**Procurement Projects – Guide for Tenderers**

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| **1** | **The Procurement Process** |
|  | Fareham BC operate in accordance with The Public Contracts Regulations 2015 <http://www.legislation.gov.uk/uksi/2015/102/contents/made>  The Council uses a range of procurement procedures available under The Public Contracts Regulations 2015. These are:   * Open Procedure * Restricted Procedure * Competitive Procedure with Negotiation * Competitive Dialogue * Innovation Partnership   The type of procedure used including any specific steps or phases will be shown in the instructions issued for each tender.  Depending on the value and complexity of the procurement project, the Council will issue the following types of Procurement documentation to seek responses from the market place:   1. **Documented price checks** (via eMail) or electronic quick quotes (via SEBP) – Council officers undertake soft market testing to identify potential suppliers and request at least three (3) documented price checks. 2. **Request for Quotation (eRFQ)** – typically used for goods and services required by the Council where the total life contract value is estimated to be in the range £20,000 to £50,000. 3. **Invitation to Tender (eITT)** - Used for Works, Goods and Service for contracts exceeding £20,000 for works and £50,000 for goods and services. 4. **OJEU Invitation to Tender (eITT)** - Used for Works, Goods and Service for contracts exceeding the Official Journal of the European Union thresholds, currently £4.3M for works and £173K for goods and services.   The Council uses these procurement procedures to select and award business to;   * a single managing contractor OR * a number [n] of preferred suppliers OR * an SME consortia led by a managing contractor who satisfy the Councils selection criteria and have submitted compliant bids under this tender exercise.   The awarded supplier(s) will be the preferred supplier(s) of the service |
| **2** | **How to register on the Councils business portal** |
|  | Suppliers should register free of charge on the South East Business Portal <https://sebp.due-north.com/> under ‘Supplier Registration’ option.  The Council uses e-Request for Quotations (eRFQ) and e-Invitation to Tenders (e-ITT) to select and award business to;   * a single managing contractor OR * a number [n] of preferred suppliers OR * an SME consortia led by a managing contractor who satisfy the Councils selection criteria and have submitted compliant bids under this tender exercise.   The awarded supplier(s) will be the preferred supplier(s) of the service. |
| **3** | **The Council’s approach to Third Party Accreditation** |
|  | The Council wants to work with contractors / suppliers who have been independently accredited and certified. The benefit of the Council's approach to pre-qualification accreditation is that;   1. Contractors have pro-actively shortened the tendering process and reduced the rework and costs involved in bidding for local government contracts. 2. The Council has access to a list of vetted suppliers who wish to supply the Council. The vetting is a consistent and fair process, which takes place over the life of the contract and not just at the point of letting the contract.   ‘Third party accreditation’ describes the assessment, by a third party organisation, of potential contractors / suppliers’ generic suitability to contract with a Contracting Authority across a range of requirements (effectively an outsourced pre-qualification process although not specific to any one contract requirement). Third party accreditation results in the formal accreditation of those potential suppliers which successfully complete the process. The third party accreditation provider may be either a private or public sector organisation.  Generally, third party accreditation is a desk-based process which examines documentary evidence of a supplier’s financial viability, relevant insurance cover, and extant policies and procedures (including health and safety and equality among others). Site visits are not usually carried out and, apart from taking up references to validate the supplier’s track record, the quality of product or service is not assessed or inspected.  Third party accreditation should not be confused with an accreditation backed by a trade body, which is more likely to provide a ‘quality mark’ assessment based, for example, on process, site visits and work inspections. Similarly, appointment as a contractor under a Contract is not a badge of accreditation.  **The Council's Approach to Accreditation.**  If a third party accreditation is the Council's preference for a contract under tender, the supplier will ideally be a registered member of a recognised accreditation standard provided by a third party organisation specialising in helping companies to be "fit-to-supply".  