

**Durham County Council**

**Contract for Tees-Swale: Environmental Community Art Programme Development and Delivery**

**ProContract Reference DN426091**

**Invitation to Tender (ITT)**

**Document 3**

**ITT Response**



**IMPORTANT:**

*Please read the information in* ***Document 1 – instructions*** *- before beginning to complete the ITT. That document contains important guidance on how to complete your ITT response.*

**Part 1: Potential supplier Information**

Please answer the following questions in full. Note that every organisation that is being relied on to meet the selection must complete and submit the Part 1 and Part 2 self-declaration.

|  |  |
| --- | --- |
| Section 1 | **Potential supplier information** |
| **Question number** | **Question** | **Response** |
| 1.1(a) | Full name of the potential supplier submitting the information |  |
| 1.1(b) – (i) | Registered office address (if applicable\*) |  |
| 1.1(b) – (ii) | Registered website address (if applicable\*) |  |
| 1.1(c) | Trading status 1. public limited company
2. limited company
3. limited liability partnership
4. other partnership
5. sole trader
6. third sector
7. other (please specify your trading status)
 |  |
| 1.1(d) | Date of registration in country of origin |  |
| 1.1(e) | Company registration number (if applicable) |  |
| 1.1(f) | Charity registration number (if applicable) |  |
| 1.1(g) | Head office DUNS number (if applicable) |  |
| 1.1(h) | Registered VAT number  |  |
| 1.1(i) - (i) | If applicable, is your organisation registered with the appropriate professional or trade register(s) in the member state where it is established? | [ ]  Yes [ ]  No [ ]  N/A  |
| 1.1(i) - (ii) | If you responded yes to 1.1(i) - (i), please provide the relevant details, including the registration number(s). |  |
| 1.1(j) - (i) | Is it a legal requirement in the state where you are established for you to possess a particular authorisation, or be a member of a particular organisation in order to provide the services specified in this procurement? | [ ]  Yes [ ]  No  |
| 1.1(j) - (ii) | If you responded yes to 1.1(j) - (i), please provide additional details of what is required and confirmation that you have complied with this. |  |
| 1.1(k) | Trading name(s) that will be used if successful in this procurement |  |
| 1.1(l) | Relevant classifications (state whether you fall within one of these, and if so which one)1. Voluntary Community Social Enterprise (VCSE)
2. Sheltered Workshop
3. Public service mutual
 |  |
| 1.1(m) | Are you a Small, Medium or Micro Enterprise (SME)[[1]](#footnote-1)? | [ ]  Yes [ ]  No  |
| 1.1(n) | Details of Persons of Significant Control (PSC), where appropriate: [[2]](#footnote-2) - Name; - Date of birth; - Nationality; - Country, state or part of the UK where the PSC usually lives; - Service address; - The date he or she became a PSC in relation to the company (for existing companies the 6 April 2016 should be used); - Which conditions for being a PSC are met;  - Over 25% up to (and including) 50%,  - More than 50% and less than 75%,  - 75% or more. [[3]](#footnote-3)(Please enter N/A if not applicable) |  |
| 1.1(o) | Details of immediate parent company: - Full name of the immediate parent company- Registered office address (if applicable)- Registration number (if applicable)- Head office DUNS number (if applicable)- Head office VAT number (if applicable)(Please enter N/A if not applicable) |  |
| 1.1(p) | Details of ultimate parent company:- Full name of the ultimate parent company- Registered office address (if applicable)- Registration number (if applicable)- Head office DUNS number (if applicable)- Head office VAT number (if applicable)(Please enter N/A if not applicable) |  |

**Please note:** A criminal record check for relevant convictions may be undertaken for the preferred suppliers and the persons of significant in control of them.

\* 1.1(b)(i) and (ii) – “Registered Address” details apply to organisations registered with Companies House, and the address associated with that registration..

