



INVITATION TO TENDER FOR THE PROVISION OF

**CEN56 FLAT BOTTOM RAIL SUPPLY FOR HEWORTH TO SOUTH
SHIELDS TRACK RENEWALS**

ARP19/41

FOR

**TYNE AND WEAR PASSENGER TRANSPORT EXECUTIVE
TRADING AS NEXUS**

Invitation to Tender for CEN56 Flat Bottom Rail Supply For Heworth To South
Shields Track Renewals
Reference ARP19/41

Tyne and Wear Passenger Transport Executive (trading as Nexus)
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Invitation to Tender for CEN56 Flat Bottom Rail Supply For Heworth To South
Shields Track Renewals
Reference ARP19/41

CONTENTS

CONTENTS	PAGE
1. INSTRUCTIONS TO TENDERERS.....	4
2. BACKGROUND TO NEXUS.....	8
3. TENDER INFORMATION AND REQUIREMENTS	9
4. SPECIFICATION	11
5. PRICING SCHEDULE.....	13
6. FORM OF TENDER	14
7. TENDER SUBMISSION / COMPLIANCE SHEET	15
8. APPENDICIES.....	16

Invitation to Tender for CEN56 Flat Bottom Rail Supply For Heworth To South
Shields Track Renewals
Reference ARP19/41

1. INSTRUCTIONS TO TENDERERS

1.1 General

The tender must satisfy Nexus' requirements on the following points

- a) Evidence shall be given that all the obligations imposed by the document on the Tenderers have been fully understood and accepted (also where applicable by any sub-contractor or associate(s) to whom it would be intended to sub-contract one or more of the main sections of the requirements).
- b) If the Tenderer proposes to use a sub-contractor or associate organisation, evidence shall be supplied to show the nature of his organisation, his relationship to the Tenderer and the competence of the organisation to undertake work of the type specified, together with details of any specialised staff which are to be provided.

Where a joint bid is submitted a lead bidder must be identified in the tender response. If the bid is successful, Nexus will contract directly with the lead authority only and any sub-contracting arrangements must be stated in detail in the tender response.

The tender shall be based upon the requirements of the specifications herein along with any issued addenda.

By submitting a tender, the Tenderer is agreeing to comply with the following:

- 1.1.1 All applicable anti-bribery and anti-corruption legislation including, without limitation, the Bribery Act 2010 and any applicable European Union Directives;
- 1.1.2 Throughout the term of the contract the Tenderer shall maintain and enforce its own policies and procedures, including adequate procedures under the Bribery Act 2010, to ensure compliance with all applicable anti-bribery and anti-corruption legislation and European Union Directives. Adequate procedures shall be determined in accordance with section 7(2) of the Bribery Act 2010 (and any guidance issued under section 9 of the Act);
- 1.1.3 The Tenderer shall use all reasonable endeavours to ensure that all persons associated with the Tenderer (as defined by section 8 of the Bribery Act 2010) including any subcontractors and suppliers comply with clause 1.1.1 and 1.1.2 above.

1.2 Tender Response

Nexus uses the ProContract eProcurement portal for all tender opportunities. This is a shared facility managed on Nexus's behalf by the North Eastern Procurement Organisation (NEPO).

Guidance on the eProcurement portal can be found at: <https://procontract.due-north.com/Register> If you need assistance please ring the portal helpdesk on 0191 261 394

Invitation to Tender for CEN56 Flat Bottom Rail Supply For Heworth To South
Shields Track Renewals
Reference ARP19/41

Your tender response must be submitted electronically using the eProcurement portal; all documentation must be uploaded completely and correctly within the submission deadline. **Nexus no longer accept paper tender submissions.**

Nexus will not accept late tender submissions please allow sufficient time to upload all tender documentation. Tender submissions received after the submission deadline WILL BE REJECTED and will not be evaluated.

The Tenderer is expected to respond to this Invitation to Tender with a proposal which shall be clear and professional in its presentation. Tenders must be written in English. Tenderers are advised not to include general marketing or promotional material unless it is specifically requested in this Invitation to Tender.

The tender shall be signed by the Tenderer with his usual signature or, in the case of a limited company, by the Secretary or other authorised person giving the legal name of the company and the full business address. In signing the tender, the Tenderer confirms understanding of the requirements stated within this Invitation to Tender, acceptance of the terms and conditions applicable to this project, and that the prices stated in the tender will remain valid as per the requirements of this Invitation to Tender.

