

London Borough of Southwark

Alternative Education Provision

Supplier Selection Guidance

Project Title	Alternative Education Provision (AP)
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1 Introduction

- 1.1** The London Borough of Southwark would like to thank you for expressing an interest in this procurement. This document provides you with general information about Southwark, the current and new Services and specific information regarding the evaluation process for the Suitability Assessment.

2 About Southwark

- 2.1** Modern Southwark is an area of contrasts. In the north around London Bridge is a thriving business district, home to financial institutions, services companies and an emerging arts and media sector. Highly desirable riverside residential districts embody high quality design and lifestyle. Further south in Peckham is one of the biggest regeneration initiatives in the country. Heralded as best practice by visitors from all over the world, it has replaced high rise flats with houses and gardens for local families. For more information about Southwark, please go to www.southwark.gov.uk. Other large-scale regeneration is currently well underway in the Elephant & Castle and Walworth areas.
- 2.2** Two thirds of Southwark's population live within local wards that are recognised as having high levels of deprivation. Out of 354 local authorities and districts in England, Southwark is ranked seventeenth in terms of deprivation. One in five of Southwark's population is below the age of fifteen; almost 50% are from a minority ethnic community; 34% of school pupils are black Africans, 15% are black Caribbean and 7% are from mixed ethnic groups. More than 100 languages are spoken.
- 2.3** Southwark borders the City of London and Tower Hamlets to the north along the River Thames, Lambeth to the west and Lewisham to the east. To the south are the London Boroughs of Bromley and Croydon. The main centres within Southwark include Borough, Elephant & Castle, Bermondsey, Rotherhithe, Walworth, Camberwell, Peckham and Dulwich. Southwark is the London Borough with the largest amount of social housing that is still under the direct control of the council.

3 The Authority's objectives

- 3.1** The authority strongly supports and implements its Fairer Future programme, details of which can be found on its website at www.southwark.gov.uk Further details about the authority's requirements for the contract, which are linked to the Fairer Future programme and other corporate policy will be set out in the tender and contract documentation.
- 3.2** Under this Contract, the Council will require compliance with its policies. Bidders must satisfy themselves that they understand all of the requirements of the Contract before submitting their Tender.
- 3.3** Under the Public Services (Social Value) Act 2012 the authority must consider how what is proposed to be procured might improve the economic, social and environmental well-being of the area where it exercises its functions, and how, in conducting the process of procurement, it might act with a view to securing that improvement. Accordingly, the subject matter of the contract has been scoped to take into account the priorities of the authority relating to economic, social and environmental well-being. These priorities are described in the invitation to tender (ITT) and are reflected in environmental and social characteristics in the evaluation criteria for the award of the contract.

- 3.4** No information contained in this ITT or in any communication made between the Council and any Potential Provider/Supplier in connection with this ITT shall be relied upon as constituting a contract, agreement or representation that any contract shall be offered in accordance with this ITT. The Council reserves the right, subject to the appropriate procurement regulations, to change without notice the basis of, or the procedures for, the competitive tendering process or to terminate the process at any time. Under no circumstances shall the Council incur any liability in respect of this ITT or any supporting documentation.
- 3.5** Southwark Council is seeking to have a range of prequalified, 'preferred suppliers' to deliver Alternative Provision services to Southwark children. The purpose of prequalification is to identify and classify service providers in accordance with their expertise and capabilities.
- 3.6** A suitability assessment will take into consideration a child's presenting needs against the provider's expertise, capability and capacity. Should there be more than one provider that meets these criteria, then the provider with the lowest rate submitted in response to this Invitation to Tender will be selected. A framework agreement is across four (4) lots:
- Lot 1 – Key Stage 1 and 2 - one-to-one or small group provision plus SEND;
 - Lot 2 – Key Stage 3 and 4 - one-to-one or small group provision plus SEND;
 - Lot 3 – English as an Additional Language and;
 - Lot 4 – Online Provision - Virtual teaching of Key stages 1, 2, 3 and 4

The Alternative Provision service framework is scheduled to commence on 3 January 2021. The primary aim of the services is to enhance the educational quality of Southwark children to be the best version of themselves.

