



Part 1 Information

Contract Reference

TCS1219

Contract Title

Children's Services Case Management System

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The Tender Documents can be made available in other formats. For further information please submit your request through the messaging facility on the Supplying the South West e-Tendering Portal

1 Procurement Information

1.1 Background Information

This section is intended to give Applicants information about the Council and the background to this procurement exercise in order to inform their response to this further competition.

1.1.1 Local Context

Torbay is located on the South Devon coastline and comprises of the three district communities of Torquay, Brixham and Paignton. As part of what has become known as the 'English Riviera', Torbay attracts thousands of visitors each year drawn to its harbours and beaches. Tourism and fisheries remain important elements within the local economy although this is diversifying to include electronics, photonics, and health and care provision. Road links have improved significantly in recent years with the opening of the South Devon Highway acting as a further stimulus to the economy.

Over recent years, the Council has faced significant reductions in its budgets due to successive reductions in the funding it receives from Central Government, totalling around 40%. This has required the Council to make difficult decisions in relation to the services it provides. However, within this context, Children's Services has been prioritised and benefitted from considerable support from central balances to deal with successive overspends. A Medium-Term Financial Strategy was refreshed in February 2017 with the aim of bringing expenditure in line with comparators whilst continuing to ensure improvement activity is adequately resourced.

Torbay's population is 133,373 (2015 MYE) and estimated to rise to 148,500 by 2039, albeit this is a slower rate than that seen nationally. Older people make up a bigger proportion of the population than that seen in England as a whole and Torbay's population of over 70s is expected to increase by around 29.1% by 2025. In 2015, for every person of retirement age there were just fewer than 2 of working age, compared to 3 persons in the England average.

There are 24,789 children living in Torbay (Census Data 2011). In 2015, the birth rate was 10.3 per 10000 which is below the south West and national averages. The proportion of children aged between 5 and 14 is also expected to rise by 11% over the next 10 years, which is slightly higher than that seen across England.

Torbay comprises of areas with significant material wealth alongside areas of deprivation. The Index of Multiple Deprivation (IMD) 2015 ranks Torbay as the 46th most deprived authority in England (out of 326) compared to 37th in 2013 and 41st in 2010. In terms of overall Multiple Deprivation, there are 14 Lower Super Output Areas (LSOAs) in Torbay which fall into the most deprived 10% nationally and 28 LSOAs in the most deprived 20%.

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Levels of unemployment in Torbay are at 5.4% which is above the South West average of 4.1%, and national average of 4.8%. The percentage of young people aged 18-24 claiming Job Seekers Allowance is 3.7% and above the south west and national averages. The Council commissions Careers South West which targets support to the most vulnerable young people, as well as funding other initiatives to get young people into employment. Around 23.6% of children in Torbay are classed as living in poverty.

Educational attainment in Torbay has continued to improve across all phases. Children receive a high-quality start through access to a range of good and outstanding early year's provisions resulting in 70.6% of children achieving a good level of development against 69.3% nationally. Key Stage 2 results for 2016 were below the national and regional comparators. The percentage of young people educated in Torbay's schools achieving 5 or more GCSEs at grades A* to C including English and Mathematics is 58.6% which is up on the previous two years and higher than national and regional. Following recent inspections 100% of mainstream secondary provision is judged to be good or outstanding. It should be noted that 9.5% of children who are educated within Torbay schools are resident in Devon.

Torbay has 4.4% of pupils with Statements or Educational, Health and Care Plans compared to 2.9% nationally. Children in receipt of additional support achieve well at Key Stage 2 with Torbay ranked as the 27th best performing Local Authority in that respect.

1.1.2 Corporate Ambition and Objectives

The Council's ambition is for **"a prosperous and healthy Torbay"**.

The Council's Corporate Plan 2015-2019 sets out the three main objectives on which we base everything we do: using reduced resources to best effect; reducing the demand through prevention and innovation; taking an integrated and joined up approach.

The Plan also sets out the five key areas in which we target our actions: protecting all children and giving them the best start in life; working towards a more prosperous Torbay; promoting healthy lifestyles across Torbay; ensuring Torbay remains an attractive and safe place to live, visit and work; and protecting and supporting vulnerable adults.

