**Invitation to Tender - VOLUME 1**

**Instructions to Bidders**

**For the Provision of a** **Dynamic Demand Responsive Transport (DDRT) Solution**

## Project REF:  DN614473

**Commencing:**  **8 August 2022**

**Contract Term**:  **18 months (approximate)**

**Procedure: OPEN**

**Tender submission deadline:** **17 June 2022**

**Instructions to Tender**

**Date:** **25 May 2022**

Dear Bidder,

**TENDER INVITATION**

**For the Provision of a Dynamic Demand Responsive Transport (DDRT) Solution.**

I have pleasure in enclosing the Invitation to Tender documents in order that you may submit a Tender for the above contract.

The Invitation to Tender documents comprise:

* Volume 1 - Instructions to Bidders.
* Volume 2 - Supplier Selection Questionnaire.
* Volume 3 - Quality Questions.
	+ Appendix A - West of England Combined Authority DDRT Specification.
	+ Appendix B - West of England DDRT Contract.
	+ Appendix C - West of England DDRT Pricing Submission Template.
	+ Appendix D - Form of Tender, Non-collusion certificate and Certificate as to Canvassing.
	+ Appendix E - West of England DDRT Requirements Checklist.

This document contains the Instructions to Bidders (Volume 1) and the appendices (D and E). Volume 2 and Volume 3 and the appendices (A – C) are contained within separate documents.

This contract is being procured under the Open Procedure pursuant to the Public Contracts Regulations 2015.

Please note that the Combined Authority will only be bound to consider your Tender if you comply with all requirements of the Tender documentation and complete and return all necessary documents. In particular:

* the bidding entity must meet all of the mandatory requirements;
* your Tender must be submitted to the Combined Authority through the ‘Supplying the South West’ portal no later than 17 June 2022;and
* your Tender must be accompanied by all of the documents listed in the Requirements Checklist.

You are required to hold all information pertaining to this contract confidential and to limit the dissemination of information within your organisation on a need-to-know basis.

Yours faithfully

Sara Aziz

New Transport Modes Project Manager

sara.aziz@WestOfEngland-CA.gov.uk

On behalf of THE WEST OF ENGLAND COMBINED AUTHORITY

**West of England Combined Authority**

The West of England Combined Authority is creating a better, greener future for people who live and work in the region.

It’s improving peoples’ lives:

* helping residents secure decent jobs and homes they can afford.
* tackling climate change and the ecological emergency.
* providing access to skills and training.
* improving transport and the places people live, work and visit.
* supporting businesses to succeed.

The West of England Combined Authority is creating a region to be proud of.

The West of England region:

* has a diverse population of more than 1.1million people.
* boasts a highly skilled workforce and one of the highest levels of graduates in the UK.
* is home to innovative and creative businesses
* has an economy, built on strong foundations, worth over £40bn a year.

It’s a region which competes on global scale. A region where ideas flourish and businesses grow.



[www.westofengland-ca.gov.uk](http://www.westofengland-ca.gov.uk)

**VOLUME 1 - Instructions to Bidders**

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18. **Introduction**

1.1 The West of England Combined Authority (the “**Combined Authority**”) invites Tenders for the provision of a Dynamic Demand Responsive Transport service. Please refer to Appendix A (Specification) for full details of the scope of the service and the requirements which the successful Bidder will be required to fulfil.

1.2 This Invitation to Tender should provide all the information required at this stage. However, Bidders are free to ask questions or seek clarification as necessary to enable them to provide the best possible Tender. Any such questions or clarifications must be submitted via the ‘Supplying the South West’ portal. Details are set out in section 11 below.

1.3 Tenders must be submitted no later than 17 June 2022. Tenders will only be accepted if submitted electronically on the Combined Authority’s chosen procurement portal - [www.supplyingthesouthwest.org.uk](http://www.supplyingthesouthwest.org.uk). Tenders will not be accepted by email.

1.4 Tenders will be evaluated in accordance with the methodology set out in section 13. The Bidder that submits the Most Economically Advantageous Tender will be awarded the contract, subject to that Bidder meeting the requirements of the Selection Questionnaire.