- 3.7** The approximate annual value of the Alternative Education Provision framework agreement is £1.3 million. The approximate value of the Alternative Education Provision framework agreement over the contract term is £5.5 million.
- 3.8** During the 4 year period, the council reserves the right to re-open the framework admit new providers who meet the initial quality and price evaluation criteria.

4 Future Service requirements

4.1 Future Services

- 4.1.1 For Alternative Provision service, the Authority is seeking to appoint providers across four lots (divided further into sub lots for Lot 1 & 2). The successful bidders in each lot will be prequalified and included into the approved list of Alternative Education service framework providers.
- 4.1.2 The Authority is seeking to appoint providers who meet the minimum standards for its Alternative Provision service.

The Services are described in more detail in Appendix 2 – Service Specifications.

- 4.2 TUPE:** Potential suppliers should note that the view of the authority is that the provisions of the European Council Directive 2001/23/EC of 12 March 2001 (TUPE) are likely to apply to

the award of this contract, although potential suppliers should seek their own independent advice in that regard and the authority offers no assurance in respect of the operation, effect or impact of TUPE on the contract.

5 Procurement Route and Timetable

- 5.1** The Public Contracts Regulations 2015 apply to this procurement (the “Regulations”). The authority is using an Open Procedure in accordance with Regulation 27 of the Regulations.
- 5.2** Rules that apply to this Procurement
- This Procurement is for Social and Other Specific Services and as such falls under the ‘Light Touch Regime’ described in Schedule 3 to the Public Contracts Regulations 2015 (SI 2015/102) (“**Regulations**”). Accordingly the Council is only bound by those parts of the Regulations referred to therein and, to the extent that it follows any other part of the Regulations, it does so entirely voluntarily.
- 5.3** Services of the nature of those covered by this project are designated as “Schedule 3” Services (the Social and Other Specific Services) under the Regulations and as such are not subject to the full requirements of the Regulations. The authority is only bound by the application of the Regulations to the extent that they are applicable to Schedule 3 services. The procurement is covered by Regulations 74 to 76 (the Light Touch Regime).
- 5.4** Allowing for the completion of the various formalities and authority approvals, it is envisaged that the new suppliers will be appointed by the date identified in Table 1.
- 5.5** A summary of the procurement timetable is set out below in Table 1.

Table 1: Indicative Procurement Timetable

Activity	Date
Invitation to tender	24/08/2021
Clarification questions closing date (by 15:00)	15/09/2021
Closing date for receipt of tenders (by 15:00)	22/09/2021
Completion of evaluation of tenders	21/10/2021
Internal governance period	22/10/2021 – 02/12/2021
Debrief Notice and Standstill Period	06/12/2021 – 16/12/2021
Contract award	17/12/2021
Mobilisation / TUPE Consultation period (if applicable)	20/12/2021 – 31/12/2021
Contract start	03/01/2022
Contract end date	02/01/2026

6 Instructions to Potential Suppliers

ITT submissions – specific requirements

- 6.1 Appendix 1, Suitability Assessment sets out the information to be provided by organisations wishing to express an interest. It is structured so that the Authority obtains information on the potential supplier's experience, ability and history to assess their suitability to deliver the Authority's contract requirements.
- 6.2 **Supporting documents:** Please include, where appropriate, any supporting documents marking clearly on all enclosures the name of your firm, the lot it refers to and the number of the question to which they refer. You should provide an index of all documents referred to in the completed ITT. Bidders may not submit marketing or advertising material as this will be discounted and not scored if submitted.
- 6.3 Responses to questions must adhere to the maximum word limit and must be answered in English, Arial, size 11, black font. The word limit set may not be exceeded, and the Council at its sole discretion may disregard any additional wording. All additional supporting information should be presented in the same order as, and should be referenced, to the relevant question.
- 6.4 All electronic submissions must be MS Word compatible.
- 6.5 The authority will also accept the self-certification of the exclusion grounds via a Single Procurement Document (SPD) template if a potential supplier submits one as part of this selection process.

7 Enquiries and Clarifications

Queries and Answers during the Tender Period.