Please provide the following information about your approach to this procurement:

|  |  |
| --- | --- |
| Section 1 | **Bidding model** |
| **Question number** | **Question** | **Response** |
| 1.2(a) - (i) | Are you bidding as the lead contact for a group of economic operators? | [ ]  Yes [ ]  No  If yes, please provide details listed in questions 1.2(a) (ii), (a) (iii) and to 1.2(b) (i), (b) (ii), 1.3, Section 2 and 3.If no, and you are a supporting bidder please provide the name of your group at 1.2(a) (ii) for reference purposes, and complete 1.3, Section 2 and 3. |
| 1.2(a) - (ii) | Name of group of economic operators (if applicable) |  |
| 1.2(a) - (iii) | Proposed legal structure if the group of economic operators intends to form a named single legal entity prior to signing a contract, if awarded. If you do not propose to form a single legal entity, please explain the legal structure. |  |
| 1.2(b) - (i) | Are you or, if applicable, the group of economic operators proposing to use sub-contractors? | [ ]  Yes [ ]  No  |
| 1.2(b) - (ii) | If you responded yes to 1.2(b)-(i) please provide additional details for each sub-contractor in the following table: we may ask them to complete this form as well.

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| --- | --- | --- | --- | --- | --- |
| Name |  |  |  |  |  |
| Registered address |  |  |  |  |  |
| Trading status |  |  |  |  |  |
| Company registration number |  |  |  |  |  |
| Head Office DUNS number (if applicable) |  |  |  |  |  |
| Registered VAT number |  |  |  |  |  |
| Type of organisation |  |  |  |  |  |
| SME (Yes/No) |  |  |  |  |  |
| The role each sub-contractor will take in providing the works and /or supplies e.g. key deliverables |  |  |  |  |  |
| The approximate % of contractual obligations assigned to each sub-contractor |  |  |  |  |  |

 |

**Contact details and declaration**

I declare that to the best of my knowledge the answers submitted and information contained in this document are correct and accurate.

I declare that, upon request and without delay I will provide the certificates or documentary evidence referred to in this document.

I understand that the information will be used in the selection process to assess my organisation’s suitability to be invited to participate further in this procurement.

I understand that the authority may reject this submission in its entirety if there is a failure to answer all the relevant questions fully, or if false/misleading information or content is provided in any section.

I am aware of the consequences of serious misrepresentation.

|  |  |
| --- | --- |
| Section 1 | **Contact details and declaration** |
| **Question number** | **Question** | **Response** |
| 1.3(a) | Contact name |  |
| 1.3(b) | Name of organisation |  |
| 1.3(c) | Role in organisation |  |
| 1.3(d) | Phone number |  |
| 1.3(e) | E-mail address  |  |
| 1.3(f) | Postal address |  |
| 1.3(g) | Signature (electronic is acceptable) |  |
| 1.3(h) | Date |  |

**Part 2: Exclusion Grounds**

Please answer the following questions in full. Note that every organisation that is being relied on to meet the selection must complete and submit the Part 1 and Part 2 self-declaration.

|  |  |
| --- | --- |
| Section 2 | **Grounds for mandatory exclusion** |
| Question number | **Question** | **Response** |
| 2.1(a) | **Regulations 57(1) and (2)** The detailed grounds for mandatory exclusion of an organisation are set out on this [webpage](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf), which should be referred to before completing these questions. Please indicate if, within the past five years you, your organisation or any other person who has powers of representation, decision or control in the organisation been convicted anywhere in the world of any of the offences within the summary below and listed on the [webpage](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf). |
|  | Participation in a criminal organisation.  | [ ]  Yes [ ]  No If Yes please provide details at 2.1(b) |
|  | Corruption.  | [ ]  Yes [ ]  No If Yes please provide details at 2.1(b) |
|  | Fraud.  | [ ]  Yes[ ]  No If Yes please provide details at 2.1(b) |
|  | Terrorist offences or offences linked to terrorist activities | [ ]  Yes [ ]  No If Yes please provide details at 2.1(b) |
|  | Money laundering or terrorist financing | [ ]  Yes[ ]  No If Yes please provide details at 2.1(b) |
|  | Child labour and other forms of trafficking in human beings | [ ]  Yes [ ]  No If Yes please provide details at 2.1(b)  |
| 2.1(b) | If you have answered yes to question 2.1(a), please provide further details.Date of conviction, specify which of the grounds listed the conviction was for, and the reasons for conviction,Identity of who has been convictedIf the relevant documentation is available electronically please provide the web address, issuing authority, precise reference of the documents. |  |
| 2.2 | If you have answered Yes to any of the points above have measures been taken to demonstrate the reliability of the organisation despite the existence of a relevant ground for exclusion? (Self Cleaning) | [ ]  Yes [ ]  No  |
| 2.3(a) | **Regulation 57(3)**Has it been established, for your organisation by a judicial or administrative decision having final and binding effect in accordance with the legal provisions of any part of the United Kingdom or the legal provisions of the country in which the organisation is established (if outside the UK), that the organisation is in breach of obligations related to the payment of tax or social security contributions? | [ ]  Yes [ ]  No  |
| 2.3(b) | If you have answered yes to question 2.3(a), please provide further details. Please also confirm you have paid, or have entered into a binding arrangement with a view to paying, the outstanding sum including where applicable any accrued interest and/or fines. |  |