1. **Invitation to Tender Documentation**

2.1 The Invitation to Tender documents comprise three volumes and five appendices, as follows:

* Volume 1 - Instructions to Bidders.
* Volume 2 - Supplier Selection Questionnaire.
* Volume 3 - Quality Questions.
	+ Appendix A - West of England Combined Authority DDRT Specification.
	+ Appendix B - West of England DDRT Contract.
	+ Appendix C - West of England DDRT Pricing Submission Template.
	+ Appendix D - Form of Tender, Non-collusion certificate and Certificate as to Canvassing.
	+ Appendix E - West of England DDRT Requirements Checklist.

 A list of the documents which must be **submitted by the Bidder** can be found in the Requirements Checklist at Appendix E.

1. **Timetable of Key Dates**

3.1 Set out below is the proposed procurement timetable. This is intended as a guide and whilst the Combined Authority does not intend to depart from the timetable it reserves the right to do so at any stage.

|  |  |
| --- | --- |
| **Date** | **Activity** |
| **25/05/2022** | **Tender documentation issued to Bidder** |
| **25/05/2022** | ITT Clarification period OPENS |
| **09/06/2022** | ITT Clarification period CLOSES |
| **13/06/2022** | Combined Authority responds to clarification questions. |
| **17/06/2022** | **ITT response submission deadline** |
| **20 – 24/06/2022** | Bidder Interview / Clarification session |
| **25/07/2022** | ITT Bidders notified of intention to award |
| **25/07/2022** | Standstill period commences |
| **05/08/2022** | Standstill period concludes at midnight |
| **05/08/2022** | **Contract award concluded** |
| **08/08/2022** | **Commencement Date of Contract** |

3.2 Any Tender response received after the specified deadline will not be considered unless the closing date for receipt of tenders is formally extended by the Combined Authority and communicated to Bidders.

3.3 Submissions received after the closing date may be considered in exceptional cases where submission is not possible for reasons outside of the Bidder’s control, however this will be permitted only at the discretion of the Combined Authority and its decision on this will be final.

**4.**  **Instructions to Bidders**

4.1 Tenders must be submitted in accordance with the instructions set out in the Invitation to Tender. Bidders should read the instructions and guidance carefully before completing the Tender documentation. Any Tenders not complying with the requirements of the Tender documentation in any way may be rejected by the Combined Authority, whose decision in the matter shall be final. Non-compliant Tenders may include, but will not be limited to, late responses, qualified bids, or bids that do not follow the requested format.

4.2 In order to provide a compliant Tender response, Bidders must submit the following documents:

* SSQ responses.
* Quality question responses.
* Pricing Submission.
* Form of Tender.
* Non-collusion certificate.
* Canvassing certificate.
* Requirements checklist.

The Requirements Checklist provided at Appendix E must be completed by Bidders and returned with the documents listed above.

4.3 Bidders should note that the Combined Authority will regard the lodging of a false Non-Collusion or Canvassing Certificate as grounds justifying immediate rejection of the Tender without further reference to the relevant Bidder or for immediate termination of the contract if it has already been entered into.

4.4 The Tender documents must not be amended by the Bidder and no altered or erased figures should appear in the financial information.

4.5Following the submission deadline, the Combined Authority shall undertake a compliance check and review Bidders’ responses to the Selection Questionnaire. The Combined Authority reserves the right to reject any Bidder that fails to meet the minimum requirements set out in the Selection Questionnaire.

4.6 **Interview Process** - Following evaluation of Tender submissions the Combined Authority may invite Bidders to attend an interview and answer questions posed by the project panel. Key members of the team who, if successful, will be directly delivering the services must attend. The Combined Authority envisages that these interviews will take place between 20 – 24 June 2022. Interviews will take place via Microsoft Teams video call.

The focus of the interview will be further interrogation and clarification of the Bidder’s Tender. The Combined Authority will also request that Bidders demonstrate the technology which would be used to provide the services. Interviews will not be scored, but they will be aimed at ensuring that the Combined Authority understands the Bidder’s Tender thoroughly and that the technology demonstrated aligns with the information provided in the Tender response.