- 7.1 The Tenderer is requested to read the Tender Documents prior to submitting any query.
- 7.2 Where Tenderers have a query they must submit the query via ProContract, Southwark Council's e-procurement portal.
- 7.3 All queries must be submitted through the portal at least five (5) working days before the final date for receipt of Tenders as detailed in Table 3 (or as subsequently advised by the Council).
- 7.4 Tenderers must clearly indicate, when submitting a question, which (if any) part of their question they view as confidential and applicable only to the Tenderer submitting the question. If the Council does not agree that the question is confidential and applicable only to the Tenderer, the Tenderer will be given the right to withdraw the question without it being answered, and if the question is not withdrawn within 5 working days, the Council shall provide the response to all Tenderers.
- 7.5 The query and response will be posted on ProContract, Southwark Council's e-procurement Portal. The Tenderer will receive notification by email via ProContract that the query list has been updated, and the query and response document will be uploaded on the portal for all Tenderers to view.

7.6 Potential suppliers, their advisers and their consultants must keep all exchanges strictly confidential. Potential suppliers will be asked to enter into confidentiality agreements should it become appropriate to release confidential information.

7.7 **The deadline for receipt of completed ITT is 15:00 on 22 September 2021.** The completed ITT documents must be uploaded to the Authority's tender portal, <https://procontract.due-north.com> before this deadline. ITT responses submitted after this deadline will not be considered.

7.8 If you do not wish to proceed, in order to help Southwark Council ensure continuous improvement in its services, we would be grateful if you would advise us of your reasons for withdrawing.

8 ITT – General requirements

8.1 If at any time during the tender period there are any material changes to the information provided by a potential supplier in their response to the ITT, they must advise the authority promptly in writing.

8.2 The authority will not reimburse any expense incurred by the potential supplier in preparing responses to this ITT.

8.3 **Right to cancel or vary the process:** the authority reserves the right to:

- cancel the selection and evaluation process at any stage; and/or
- require a potential supplier to clarify its submission in writing and/or provide additional information; and/or
- amend the terms and conditions of the tendering process.

and shall not be liable for any third party costs, disbursements or otherwise arising as a direct or indirect result of such cancellation, withdrawal or non-consideration.

8.4 **Contact with the authority:** all contact with the authority shall only be made through methods identified in this document. No contact shall be made with other Councillors, officers or employees of the authority or any other Authorities or statutory bodies in relation to these proposed contracts without the prior written consent of the authority.

8.5 **Canvassing, collusion and corruption:** any potential supplier who directly or indirectly:

- canvasses any member or official of the authority, or their legal, financial or technical advisors, concerning the award of the contract,
- engages in any corrupt practice involving councillors or officials of the authority or their advisers;
- discusses any aspect of their response to this ITT with any other potential supplier, or otherwise exchanges information or colludes in respect of the contract;
- commits any offence under the Bribery Act 2010 or gives any fee or reward the receipt of which is an offence under s17(2) of the Local Government Act 1972;
- will be disqualified from further participation in this procurement process.

8.6 Freedom of Information Requests:

- 8.6.1 In accordance with the obligations and duties placed upon public authorities by the Freedom of Information Act 2000 (the 'FoIA'), all information submitted to the authority may be disclosed in response to a request made pursuant to the FoIA. In respect of any information submitted by a potential supplier that it considers being commercially sensitive the potential supplier should:
- Clearly identify such information as commercially sensitive;
 - Explain the potential implications of disclosure of such information; and
 - Provide an estimate of the period of time during which the potential supplier believes that such information will remain commercially sensitive.
- 8.6.2 Where a potential supplier identifies information as commercially sensitive, the authority will endeavour to maintain confidentiality. Potential suppliers should note however, that even where information is identified as commercially sensitive, the authority might be required to disclose such information in accordance with the FoIA. Accordingly, the authority cannot guarantee that any information marked 'commercially sensitive' will not be disclosed.
- 8.6.3 Potential suppliers should note that the authority may disclose the names of any/all potential suppliers pursuant to an FoIA request and by expressing interest in this procurement, potential suppliers are deemed to give their consent to the disclosure of its name by the authority.
- 8.6.4 **Confidentiality:** potential suppliers should treat all information and documents issued by the authority and their advisors as private and confidential and the express written consent of the authority must be obtained prior to the release of information or documents to any third party other than their own funders, advisors or proposed sub-contractors who should be made aware of the requirements of confidentiality before information or documents are released to them. If you are unable or unwilling to comply with this requirement, you are required to destroy this ITT and all associated documents immediately and not retain any electronic or paper copies.

