



2 Information

Framework Reference

T00215CS

Framework Title

**South West Consultants Framework
2017-2021**

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1 Procurement Information

1.1 Background Information

In 2012, Torbay Council, on behalf of a collaborative group of Public Bodies, undertook the procurement of a Framework Agreement for the delivery of a full project management and design team service to support construction related projects: South West Consultancy Framework 2012-2016.

The aim of this procurement process is to provide a replacement Framework Agreement to run from 2017 until 2021.

This procurement is being led by Torbay Council. The Framework Agreement will be open for other Public Bodies to use, see section Eligible Users in the Specification. Users can join at any point during the life of the Framework. For information purposes, Users of the current Framework are provided as an Appendix.

The procurement of this Framework is being run with Project Board involvement from selected Public Bodies, who will also be contributing to the evaluation exercise at each procurement stage.

1.2 Framework Period

It is intended that any resultant Framework shall commence as soon after receipt of formal letter of award as may be agreed. Framework period will be up to a period of four years subject to termination clauses contained with the Framework terms and conditions.

1.3 Call-off Contract

The Contract that will be used when the resultant Call-off Contract is awarded will be:

1. NEC Professional Services
2. NEC Short Form

1.4 Framework Structure

This Framework is being divided into Lots.

1. LOT A – Provision of a Multi-disciplinary Team – Estimated Construction Value at or above the EU Spend Threshold

This Lot will be used for projects that have an estimated Construction value at or above the EU Spend Threshold for Construction Works, £4,104,394 as of January 2016. An Applicant must be able to provide all the Core Disciplines and Non-core Disciplines outlined within the Procurement Documents - Specification. These Disciplines can be provided in-house, as a Consortium, or with a Supply Chain.

The Applicant will provide access to a one-stop shop consultancy solution, whereby the User Contracts directly with the Applicant to provide one or more Core and Non-core Disciplines.

Where applicable, a Lead Consultant's Supply Chain can be added to at any point during the term of the Framework. A request must be submitted to the Framework Manager by submitting a signed Supply Chain Amendment form. Where a Lead Consultant is reliant on the sub-contractor in order to meet any of the technical and professional ability criteria within their PQQ response and that

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sub-contractor is replaced the Lead Consultant will be required to submit a further PQQ response to take into account the skills and experience of the replacement sub-contractor. The decision on whether to accept that sub-contractor or not will be based on the outcome of the assessment of the PQQ.

It is for the Lead Consultant to select and put forward the most appropriate sub-consultant during the further competition process.

The Contracting Authority reserves the right to reject a particular sub-consultant on the basis of proven poor performance in the past and to require the Lead Consultant to propose an alternative.

An Applicant may submit a Tender for Lot A or Lot B, but not both. An Applicant is defined as an Economic Operator. Where an Applicant submits Tenders for both Lot A and Lot B their bid will be deemed to be non-compliant, the Applicant will be excluded from any further participation in the process and will be notified accordingly.

If an Applicant submits a Tender for Lot B, there is no limit to the number of sub-lots the Applicant can apply for or be awarded to.

An Applicant can submit a Tender for a Lot and be on the supply chain(s) for another Applicant's Tender submission.

The Framework Lot will be awarded to a maximum of **eight** Applicants. Where there is more than one Applicant in **eighth** place, then all such Applicants shall be awarded a place on the Framework Agreement. Where the scores between the eighth and ninth placed Applicants are close the Authority will not award a place on the Framework to the ninth placed Applicant.

2. LOT B - Provision of a Multi-disciplinary Team – Estimated Construction Value below the EU Spend Threshold

This Lot will be used for projects that have an estimated Construction value under the EU Spend Threshold for Construction Works, £4,104,394 as of January 2016.

This Lot will be used for projects within set Geographical Regions as per the table below, that have an estimated Construction value under the EU Spend Threshold for Construction Works, £4,104,394 as of January 2016, in support of the SME and Localism Agenda. An Applicant can provide the Discipline(s) in-house, as a Consortium, or with a Supply Chain.

An Applicant must be able to provide the Discipline(s) listed for the sub-lot(s) they are applying for. The Multi-disciplinary Team must be able to provide the provisions of the Core and Non-core Disciplines as outlined in the specification within the procurement documents.

The Applicant will provide access to a one-stop shop consultancy solution, whereby the User Contracts directly with the Applicant to provide one or more Core and or Non-core Disciplines.