4.7 **Contract Award** - Should this procurement process conclude with a contract award the following stages shall apply:

* The Combined Authority will announce the outcome of the procurement and issue Bidders with an intention to award letter – these letters will, for unsuccessful Bidders, give their score, the score of the ‘preferred Bidder’ and state the distinct characteristics and advantages (where applicable) of the preferred Bidder’s submission.
* Issue of the intention to award letters will start a 10-day standstill period which will conclude at midnight on Day 10. This period is mandatory under the Public Contracts Regulations 2015. Bidders should familiarise themselves with the purpose of this period.
* At any time after conclusion of the mandatory standstill period (Day 11) the contract may be awarded by the Combined Authority to the preferred Bidder.

4.8 Bidders may modify their submissions prior to the deadline for receipt. Bidders may withdraw their submission at any time prior to accepting notification of award.

4.9 No part of a Bidder’s Tender should be:

* + - qualified;
		- conditional; or
		- accompanied by statements which could be construed as rendering the Tender equivocal and/or placed on a different footing to those of other Bidders.

The Combined Authority’s decision on whether or not a Tender meets this requirement will be final and the Bidder concerned will not be consulted. If a Tender is excluded from further consideration the Bidder concerned will be notified.

4.10 If the Combined Authority suspects that there has been a technical or arithmetical error in a Bidder’s submission, it reserves the right to seek such clarification as it considers necessary from that Bidder only.

**5. Form of Contract**

5.1 The form of contract that the Combined Authority proposes to enter into with the winning Bidder can be found at Appendix B – West of England DDRT Contract. Bidders may raise queries in respect of the contract terms through the clarification process described in paragraph 11. If, at any time prior to the bid submission date, the Combined Authority considers that changes are required to the contract, whether prompted by Bidder queries or otherwise, the Combined Authority will reissue the contract through the on-line portal.

5.2 By submitting its Tender, each Bidder is committing to enter into the form of contract set out in Appendix B, as may be updated by the Combined Authority prior to the bid submission date. After selection of the winning Bidder, the Combined Authority will only make such changes to the draft contract (in conjunction with the winning Bidder) as are necessary to complete any gaps and ensure the draft is ready for execution by the parties.

5.3 Bidders should note that, under the terms of the contract, the Combined Authority will pay a monthly fee in respect of the services provided in each of the trial zones. The fee will be payable from the start of operation of each trial. The monthly fee for each trial shall be calculated by taking the overall fee for each Trial set out in the winning Bidder’s Tender, and dividing by 12.

**6.**  **Bidder’s Responsibility**

6.1 It is the responsibility of each Bidder to satisfy itself as to the nature, extent and circumstances of the services to be provided and satisfy itself as to its ability to fulfil the Combined Authority’s requirements.

6.2 By their own examination of the Invitation to Tender documentation, Bidders will be taken to have satisfied themselves as to the full requirements of the specification and contract terms.

**7. Completing the Selection Questionnaire**

The Supplier Selection Questionnaire can be found in Volume 2. The Selection Questionnaire requests basic information about the Bidder, including in relation to mandatory and discretionary exclusion criteria and the Bidder’s financial standing. The Selection Questionnaire will enable the Combined Authority to assess whether the Bidder is eligible to participate in this procurement process, and whether it can meet certain minimum requirements of the Combined Authority.

**8. Completing the Quality Questions**

8.1 The Quality Questions can be found in Volume 3. Bidders may respond to Volume 3 in a format of their choosing. Responses must make clear which question is being answered. This could be achieved by clearly stating the question at the top of the relevant section of the Tender submission.

8.2 Where a page limit has been indicated for a specific response, Bidders must not exceed this limit. Where a response exceeds a stated limit, the Combined Authority will not take account of additional text and such text will therefore be disregarded from the evaluation.

8.3 If a Bidder cannot answer a question or provide requested information, the Bidder should give a full explanation as to the reasons within its submission.

8.4 Tenders should be submitted in PDF format, with the exception of the Pricing Submission Template. Please note that submitting a brochure will not be considered a bona fide Tender. Any brochures will not be evaluated.

8.5 Any information provided that has not been asked for will not be taken into consideration.

8.6 A scoring guide is set out in Volume 3. Bidders should note that the Combined Authority may at its discretion reject a bid which scores less than a 3 in response to any question.