The Council offers a flexible approach and recognises schemes founded or registered under the SSIP Safety Schemes in Procurement (See [www.ssip.org.uk](http://www.ssip.org.uk/)). The Accreditation for works / services projects should be linked to a recognised Health & Safety assessment .Other Schemes - Suppliers can propose other alternative accreditation standards they may be registered with, however the Council will want to assure itself that the standards are equivalent in terms of thoroughness and independence of tests / checks.  The accreditation standard MUST be maintained for the duration of any contract resulting from this opportunity. Third party accreditation should not be confused with an accreditation backed by a trade body, which is more likely to provide a ‘quality mark’ assessment based, for example, on process, site visits and work inspections. The supplier will provide evidence of accreditation membership annually on the contract anniversary throughout the contract period.  NOTE: Dependent upon the nature of the procurement category being sourced (via risk analysis) the Council may waive the requirement for suppliers to have third party accreditation.  If accreditation is a requirement of the tender in question, a proforma will be included in the tender pack for completion by tenderers. Please complete the proforma to provide details of your company's third party accreditation certification OR confirm acceptance that your Company would join one of the Councils recognised schemes for the duration of any resultant business. |
| **4** | **How the Council Advertises Procurement Opportunities** |
|  | Fareham BC advertises electronically forthcoming contract opportunities that have an estimated total contract values exceeding £20,000 via the following;   * South East Business Portal <https://sebp.due-north.com/> * Contracts Finder <https://www.gov.uk/contracts-finder> * TED <http://ted.europa.eu/TED/main/HomePage.do> (for above OJEU threshold tenders; e.g. £173k+ supplies/services; £4.3M+ for Works).   Depending on the value and complexity of the procurement project, the Council will issue the following types of Procurement documentation to seek responses from the market place:   1. **Documented price checks** (via eMail) or electronic quick quotes (via SEBP) – Council officers undertake soft market testing to identify potential suppliers and request at least three (3) documented price checks. 2. **Request for Quotation (eRFQ)** – typically used for goods and services required by the Council where the total life contract value is estimated to be in the range £20,000 to £50,000. 3. **Invitation to Tender (eITT)** - Used for Works, Goods and Service for contracts exceeding £20,000 for works and £50,000 for goods and services. |
| **5** | **How to download, complete and return the Councils tender documents** |
|  | For your convenience, here is a summary of how you should submit your electronic tender response. For your e-tender to be considered, please comply with these instructions:   * All correspondence related to this e-ITT will be via the SEBP link as attached to the original invitation eMail from the SEBP to your registered user. Only the supplier named contact registered on the SEBP portal using their personal ID and password combination will be able to view, download and upload contract documents. * Please acknowledge via SEBP your receipt of this tender pack confirming that you expect to submit a tender by the appointed time. Click on Intend to Submit / Decline button as appropriate. * Please use the Question & Answer section within the SEBP system for both technical and commercial issues. * Please upload your completed tender (including ALL response ProForma's) to the SEBP prior to the close deadline. Please leave sufficient time to do this as uploading times can vary dependant of file size. (Tip: Use PDF documents where possible to reduce file sizes). * The "Form of Tender" document **(Appendix E)** MUST be separately attached as a .pdf document to enable easy access at the Councils "tender opening ceremony". Please complete the "Form of Tender" as requested.   Your completed tender response must be uploaded to the South East Business Portal using the link provided **no later than 12 noon on CLOSE DATE.**  **Please note:** Suppliers can upload / amend their tender response via the SEBP at any time prior to the close date. The tender response is secure and only visible to the supplier up until the close deadline date / time at which point the system is locked to the supplier and contents become visible to the opening Council (in this case Fareham BC). **There is no eMailing of documents on the deadline date as ALL documents are held in the secure server of SEBP .**  In preparing a tender response you must not make any changes to the text of the documents as supplied to you, only add information where indicated. Each and every point in the e-ITT documents must be responded to. It is important that bids are completed in line with the requirements set out in this invitation and that ALL **Supplier Response** **Appendices** are completed. **Please do not include any information, brochures or other literature unless it is specifically requested in this document.