**Please Note:** The authority reserves the right to use its discretion to exclude a potential supplier where it can demonstrate by any appropriate means that the potential supplier is in breach of its obligations relating to the non-payment of taxes or social security contributions.

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| Section 3 | **Grounds for discretionary exclusion**  |
|  | **Question** | **Response** |
| 3.1 | **Regulation 57 (8)**The detailed grounds for discretionary exclusion of an organisation are set out on this [webpage](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf), which should be referred to before completing these questions. Please indicate if, within the past three years, anywhere in the world any of the following situations have applied to you, your organisation or any other person who has powers of representation, decision or control in the organisation. |
| 3.1(a) | Breach of environmental obligations?  | [ ]  Yes [ ]  No If yes please provide details at 3.2 |
| 3.1 (b) | Breach of social obligations?  | [ ]  Yes [ ]  No If yes please provide details at 3.2 |
| 3.1 (c) | Breach of labour law obligations?  | [ ]  Yes [ ]  No If yes please provide details at 3.2 |
| 3.1(d) | Bankrupt or is the subject of insolvency or winding-up proceedings, where the organisation’s assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business activities are suspended or it is in any analogous situation arising from a similar procedure under the laws and regulations of any State? | [ ]  Yes [ ]  No If yes please provide details at 3.2 |
| 3.1(e) | Guilty of grave professional misconduct? | [ ]  Yes [ ]  No If yes please provide details at 3.2 |
| 3.1(f) | Entered into agreements with other economic operators aimed at distorting competition? | [ ]  Yes [ ]  No If yes please provide details at 3.2 |
| 3.1(g) | Aware of any conflict of interest within the meaning of regulation 24 due to the participation in the procurement procedure? | [ ]  Yes [ ]  No If yes please provide details at 3.2 |
| 3.1(h) | Been involved in the preparation of the procurement procedure? | [ ]  Yes[ ]  No If yes please provide details at 3.2 |
| 3.1(i) | Shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity, or a prior concession contract, which led to early termination of that prior contract, damages or other comparable sanctions? | [ ]  Yes [ ]  No If yes please provide details at 3.2 |
| 3.1(j)3.1(j) - (i)3.1(j) - (ii)3.1(j) –(iii)3.1(j)-(iv) | Please answer the following statementsThe organisation is guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria.The organisation has withheld such information. The organisation is not able to submit supporting documents required under regulation 59 of the Public Contracts Regulations 2015.The organisation has influenced the decision-making process of the contracting authority to obtain confidential information that may confer upon the organisation undue advantages in the procurement procedure, or to negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award. | [ ]  Yes [ ]  No If Yes please provide details at 3.2[ ]  Yes [ ]  No If Yes please provide details at 3.2[ ]  Yes [ ]  No If Yes please provide details at 3.2[ ]  Yes [ ]  No If Yes please provide details at 3.2 |

|  |  |  |
| --- | --- | --- |
| 3.2 | If you have answered Yes to any of the above, explain what measures been taken to demonstrate the reliability of the organisation despite the existence of a relevant ground for exclusion? (Self Cleaning) |  |

**Evaluation Criteria**

Part 2 is evaluated on a pass/fail basis. Bidders who fail will be disqualified from the procurement process.

| **Grounds for** **Exclusion Evaluation Criteria** | **Fail** | **Pass** |
| --- | --- | --- |
| Identified grounds for exclusion under regulation 57 of the Public Contracts Regulations 2015. | No grounds for exclusion identified under regulation 57 of the Public Contracts Regulations 2015 |

**Important note:** The Council may, at its discretion and in consideration of any additional information provided or mitigating circumstances, disregard any grounds for exclusion if it is satisfied that there are overriding requirements in the general interest that justify doing so – see the note on “Self-Cleaning” below.