**9.** **Pricing Submission Template**

9.1 The Pricing Submission Template can be found in Appendix C. Bidders must ensure they complete the Pricing Submission Template according to the instructions given within it.

9.2 Prices quoted should be:

 9.2.1 in pounds Sterling; and

 9.2.2 quoted exclusive of VAT.

**10 Submission of Tender - Electronic Tendering**

10.1 The Combined Authority is utilising an electronic tendering portal to manage this procurement and communicate with Bidders. Accordingly, there will be no hard copy documents issued to Bidders and all communications with the Combined Authority including the submission of Bidders’ responses will be conducted via this portal.

10.2 The Combined Authority’s chosen procurement portal is the ‘Supplying the South West’ portal (**“Portal”**) - [www.supplyingthesouthwest.org.uk](http://www.supplyingthesouthwest.org.uk).

10.3 Bidders should allow sufficient time to upload documentation to the Portal. It would be unwise to commence uploading documents less than two hours before the deadline. If Bidders experience any technical difficulties in the lead up to the deadline, please contact sara.aziz@WestOfEngland-CA.gov.uk

10.4 ProActis who provide the Portal also offer supplier support. For all support issues Bidders must in the first instance log their query via the following email:

* procontractsuppliers@proactis.com

If the query is of a time sensitive nature, they also have an Emergency Contact number:

* 0330 0050352

In the first instance Bidders should log their call using the email address provided.

10.5 It is the Bidders’ responsibility to ensure that all documents are uploaded on time. The e-tendering system ‘Pro Contract’ will hold all the information that Bidders upload securely until the Tender opening date.

10.6 By submitting a Tender, each Bidder will be taken to have agreed that its Tender will remain open for acceptance for a minimum of 120 days from the submission deadline date.

**11. Communication and Clarifications**

11.1 If a Bidder has any enquiries about the Tender documentation which might have any bearing on its Tender, the Bidder should raise these through the Portal. All such clarification questions must be received no later than **8 June 2022** to allow time for a detailed response to be distributed prior to the submission deadline.

11.2 Unless a Bidder states that an enquiry is confidential the Combined Authority will circulate a copy of the enquiry and its written reply to all Bidders but will preserve the anonymity of the enquirer. If the Bidder states an enquiry is confidential and the Combined Authority agrees then the enquiry and response shall remain private to that Bidder. If the Combined Authority does not agree that the enquiry is confidential, it shall notify the Bidder and give the Bidder the option to a) withdraw the question; or b) have the enquiry and response shared with all Bidders.

11.3 Bidders should notify the Combined Authority promptly of any perceived ambiguity, inconsistency, or omission in the Invitation to Tender documents, any of their associated documents and/or any other information issued to them during the procurement process.

11.4 The Combined Authority may make changes to the Tender documentation at any time prior to the bid submission date. Such changes will be notified to Bidders via the Portal.

**12. Evaluation and Selection of Preferred Bidder**

12.1 Following the submission deadline, the Combined Authority shall undertake a compliance check and review Bidders’ responses to the Selection Questionnaire. The Combined Authority reserves the right to reject any Bidder that fails to meet the minimum requirements set out in the Selection Questionnaire.

12.2 Tenders shall be evaluated in accordance with sections 13 and 14 below in order to identify the most economically advantageous Tender.

12.3 The most economically advantageous Tender will be identified through the combined score of the following weighted criteria:

**70% QUALITY**

**30% PRICE**

**13. Evaluation of Quality Questions**

13.1 The Quality Questions, their associated weightings and a scoring guide are set out in Volume 3.

13.2 The weighted score for each question will be calculated as following:

**Question Score (0-5) X Weighting = Actual Quality Score**

The maximum possible total score is 5

Example

(Note that this example does not use the weightings set out in Volume 3. It is provided to assist with understanding only)

|  |  |  |  |
| --- | --- | --- | --- |
|   | **Supplier A** | **Supplier C** | **Supplier D** |
| Question | Weighting | Score | Actual Quality Score | Score | Actual Quality Score | Score | Actual Quality Score |
| 1 | 10% | 3 | 0.3 | 4 | 0.4 | 4 | 0.4 |
| 2 | 15% | 4 | 0.6 | 3 | 0.45 | 4 | 0.6 |
| 3 | 25% | 4 | 1 | 4 | 1 | 5 | 1.25 |
| 4 | 25% | 4 | 1 | 3 | 0.75 | 4 | 1 |
| 5 | 15% | 4 | 0.6 | 3 | 0.45 | 4 | 0.6 |
| 6 | 10% | 5 | 0.5 | 5 | 0.5 | 4 | 0.4 |
| **Sum TOTAL** | **100%** |   | **4\*** |  | **3.55\*** |  | **4.25\*** |