1.1.3 Technical Environment

The Council's Children's Services are currently using a client information system (PARIS) that is 15 years old. PARIS was first developed in response to a national programme called the 'Integrated Care System (ICS)' which was a centrally defined system specification for all Children's Services. At the time of purchase in 2004 the market share for PARIS was around 5-10%. Out of 152 upper tier authorities only one other (Southampton) use PARIS. The software supplier's self-confirmed focus on the adult care and health sector market has led to a palpable gap appearing between PARIS and the rest of the market. PARIS's key deficits in respect of functionality and usability have been directly addressed with the software company and it has also been directly commented upon by the regulator in two Ofsted inspections in 2016 and 2018.

There are approximately 1200 live cases on the system and 400 users of the system. The system is accessed via a systems specific account.

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Recording and monitoring of the delivery of Early Help in Torbay currently takes place across a range of platforms local to a number of agencies delivering Early Help through the Children's Partnership. Approximately 1500 staff across the partnership will deliver some Early Help interventions to a population of around 3000 families receiving help. Advances in governance and training of staff mean that the identification of families needing help may increase over the next 5 years and the system will need to respond to this.

Following the Guidance outlined in 'Working Together to Protect Children 2018' the Council fulfils a duty to coordinate Early Help Services. The technical response to this requirement currently sits in part of the PARIS system used by Children's Services (in respect of Targeted Support and some level 2 Early Help). Information about the 400 families receiving Targeted Support is held in the PARIS database, as well as basic information about the rest of the Troubled Families cohort (an additional 2600 families), making up the Early Help Cohort.

1.1.4 Project Scope

A flexible and adaptable system enabling tailored workflow and forms to meet unique local requirements, whilst maintaining core procedures.

A system that meets the Council's statutory and regulatory obligations.

A web-based system that must enable new interface feeds/data extraction processes to be created to run on the hosted system and provide the Council with full read access to the Council's dataset for a limited number of individuals within Torbay Council.

Provides client group statutory rights in relation to data protection.

1.1.5 Project Drivers

Improve navigation of children's records for front line child protection services, children looked after, fostering services, those open on a children in need plan, and those receiving early help both in operational day time and emergency duty service.

The solution must have a proven track record of high user satisfaction in relation to how records are accessed and maintained so that recording is timely and provides a clear narrative of the child's lived experience.

The system supports multi-agency engagement and recording on a record.

Increase use of system to provide a narrative or a tool for children and young people that is accessible within the young person's home or school.

A system that will provide child and young person friendly documents that are easily printable or transferrable for the family to review.

A system that could provide reports that provide a high level of confidence and does not require the manual inputting of staff for monthly performance meetings.

Increased likelihood of greater innovation from the Applicant through a more developed roadmap.

Financial stability with a larger software vendor.

Modernised user interface and technology.

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Opportunity to optimise existing processes and practices.

Reduce cost of automating routine tasks.

Improve efficiencies of staff enabling Children's Service to increase or measure office productivity through streamlining business operations and accounts.

Remove paper processes (different versions of forms being used and produced).

Communicate more effectively with customers, suppliers and partners.

Greater flexibility to create system-based workflows.

Improve security and reduce the levels of required administration intervention.

Opportunity to cleanse source data when implementing a new system.

1.1.6 Project Constraints/Considerations

The Council has set aside a budget of £1M for the purchase and implementation, including data cleansing and data migration, of this system.

1.2 Minimum Requirements

Applicants must be able to demonstrate they will meet any Minimum Requirements set out in Part 2 Specification for the whole term of this Contract.

1.3 Contract Period

It is anticipated that the Contract will commence on 04 September 2019 or at date to be agreed for a period of 5 years and may be extended for a period of up to 2 further year(s) or until the end of the allocated budget, subject to termination clauses within Terms and Conditions of Contract and as provided for in *72 Modification of contracts during their term* of the Public Contracts Regulations 2015.

1.4 Division of Contract into Lots

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

1.5 Contract Price

The price offered by the Applicant in Part 5 Pricing must be firm and fixed for the initial five year term of the Contract, the schedule in Part 5 Pricing has been structured to enable this. Pricing for years six and seven will be subject to agreement between the parties prior to the Council confirming the extension.