9 Evaluation of the Suitability Assessment

- 9.1.1 Bidders are required to satisfy themselves that they understand the requirements of this tender and to clarify where they are unclear.

Stage 1 – a compliance check will establish that all of the information requested has been provided and all questions answered. The authority shall check each Suitability Assessment upon receipt to verify a complete and compliant submission. The authority reserves the right to reject/disqualify any potential supplier that submits an incomplete bid. The authority will then check responses to the mandatory and discretionary criteria.

Stage 2 - Suitability Assessment responses will then be assessed on a pass/fail basis against the Minimum Standards set out in Table 2.

Stage 3 – Suitability Assessment responses to Section 6 (specific questions to assess Technical and Professional Ability i.e. 6.1 – 6.3. will be assessed on a pass/fail basis.

Table 2 – Suitability Assessment Evaluation Criteria

Part	Section number	Section	Maximum Score Achievable
1	1	Potential supplier information	Info only
2 Exclusion Grounds	2	Grounds for mandatory exclusion	Pass/Fail
	3	Grounds for discretionary exclusion	Pass/Fail
3 Selection Questions	4	Economic and financial standing	Pass/Fail
	5	Wider group details	Pass/Fail
	6	Technical and professional ability	Pass/Fail
	7	Modern Slavery Act 2015 requirements	Pass/Fail
	8.1	Insurance	Pass/Fail
	8.2	Equality	Pass/Fail
	8.3	Health and Safety	Pass/Fail

9.2 Section 1 – Applicant Information – Information only

9.2.1 Applicants are required to complete Section 1 (Applicant Information) of the Suitability Assessment. Any Applicant who fails to provide all of the information required may, at the discretion of the Authority, be deemed non-compliant and excluded from the procurement process.

9.3 Section 2 - Grounds for mandatory exclusion – pass/fail

9.3.1 Applicants must complete Section 2 (Grounds for mandatory exclusion) in the Suitability Assessment.

9.3.2 Section 2 is assessed on a pass/fail basis. Applicants are required to pass Section 2 in order for their Suitability Assessment Response to be considered further by the Authority.

9.3.3 In order to pass Section 2, Applicants must provide all of the information required in Section 2 of the Suitability Assessment and pass the Minimum Standard for Section 2 described in the table below. Any Applicant who fails to satisfy the Minimum Standard will be rejected.

Criteria	Minimum Standard and method of assessment
<p>Grounds for Mandatory Exclusion</p>	<p>Pass/Fail</p> <p>You will be excluded from the procurement process if there is evidence of convictions relating to specific criminal offences including, but not limited to, bribery, corruption, conspiracy, terrorism, fraud and money laundering, or if you have been the subject of a binding legal decision which found a breach of legal obligations to pay tax or social security obligations (except where this is disproportionate e.g. only minor amounts involved).</p> <p>If you have answered “yes” to question 2.3 on the non-payment of taxes or social security contributions, and have not paid or entered into a binding arrangement to pay the full amount, you may still avoid exclusion if only minor tax or social security contributions are unpaid or if you have not yet had time to fulfil your obligations since learning of the exact amount due. If your organisation is in that position please provide details using a separate appendix. You may contact the Authority for advice before completing this form.</p> <p>Any Applicant that answers ‘yes’ to question 2.1 should provide sufficient evidence, in a separate appendix, that provides a summary of the circumstances and any remedial action that has taken place subsequently and effectively “self-cleans” the situation referred to in that question. The Applicant has to demonstrate it has taken such remedial action, to the satisfaction of the Authority in each case.</p> <p>If such evidence is considered by the Authority (whose decision will be final) as sufficient, the economic operator concerned shall be allowed to continue in the procurement process.</p> <p>In order for the evidence referred to above to be sufficient, the Applicant shall, as a minimum, prove that it has:</p> <ul style="list-style-type: none"> ● paid or undertaken to pay compensation in respect of any damage caused by the criminal offence or misconduct; ● clarified the facts and circumstances in a comprehensive manner by actively collaborating with the investigating authorities; and ● taken concrete technical, organisational and personnel measures that are appropriate to prevent further criminal offences or misconduct. <p>The measures taken by the Applicant shall be evaluated taking into account the gravity and particular circumstances of the criminal offence or misconduct. Where the measures are considered by the Authority to be insufficient, the Applicant shall be given a statement of the reasons for that decision.</p>