Tender prices are to remain fixed for the duration of the contract or as detailed in the requirements section of this document. Services offered must be compliant with appropriate legislation. Any additional works requested in writing by a suitably authorised employee of Nexus will be supplied at a rate pro-rata to your original tender bid. All prices must be quoted in pounds (Sterling) and pence (i.e. to two decimal places of pounds).

Nexus shall not be responsible for any expenses incurred in submitting a tender.

The Price and Quality sections of the tender submission must be uploaded via the eProcurement portal using separate clearly marked files.

1.3 Acceptance of Tenders

The tender shall remain open for acceptance for a period of **90** days from the date of return as defined in the letter of invitation (or any extension subsequently granted by Nexus).

If the tender is accepted the Tenderer shall, when called upon to do so, enter into a formal agreement with Nexus based on terms and conditions of contract specified in this Invitation to Tender.

Tender submissions may be subject to further scrutiny should Nexus feel an abnormally low price has been submitted.

Arithmetical or other errors in any tender shall be adjusted in the manner considered most appropriate by Nexus.

In the event of omissions being present within any tender, the Tenderer shall be given the opportunity of maintaining or withdrawing his tender.

Invitation to Tender for CEN56 Flat Bottom Rail Supply For Heworth To South
Shields Track Renewals
Reference ARP19/41

Nexus are not responsible for the identifications of such omissions upon receipt of a Tenderer's bid.

1.4 Compliance

If any bid does not comply with Nexus' requirements and lacks, in the opinion of Nexus, information necessary to enable evaluation of the bid, or contains inconsistent information, Nexus may deem your bid as non-compliant and may not evaluate that bid any further.

1.5 Terms and Conditions

The terms and conditions applicable to this project are Nexus Terms and conditions for Supply of Goods and Services 2018.

1.6 Tender Evaluation and Contract Award Process

The evaluation of tenders will be managed in a professional manner by a specifically selected project team.

Proposals will be evaluated based on the response requirements set out in Section 3 of this document, and will involve an assessment of each bid in terms of areas including:

Criteria		Weighting
Cost		85%
Quality	Rail Delivery Methodology	15%

Questions/Requests for Information may be submitted up to the date indicated in section 1.10. All additional data supplied for clarification in response to Tenderer questions/Requests for Information will be made available to all Tenderers via the eProcurement portal.

All tenders will then be evaluated and scored by the project team using the responses to the ITT and any additional data supplied.

Prior to award of contract Nexus reserves the right to evaluate Tenderers financial accounts for the most recent financial year.

1.7 Communications

The tender document must be treated as private and confidential. Tenderers must not disclose the fact that they have been invited to tender or release details of the tender document other than on an '**In Confidence**' basis to those who have legitimate need to know or whom they need to consult for the purpose of preparing this tender. Tenders may only be withdrawn by a written request via the eProcurement portal.

Should Nexus require any amendments, clarification or adjustments to be made to the various documents issued to Tenderers for the purposes of tendering, Nexus shall issue to all Tenderers such amended documentation via the eProcurement portal. These shall subsequently be bound into and form a part of the contract.

Invitation to Tender for CEN56 Flat Bottom Rail Supply For Heworth To South
Shields Track Renewals
Reference ARP19/41

Except insofar as may be directed in writing by Nexus, no agent or servant in their employ has any authority to make any representation or explanation to Tenderers as to the meaning of these instructions, the Conditions Of Contract, Specification, Schedule Of Payments or other documents, or to any other matter so as to bind Nexus.

If the Tenderer has any doubt as to the meaning of any section of the Invitation to Tender or its contents, he shall address any enquiry via the discussion board on the eProcurement portal.

Enquiries submitted via the eProcurement portal should include the relevant “**ARP19/41**” reference at the beginning of the title field.

Tenderers attempting to communicate with Nexus regarding any part of this Tender or its contents outside of this communication protocol may be removed from the bidding process.

Clarifications will be circulated to all Tenderers via the eProcurement portal where appropriate.