Where applicable, a Lead Consultant's Supply Chain can be added to at any point during the term of the Framework. A request must be submitted to the Framework Manager by submitting a signed Supply Chain Amendment form. Where the scores between the eighth and ninth placed Applicants are close the Authority will not award a place on the Framework to the ninth placed Applicant.

Where a Lead Consultant is reliant on the sub-contractor in order to meet any of the technical and professional ability criteria within their PQQ response and that sub-contractor is replaced the Lead Consultant will be required to submit a further PQQ response to take into account the skills and

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experience of the replacement sub-contractor. The decision on whether to accept that sub-contractor or not will be based on the outcome of the assessment of the PQQ.

It is for the Lead Consultant to select and put forward the most appropriate sub-consultant during the further competition process.

The Contracting Authority reserves the right to reject a particular sub-consultant on the basis of proven poor performance in the past and to require the Lead Consultant to propose an alternative.

An Applicant may submit a Tender for Lot A or Lot B, but not both. An Applicant is defined as an Economic Operator.

If an Applicant submits a Tender for Lot B, there is no limit to the number of sub-lots the Applicant can apply for or be awarded to. An Applicant can submit a Tender for a Lot and be on the supply chain(s) for another Applicant's Tender submission

The Geographical region Sub-lot selected by a User will be based upon the location of the Construction project.

Sub Lot Code	Geographical Region	Sub-lot Description – Disciplines to be provided
BB1	Bristol, Gloucestershire & North Somerset	Multi-disciplinary Team – Provision of Core and Non-core Disciplines as outlined in the Specification
BB2	Bristol, Gloucestershire & North Somerset	Project Manager & Supervising Officer
BB3	Bristol, Gloucestershire & North Somerset	Cost Consultant
BB4	Bristol, Gloucestershire & North Somerset	Architect & Lead Designer & Principal Designer
BB5	Bristol, Gloucestershire & North Somerset	Building Services Engineer
BB6	Bristol, Gloucestershire & North Somerset	Civil & Structural Engineer
BD1	Devon and South Somerset	Multi-disciplinary Team – Provision of Core and Non-core Disciplines as outlined in the Specification
BD2	Devon and South Somerset	Project Manager & Supervising Officer
BD3	Devon and South Somerset	Cost Consultant
BD4	Devon and South Somerset	Architect & Lead Designer & Principal Designer
BD5	Devon and South Somerset	Building Services Engineer
BD6	Devon and South Somerset	Civil & Structural Engineer

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BO1	Dorset and Wiltshire	Multi-disciplinary Team – Provision of Core and Non-core Disciplines as outlined in the Specification
BO2	Dorset and Wiltshire	Project Manager & Supervising Officer
BO3	Dorset and Wiltshire	Cost Consultant
BO4	Dorset and Wiltshire	Architect & Lead Designer & Principal Designer
BO5	Dorset and Wiltshire	Building Services Engineer
BO6	Dorset and Wiltshire	Civil & Structural Engineer
BC1	Cornwall	Multi-disciplinary Team – Provision of Core and Non-core Disciplines as outlined in the Specification
BC2	Cornwall	Project Manager & Supervising Officer
BC3	Cornwall	Cost Consultant
BC4	Cornwall	Architect & Lead Designer & Principal Designer
BC5	Cornwall	Building Services Engineer
BC6	Cornwall	Civil & Structural Engineer

Each Framework Sub-lot will be awarded to a maximum of **six** Applicants. Where there is more than one Applicant in **sixth** place, then all such Applicants shall be awarded a place on the Framework Agreement. Where the scores between the sixth and seventh placed Applicants are close the Authority will not award a place on the Framework to the seventh placed Applicant.

1.4.1 How many Lots can I apply for and be awarded to?

An Applicant may submit a Tender for Lot A or Lot B, but not both. An Applicant is defined as an Economic Operator. Where an Applicant submits Tenders for both Lot A and Lot B their bid will be deemed to be non-compliant, the Applicant will be excluded from any further participation in the process and will be notified accordingly.

If an Applicant submits a Tender for Lot B, there is no limit to the number of sub-lots the Applicant can apply for or be awarded to.

An Applicant can submit a Tender for a Lot and be on the supply chain(s) for another Applicant's Tender submission.

1.5 Framework Call-off Procedures

The Call-offs made from this Framework can be undertaken using the following methods:

1.5.1 Direct Award

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This Framework provides for the option for using Direct Award in the following way(s):

- a. There are NO Direct Award Options for Lot A. A Further Competition must be conducted in all circumstances.
- b. Lot B - A Direct award can be made to a Lead Consultant where they are the highest scorer in terms of Quality/Price set at 70%/30%. The Quality and Price score is taken from the Framework scoring. However the Price scoring can be taken from the separate procurement routes, separate fee bands and for specific Disciplines where relevant.