ADDITIONAL NOTE 1 – CONFLICTS OF INTEREST

In accordance with the relevant question above, the Council may exclude the bidding organisation 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.

Where there is any indication that a conflict of interest exists or may arise then it is the responsibility of the bidding organisation to inform the Council. Provided that it has been carried out in a transparent manner, routine pre-market engagement carried out by the Council should not represent a conflict of interest for a bidding organisation.

ADDITIONAL NOTE 2 – TAKING ACCOUNT OF BIDDERS’ PAST PERFORMANCE

In accordance with the relevant question above, the Council may assess the past performance of a bidding organisation. The Council may take into account any failure to discharge obligations under previous relevant contracts of the bidding organisation completing this Selection Questionnaire. This may include deficiencies in contracts with other public contracting authorities – not just contracts involving the Council.

In addition, the Council may re-assess reliability based on past performance at key stages in the procurement process (i.e. supplier selection, tender evaluation, contract award stage etc.). Bidding organisations 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).

ADDITONAL NOTE 3 - SELF-CLEANING

Any Bidding Organisation that answers “yes” to any of the questions in Part 2 should provide sufficient evidence that provides a summary of the circumstances and any remedial action that has taken place subsequently, which may effectively “self-clean” the situation referred to. The bidding organisation must demonstrate that it has taken such remedial action, to the satisfaction of the Council in each case.

If such evidence is considered by the Council (whose decision will be final) as sufficient, the bidding organisation concerned shall be allowed to continue in the procurement process.

In order for the evidence referred to above to be sufficient, the bidding organisation shall, as a minimum, prove that it has:

* 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.

The measures taken by the bidding organisation shall be evaluated taking into account the gravity and particular circumstances of the criminal offence or misconduct. Where the measures are considered by the Council to be insufficient, the bidding organisation shall be given a statement of reasons for that decision.

**Part 3: Selection & Award Questions**

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| **Section 4** | **Economic and Financial Standing**  |
| **4.0** | **Please note: An evaluation of financial standing is not included as part of this procurement exercise. No financial information is required from bidding organisations on this occasion.** |

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| **Section 5** | **If you have indicated in the Selection Questionnaire question 1.2 that you are part of a wider group, please provide further details below:**  |
| **Name of organisation:** |  |
| **Relationship to the Supplier completing these questions:** |  |

|  |  |  |
| --- | --- | --- |
| **5.1** | Are you able to provide parent company accounts if requested to at a later stage? | [ ]  Yes [ ]  No  |
| **5.2** | If yes, will your parent company provide a financial guarantee on your behalf? | [ ]  Yes [ ]  No  |
| **5.3** | If no, will another organisation (e.g. a bank) act as your guarantor? | [ ]  Yes [ ]  No If “Yes” please state the name of the Guarantor organisation:  |

**Evaluation Criteria for Sections 4 and 5**

These sections are evaluated on a pass/fail basis. Bidders who fail will be disqualified from the procurement process.

| **Finance: Evaluation Criteria** | **Fail**  | **Pass**  |
| --- | --- | --- |
| Failure by the bidding organisation to confirm that it meets the minimum level of financial standing (where any are stated in 4.2),And:Being unable to meet the required level of financial standing itself, the bidder is not in a position to provide a Guarantor. | The bidding organisation confirms that it meets the minimum level of financial standing,Or:The bidding organisation does not itself meet the minimum level of financial standing but has undertaken to provide a Guarantor, AND this Guarantor meets the minimum level of financial standing,Or: No financial assessment is applied to this procurement exercise. |

**If You Require a Guarantor**

If your organisation is unable to meet the minimum financial thresholds for the contract you may still submit a bid as long as this is backed by a financial guarantor or guarantors. The guarantor must meet the stated level of financial standing in your place. Where a bidding organisation provides more than one guarantor, the guarantors must collectively meet the turnover threshold, and individually meet any other thresholds.