1.8 Tender Clarifications

If, following the evaluation of the tenders submitted for this opportunity and subsequent written clarifications, Nexus has been unable to differentiate between bids sufficiently to determine which bid offers best value, Nexus reserves the right to invite tenderers to a question and answer session in order to clarify areas of their bid.

1.9 Modern Slavery Act 2015

In submitting a tender, the Tenderer is agreeing to comply with the Modern Slavery Act 2015 and to ensure that slavery and human trafficking are not taking place in their own business. Regulation 19 of the Modern Slavery Act 2015 incorporates the offences under Section 1, 2 or 4 of the Modern Slavery Act 2015 into Regulation 57 of the Public Contract Regulations as grounds for mandatory exclusion at selection stage. Section 54 of the Act also requires businesses which meet certain criteria to prepare and publish a slavery and human trafficking statement.

As part of this responsibility all bidders should make themselves aware of the obligations set out at

<http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>

1.10 Timescales

<u>Event</u>	<u>Date</u>
Issue Invitation to Tender (ITT)	09/08/2019
Deadline for submission of Requests for Information (RFI)	23/08/2019
ITT response deadline (noon)	06/09/2019

Invitation to Tender for CEN56 Flat Bottom Rail Supply For Heworth To South
Shields Track Renewals
Reference ARP19/41

BACKGROUND TO NEXUS

2.1 Background to Nexus

- 2.1.1 Nexus is the Tyne and Wear Passenger Transport Executive, which delivers and administers services on behalf of the Combined Authority in Tyne and Wear. In summary, Nexus:
- Administers and manages the statutory and local concessionary travel schemes;
 - Owns and maintains the Tyne and Wear Metro and currently operates it through a wholly-owned subsidiary;
 - Manages and maintains bus stations/infrastructure/stops across the region;
 - Secures socially necessary bus services;
 - Secures taxi and Group Travel services to enable a socially inclusive transport network;
 - Owns and operates the Shields Ferry services;
 - Provides information on public transport services;
 - Influences and contributes to the heavy rail network in the North East through Rail North, including the franchise between Newcastle and Sunderland.
- 2.1.2 In the year ended March 2018 Nexus had a turnover of £53.3m and received revenue grants of £82.9m. Capital expenditure in the year was £33.8m.
- 2.1.3 Nexus' major programmes include:
- The Metro: all change modernisation programme, worth around £350m over 11 years from 2010 to 2021, providing a step change in comfort and reliability for our passengers.
 - Improving local bus services, working with local councils and operators through the Bus Strategy to meet the needs of local people. That means making sure buses go where people want them to, and provide a safe and welcoming travel environment.
 - Investing in smart travel, with the Pop card for use on Metro and beyond to make buying a ticket simpler and more flexible.

Invitation to Tender for CEN56 Flat Bottom Rail Supply For Heworth To South
Shields Track Renewals
Reference ARP19/41

3. TENDER INFORMATION AND REQUIREMENTS

3.1 Background Information

- 3.2 Nexus are programmed as part of the £389m “Metro All Change” Plan, to upgrade the tracks between Heworth and South Shields on the Tyne and Wear Metro system.
- 3.3 This tender opportunity is for the supply of CEN56 Flat Bottom Rails to be used in the renewals between Heworth and South Shields, to upgrade the infrastructure, improve track quality and reduce track maintenance requirements.

3.4 Invitation to Tender for the following Product(s):

- 3.5 Tenderers are to confirm they can provide the following CEN56 Flat Bottom Rails and certification:

Item	Quantity	Notes	Specification reference
CEN 56E1 FB Grade 260 Flat Bottom Rail	242	Rails to be 18.288 metres long, undrilled and rolled no more than two years prior to delivery. Quality certification to be provided with each rail.	NR/L2/TRK/061 (issue 3)
CEN 56E1 FB Grade 260 Flat Bottom Rail 6 hole Shop Glued Insulated Rail joints	16	Rails to be 18.288 metres long, undrilled and rolled no more than two years prior to delivery. Quality certification to be provided with each rail.	NR/L2/TRK/061 (issue 3)

*****Please note that the estimated order date will be the 18th October 2019*****

3.6 Rail Delivery Programme

Delivery Location	Delivery Dates (inclusive)	No. of Rails to be Delivered
Crossgate compound	Between 20/02/20 and 05/03/20	55
Felling compound	Between 27/02/20 and 24/03/20	187
	Between 27/02/20 and 24/03/20 6 hole Shop Glued Insulated Rail joints	16