1.5.2 Further Competition

This Framework provides for the option for using Further Competition by applying the following sub-criteria. The percentages can be set to suit the call-off being undertaken. The questions or method statements used to assess the call-off submissions must be appropriate and proportionate to the contract being procured.

Project Methodology	%
Team Being Proposed for the Contract Delivery	%
Price	%

1.6 Framework Pricing

The price offered by the Applicant in 5 Pricing Submission (FW) must be firm and fixed for the duration of the Framework.

1.6.1 Framework Price Review Mechanism

If a price review is agreed during the Framework Term, it will be varied by CPI for the hourly rate fees only. However no price reviews will be available for the % fee rates for any of the Core Disciplines as price increases will be reflected in the increased estimated construction values, which is what the % rates are based upon.

1.6.2 Framework Price Review Process

If a Price Review Mechanism has been made available, it will be conducted via formal Framework review meetings. Any price variations will not take effect until they have been mutually agreed by both Authority and Applicant and the former receives confirmation in writing from the latter.

1.7 Variant Bids

The Authority will consider variant bids: No

1.8 Procurement Timetable

The Authority proposes the following timetable for the award of the Contract(s):

Procurement Stage	Dates
Sent Call for Competition	Wednesday 2 March 2016

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Tender Documents Published	Tuesday 8 March 2016
Clarification Questions to be submitted by	Tuesday 29 March 2016
Clarification Responses to be issued by	Within 5 working days
Stage One Tender Submission Date & Time	Friday 15 April 2016 at 12:00 noon
Stage One Tender Evaluation Period	15 April – 28 June 2016
Stage One results notified to Applicants	Wednesday 29 June 2016
Stage Two Tender Documents Published	Thursday 30 June 2016
Clarification Questions to be submitted by	Friday 12 August 2016
Clarification Responses to be issued by	Within 5 working days
Stage Two Tender Submission Date & Time	Friday 2 September 2016 at 12:00 noon
Stage Two Tender Evaluation Period	2 September – 28 October 2016
Contract Award	28 October 2016
Standstill Period	31 October - 10 November 2016
Framework Mobilisation	November & December
Framework Start	6 January 2017

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

1.9 Authority Representatives

Applicants are advised that the Authority Representatives will only respond to queries or questions in relation to this Tender opportunity via the Supplying the South West e-tendering portal and are unable to respond to any questions raised verbally or by email.

No other person other than the names listed below have the authority to make any representation as the meaning of these Procurement Documents or to issue any instruction in relation to this Tender process or to any other matter so as to bind the Authority.

1.9.1 Authority Authorised Representatives:

Joanna Pascoe – Procurement Category Lead

Tracey Field – Strategic Procurement Lead

2 Procurement Process

2.1 Procurement Procedure

This Procurement is being undertaken following the 'Restricted Procedure as outlined within the Directive (2014/24/EU) and implemented in the United Kingdom by The Public Contracts Regulations 2015 (SI 2015/102).

A restricted procedure is a Two (2) Stage process, meaning that at Stage One (1) the Authority is able to limit the number of suitable Applicants invited to Stage (2) Tender.

2.1.1 Lot A – For projects with an Estimated Construction Value at or above the EU Spend Threshold

For this Tender process, the maximum number of Applicants who will be invited to Stage Two (2) Tender, following the evaluation at Stage One (1), will be **twelve**. If more than One (1) Applicant is at **twelfth** place, then all such Applicants will be invited to Tender. Where the scores between the twelfth and thirteenth placed Applicants are close the Authority will not award a place on the Framework to the thirteenth placed Applicant. Only those Applicants who score 50% or above for each of the Project Specific Questions to Assess Technical and Professional Ability – Short listing Questions and pass all of the other selection sub criteria will be judged to have passed this selection stage.

2.1.2 Lot B – For projects with an Estimated Construction Value below the EU Spend Threshold

For this Tender process, for each Sub-lot, the maximum number of Applicants who will be invited to Stage Two (2) Tender, following the evaluation at Stage One (1), will be **nine**. If more than One (1) Applicant is at **ninth** place, then all such Applicants will be invited to Tender. Where the scores between the ninth and tenth placed Applicants are close the Authority will not award a place on the Framework to the tenth placed Applicant. Only those Applicants who score 50% or above for each of the Project Specific Questions to Assess Technical and Professional Ability – Short listing Questions and pass all of the other selection sub criteria will be judged to have passed this selection stage.