9.4 Section 3 - Grounds for discretionary exclusion - pass/fail

- 9.4.1 Section 3 - grounds for discretionary exclusion – is also scored on a pass/fail basis. Applicants are required to pass every question in Section 3 of the Suitability Assessment in order for their responses to be considered further by the Authority. The Authority may exclude an Applicant from the procurement if the Applicant answers yes to any of the questions in Section 3 and the rejection event has occurred in the last three years but may decide, having considered all the relevant circumstances, to allow the Applicant to proceed further.
- 9.4.2 If an Applicant answers ‘yes’ to any question, Applicants should set out (in a separate appendix) full details of the relevant incident and any remedial action taken subsequently. The Authority will evaluate this evidence before making a decision on whether to exclude the Applicant.
- 9.4.3 Applicants answering “yes” to any question have the opportunity to provide evidence of “self-cleaning”. Should an Applicant provide sufficient evidence that robust remedial action has taken place subsequently which prevents a re-occurrence of the offence or misdeed, then the Authority will evaluate this evidence before making a decision on whether to exclude the Applicant.
- 9.4.4 The Authority is also entitled to exclude an Applicant in the event that the Applicant is guilty of serious misrepresentation in providing any information referred to within the Regulations or if the Applicant fails to provide any such information requested by the Authority.

9.5 Conflicts of interest

- 9.5.1 In accordance with question 3.1 (g) of Section 3 of the Suitability Assessment the Authority may exclude the Applicant if there is a conflict of interest which cannot be effectively remedied. The concept of a conflict of interest includes any situation where relevant staff members have, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement procedure.
- 9.5.2 Where there is any indication that a conflict of interest exists or may arise then it is the responsibility of the Applicant to inform the Authority, detailing the conflict in a separate appendix. Provided that it has been carried out in a transparent manner, routine pre-market engagement carried out by the Authority should not represent a conflict of interest for the Applicant.

9.6 Taking account of Applicants’ past performance

- 9.6.1 In accordance with question 3.1 (i) of Section 3 of the Suitability Assessment the Authority may assess the past performance of an Applicant (through a certificate of performance provided by a customer or other means of evidence). The Authority may take into account any failure to discharge obligations under the previous principal relevant contracts of the Applicant completing the SQ. The Authority may also assess whether specified Minimum Standards for reliability for such contracts are met.
- 9.6.2 In addition, the Authority may re-assess reliability based on past performance at key stages in the procurement process (i.e. Applicant selection, Tender evaluation, contract award stage etc.). Applicants may also be asked to update the evidence they provide in this

section to reflect more recent performance on new or existing contracts (or to confirm that nothing has changed).