**  Tender responses not available / visible to the Council in the SEBP response section after the submission deadline will not be considered (unless the Council have given prior notification to ALL tenderers of an extension period). All costs in submitting the tender will be borne by the tenderer.  The information provided by the Council in connection with this e-ITT is provided in good faith but does not purport to be comprehensive and Tenderers should carry out their own due diligence checks as to the full extent of the Council’s requirements before submitting a Tender.  **Contacting Fareham Borough Council relating to this tender:**   * Please use the “messaging” facility within the SEBP system for both Technical & Commercial questions. * Fareham Borough Council - Procurement contact:   Karen Richards [krichards@fareham.gov.uk](mailto:krichards@fareham.gov.uk) |
| **6** | **How to raise Questions during a tender exercise** |
|  | To raise questions and receive a response from the Council during the tender activity, please use the ‘Messaging’ option and click on ‘Create a new message’; the Council will receive an auto e-alert notifying us of the message and will endeavour to respond in a timely manner. |
| **7** | **How to Contact the SEBP (Due North) for system related issues** |
|  | If you are experiencing problems with your SEBP connection (e.g. login/password issue) please:  1. Log a support ticket by emailing:  [ProContractSuppliers@proactis.com](mailto:ProContractSuppliers@proactis.com)    A support ticket will be auto-logged in the PROACTIS Supplier Support Helpdesk. **http://proactis.kayako.com/default**  2. For time-sensitive or Emergency situations **only,** please contact the Telford Supplier Support Service Desk on +44 (0)330 005 0352 who will be able to assist. |
| **8** | **How the Council evaluates tender responses** |
|  | **Supplier Self-Declaration:**  In the case of Open Procedure tenders the Council will ask tenderers to complete a self-declaration questionnaire to set out their credentials / experience in the field / market sector under tender. Prior to evaluation of tender responses, the Council will assess the Supplier Self-Declaration **(Appendix C1)** submitted by the candidate(s). The purpose of the Supplier Self-Declaration is to assist the Council in the evaluation bids submitted for this tender opportunity. Under Public Contracts Regulations 2015 the Council is permitted to ask relevant and proportionate “suitability assessment questions”, designed to enable it to assess “whether candidates meet minimum standards of suitability, capability, legal status or financial standing”. **Note:** **Self-declaration submissions that fail any question from the pass/fail section will not progress any further in the process and the supplier will be informed of their exclusion via the SEBP.**  **Evaluating Tender Responses:** The Council will establish an evaluation panel for each tender to review, assess and recommend award outcomes. Compliant tender submissions that have been received before the close date / deadline time will be evaluated against the evaluation criteria set out in the tender instructions.  **Evaluation Criteria:**  The Council's evaluation and award decision will be based on the **Best Price Quality Ratio** over the contract lifetime taking into account Cost and Service Quality of the tendered offering. The Council requires reliable, innovative and financially stable suppliers with the ability to “meet or exceed” our requirements.  The evaluation criteria will be based on a pre-determined percentage spilt of the Cost and Service Quality elements of the tender brief. The % percentage split will be set out in the Invitation to Tender (eITT). E.g. 60% Cost vs. 40% Service Quality.  Sub-criteria % weightings will be applied to specific elements of the Cost and Service Quality. E.g. the Service Quality element (40%) may be divided into 4 sub-elements each weighted at 10%. Likewise the Cost element (60%) may have 2 sub-elements worth 40% and 20% respectively.  The Council's Evaluation panel will score tenders based on the cost and service quality weightings set out in Invitation to Tender (eITT). Please see the **eITT** **Appendix C2** for evaluation criteria weightings.  **Scoring Methodology:**  **Cost:** The evaluation panel will analyse the bid distribution to ensure that the tendered brief was clearly understood by tenderers. The bid distribution above shows a group of bids in the centre and a small number of outriders, which indicate that the brief was clear and well-defined. The low bid requires very careful examination because it is possible that the bidder has not fully understood the commission, The risk being that because they are so far outside the central group, that if appointed, it is likely that their work would be of low quality, simply because they have allowed insufficient resources. Evaluation of the quality element of their bid should make this clear. It is likely that the two high bids will have overestimated what we require, or are perhaps quite busy already and do not really want the work.   |  |  |  | | --- | --- | --- | | **Bid Distribution Analysis** | | | | Low Bid | Central Group | High Bids | | £30 | £90 £95 £97 £100 | £155 £200 |   Where the range of bids is much wider and does not have a distinct central grouping, this may indicate a lack of understanding by tenderers of what the Council requires – our brief not being clear. Further information may be requested via post tender clarifications to shortlisted tenderers, to enable them to clarify their bid and ensure that they understand the requirement. Following such clarifications the Council’s evaluation panel reserves the right to eliminate any bidder that has submitted a non-compliant bid.  The evaluation panel will check very carefully to ensure they understand the tenderer’s proposal and what the Council will be getting for its money before the contract award is made.  Following the bid distribution analysis, the evaluation of the **Cost** element will set the lowest compliant bid (that delivers the outcome specification in full) as the benchmark to which other bids will be compared pro-rata. This is achieved by setting the lowest compliant cost bid as a denominator to compare all other cost bids. E.g. Best bid A of £100 = 100% and compares to another bid B of £120 as: £100/£120\*100%=83%. Therefore, if Cost has a total weighted score of bid A is 50% being the best bid and bid B of £120 achieves 41.5% (83% of 50%).  ALL **Service Quality** questions in the tenderers response proforma have a weighted score per main element (Service-Quality) and by sub-question. The scoring method for Service-Quality employed by the Councils evaluation team uses a linear points based scale as described below:   |  |  |  | | --- | --- | --- | | **Points Score** | **Score Band** | **Score Description Guide** | | 0 | Fail | No response provided / Does not meet any of the Council’s requirements | | 1 | Unsatisfactory | Does not meet any of the Council’s requirements | | 2 | Very Weak | Falls significantly short of meeting the Council’s requirements | | 3 | Weak | Achieves a basic minimum standard but falls moderately short of meeting the Council’s requirements | | 4 | Poor | Achieves a basic minimum standard but falls slightly short of meeting the Council’s requirements | | 5 | Acceptable | Probably meets the Council’s requirements but some concerns and/or inference has had to be made by evaluator as some minor points not fully demonstrated / evidenced | | 6 | Satisfactory | Satisfactorily meets the Council’s requirements and is supported by clear evidence | | 7 | Good | Slightly exceeds requirements **and** will bring **some** added value / benefit to Council | | 8 | Very Good | Exceeds requirements **and** will bring **moderate** added value / benefit to the Council | | 9 | Outstanding | Considerably exceeds requirements **and** will bring **significant** added value / benefit to Council | | 10 | Exceptional | Perfect Model submission significantly exceeding requirements in all respects **and** will bring **very significant** added value / benefit to Council |   **Application:** Each question set in the tenderers response proforma (eITT Appendix C2) has an overall weighting out of 100% as set out in the ITT evaluation criteria.  The evaluation panel will assess tenderers responses and apply a points score (0 to 10) based on the characteristics described in the above table.  The points score will be factored against the % weighting set for each Service-Quality question. E.g. a tenderers response to a question weighted at 20% that is scored by the evaluation panel at 7(good) out of 10 points, would achieve a total score of 7/10(0.7) x 20% = 14%.  **Overall Scores / Ranking:** The total overall % scores (out of 100%) will be ranked in descending order and the tenderer who achieves the highest % score will be first placed and subject to contract be the successful awarded tenderer. Tied bid for 1st place: In the event of a tie for first place between compliant bids, the evaluation panel will take into consideration the ratio % between the Cost score and Service Quality score of the tied bids. The tenderer with the highest score for the highest weighted elements of the Cost and Service Quality elements will be deemed the winner and awarded the Contract. E.g. If the tender is weighted in favour of Cost then the bidder with highest cost score will be judged the winner. Likewise if the tender is weighted in favour of Service Quality then the bidder with highest Service Quality score will be judged the winner. If this fails to split the tied bids (because the Cost/ServiceQuality ratio are identical), then the evaluation panel will then compare the scores ratios with the tenderer achieving the highest scores for the highest weighted sub-questions being judged the winner.  All tenderers/interested parties will be advised of our award decision in line with our tender timeline set out in the eITT. Due to the commercial interests of ALL tenderers the Council will not disclose detailed information of the winning/unsuccessful bids to other parties involved in the bid process, subject to any of the obligations under the Freedom of Information Act 2000.    However a summary of tender scores will be made available. |