1.6 Procurement Timetable

Torbay Council proposes the following timetable for the award of the Contract(s):

Procurement Stage	Dates
Tender Documents Published	Thursday 06 June 2019
Clarification Question Submission Deadline	Friday 21 June 2019
Clarification Responses Deadline	Friday 28 June 2017
Tender Submission Date & Time	Friday 05 July 2019 12:00 Noon
Evaluation Period	Monday 05 July to Friday 09 August 2019
Site Visits	Expected to be during week commencing 15 July 2019
Demonstrations	Expected to be between 22 July and 02 August 2019
Contract Award Notification	Monday 12 August 2019
Contract Start (Implementation)	Monday 02 September 2019
Go Live	To be agreed

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

1.7 Authority Representatives

Applicants are advised that Torbay Council Representatives will only respond to queries or questions in relation to this Tender opportunity through ProContract and are unable to respond to any questions raised verbally or by email.

Authority Authorised Representative:

Russell Knight, Principal Improvement and Performance Manager

Procurement Representative:

Tracey Field, Strategic Procurement Manager

1.8 Site Visits

Within Part 4 Award Questionnaire, Applicants are required to provide details of two organisations who are using the proposed system, one of which the Council will visit during the period indicated in the Procurement Timetable.

For each of the organisations proposed the Applicant must have implemented the system, including data migration and financial system integration, within the past five years.

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The purpose of the site visit is for the Council to see the system in practice and understand the user experience in relation to system implementation.

When selecting exemplar sites Applicants should be mindful of the location and distance from Torbay.

1.9 Demonstrations

The Council requires Applicants to provide a demonstration of the proposed system to key staff. Applicants must be available for the timescales indicated within the procurement timetable at section 1.6.

Applicants will be contacted through the Supplying the South West e-tendering portal during the evaluation period. The invite will detail the date, time and location and the required content of the presentation, which will include any specific questions/topics to be covered.

2 Procurement Process

2.1 Procurement Procedure

This procurement is being undertaken following a Further Competition process in accordance with the Directive (2014/24/EU) and implemented in the United Kingdom by the Public Contracts Regulations 2015 (SI 2015/102).

The Council is calling-off from Lot 3c of Crown Commercial Service Framework RM3821 Data and Application Solutions.

2.2 Award

Applicants are required to complete and submit Part 4 Award Questionnaire, Part 5 Pricing and Part 6 Certificates and Declarations.

The Applicant's response will be evaluated in accordance with the scoring methodology set out in section 2.3 below.

2.2.1 Pricing

There are two worksheets within Part 5 Pricing, for annual licences and perpetual licences. Applicants are required to complete at least one of the worksheets. Where the Applicant is able to offer both options they should complete both worksheets.

2.2.2 Award Evaluation

The Award criteria have been designed to assess the Most Economically Advantageous Tender (MEAT) and the top scoring Applicant will be considered to have been successful. This will take into consideration both options in relation to licences.

Applicants are advised to ensure they have read and fully understand the criteria below, which will be used in the evaluation process:

Evaluation Criteria	Main Criteria	Sub-Criteria		Threshold
Part 4 Award Questionnaire and Part 5 Pricing Submission	100%			
Mandatory Criteria The questions within this section will be assessed on the basis of pass or fail. Torbay Council may exclude any Applicant who fails this section.		Pass		Pass
Method Statements The questions within this section will be assessed on a scoring basis	50%			
Technical Assistance	10%			
Quality, comprising:	40%			
Approach to delivery of services:		15%		
<i>Aesthetics and functional characteristics</i>			67%	
<i>Data protection, information sharing and information security</i>			33%	
System functionality:		25%		
<i>General functionality and chronology</i>			15%	
<i>Service ordering and brokerage</i>			15%	
<i>Early help, early intervention and troubled families</i>			15%	
<i>MASH; contact and referral; assessment, strategy discussion and S47; child in need, child protection and safeguarding; LADO/MAPPA/MARAC; child sexual exploitation and missing child/trafficked; pre-proceedings; and adoption</i>			15%	

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Evaluation Criteria	Main Criteria	Sub-Criteria		Threshold
<i>Looked after children/children in care; private fostering; foster carer recruitment; and children with disabilities</i>			15%	
<i>Leaving after care</i>			15%	
<i>Financial functionality</i>			10%	
Aesthetic and Functional Characteristics, comprising: The questions within this section will be assessed on a scoring basis	10%			
Site visits		8%		
Demonstrations		2%		
Pricing Applicants with the lowest price will score maximum marks out of a possible 100 and Applicants submitting higher prices will be awarded marks proportionate to their distance from the lowest price. Applicants will be scored against the total five year cost (excluding data cleansing) in cell H19 of Part 5 Pricing. The costs for years six and seven are for information purposes only.	40%			

2.3 Scoring Methodology

Responses will be assessed on the following basis:

2.3.1 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 Torbay Council's minimum requirements in relation to what constitutes a pass or a fail can be found within each question.