13.3 The **Sum** **TOTAL\*** of the Actual Quality Scores for each question will be used to calculate the overall Quality score out of 70%. This will be calculated in the following way:

 **Actual Quality Score**

 **Total Quality Score X 70 = Actual Quality Weighted Score**

Example:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Tenderer** | **1. Total Quality Score Available** | **2. Actual Quality Score** | **3. Quality Weighting (70%)** | **4. Actual Weighted Quality Score (%)****Max 70%** |
| **Supplier A** | 5 | 4.00 | 70 | **56.00\*** |
| **Supplier B** | 5 | 3.55 | 70 | **49.70\*** |
| **Supplier C** | 5 | 4.25 | 70 | **59.50\*** |

\* The Price score will be added to this figure to produce the final Tender score. The highest scoring bid will be the most economically advantageous tender and the relevant Bidder will become the preferred Bidder for award.

**14. Evaluation of Price Submission**

14.1 This accounts for 30% of the overall evaluation marks available.

14.2 Please refer to Appendix C for the Pricing Submission Template including instructions for completion. Bidders should ensure the instructions in the Pricing Submission Template are followed carefully. If Bidders have any questions or are unsure about completing the Pricing Submission Template please raise these as a clarification through the messaging function available in the Portal.

14.3 The Pricing Submission Template contains a list of cost elements for evaluation. Please refer to the weightings set out in the Pricing Submission Template which have been allocated to each pricing element. Once all information is input, the Pricing Submission Template will produce an overall weighted price for each Bidder.

14.4 The Bidder with the lowest overall **weighted price**, shall be awarded 30% (i.e. full marks) for price. Scores for the remaining Bidders will be calculated using the following formula:

 PART 1

1a Lowest Bidders Weighted Price     = 2) Unweighted Price Score

1b Bidders Weighted Price

PART 2

2) Unweighted Price Score X 30 = 4) Weighted Price Score

100

Example

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Tenderer** | **1b. Bidders Weighted Price**  | **2. Unweighted Price Score %** | **3. Price Weighting**  | **4. Weighted price score %** |
| SUPPLIER A | £2,800,000.00 | 100% | 30 | 30.00% |
| SUPPLIER B | £3,500,000.00 | 80% | 30 | 24.00% |
| SUPPLIER C | £3,750,000.00 | 75% | 30 | 22.50% |
|  | **1a Lowest Bid** | £2,800,000.00 |  |  |

14.5 If the Combined Authority considers a Tender to be abnormally low priced, it will exercise the right to clarify as permitted by the Public Contracts Regulations 2015. The Combined Authority reserves the right to challenge how the Bidder can deliver the expected quality at that price. If the Combined Authority is satisfied that the Tender price is indeed unsustainable, then it is at liberty to reject the Tender.

**15 Financial Standing Appraisals**

15.1 The financial information provided by Bidders will be used by the Combined Authority to assess whether the Bidders possess the necessary economic and financial capacity to perform the contract.

15.2 When undertaking the assessment, the Combined Authority looks at the Bidders’ most recent financial statements along with those of any ultimate parent company (if applicable). These are checked for general audit issues and then analysed to give an indication of profitability, net worth, liquidity, capacity and general stability.

15.3 The Combined Authority reserves the right to use a variety of indicators as it considers appropriate including those from credit agencies. The Combined Authority will also consider any additional information submitted by the Bidder should the Bidder consider this necessary for the Combined Authority to have a fuller understanding of its financial position. This may be appropriate, for example, to obtain a fuller understanding of a Bidder’s financial structure or funding arrangements. The Combined Authority would expect any such information to be verified by an independent source, for example, the Bidder’s auditors. Furthermore, the Combined Authority may (but is under no obligation) request further information or explanation from a Bidder.