| **9** | **Interviews as part of the evaluation process** |
|  | Our evaluation method may include a formal interview of shortlisted tenderers based on scores achieved under Cost and Service Quality criteria. Short-listed tenderers will be invited to present to the evaluation panel in Fareham BC Offices. The interview date will be set out in the eITT programme. Your teams should be available within 48 hours of notice to present. Invitations and agenda will be issued via the SEBP. Presentations and responses to clarification questions will be used to supplement, test and explore in more detail the tendered responses from bidders. Scores allocated to each question in the evaluation matrix at **Appendix C** will, for those shortlisted, be refined (up or down) in the light of the content of the presentations made to the panel. |
| **10** | **The Council’s right to reject Tenders:** |
|  | The Council does not undertake to accept the lowest nor any tender and reserves the right without liability to Tenderers (including without limitation liability for any bid costs):   1. to make a joint award 2. To exclude a tender as non-compliant following bid distribution analysis 3. to cancel or withdraw from the tender process at any stage 4. not to award a contract for the services described 5. to require Tenderers promptly to clarify their Tender in writing (via the SEBP) and or provide additional information and 6. to amend the terms of the e-ITT including proposed timescales     The Council reserves the right to reject a Tender where:   1. such Tender is submitted after the submission deadline, is completed incorrectly, is materially incomplete or otherwise fails to meet the requirements set out in this e-ITT or any other requirements that have been notified to Tenderers; 2. any of the circumstances set out in Public Contracts Regulations 2015 entitling the Council to disqualify the Tenderer apply to the Tenderer at any stage during the tender process regardless of whether or not such Regulations apply to this tender process; 3. the tenderer is guilty of material misrepresentation in relation to its Tender submission and/or the process; 4. the Tenderer contravenes any of the requirements of this e-ITT; 5. the Tenderer fails to respond promptly and adequately to any reasonable request from the Council for clarification or additional information; 6. there is a change in identity, control, financial standing or other factor impacting on the selection and/or evaluation process affecting the Tenderer; or 7. such Tender is submitted on terms that amend those set out by the Council in this e-ITT including but not limited to the terms and conditions of contract,   The rejection of a Tender will not prejudice any other remedy civil or otherwise available to the Council.  The e-ITT shall not confer any contractual rights on Tenderers. |
| **11** | **Reference Contracts** |
|  | Tenderers may be requested to provide references in their Self Declaration response **(See Appendix C1)** and must state if they have had any business with other departments of the Council and any other Hampshire Local Authorities over the last 3 years prior to the date of the Tender. Tenderers must detail the scale and scope of their relationships with the aforementioned along with the contact name in the Authority.  The Council may at its own digression contact named referees to obtain feedback concerning the tenderers performance. |
| **12** | **TUPE** |
|  | Some tenders may include (in the view of the Council) a requirement for Transfer of Undertakings (Protection of Employment) Regulations 2006 (“TUPE”) to be applied to the Service being procured.  The Tenderer must be prepared to accept all liabilities which may arise as a consequence of the application of TUPE. Tenderers may request information with regard to the terms and conditions of employment of the employees currently engaged in the provision of the Service together with details of any pension scheme provided. Each Tenderer must complete and return a formal **confidentiality undertaking** as set out in **Appendix F1** of the ITT confirming that the information provided will not be used for any purpose other than the preparation of their bid, and will not be disclosed to any third party.  