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

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2.3.2 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.

0	No response	The response does not address any of the minimum requirements ¹ or provide any confidence in the Applicant’s ability.	
1	Extremely Weak	The response only addresses some of the minimum requirements and does not provide evidence the Applicant’s ability to meet them.	Weak
2	Very Weak	The response only addresses some of the minimum requirements and provides minimal evidence of the Applicant’s ability to meet them.	
3	Weak	The response addresses most of the minimum requirements and/or provides minimal evidence of the Applicant’s ability to meet them.	
4	Below Average	The response addresses all of the minimum requirements, but only provides evidence of the Applicant’s ability to meet some of them.	
5	Average	The response addresses all of the minimum requirements and provides evidence of the Applicant’s ability to meet them.	Average – Very Good
6	Good	The response addresses all of the minimum requirements, some of the requirements ² and provides evidence of the Applicant’s ability to meet them.	
7	Very Good	The response addresses the majority of the requirements and provides an acceptable level of evidence of the Applicant’s ability to meet them.	
8	Strong	The response addresses all of the requirements and provides evidence the Applicant’s ability to meet them.	Strong - Excellent
9	Very Strong	The response addresses all of the requirements and provides considerable evidence of the Applicant’s ability to meet the requirements, with a high level of innovation, creativity or added value.	
10	Outstanding	The response addresses all of the requirements and provides considerable evidence of the Applicant’s ability to meet the requirements, with a high level of innovation, creativity or added value.	

¹ ‘Minimum requirements’ are set out in section 2 of Part 2 Specification and any specific points identified in the question that Applicants are required to address

² ‘Requirements’ are as set out in Part 2 Specification

3 Tender Requirements

3.1 Communication

All communication between Torbay Council and Applicants will take place through ProContract, this includes but is not limited to:

- (a) clarification questions;
- (b) submission of Confidentiality Agreements and issue of confidential Documents;
- (c) requests to participate in site visits;
- (d) suggestions and queries in relation to the Terms and Conditions;
- (e) post tender clarification questions;
- (f) invitations to demonstrations, interviews or presentations;
- (g) outcome notification letters.

Please Note: Applicants are responsible, at all times during the Tender process, for checking whether any messages or amendments have been issued and should not rely solely upon automatic notification from ProContract.

3.2 Tender Clarification

Please Note: Torbay Council will only accept clarification questions, including queries or suggestions on the Terms and Conditions, during the clarification period stated in the Procurement Timetable, unless the question is directly related to a response issued by Torbay Council on or after the deadline for submission of questions.

Torbay Council will not negotiate on or of any of the substantive terms of the Documents.

Responses to clarification questions will be provided to all Applicants except where the question:

- (a) is innovation based, in which case the response will only be provided to the Applicant who raised the question; or
- (b) relates to confidential Documents, in which case the response will only be provided to Applicants who have submitted a Confidentiality Agreement.

Torbay Council will endeavour to respond to clarification questions within 5 working days of the date the question is submitted, or the next working day if the question is submitted on a non-working day.

The identity of Applicants raising questions will remain confidential.

Applicants are responsible for ensuring they read and understand all of the responses to questions that have been raised.

Applicants will need to register an interest in the Tender on ProContract in order to access responses to clarification questions or receive communications from Torbay Council regarding amendments to the Documents.

3.3 Amendment to Documents

Amended Documents will be made available in both the publicly accessible opportunities area of ProContract and within the tender opportunity itself, except where the amendment relates to a confidential Document. Where necessary the Tender Submission deadline will be extended to enable Applicants time to take these changes into account.

Where the amendment relates to a confidential Document the amended Document will only be shared with those Applicants who have submitted a Confidentiality Agreement.

Amended Documents will form part of the resultant Contract.

Please Note: Applicants are responsible for ensuring they have read all communications and the amended Documents and will be considered to have taken any amendments into account when preparing their submission.

3.4 Post Tender Clarification

Post tender clarification will be for the purposes of clarifying or supplementing the content of an Applicant's submission or Torbay Council's requirements where this would not be discriminatory to other Applicants. Questions may be issued to one, some or all Applicants as appropriate.