2.2 Tender Award Process

2.2.1 Stage One (1)

This is a Two Stage process. Applicants are required to submit a request to participate in the tender process, by completing and submitting the Stage One Tender submission information that has been requested by the Authority. This can be found in 4 Stage One Tender Submission (FW). This formulates Stage One of this process. The Evaluation Criteria used to determine the Applicants that will be taken forward to Stage Two is detailed in Section 2.3 below.

For each Lot and for each sub-lot as set out in the Lot B Table above, a separate “Appendix A Stage One Project Specific Questions” must be completed and submitted.

2.2.2 Stage Two (2)

Only Applicants invited to do so by the Authority following the evaluation of the information completed and submitted at Stage One of this process are then invited to Stage Two. Applicants

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who are invited to Tender are then required to complete and submit the Stage Two Tender submission information that has been requested by the Authority. This can be found in 4 Stage Two Tender Submission . This formulates Stage Two of this process. The Evaluation Criteria used to evaluate the Most Economically Advantageous Tender (MEAT) is detailed in Section 2.3 below

2.3 Evaluation Criteria

The evaluation process is a critical part of the procurement process and is the means by which the Authority assesses and selects the organisations which are to progress to the next Stage of a procurement process and/or to be awarded a place on a Framework.

The information disclosed by Applicants in their Tenders will be used in this evaluation process and will form part of the resultant Framework.

The following criteria and weightings will be applied in the evaluation process:

Evaluation Criteria Breakdown		Sub-criteria	Main Criteria	Threshold
STAGE One -Selection				
Sub-criteria			Pass	
Pre Qualification Questionnaire	Pass			Pass
Grounds for Mandatory Exclusion	Pass			
Grounds for Discretionary Exclusion	Pass			
Economic & Financial Standing	Pass			
Technical and Professional Ability	Pass			
Project Specific Questions to Assess Technical and Professional Ability	Pass			
Project Specific Questions to Assess Technical and Professional Ability – Short listing Questions:	100%			50%
Exemplar Project	40%			20%
Availability of Suitably Experienced & Qualified Personnel	30%			15%
Continuity of Service Provision	20%			10%
Social Value	10%			5%

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Insurance	Pass		Pass
Compliance with Equality Legislation	Pass		Pass
Environmental Management	Pass		Pass
Health and Safety	Pass		Pass
Stage Two - Award			
Sub-criteria		100%	
Team Structure & Expertise	20%		
Framework Management Method Statement	30%		
Contract Delivery Method Statement	30%		
Added Value	10%		
Social Value	10%		
Pricing			
Pricing – Design & Build One Stage	10%		
Pricing – Design & Build Two Stage (With & Without Novation)	10%		
Pricing - Traditional	10%		

2.4 Stage One Evaluation Process

2.4.1 Selection criteria

Selection criteria are those that can be considered in assessing the Applicant's suitability to pursue the professional activity concerned, the Applicant's economic and financial standing and their technical and professional ability.

2.4.2 Pre-Qualification Questionnaire

This Pre-Qualification Questionnaire (PQQ) has been designed to assess the suitability of an Applicant to deliver the Authority's Framework requirement(s). This can be found in 4 Stage One Tender Submission and is for all Applicants to answer in full.

In accordance with Regulation 59 of the UK Public Contract Regulations 2015 and EU

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Implementing Regulation 2016/7 the Authority will accept submission of the following parts/sections of the European Single Procurement Document (ESPD) as part of any submission:

- a) ESPD Part II (A, B, C & D) in place of 1. Supplier Information of Stage 1 Standardised Pre-Qualification Questionnaire.
- b) ESPD Part III (A & B) in place of 2. Grounds for Mandatory Exclusion of Stage 1 Standardised Pre-Qualification Questionnaire.
- c) ESPD Part III (C & D) in place of 3. Grounds for Discretionary Exclusion of Stage 1 Standardised Pre-Qualification Questionnaire.

Where Applicants choose to submit all or any part of the ESPD in place of any of the PQQ requirements listed above this must be clearly identified and referenced by the Applicant. The Applicant's response will be assessed as outlined in the table below.

Applicants submitting all or any part of the ESPD in place of any of the PQQ requirements listed above are required to complete all other requirements within Stage 1 Standardised Pre-Qualification Questionnaire of 4 Stage One Tender Submission.