9.7 Minimum Standards for Section 3 of the Suitability Assessment are set out in the table below.

Criteria	Minimum Standard and method of assessment
<p>Grounds for Discretionary Exclusion</p>	<p>Pass/Fail</p> <p>The Authority may exclude you from the procurement exercise if you answer “yes” to any of the questions in this section but may decide, having considered all the relevant circumstances, to allow you to proceed further. If you answer ‘yes’ to any question, please set out (in a separate appendix) full details of the relevant incident and any remedial action taken subsequently. The Authority will evaluate this evidence before making a decision on whether to exclude you.</p> <p>The Authority is also entitled to exclude you in the event that you are guilty of serious misrepresentation in providing any information referred to within the Public Contracts Regulations 2015 or you fail to provide any such information requested by us.</p> <p>Any Applicant that answers ‘yes’ to question 3.1 should provide sufficient evidence, in a separate appendix, that provides a summary of the circumstances and any remedial action that has taken place subsequently and effectively “self-cleans” the situation referred to in that question. The Applicant has to demonstrate it has taken such remedial action, to the satisfaction of the Authority in each case.</p> <p>If such evidence is considered by the Authority (whose decision will be final) as sufficient, the economic operator concerned shall be allowed to continue in the procurement process.</p> <p>In order for the evidence referred to above to be sufficient, the Applicant shall, as a minimum, prove that it has:</p> <ul style="list-style-type: none"> ● paid or undertaken to pay compensation in respect of any damage caused by the criminal offence or misconduct; ● clarified the facts and circumstances in a comprehensive manner by actively collaborating with the investigating authorities; and ● taken concrete technical, organisational and personnel measures that are appropriate to prevent further criminal offences or misconduct. <p>The measures taken by the Applicant shall be evaluated taking into account the gravity and particular circumstances of the criminal offence or misconduct. Where the measures are considered by the Authority to be insufficient, the Applicant shall be given a statement of the reasons for that decision.</p>

9.8 Section 4 – Economic and Financial standing – Pass/Fail

9.8.1 Applicants must be in a sound financial position to participate in a procurement of this size as set out in regulation 58 of the Regulations.

9.8.2 The financial assessment will be carried out in three parts. No one part or element thereof will be decisive in the final decisions. All parts covered below will be assessed “in the round” and not on an individual basis. Any “fail” will be considered and may lead to further clarification/assurances being obtained or to the exclusion from the next stage of the process, depending on the severity of the financial risk to the authority identified.

9.8.3 Using the information contained in the last two years’ audited accounts (or other information supplied under the Suitability Assessment) a review will be undertaken using the factors listed below. The financial assessment will consist of the following:

Ratio analysis including:

- Liquidity i.e. working capital ratios
- Efficiency tests i.e. debtor and creditor collection period
- Profitability tests i.e. return on capital employed
- % of the contract value annually as % of turnover (where applicable).

Assessment of movements of liquidity and funds between group companies; information on mergers and acquisitions and ownership tree.

Review of audited published accounts, and interpretation of any notes that may affect wellbeing of company. Review to include:

- Charges, judgements, injunctions due to prior failings or other adverse legal findings
- Going concern
- Audit qualifications.

Assessment of general background information including:

- The companies and directors.
- Business type in each of the set of accounts.
- Prior experience/ current activities.

9.8.4 To achieve an overall pass in the financial assessment, potential bidders will need to demonstrate the following:

- A credit score and credit rating of 40:1
- An acceptable level of financial risk for the authority

9.8.5 It should be noted that the authority reserves the right to reassess any potential supplier’s financial position at any time up to contract award to confirm that it meets with the requirements of this Suitability Assessment.

9.9 Section 5 - Wider Group Details

9.9.1 Applicants must complete Section 5 (Wider Group Details) in the SQ.

9.9.2 Section 5 is assessed on a pass/fail basis. Applicants are required to pass Section 5 in order for their Suitability Assessment Response to be considered further by the Authority. The Minimum Standard is set out in paragraph 9.9.3 below.

9.9.3 In order to pass Section 5, Applicants must either:

- have indicated in their response to question 1.2 that they are not part of a wider group and therefore Section 5 is not applicable to them; or
- if they have indicated in their response to question 1.2 that they are part of a wider group provide all of the information required in Section 5 of the Suitability Assessment

9.9.4 Any Applicant who fails to satisfy this Minimum Standard will be excluded from the process and not be further considered.

9.10 Section 7 - Modern Slavery Act 2015

9.10.1 Applicants must complete Section 7 (Modern Slavery Act 2015) in the Suitability Assessment.

9.10.2 Section 7 is assessed on a pass/fail basis. Applicants are required to pass Section 7 in order for their Suitability Assessment Response to be considered further by the Authority. The Minimum Standard is set out in paragraph 10.10.3 below.

9.10.3 In order to pass Section 7, Applicants must either:

- have indicated in their response to question 7.1 that it does not apply to them; or
- have indicated in their response to question 7.1 that it does apply to them and confirmed in their response to 7.2 that it is compliant with the annual reporting requirements contained within Section 54 of the Modern Slavery Act 2015.