15.4 Initially basic checks are made on a Bidder’s name and any relevant registration details (e.g., registered number at Companies House). The Combined Authority will check whether the Bidder is trading or dormant and whether it has a parent company. The status of the financial statements is also determined to check whether information submitted is for the last accounting period.

15.5 When considering profitability, the Combined Authority looks at whether the organisation has made a profit or a loss in the year, which indicates the efficiency of the organisation. A loss in the year would be looked at in conjunction with the balance sheet resources available to cover this loss.

15.6 The Combined Authority will look at the Bidder’s balance sheet and determine the net worth of the organisation and that element that can be mobilised in a financial crisis. To do this the Combined Authority looks at net assets and also at the net tangible worth (excluding intangible assets) of the organisation.

15.7 When looking at liquidity the Combined Authority uses the current ratio and the acid test ratio. The current ratio is a measure of financial strength and addresses the question of whether the Bidder has enough current assets to meet the payment schedule of its current debts with a margin of safety for possible losses in current assets. The Acid Test ratio measures liquidity and excludes stock to just really include liquid assets. Generally, the Combined Authority would expect a Bidder to have a current ratio of at least 1:1.

15.8 Contract limit is the size of contract that is considered ‘safe’ to award to a Bidder, based on a simple comparison of the estimated annual contract value to the annual turnover of the organisation. This gives an idea of financial strength to ensure that the Bidder can cope financially with this size of contract. The Combined Authority assesses the capacity issue of whether the Bidder has the resources to carry out the work and considers whether the Bidder will become over-dependant on the contract in question.

**Generally, the Combined Authority would expect a Bidder to have a turnover of two times the annual value of the contract.**

15.9 The Combined Authority will consider all the above in relation to the Bidder and that of any ultimate parent company and then a judgement would be made as to the risk that the organisation would represent to the Combined Authority. If the Combined Authority decides that the financial and economic standing of the Bidder represents an unacceptable risk to the Combined Authority then the Bidder will be excluded from further consideration in this process.

**16.0 Collaboration Arrangements**

16.1 The Bidder may wish to submit a collaborative bid. The possible methods for such collaboration are considered below.

16.2 Collectively, each entity that wishes to bid (whether it is a single entity, the lead partner or a joint and several liability consortium) is referred to as a “Bidder”. The Bidder is responsible for ensuring that the bid submission is fully completed, and the required information provided in respect of consortium members (as appropriate).

16.3 A consortia proposal requires either a clear lead organisation with whom the Combined Authority will contract or evidence of a consortia structure where all members are joint and severally responsible for the performance of the contract, in which case all consortia members will sign the contract.

16.4 The following models of collaborative arrangements are indicative of possible collaborative working arrangements:

* Lead partner consortium.
* Joint and several liability consortiums.
* Sub-contracting.

16.5 **Lead partner consortium:** A lead partner consortium is a consortium of organisations who are working together to bid for, and if successful, enter into the contract. One partner will enter into the contract, on behalf of the other consortium members, and will be the conduit by which the contract is delivered by the consortium members.

16.6 It is for the consortium members to assess whether their proposed partners have the capacity and capability likely to be able to deliver the requirements of this contract. This is not the responsibility of the Combined Authority.

16.7 **Joint and several liability consortia:** The Combined Authority will have a contractual relationship with all members of the consortium. It is usual for one consortium member to be nominated to co-ordinate the consortium bid – which may be referred to as the lead organisation. However, in these circumstances, the lead is for administrative purposes only and all members of the consortium are equally responsible for the delivery of the contract.

16.8 Whilst there is a lead/administrative partner for bid co-ordination purposes, this organisation is not solely liable as the Combined Authority signs the contract with all the members of the consortium; thus, all members are jointly and severally liable for performance of the contract.

16.9 **Sub-contracting:** It should be noted that the ultimate responsibility for any sub-contracted obligations would always rest with the Bidder. It is recognised that arrangements in relation to sub-contracting may be subject to future change. However, Bidders should be aware that where, in the opinion of the Combined Authority, sub-contractors are to play a significant role, any changes to those sub-contracting arrangements may constitute a material change for the purposes of procurement law, and therefore may affect the ability of the Bidder to proceed with the procurement process and/or to perform their duties under the contract. For the avoidance of doubt, in the event that the Combined Authority considers that such a change constitutes a material change for the purposes of procurement law, then the Combined Authority reserves the right to disqualify the Bidder from the procurement process.