PQQ Section	Evaluation Criteria
Supplier Information	This section is for information only and will not be part of the assessment process.
Bidding Model	This will be assessed on the basis of pass or fail. The Applicant must demonstrate that the Bidding Model proposed meets the requirements of the tender to pass. The Authority may exclude any Applicant who fails this section
Contact Details	This section is for information only and will not be part of the assessment process.
Licensing and registration	This will be assessed on the basis of pass or fail. The Applicant must demonstrate that they meet the requirements of this section to pass. The Authority may exclude any Applicant who fails this section
Grounds for Mandatory Exclusion	This will be assessed on the basis of pass or fail. The Authority may exclude any Applicant who answers 'Yes' in any of the situations set out in this section
Grounds for Discretionary Exclusion	This will be assessed on the basis of pass or fail The Authority may exclude any Applicant who answers 'Yes' in any of the following situations set out in this section

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Economic and Financial Standing	This will be assessed on the basis of pass or fail. The Applicant must demonstrate that they meet the requirements of this section to pass. The Authority may exclude any Applicant who fails any of these sections
Technical and Professional Ability	
Project Specific Questions to Assess Technical and Professional Ability	
Project Specific Questions to Assess Technical and Professional Ability – Short listing Questions	<p>The questions will be scored in accordance with the One to Ten scoring system as per the table in section 2.7.2 below.</p> <p>Applicants should note that, in order to pass this section of the Tender they must achieve or exceed 50% of the available score for each of these questions.</p>
Insurance	This will be assessed on the basis of pass or fail. The Applicant must demonstrate that they meet the requirements of this section to pass. The Authority may exclude any Applicant who fails any of these sections
Compliance with Equality Legislation	
Environmental Management	
Health and Safety	

2.5 Stage Two Evaluation Process

2.5.1 Award Criteria

The Award criteria have been designed to assess the Most Economically Advantageous Tender (MEAT). The criteria can be found in 4 Stage Two Tender Submission and 5 Pricing Submission is all for those Applicants who were successful at Stage One to answer in full.

Please Note: 4 Stage Two Tender Submission and 5 Pricing Submission will be issued in PDF format at Stage One of the Process and will be re-issued in Word and Excel formats respectively to short-listed Applicants at Stage Two of the Process to complete and submit.

The top scoring Applicant who has passed all the Evaluation criteria will be considered to have been successful.

Award Criteria	Evaluation Process
Mandatory Criteria	<p>The questions within this section will be assessed on the basis of pass or fail.</p> <p>The Authority may exclude any Applicant who fails this section.</p>
Method Statements/Technical Questions	The questions within this section will be assessed on a scoring basis.
Pricing	Applicants with the lowest price will score maximum

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	marks out of a possible One hundred (100) and Applicants submitting higher prices will be awarded marks proportionate to their distance from the lowest price.
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2.6 Pricing Assessment

Applicants are required to complete the Pricing Submission Schedules for the Lot(s) they are applying for. For evaluation purposes, the % rates will be based upon the following Estimated Construction Values

Lot A

Estimated Construction Value	Value of Project on which Fee Proposal to be Based
EU Spend Threshold - 6,000,000	6,000,000
6,000,001 - 7,000,000	7,000,000
7,000,001 - 8,000,000	8,000,000
8,000,001 - 9,000,000	9,000,000
9,000,001 - 10,000,000	10,000,000

Lot B

Estimated Construction Value	Value of Project on which Fee Proposal to be Based
Up to 100,000	100,000
100,001 – 250,000	250,000
250,001 – 500,000	500,000
500,001 – 1,000,000	1,000,000
1,000,001 – 2,000,000	2,000,000
2,000,001 – 3,000,000	3,000,000
3,000,001 – Up to but not including EU Spend Threshold	4,000,000

The total combined % fee for each procurement route will be converted to a lump sum fee for each Estimated Construction Value band and then added together. This process will be repeated for

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each Discipline that is included for the Lot or sub-lot and all the total combined fees will be added together for each Applicant within the Lot or Sub-lot being applied for. This total combined fee per procurement route will be used for Evaluation purposes.

For Lot B only - for Direct Award purposes, within each Sub-lot, the Quality score for each Applicant will be added to their pricing score, separately per procurement route, per Estimated Construction Value, per Discipline and for the whole project team, as in all the Core Disciplines added together, in order to provide the highest scoring Lead Consultant, for each of these specific areas. The highest scoring Lead Consultant for each of these specific areas can be selected for Direct Award purposes for the relevant area that is being procured.

2.7 Evaluation Assessment

Evaluation criteria will be assessed as either Pass/Fail or scored.