Invitation to Tender for CEN56 Flat Bottom Rail Supply For Heworth To South
Shields Track Renewals
Reference ARP19/41

- 3.7 Tenderers are to confirm they can provide the rails requested above in accordance with the delivery dates specified. Tenderers are to provide a programme confirming delivery dates, expected time of delivery (am / pm) and the number of rails to be delivered per delivery. The tenderer's programme should take into account the requirements set out in sections 4.3 to 4.10.
- 3.8 Felling compound has limited storage area for rails. As such Nexus requires the tenderer to provide a rail delivery programme, with deliveries staggered throughout the delivery periods, avoiding the majority of rails being delivered within a very short time period. The tenderers programme should allow for at least 35no. rails to be delivered per week, but avoid more than 50no. rails being delivered to Felling compound in a single business day.
- 3.9 Deliveries to be between 09:00 and 15:00 Monday to Friday

3.10 Rail Delivery Methodology

- 3.11 The tenderer is to submit a methodology for the lifting and off-loading of the rails within a compound environment. This should take into account the requirements set out sections 4.3 to 4.10. The tenderer should refer to drawings "REFNCE MISC SKETCH 119-Layout1" provided in Appendix 1 for the layout of Felling compound and the approximate storage locations for the rail.
- 3.12 The compound at Crossgates Viaduct can be seen in sketch "Crossgates Viaduct Compound" in Appendix 1 for details of the rail storage zone.

3.13 Pricing Schedule

- 3.14 The tenderer should provide a completed Pricing Schedule as included at Section 5.

3.15 Insurance Policy Requirements

- 3.16 Nexus requires the successful tenderer to maintain minimum levels of insurance cover in order to protect the various liabilities associated with the programme as follows:
- 3.17 Employer's Liability – A £5m minimum requirement per occurrence or all occurrences attributable to one source/cause;
- 3.18 Public and Products Liability – A £10m minimum requirement per occurrence or all occurrences attributable to one source/cause;

Invitation to Tender for CEN56 Flat Bottom Rail Supply For Heworth To South
Shields Track Renewals
Reference ARP19/41

4. SPECIFICATION

Please use the information in this section to inform your tender submission. Tenderers are invited to structure their submission as they feel will best provide the requirements detailed in this ITT. Please ensure that your submission is clear and easy to navigate.

Rail Manufacture Specification

- 4.1 The successful tenderer will supply the rails requested in section 3.3, which have been manufactured in accordance with the NR/SP/TRK/061 (issue 3) specification, in accordance with their delivery programme.
- 4.2 Rail to be handled in accordance with the Rail Handling Handbook, see Appendix 3.