In the event of any Service Provider to Service Provider TUPE transfer, the Council expects the Service Provider to liaise directly with the incumbent Service Provider regarding their staff and to work with the incumbent Service Provider to fulfil its and their respective obligations under TUPE. In the event that the Council is able to supply TUPE information it has received from its incumbent Service Provider, they shall act merely as a conduit for that information and does not and shall not warrant and/or represent the accuracy, validity or completeness of any such information made available by it.  For the avoidance of doubt, the Councils shall accept no liability in respect of any such information or any liabilities under TUPE in respect of any transferring staff.  Under TUPE, there is an obligation to consult with recognised trade unions and representatives of the incumbent Service Provider’s employees about any likely consequences for those employees. Tenderers will be expected to provide all necessary information required by the Council and its incumbent Service Provider to enable them to do this.  Tenderers should include anticipated TUPE costs in their Pricing Schedule. |
| **13** | **Confidentiality and Freedom of Information** |
|  | The Council is subject to the provisions of the Freedom of Information Act 2000 and Environmental Information Regulations 2004 (“the Information Laws”) which set out a general presumption of disclosure of information upon receipt of a request from members of the public or any interested parties.    The Council shall be responsible for determining at its absolute discretion whether information it holds including information submitted by Tenderers:   1. is exempt from disclosure in accordance with the provisions of the Freedom of Information Act 2000 or the Environmental Information Regulations 2004; and 2. is to be disclosed in response to a request for information.   If you consider that any of the information submitted to the Council by you is exempt from disclosure under the Information Laws then this should be stated in writing at the time the information is supplied to us together with the reason for considering it exempt. On receipt of an information request relating to such matters we will, where reasonably practicable, consult with you in considering any such request before disclosing such information.  Tenderers are deemed to acknowledge that the Council may, acting in accordance with the Information Laws and associated codes of practice, disclose information:   1. without consulting Tenderers, or 2. following consultation with the relevant Tenderer and having taken its views into account.     Any questions and requests for information submitted by a Tenderer in respect of this e-ITT and the tender process generally and the Council’s answers thereto may be communicated to the other Tenderers unless the Council considers there are overriding issues of commercial confidentiality.  The contents of this Tender are confidential and are not to be disclosed to any third party subject to any obligation under the Freedom of Information Act 2000. |
| **14** | **Canvassing and Collusive Tendering** |
|  | Any Tenderer who directly or indirectly canvasses any member of the Council, Executive Member (Councillors) or their agents concerning the award of the Contract or who directly or indirectly attempts to obtain information concerning any other tenders or proposed tender will be disqualified. The Council shall not consider for acceptance and shall accordingly reject any tender submitted by a tenderer who:   * Calculates, fixes or adjusts the percentages and fees shown in the tender by or in accordance with any agreement or arrangement with any other person other than authorised officers of the Council or their agents; or * Communicates to any person other than authorised officers of the Council or their agents the percentages or fees or Hourly rates in the tender prior to formal tender acceptance; or * Enters into any agreement with any other person that such other person shall refrain from submitting a tender or shall fix or adjust the percentages or fees to be shown by another tenderer in their tender. * Offers to agree to pay any person having direct connection with this tender or does pay or give any sum of money, inducement or valuable consideration, directly or indirectly, for doing or having done or causing or having caused to be done in relation to any other tenderer or any other persons proposed tender, any act or omission. * Any such non-acceptance or rejection of a tender by the Council is always without prejudice to any other civil remedies available to the Council or any criminal liability which such conduct by a tenderer may attract. It is the responsibility of the Tenderer to ensure that he/she is fully conversant with the nature and extent of the obligations they will be under in the event that the Contract is awarded.   Should any additions or deletions to any part of the ITT, supplementary clauses or additional information be considered necessary prior to the date for submission of tenders, these will be issued to all Tenderers by the Council and will be deemed to form part of the ITT. |