2.7.1 Pass/Fail

Where evaluation criteria are being assessed as either a Pass/Fail, the response will be assessed as either a pass or a fail. Guidance as to the Authority's minimum requirements in relation to what constitutes a pass or a fail can be found within each question.

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

2.7.2 One to Ten Scoring

Where evaluation criteria are being assessed on a scoring basis, a One to ten scoring system will be used in accordance with the guidelines in the table below.

The scoring system awards the highest marks to Applicants who show innovation, creativity, further relevant details and information that could potentially enhance the Applicant's proposal. It should be noted that to achieve the highest marks available for the questions you should not only meet but exceed the requirements of the specification.

Where any questions have been given a weighting, that weighting shall be applied to the scores awarded e.g. a question weighted a One which achieves a score of five will achieve an overall score of five and a question weighted a three which achieves a score of five will achieve an overall score of fifteen.

Score 0	No response	No response	
Score 1	Extremely Weak	Very poor proposal/response; does not cover the associated requirements, major deficiencies in thinking or detail, significant detail missing, unrealistic or impossible to implement and manage	Weak
Score 2	Very Weak	Poor proposal/response, only partially covers the requirements, deficiencies in thinking or detail apparent, difficult to implement and manage	

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Score 3	Weak	Mediocre proposal/response, moderate coverage of the requirements, minor deficiencies either in thinking or detail, problematic to implement and manage	
Score 4	Fair - Below Average	Proposal/response partially satisfies the requirements, with small deficiencies apparent, needs some work to fully understand it	Fair - Good
Score 5	Fair - Average	Satisfactory proposal/response, would work to deliver all of the Authority's requirements to the minimum level	
Score 6	Fair - Above Average	Satisfactory proposal/response, would work to deliver the majority of the Authority's requirements to the minimum level with some evidence of where the Applicant could exceed the minimum requirements	
Score 7	Good	Good proposal/response that convinces the Authority of its suitability, response slightly exceeds the minimum requirements with a reasonable level of detail	
Score 8	Strong	Robust proposal/response, exceeds minimum requirements, including a level of detail or evidence of original thinking which adds value to the bid and provides a great deal of detail	Strong - Excellent
Score 9	Very Strong	Proposal/response well in excess of expectations, with a comprehensive level of detail given including a full description of techniques and measurements employed	
Score 10	Outstanding/ Excellent	Fully thought through proposal/response, which is innovative and provides the reader with confidence of the suitability of the approach to be adopted due to the complete level of detail provided	

3 Glossary

3.1 Definitions

Term	Definition
1 Instructions	Shall mean the document containing all the instructions on how to conduct the procurement process
2 Information	Shall mean the document containing information relating to the procurement including definitions, information on the procurement procedure, the evaluation process, information about the Framework and other information that may assist the Applicant to complete their submission.
3 Specification	Shall mean the document containing the Authority's requirements in relation to the goods, services or works being procured.
4 Stage One Tender Submission	Shall mean the document which the Applicant is required to complete and submit at Stage One of the Process, containing the Pre-Qualification Questionnaire
4 Stage Two Tender Submission	Shall mean the document which the Applicant is required to complete and submit at Stage Two (2) of the process, containing the Method Statements and Technical Questions.
5 Pricing Submission	Shall mean the document which the Applicant is required to complete and submit at Stage Two (2) of the Process containing their pricing for this Tender.
6 Certificates	Shall mean the documents which the Applicant is required to complete and submit at Stage One and Stage Two of the process, containing certificates / declarations Applicants are required to sign at each Stage of the process.
Abnormally Low Tender	Shall mean a Tender where the Authority considers the Applicant's price to be abnormally low.
Applicant	Shall mean the organisation responding to this tender opportunity.
Authority	Shall mean Torbay Council.
Authority Authorised	Shall mean the Officer leading the Procurement process on