Where post tender clarification results in substantial modification to the Contract Torbay Council reserves the right to restart or abandon the Tender process.

Please Note: Failure to respond to post tender clarification questions in a timely manner may result in the Applicant's Tender being rejected.

3.5 The Tender Documents

The Documents are and shall remain the intellectual property of Torbay Council. Applicants may only copy or reproduce the Documents for the purposes of their response. If no response is submitted the Applicant shall delete any documents downloaded.

Where an Applicant identifies an error or omission within the Documents they should immediately notify Torbay Council through ProContract. Torbay Council will then rectify the error or omission and issue any amended Documents.

Some tenders will include confidential Documents and the tender documents will then include a separate Confidentiality Agreement appendix. Any Documents considered by Torbay Council to be of a confidential nature will not be made publicly available. Applicants are responsible for ensuring that confidential Documents are treated as such, are used only for the purposes of this tender and are not disclosed in whole or part to any 3rd party without Torbay Council's prior written consent.

Applicants can access confidential Documents by completing and submitting the Confidentiality Agreement through the ProContract Messaging Facility.

Torbay Council may reproduce the whole or any portion of submitted Tenders for the purpose of tender evaluation.

3.6 Preparation and Completion of Tenders

Applicants are responsible for ensuring they fully understand the requirements and have all the information they need to enable them to submit a response, within the time required. Torbay Council will not accept any claims related to an Applicant's failure to read and understand the Documents.

Applicants are responsible for meeting any costs, expenses or liabilities incurred in connection with this process, including if it is terminated or amended by Torbay Council. Torbay Council will not be responsible, nor will they pay for any expense or loss which may be incurred by Applicants in the preparation of their Tenders, or any other aspect of the Tender process.

Applicants are advised to note the following when completing their response:

- (a) all entries including responses to questions, rates, price totals or any other endorsements must be typewritten in English and in £ sterling. Handwritten responses will not be accepted;
- (b) responses must be submitted in the documents as provided or on-line where required;
- (c) the format and layout of the response documents must not be altered;
- (d) 6 Certificates and Declarations may be submitted in pdf format, but all other response documents must be submitted in the format issued;
- (e) responses should be made in full and should not refer to information provided elsewhere in the Submission;
- (f) where a word or page limit has been set any portion of the response which exceeds that limit will not be evaluated;
- (g) supporting documents / appendices will only be evaluated where these have been permitted within the response;
- (h) appendices, where permitted, must be clearly referenced within the response;
- (i) where a question does not apply to an Applicant they should clearly state N/A in the response section;
- (j) individual evaluators may not evaluate the entire response and the evaluation panel may include other stakeholders, such as partner organisations or people who use Council services;
- (k) do not make any assumptions about your past or current supplier relationship with Torbay Council or to assume that such prior relationships will be taken into account in the evaluation procedure;
- (l) all Documents must be completed in full and signed where required.

Please Note: Failure to complete or submit any of the Documents in accordance with Torbay Council's requirements may result in the Tender being rejected.

As arrangements relating to consortium bids or sub-contracting may change Applicants should respond on the basis of the arrangements envisaged at the time the Tender is submitted. Torbay Council must be notified immediately of any changes or proposed changes in relation to the bidding model, so that a further assessment against the selection criteria can be made. Torbay Council reserves the right to deselect the Applicant prior to any award of contract, based on an assessment of the updated information.

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Where the Applicant is relying on the capacity of a consortium member or sub-contractor and that organisation does not meet any relevant selection criteria Torbay Council reserves the right to require the Applicant to replace the organisation with an alternative.

Before submitting any documentation, Applicants need to understand the nature of Torbay Council's transparency commitments for tenders and contracts and the scope of Torbay Council's ability to withhold material. What will be disclosed does not differ from that currently disclosable under Freedom of Information legislation, but Applicants must ensure they understand the limitations on Freedom of Information exemptions for confidentiality and commercially sensitive information. **Please Note:** Applicants are requested to clearly identify any documents they consider to be commercially sensitive either during the tender process or after conclusion of the Contract.

Please Note: Applicants are expected to read, understand and confirm their acceptance of the Terms and Conditions before submitting their Tender. Applicants cannot reserve the right to comment or negotiate on them at a later date.

