that the information provided in this Response Document is to the best of my knowledge accurate at the time of writing.

I understand that this Response Document does not form part of a formal Tender process and nor does it constitute an Offer.

|  |  |
| --- | --- |
| **Signed** |  |
|  |  |
| **Name(s) *(Block Capitals)*** |  |
|  |  |
| **Position(s)** |  |
|  |  |
| **Date** |  |

# Appendix to Part B – Any Additional Information

The Respondent is provide any additional information in this Appendix to the Pre-Tender Market Testing document.

Additional information can be submitted in separate files if necessary, but please ensure this are in word, excel, powerpoint or pdf accepted file formats only.

|  |
| --- |
| List of additional information appendiced to this document (in-scope) |
| [Respondent to insert a full list of the additional information provided here] |

|  |
| --- |
| List of additional information appendiced to this document (out-of-scope) |
| [Respondent to insert a full list of the additional information provided here] |