16.10 There is an expectation that only minor and / or specialist elements of the service will be sub-contracted, i.e., the lead Bidder will deliver the core elements of the service.

16.11 The Combined Authority will make payments to the Bidder; the Bidder is responsible for payments to its sub-contractors.

16.12 The Combined Authority would not usually expect to see evidence of the administrative arrangements between the Bidder and sub-contractor, however, the Combined Authority may wish to see evidence of performance monitoring, due diligence and subcontractor agreements and/or policies.

16.13 The Combined Authority will expect the winning Bidder to sign up to the Prompt Payment Code and/or will be willing to report to the Combined Authority their subcontract payment performance.

**17. General Information**

17.1 Combined Authority Clarifications. The Combined Authority may wish to make enquiries of a Bidder’s existing customers and/or require further information from Bidders at any stage during the selection and award process. In particular the Combined Authority reserves the right to clarify any element of submitted Tenders.

17.2 Right to reject tenders or cancel process. The Combined Authority reserves the right to accept or reject any written Tender and to abort the Tender process and reject all Tenders at any time prior to award of contract without incurring any liability to the affected Bidders. The Combined Authority is not bound to accept the lowest or any Tender response made as a result of this invitation.

 The Combined Authority shall not be liable for any loss or expense incurred by any Bidder in the production of the Tender or as a result of its decision not to award the contract to any Bidder.

17.3 Confidentiality. All documentation supplied by the Combined Authority shall remain its property and confidential to it. Bidders may not without the Combined Authority’s written consent at any time use for their own purposes or disclose to any other person (except as may be required by law) the Tender or contract documents or any information or material which the Combined Authority may make available to Bidders all of which shall remain confidential to the Combined Authority.

17.4 Freedom of Information Act. Bidders should note that the Combined Authority is subject to the Freedom of Information Act 2000 and provisions are in force allowing any person access to information held by the Combined Authority. There are limited exemptions to this. The exemptions include information the disclosure of which would be an actual breach of confidence or likely to prejudice the commercial interests of any person, or information that constitutes a trade secret. Bidders are requested to state which part, if any, of the information supplied with their tenders is confidential or commercially sensitive or should not be disclosed in response to a request for information. Where Bidders state that any information is confidential or commercially sensitive, they must also state why they consider the information to be confidential or commercially sensitive. The Combined Authority will consider Bidders’ statements in the context of the exemptions provided for under the Act but does not offer any guarantee that the information in question will not be disclosed.

17.5 Transparency. Bidders should be aware that the Combined Authority is required to publish information regarding contracts under the government transparency policy. To view details of what must be published, see the Local Government Transparency Code 2015 via this link: [Local Government Transparency Code 2015](https://www.local.gov.uk/our-support/guidance-and-resources/data-and-transparency/local-transparency-guidance)

Details of this contract will be published on the Combined Authority’s website and the government’s transparency website Find a Tender Service (. gov.uk) and Contracts Finder.

In submitting a Tender, the Bidder accepts the Combined Authority’s right to publish details of expenditure as well as information contained within the Bidder’s Tender.

17.6 Bribery and Corruption. The Combined Authority reserves the right to reject any Tender or terminate the contract if the Bidder or anyone on its behalf bribes or tries to bribe anyone in connection with any aspect of the Tender process or commits an offence under the Prevention of Corruption Acts 1889-1916 or money laundering regulations.

Bidders should not attempt to canvass any Member or Officer of the Combined Authority about this tendering process or try and obtain confidential information relating to the service or the tendering process from anyone associated with the contract or from any other past or present contractor to the Combined Authority. If you do so your Tender is likely to be rejected.

The Combined Authority takes these issues very seriously. It encourages all Bidders to contact the Procurement team if any Combined Authority representative, employee or other Bidder or potential Bidder approaches them and either attempts to engage them in any such activity or infers that they could do so.