3.7 Submission and Opening of Tenders

Applicants should submit all documentation electronically through ProContract (www.supplyingthesouthwest.org.uk) using the Response Wizard as directed in the 'Supplier Guide' located in the help section or in Appendix A ProContract User Guide.

Applicants are responsible for ensuring:

- (a) they have submitted all of the required documents in the correct format;
- (b) their response is submitted by the deadline. **Please Note:** any submissions classified by ProContract as late will be rejected.

In the event Torbay Council is made aware of any technical issues with ProContract, which may prevent Applicants from meeting the submission deadline, the deadline may be extended. However Applicants are strongly advised to submit their Tender response in good time.

Where an Applicant decides not to submit a Tender Torbay Council requests that the Applicant formally 'Opts Out' through ProContract, giving the reasons for non-submission. Torbay Council may contact Applicants who have expressed an interest but have not submitted a Tender, in order to understand their reasons for non-submission.

An Applicant's submitted Tender will constitute an irrevocable offer to provide the required goods, services or works.

Technical Support

Any Applicants who experience problems with ProContract should contact the support desk:

ProContractSuppliers@proactis.com

Or click on the Help link at the bottom of the web page.

Please Note: If your issue is time sensitive call:

0330 005 0352

This line is available 09:00 to 17:30 Monday to Friday (excluding English bank and public holidays).

All Tenders will remain electronically sealed until the Submission deadline, when they will be unsealed by an independent Verifier in the presence of a member of the Procurement Team.

3.8 Rejection of Tenders

Torbay Council will only reject Tenders where rejection is without prejudice to any other civil remedies available to Torbay Council or any criminal liability which the Applicant's conduct may attract.

Torbay Council will reject any Tender where:

- (a) submission was made after the date and time specified on the documents;
- (b) submission was not made through ProContract;
- (c) the Applicant's price exceeds Torbay Council's declared budget;
- (d) the Applicant has not accepted Torbay Council's Terms and Conditions. **Please Note:** Torbay Council will seek clarification from the Applicant prior to rejecting the Tender;
- (e) the Applicant acts in any way improperly, including but not limited to canvassing, price fixing or inducements (which relate to offences under the Bribery Act 2010, Section 117 of the Local Government Act 1972 or any future legislation); or
- (f) Torbay Council has become aware at any point that the Applicant has been afforded a competitive advantage or has a conflict of interest that cannot be rectified.

Torbay Council may at its absolute discretion reject any Tender where:

- (a) the price has been assessed as being abnormally low (see 3.9);
- (b) it is considered by Torbay Council to be incomplete (see 3.10) or vague;
- (c) it is not in accordance with the required format;
- (d) the Applicant alters the Documents in any way or misrepresents itself in terms of any previous information provided;
- (e) the Applicant does not respond to post tender clarification questions in a timely manner;
- (f) the tender has been qualified in any way; or
- (g) it is in breach of any condition contained within it.

3.9 Abnormally Low Tenders

Where an Applicant's price has been assessed as being abnormally low Torbay Council will require the Applicant to explain the price proposed and will assess the explanation in accordance with the guidance set out in the Public Contracts Regulations 2015. The Tender will only be rejected where the evidence provided does not satisfactorily account for the low price or where the Applicant has obtained State Aid that has resulted in a distortion in

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competition.

Advice in assessing the explanation may be sought from Torbay Council's Corporate Finance section.

3.10 Incomplete Tenders

Tenders will be considered incomplete where the Applicant has not:

- (a) submitted all of the required documents, including any supporting information requested;
- (b) fully completed all of the Documents required;
- (c) responded to all of the questions; or
- (d) submitted the Documents in the required format.

3.11 Evaluation and Award

All accepted Tenders will be evaluated in accordance with the evaluation criteria set out in the Documents.

Torbay Council will only complete a full evaluation of accepted Tenders which meet all of the mandatory requirements as set out within the Documents.

The evaluation will be carried out by an Evaluation Panel and will be moderated by a member of the Procurement Team.

Please Note: Not all Panel members may assess every question, but all Tenders will be evaluated in the same manner and by the same Panel. Evaluation Panels may not comprise solely of Torbay Council's Officers, but may also include other key stakeholders, such as partner organisations and people who use Council services.

On completion of the evaluation process approval to award the Tender will be sought in accordance with Torbay Council's approval procedure.

Torbay Council is not bound to make any award of Contract. If the Contract is awarded it will be on the basis of the most economically advantageous tender, which may not be the lowest price offered.