9.10.4 An Applicant who fails to satisfy this Minimum Standard will be excluded from the process and not be further considered.

9.11 Section 8: Insurance

9.11.1 Applicants must complete Section 8 (Insurance) in the Suitability Assessment.

9.11.2 Section 8 is assessed on a pass/fail basis. Applicants are required to pass Section 8 in order for their Suitability Assessment Response to be considered further by the Authority. The Minimum Standard is set out in paragraph 10.11.3 below.

9.11.3 In order to pass Section 8, Applicants must self-certify that they already have, or can commit to obtain, prior to the commencement of the Contract, the levels of insurance indicated. An applicant who fails to satisfy this Minimum Standard will be excluded from the process and not be further considered.

9.12 Stage 3 – Technical and professional

- 9.12.1 Applicants who pass Sections 1 to 8 of the Suitability Assessment will then have their bid submissions evaluated. The Authority is entitled to exclude an Applicant from the procurement exercise if the Applicant fails to answer any of the questions in the Suitability Assessment.
- 9.12.2 The Authority is looking for evidence that the Applicant demonstrates the necessary technical resources, experience and has the technical and professional ability to perform the Services. The Minimum Standard is set out in Table 4.
- 9.12.3 Responses to questions 6.1 or 6.3 (as applicable) and 6.2, in Section 6 will be assessed on a pass/fail basis.
- 9.12.4 **Clarification of Responses:** the authority's approach to clarification will be consistent to ensure that one potential supplier does not receive an unfair advantage over the rest. In addition, there will be a clear audit trail documenting the reasoning behind any attempt to seek clarification in writing from any potential supplier. Potential suppliers should be aware that the authority is under no obligation to seek clarification and it is the responsibility of each potential bidder to ensure that their responses are unambiguous and complete and to seek clarification if necessary of the authority's requirements.
- 9.12.5 The Council reserves the right to issue supplementary documentation at any time during the tendering process to clarify any issue or amend any aspect of the ITT. All such further documentation that may be issued shall be deemed to form part of the ITT and shall supplement and/or supersede any part of the ITT to the extent indicated.
- 9.12.6 Bidder will not undertake any publicity activities with any part of the media in relation to the Contract or this ITT process without the prior written agreement of the Council, including agreement on the format and content of any publicity.

10. Disclaimers and Legal Compliance

All information provided by the Council, agents or advisers in respect of this procurement is confidential.

In no circumstances shall the Council or its staff, agents or advisers incur any liability whatsoever or be liable for any expenses incurred by candidates at any time. Any and all liability is hereby expressly disclaimed and excluded to the maximum extent permissible by law.

You must immediately inform the Council if any of the key persons who have put together tender documents become ineligible under the provisions of the Public Contracts Regulations 2015 (as amended).

In issuing the Tender Documents, the Council is not making a commitment to award a contract, as a result of this the procurement process.

The Council is not making an offer to enter into a contractual relationship by issuing tender documents.

The Council is under no express or implied obligation to invite or evaluate tenders from any or all of the companies who respond to this contract notice with a tender submission.

The issue of the tender documents does not imply any representation by the Council as to the candidate's financial stability, technical competence or ability in any way to carry out the Services. We reserve the right to return to these matters as part of the evaluation process.

The laws of England and Wales shall apply for the purposes of all proceedings relating to this procurement process and any contract awarded pursuant thereto.

Potential Bidders are requested to note that, wherever in the ITT there is a reference to the proprietary name of a service or qualification, or a specific standard; alternative services or qualifications or standards will be acceptable, provided the Potential Bidders can demonstrate that the service, qualification or standard is at least equivalent in quality and specification to the named service, qualification or standard, and that the alternative meets all of the Authorities requirements to the Authorities satisfaction.

No reimbursement of any expense incurred by the applicants in preparing their responses to any bid. Nor are we bound to select any party or award a contract at the end of the process. The Council reserves the right to cancel the procurement process at any point.

The Council reserve the right to retain all non-confidential submission material, including that prepared for presentation purposes and display or otherwise utilise the material as it may consider appropriate, at no cost to the Council.