17.7 Transfer of Undertakings and Protection of Employment Regulations

The Combined Authority does not consider any person to be in scope of TUPE in the delivery of the services of this contract.

**Appendix D – Form of Tender, Non-collusion certificate and Certificate as to Canvassing**

**Form of Tender Letter**

**Invitation to tender for: the provision of a Dynamic Demand Responsive Transport (DDRT) Solution**

***Important Note: Where a Bidder is a consortium, this Form of Tender Letter must be signed by the authorised signatories of all members of the consortium. Each signatory must confirm his/her name and title as well as the full name and address of the member of the consortium on whose behalf he/she is signing.***

To: West of England Combined Authority (the “Authority”)

I/We the undersigned, having read the draft Contract and Specification do hereby offer to complete the supply of services required to be performed in the carrying out of the above contract in accordance with the above documents, to the criteria as appended to this letter.

I/We understand that the Authority is not bound to accept the lowest or any Tender and will not pay any expenses incurred by me/us in connection with the preparation and submission of this Tender.

I/We agree that my/our Tender remains open for consideration for a period of 120 days from the date fixed for submission of Tenders. I/We declare that the insurance specified in the draft Contract is currently maintained by us.

I/We confirm that I/we have the capability and resources to meet all requirements of the draft Contract and the Specification in terms of quality, cost and time.

Signed:

Designation:

(Duly authorised to sign tenders and give such certificate for and on behalf of):

Tenderer:

Date:

Address:

|  |
| --- |
| **Declaration: NON-COLLUSION CERTIFICATE**  |
|  I/We, the undersigned, in submitting the accompanying Tender to West of England Combined Authority in relation to the provision of a Dynamic Demand Responsive Transport (DDRT) Solution certify on behalf of (name of Tenderer(s))………………………………………………  that, with the exception of any information attached hereto (see \* below):  1. this Tender is made in good faith, and is intended to be genuinely competitive;

 1. the amount of this Tender has been arrived at independently, and has not been fixed, adjusted or influenced by any agreement or arrangement with any other undertaking, and has not been communicated to any competitor;

 1. I/we have not entered into any agreement or arrangement with any competitor or potential competitor in relation to this Tender; and

 1. I/we have read and I/we understand the contents of this Certificate of Non-Collusion, and I/we understand that knowingly making a false declaration on this form may result in legal action being taken against me.

 In this certificate, the word ‘competitor’ includes any undertaking who has been requested to submit a Tender or who is qualified to submit a Tender in response to the Invitation to Tender, and the words ‘any agreement or arrangement’ include any such transaction, whether or not legally binding, formal or informal, written or oral.  \* Information is/is not attached hereto (delete as appropriate)  SIGNED: ....................................................   FOR AND ON BEHALF OF:........................................   DATE:.........................................   |

|  |
| --- |
| **Declaration: CERTIFICATE AS TO CANVASSING**  |
|  I/We hereby certify that I/we have not canvassed or solicited any member, officer or employee of the West of England Combined Authority (the “Authority”), or the constituent local authorities of the Authority in connection with the acceptance of this Tender or any other Tender or proposed Tender for the service and that no person employed by me/us or acting on my/our behalf has so acted.  I/We further hereby undertake that I/we will not in future canvass or solicit any member, officer or employee of the Authority in connection with the award of this Tender or any other Tender or proposed Tender for the service and that no person employed by me/us or acting on my/our behalf will so act.  Signed:          Designation:                        Duly authorised to sign tenders and give such certificate for and on behalf of:  Tenderer       Date:                                             Address:         |

**Appendix E – West of England DDRT Requirements Checklist**

In order to provide a compliant Tender response, Bidders must submit the documents listed in the Requirements Checklist below and complete the checklist to indicate that they have done so.

|  |  |  |
| --- | --- | --- |
| **Document** | **Included (ü)** | **Page number of submission** |
| Responses to Supplier Selection Questionnaire (volume 2). |  |  |
| Responses to Quality Questions (volume 3). |  |  |
| Completed Pricing Submission Template (appendix C). |  |  |
| Completed Form of Tender Letter (appendix D). |  |  |
| Completed Non-collusion Certificate (appendix D). |  |  |
| Completed Certificate as to Canvassing (appendix D). |  |  |