All Applicants will be notified of the Tender outcome at the same time, whether this is to award or not to award the Contract. Notification will be through ProContract.

Please Note: Applicants will be advised through ProContract of any changes to the decision date.

Torbay Council will comply with the requirements of *Regulation 87 Standstill period* of the Public Contracts Regulations 2015.

3.12 Legal and Contracting Arrangements

Information supplied by Torbay Council as part of the tender process is supplied in good faith and Applicants must satisfy themselves as to the accuracy of such information. Torbay Council accepts no responsibility for any loss or damage arising from the use by Applicants

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of such information. All information issued to Applicants must be treated as confidential.

Applicants must ensure that they are fully familiar with the nature and extent of the obligations that they will take on if their Tender is accepted.

This Tender will be run in accordance with the requirements of regulations *24 Conflicts of interest* and *41 Prior involvement of candidates or tenderers* of the Public Contracts Regulations 2015.

Where the successful Tender is on behalf of a consortium Torbay Council may require the consortium to assume a specific legal form or require joint liability for the execution of the Contract, where this is considered necessary for the satisfactory performance of the Contract.

The information provided by Applicants will be relied upon to be true and accurate and will form part of the Contract with the successful Applicant. **Please Note:** If any of the information provided by an Applicant is found to be inaccurate the Applicant may be excluded from further participation in this or any future Tender issued by Torbay Council and could lead to termination of any resultant Contract.

In submitting a response Applicants will be confirming to Torbay Council that:

- (a) they have satisfied themselves of the accuracy and viability of all prices or rates stated within their response;
- (b) all prices or rates quoted will (unless otherwise provided for in the Contract) cover all of the Applicant's obligations under the Contract;
- (c) they have obtained all of the necessary information in relation to risks, contingencies or any other circumstances which reasonably influence or affect their bid;
- (d) their Tender is accurate and sufficient.

Torbay Council may, at its absolute discretion, extend the closing dates and times by amending the Tender on ProContract. Prospective Applicants will receive notification of the change of submission date and time. Unless any such extension has been granted, Tenders submitted after the submission dates and times will not be considered.

Torbay Council may, at its sole discretion, terminate the tendering procedure at any time. If such action is taken, Applicants will be notified through ProContract.

Torbay Council reserves the right to restart or abandon the Tender process where the lowest price submitted exceeds its estimate or available budget.

The Applicant's offer shall remain open for acceptance for a period of 12 months from the closing date and may be extended by mutual agreement.

Please Note: if the successful Applicant does not accept the Terms and Conditions as drafted Torbay Council reserves the right to withdraw the Contract award and class the submission as non-compliant.

Any acceptance of the Tender by Torbay Council will be communicated in writing to the Applicant and upon that acceptance the Contract shall become binding on all parties.

Prior to issuing the Contract Torbay Council will require the successful Applicant to provide evidence of compliance with any Contractual requirements, such as insurances, disclosure

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and barring service checks and policies and procedures. **Please Note:** If the successful Applicant is unable to provide this evidence Torbay Council reserves the right to withdraw the Contract award and class the submission as non-compliant.

The successful Applicant will not be allowed to commence performing the Contract prior to the formal Contract documents being signed by both parties, unless written agreement to do so has been given by Torbay Council's Legal Service.

3.13 Invoicing and Payment Terms

Torbay Council's payment terms are 30 days from receipt of invoice or receipt of goods/service, whichever is the later. However, as Torbay Council is signed up to the 'Prompt Payment Code' and in order to assist our creditors, Torbay Council makes every effort to pay all invoices within 10 days.

Invoices should be sent directly to Payments Section, Torbay Council, Town Hall, Castle Circus, Torquay. TQ1 3DR.

Invoices should include Torbay Council's address, the Company's name and address, a unique identifying number (invoice number), the date of the invoice, a description of goods/services, VAT number and breakdown if appropriate, the total amount, Torbay's 'Official Order Number' (a six digit number provided to suppliers).

No works should be carried out, or service provided to Torbay Council without an Official Torbay Order Number.

Torbay Council makes daily payment runs, and if invoices are due payment the system will automatically ensure supplier's invoices are paid within the current payment terms (of as mentioned in 12.1 where possibly in 10 days).