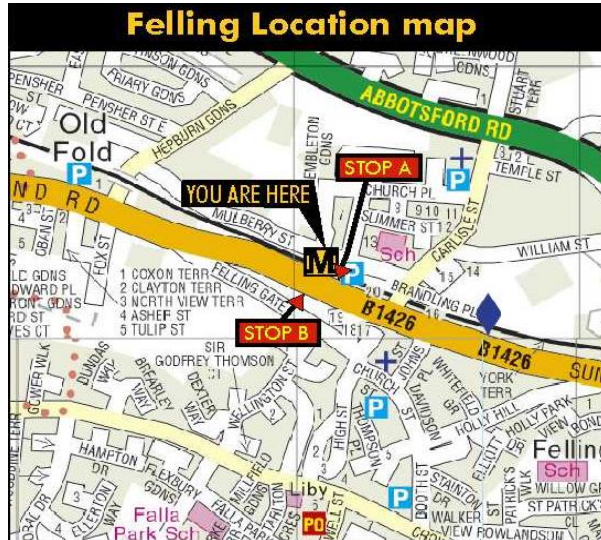
Rail Delivery

- 4.3 At least 72 hours before rail deliveries, the tenderer will confirm to the Nexus project manager in writing, the expected delivery date and time (3-hour time window) for delivery. This notification should also include a schedule of the rail type and quantities expected to be included for each delivery.
- 4.4 Deliveries to the Felling Compound & Crossgates Compound must be made between 09:00 and 15:00 Monday to Friday (excluding bank holidays).
- 4.5 Upon arrival at the Felling Compound & Crossgates Compound site, the delivery driver will wait to receive a site briefing, before offloading the rail onsite.
- 4.6 Nexus requires the successful tenderer to deliver the rail by a flat-bed lorry loader, with suitable lifting equipment (e.g. HIAB or similar), in order to offload the rails on site.
- 4.7 The successful tenderer will be responsible for ensuring the materials are offloaded in a safe manner, by competent person(s), under the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER), in the advised location.
- 4.8 The successful tenderer will off-load the rail materials in accordance with their proposed methodology. The lift will be undertaken on site by person(s), provided by the tenderer, competent to undertake the lifting and off-loading of the rails.
- 4.9 The successful tenderer is to provide a delivery note of items included in the delivery, and the Nexus representative will have opportunity to check rail types and quantities provided before confirming receipt of the goods. The successful tenderer will provide Nexus with a copy of the delivery note for our records.
- 4.10 The successful tenderer is to provide weekly updates to the Nexus project manager on the manufacture, storage, and the expected rail deliveries to occur within the next 2 weeks. The successful tenderer will send Nexus an updated programme should the proposed delivery dates and times change (upon agreement from Nexus).

Invitation to Tender for CEN56 Flat Bottom Rail Supply For Heworth To South
Shields Track Renewals
Reference ARP19/41

4.10a **Delivery Location**

Felling Station Compound – to take 203no. Rails
Sunderland Road
Felling
Gateshead
NE10 0JB



4.10b **Delivery Location**

Crossgate Compound – to take 55no. Rails.
Nr Raynham Ct
South Shields
Tyne and Wear
NE33 4PN



Invitation to Tender for CEN56 Flat Bottom Rail Supply For Heworth To South
Shields Track Renewals
Reference ARP19/41

5. PRICING SCHEDULE

TENDER REF: ARP19/41

TENDERER NAME: [Insert Tenderer Name]

- 5.1 Tenderers are requested to ensure all administration and delivery costs are to be included in the rates supplied below. All costs must be captured in this section.

Item	Number of Units	Unit Cost	Total Cost
CEN 56E1 FB Grade 260 Flat Bottom Rail, 18.288 metres in length	242 no. rails		
CEN 56E1 FB Grade 260 Flat Bottom Rail 6 hole Shop Glued Insulated Rail joints, 18.288 metres in length	16 no. rails		
Delivery to Crossgates Compound	1 no.		
Delivery to Felling Compound	1 no.		
Total	258no. rails		

Invitation to Tender for CEN56 Flat Bottom Rail Supply For Heworth To South
Shields Track Renewals
Reference ARP19/41

6. FORM OF TENDER

Tender Submitted by: -

Company.....

Company Address.....

.....

Company Registration number.....

Name of Representative.....

Status of Representative.....

Signed

Date.....

In signing this document, I confirm that I am an appropriate representative of the above named organisation ('Company') and I am authorised to submit this Tender on behalf of the Company and accept the Nexus Terms & Conditions received with this document.

Invitation to Tender for CEN56 Flat Bottom Rail Supply For Heworth To South
Shields Track Renewals
Reference ARP19/41

7. TENDER SUBMISSION / COMPLIANCE SHEET

This Compliance Sheet must be fully populated with the required information. Failure to complete this sheet and include all essential compliance requirements within your submission may lead to your bid being deemed non-compliant. Bids deemed non-compliant will not be evaluated further.

Ref No	Key Compliance Areas	Compliant Bid	
		Contained in Submission (yes / no)	Reference within tender document (page number etc)
1	Confirmation that the rail supplied will be to CEN 56E1 Rail – NR/L2/TRK/061 specification		
2	Completed Pricing schedule		
3	Completed Form of Tender		
4	Rail Delivery Programme		
5	Rail Delivery Methodology		
6	Insurance Policy details		

Invitation to Tender for CEN56 Flat Bottom Rail Supply For Heworth To South
Shields Track Renewals
Reference ARP19/41

8. APPENDICES

1. REFNCE MISC SKETCH 119-Layout1 and Crossgates Viaduct Compound
2. NR_L2_TRK_061_issue 3_Sept 2015