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Representative	behalf of the Authority.
Award	Shall mean the process by which the Authority shall determine to whom the Framework will be awarded in accordance with the criteria listed at Regulation 30 of the Public Contracts Regulations 2006 as amended in 2009.
Award Questions	Shall mean the written response submitted by the Applicant to evidence their ability to meet the Authority's requirements, which will form part of the evaluation process upon which award of the Framework will be based.
Bidding Model	Shall mean the Applicant's proposals relating to any consortia or sub-contracting arrangements that will be put in place in order to deliver the Framework.
Call for Competition	Shall mean the notice sent for publication by electronic means to the EU Publications Office for Publication.
Call-off	Shall mean a call-off procedure that will be followed to enable future orders to be placed under the Framework.
Confidential Information	Shall mean any information or documents which the Authority considers to be of a confidential nature and which will only be made available to Applicants who sign and submit a Confidentiality Agreement.
Confidentiality Agreement	Shall mean the Agreement which Applicants are required to complete and submit in order to access any confidential documents.
Consortia/Consortium	Shall mean Two (2) or more persons, at least One of whom is an economic operator, acting jointly for the purpose of being awarded a public contract (pursuant to Article 28(1) Public Contracts Regulations 2006).
Contract	Shall mean the same as the Contract Terms and Conditions.
Framework Term	Shall mean the length of the Framework including extensions, if available.
Contract Terms and Conditions	Shall mean the Call-off Contract between a Contracting Authority and the Contractor for the provision of the services or works which are called-off from the Framework, including all documents to which reference may properly be made in order to ascertain the rights and obligations of all the parties involved.

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Contracting Authority	Shall mean Torbay Council and any other Authority on whose behalf Torbay Council may be working.
Contractor	Shall mean the Applicant awarded the Framework culminating from an offer to supply accepted by this Authority.
Direct Award	Shall mean a call-off procedure that will be followed to enable future orders to be placed under the Framework
Discussions Facility	Shall mean the area within Supplying the Southwest where Applicants submit clarification questions and confidentiality agreements during the tender process and through which the Authority will post its replies.
Documents	Shall mean all of the tender documents in relation to this process as detailed in section 2 The Tender Documents of (1) ATR Tender Instructions.
Eligible Users	Shall mean any organisation given access to the Framework as a result of the procurement process and on whose behalf the Authority may be establishing the arrangements.
Employers' Liability (Compulsory Insurance)	<p>Shall mean an insurance that enables organisations to meet the costs of damages and legal fees for employees who are injured or made ill at work through the fault of the employer. Employees injured due to an employer's negligence can seek compensation even if the organisation goes into liquidation or receivership. The NHS can also claim the costs of hospital treatment (including ambulance costs) when personal injury compensation is paid. This applies to incidents that occur either on or after 29 January 2007.</p> <p>By law, an employer must have EL insurance and be insured for at least £5 million. Most insurers automatically provide cover of at least £10 million. The insurance must cover all the organisation's employees in England, Scotland, Wales and Northern Ireland.</p> <p>If the organisation is not a limited company, and you are the only employee or you only employ close family members, you do not need compulsory Employers' Liability Insurance. Limited companies with only One employee, where that employee also owns 50 per cent or more of the issued share capital in the company, are also exempt from compulsory Employers' Liability Insurance. However, there is nothing to prevent an exempt employer from choosing to buy this insurance in view of the</p>

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	financial security it can provide.
Evaluation Questions	Shall mean the written response submitted by the Applicant to evidence their ability to meet the Authority's requirements, which will form part of the evaluation process upon which award of the Framework will be based.
Framework	Shall mean the list of services and the Contractors who have been pre-approved to provide those services.
Framework Agreement	Shall mean the Agreement put in place between the Authority and the successful Applicants to enable future orders to be placed for services
Further Competition	Shall mean a call-off procedure that will be followed to enable future orders to be placed under the Framework
Incomplete Tender	Shall mean a Tender which has been submitted with information / documents missing or in an incorrect format.
Irregular Tender	Shall mean a Tender which has not been submitted via Supplying the Southwest.
Late Tender	Shall mean a Tender which has been automatically classified by Supplying the Southwest as being received after the submission deadline.
Lead Applicant	Shall mean the organisation leading the bidding process on behalf of its consortia or sub-contractor partners.
Lot	Shall mean One of a number of categories of goods or services which a single procurement process has been divided into. The use of lots potentially allows for multiple providers to be appointed following One procurement process.
MEAT	Shall mean most economically advantageous tender from the point of view of the contracting authority in relation to the subject matter of the Framework.
Official Purchase Order	Shall mean the Authority's Official Purchase Order, to which these conditions apply.
On Time Tender	Shall mean a Tender which has been automatically classified by Supplying the Southwest as being received by the submission deadline.