Prompt Payments are dependent upon the following:

- a) Suppliers will need to be set up on the system before a payment can be made and the Finance Department will require the completion of a New Supplier Set-up Form if a new supplier or if any details have changed.
- b) Invoices are sent directly to the Payments Section and are marked with the relevant order number as detailed in 12.3.
- c) The Supplier's invoice complies with VAT regulations.
- d) The Department the Supplier is dealing with authorises the payment when the goods/services have been received and there are no disputes.
- e) Torbay strives to pay all invoices by BACS (and email suppliers a remittance advice).

Applicant's should refer to Special Term 1 Payment Requirements of the Order Form for the Payment Schedule.

5 Glossary

5.1 Tender Documents

The following documents, together with the Appendices and Links at **Error! Reference source not found.**, form the tender documents:

Document	Purpose	For Completion and Submission
Part 1 Information	Contains information on the procurement process and instructions on how it will be conducted.	No
Part 2 Specification	Contains Authority's requirements in relation to the goods, services or works being procured.	No
Part 3 Selection Questionnaire	Not Used	N/A
SQ Part 1 and 2 Declaration	Not Used	N/A
Part 4 Award Questionnaire	Contains the Award Questions and may include mandatory requirements, method statements and/or technical questions.	Yes
Part 5 Pricing	Contains the Applicant's pricing proposals for this Tender.	Yes
Part 6 Certificates and Declarations	Contains the Certificates and Declarations to which all Applicants must conform.	Yes
Terms and Conditions of Contract	Contains the terms and conditions under which the resultant Contract will operate.	No Applicants are required to confirm acceptance as part of their response

5.2 Definitions

Term	Definition
Torbay Council	The contracting authority
Applicant	An organisation that may respond to this Tender.
Authority Authorised Representative	The Officer leading the Tender process on behalf of Torbay Council who will be responsible for managing the resultant Contract.
Award	The process by which Torbay Council will determine the successful bidder in accordance with <i>Regulation 67 Contract award criteria</i> of the Public Contracts Regulations 2015.
Award Questions	The written response submitted by the Applicant to evidence their ability to meet Torbay Council's requirements, which will form part of the evaluation process upon which award of the Contract will be based.
Bidding Model	The Applicant's proposals relating to any consortia or sub-contracting arrangements that will be put in place in order to deliver the Contract.
Confidential Information	Any information or documents which Torbay Council considers to be confidential in nature and which will only be made available to Applicants who sign and submit a Confidentiality Agreement.
Consortia/Consortium	Two or more persons, at least one of whom is an economic operator, acting jointly for the purpose of being awarded a public contract in accordance with <i>Regulation 19 Economic operators</i> of the Public Contracts Regulations 2015.
Contract Term	The length of the Contract including extensions, if available.
Contracting Authority	Torbay Council and any other Authority on whose behalf Torbay Council may be working.
Contractor	The Applicant awarded the Contract culminating from an offer to supply accepted by Torbay Council.

Term	Definition
Messaging Facility	The area within ProContract where Applicants submit clarification questions and Confidentiality Agreements during the tender process and through which Torbay Council will post its replies.
Documents	All of the tender documents in relation to this Tender.
Eligible Users	Any organisation given access to the Contract resulting from this Tender.
Lead Applicant	The organisation leading the bidding process on behalf of its consortia or sub-contractor partners.
Lot	One of a number of categories of goods or services into which a single procurement process has been divided. The use of lots potentially allows for multiple providers to be appointed following a single procurement process.
Official Purchase Order	Torbay Council's Official Purchase Order, to which these conditions apply.
ProContract	The e-tendering portal through which Torbay Council advertises opportunities and conducts Tenders.
Price Review Mechanism	The mechanism that will be used during the life of the Contract to review and vary the price.
Procurement Representative	The Procurement Officer who is leading the procurement process on behalf of Torbay Council.
Public Contracts Regulations	The UK legislation concerning public procurement, which can be found at: www.legislation.gov.uk .
Relevant Tax Authority	The organisation responsible for administering tax policy in the country in which the Applicant's organisation is established.
Standstill	The period, as set out in Regulation 87 of the Public Contracts Regulations 2015, immediately following notification of the award decision to Applicants during which Torbay Council must not enter into the Contract.
Supplying the South West	Means the same as ProContract.
Tender	The invitation to bid for this Contract; and / or

Term	Definition
	The Applicant's response to this tender opportunity.
Transfer of Undertaking (Protection of Employment) Regulations 2006 (TUPE)	The regulations which govern how employers must 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.