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Portal	Shall mean the same as Supplying the South West
Post Tender Clarification	Shall mean the process by which the Authority will seek clarification or supplementary information from Applicants following submission of their Tender.
Price Review Mechanism	Shall mean the mechanism that will be used to vary the pricing of the Framework.
Pre Qualification Questionnaire	Shall mean the questionnaire to be completed by all Applicants, containing the selection requirements through which Applicants shall be assessed against in order to move through to the next Stage of the process.
Process	Shall mean the procurement process in relation to this tender opportunity.
Procurement Representative	Shall mean the Procurement Officer who is leading the Procurement Process on behalf of the Authority
Product Liability Insurance	<p>In Product Liability Insurance terms, a product is any physical item that is sold or given away.</p> <p>Products must be 'fit for purpose'. The organisation is legally responsible for any damage or injury that a product it supplies may cause (in some circumstances this also includes products that the organisation does not manufacture).</p> <p>Product Liability Insurance covers the organisation against damages awarded as a result of damage to property or personal injury caused by the product. If damages are paid for personal injury, the NHS can claim to recover the costs of hospital treatment (including ambulance costs). This applies to incidents that occur either on or after 29 January 2007.</p>
Professional Indemnity Insurance	<p>Shall mean a liability cover that provides protection for negligent advice or a service provided by the organisation, it also protects against damages the organisation becomes liable for in relation to mistakes made such as errors of judgement, basic administration errors, mislay of or damage to clients' documents. It is designed to safeguard it against claims made by clients for any resulting financial loss or damage to their reputation. This type of insurance should also cover legal fees and costs.</p> <p>Individuals and organisations that provide professional advice or consultancy services need Professional Indemnity cover.</p>

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Public Contracts Regulations	Shall mean the legislation incorporated in to English law concerning public procurement, which can be found at: www.legislation.gov.uk .
Public Liability Insurance	<p>Shall mean an insurance that covers members of the public or customers coming to the organisation's premises or if the organisation's staff go to theirs (including if the organisation is based 'at home').</p> <p>It covers any awards of damages given to a member of the public because of an injury or damage to their property caused by the organisation. It also covers any related legal fees, costs and expenses as well as costs of hospital treatment (including ambulance costs) that the NHS may claim from the organisation.</p> <p>Premiums are based on the type of business and rated on an estimate for the level of activity of the business.</p>
Relevant Tax Authority	Shall mean the organisation responsible for administering tax policy in the country in which the Applicant's organisation is established.
Restricted Procedure	Shall mean the procedure the procurement process is following, in accordance with the Public Contract Regulations 2015.
Selection	Shall mean the process by which Applicants will be selected to move forward to the next Stage of the procurement process, in accordance with the criteria listed at Regulations 23, 24 and 25 of the Public Contracts Regulations 2006 as amended in 2009.
Service(s)	Shall mean any action/s by the Contractor required by the Framework.
Stage One	Shall mean the first Stage of the Procurement Process and contains the selection criteria in the form of the Pre Qualification Questionnaire.
Stage Two	Shall mean the second Stage of the Procurement Process and contains the Award criteria.
Standstill	Shall mean the period, as set out in Regulation 87 of the Public Contracts Regulations 2015, immediately following notification of the award decision to Applicants during which the Authority must not enter into the Framework.
Submission	Shall mean the correct and proper process for electronically

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	submitting the Applicant's Tender, as detailed in section 4 Completion, Submission and Receipt of Tenders of (1) ATR Tender Instructions.
Supplying the South West	Shall mean the e-Tendering Portal through which the Authority advertises procurement opportunities and conducts procurement processes electronically
Tender	Shall mean the invitation to bid for this Framework. Shall mean the Applicant's response to this tender opportunity.
Tender Clarification	Shall mean the opportunity for Applicants to submit questions, within a specified timescale, relating to this tender and the associated Documents.
Terms	Shall mean the same as the Contract.
Transfer of Undertaking (Protection of Employment) Regulations 2006 (TUPE)	Shall mean the regulations which govern how employers shall deal with transfer of staff when a service or business changes hands from One employer to another in order to ensure the principal terms of employees' rights are protected.
Whole Life	Shall mean the Framework length, including extensions, if available.

3.2 Appendices

Appendix A - Project Specific Questions to Assess Technical and Professional Ability – Short-listing questions

Appendix B – Scope of Services as follows:

B1 Architect

B2 Civil and Structural Engineer

B3 Cost Consultant (Quantity Surveyor)

B4 Lead Designer

B5 Building Services Engineer

B6 Principal Designer

B7 Project Manager

B8 Supervisor

NB the PDF Scopes of Services all refer to SWCF 2016-2020; this should read SWCF 2017-2021

~~**Appendix C** – Insurance and Limited Liability Table – Removed; see clause 12 in Framework Agreement~~

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Appendix D – Meeting Schedule Table

Appendix E – List of Users SWCF 2012 – 2016