You will be required to provide full financial information from the guarantor if selected. If the bidding organisation is awarded a contract, the Council will not finalise the award or place any orders under the contract until the relevant guarantor has entered into a deed of guarantee addressed to the Council on terms which are no more onerous to the guarantor than those indicated in Document 1, Appendix 1 – Terms of Deed. If more than one guarantor is required, then these instructions apply to each guarantor required.

|  |  |
| --- | --- |
| **Section 6.1** | **Modern Slavery Act 2015:** **Requirements under Modern Slavery Act 2015** |
| **6.1.1** | Are you a relevant commercial organisation as defined by section 54 ("Transparency in supply chains etc.") of the Modern Slavery Act 2015 ("the Act")? | [ ] Yes [ ]  No  |
| **6.1.2** | If you have answered “yes” to question 6.1.1 are you compliant with the annual reporting requirements contained within Section 54 of the Act 2015? | [ ]  Yes Please provide the relevant URL in the box below.[ ]  No Please provide an explanation in the box below. |
| Supplementary information to 6.1.2:      |

**Evaluation Criteria for Section 6.1**

This section is evaluated on a pass/fail basis. Bidders who fail will be disqualified from the procurement process.

| **Modern Slavery:** **Evaluation Criteria** | **Fail**  | **Pass**  |
| --- | --- | --- |
| The bidding organisation is a relevant commercial organisation as defined by the Act, but does not, or cannot confirm that it complies with the annual reporting requirements. | The bidding organisation is a relevant commercial organisation as defined by the Act, and it has demonstrated that it complies with the annual reporting requirements,Or:The bidding organisation is not a relevant commercial organisation as defined by the Act. |

**Note:** A relevant commercial organisation defined by the Act is one whose annual financial turnover exceeds £36 million pounds.

|  |  |
| --- | --- |
| **Section 6.2** | **Supply Chain Prompt Payment – self declaration** |
| **6.2.1** | Please confirm if you intend to use a supply chain for this contract. If you answer “No” you do not need to complete the rest of this section. **[INFORMATION ONLY]**  | [ ]  Yes [ ]  No  |
| **6.2.2** | Please confirm that you have systems in place to ensure that those in your supply chain are paid within your agreed contractual terms. **[PASS / FAIL]** | [ ]  Yes [ ]  No  |
| **6.2.3** | Please confirm you have procedures for resolving disputed invoices promptly and effectively with those in your supply chain. **[PASS / FAIL]** | [ ]  Yes [ ]  No  |
| **6.2.4** | Please confirm whether you are a signatory to a code or standard on payment practices. **[INFORMATION ONLY]**  | [ ]  Yes [ ]  No  |
| **6.2.5** | If you have answered “Yes” to question 6.2.4 above, please confirm whether you have taken steps to ensure that you meet the requirements of the code or standard.**[PASS / FAIL]** | [ ]  Yes [ ]  No  |
| **PUBLIC SECTOR CONTRACTS ONLY – Requirement under the Public Contracts Regulations 2015 (“PCR 2015”) (Reg 113)** |
| **6.2.6** | For all contracts entered into pursuant to a procurement carried out under the PCR 2015, please confirm you include 30 day payment terms in all of your sub-contracts (and you require your supply chainto do so) on all such contracts.**[PASS / FAIL]** | [ ]  Yes [ ]  No  |
| **PUBLIC AND PRIVATE SECTOR CONTRACTS** |
| **6.2.7** | Please provide the percentage of invoices paid by you to those in your immediate supply chain on all contracts within 60 days of the receipt of the invoice in each of the last two six month periods. This should include the percentage of invoices paid within each of the following categories:- * within 30 days
* in 31 to 60 days
* in 61 days or more.

Please include the total volume of invoices in each category. **It is acceptable to cross refer to information that has previously been submitted to Government or is publicly available (provided it covers the requested period), in which case, please provide details and/or insert link(s):-** *If you are unable to demonstrate that 95% of invoices payable to your supply chain on all contracts have been paid within 60 days of the receipt of the invoice in each of the last two six month periods, please explain why and if applicable what remedial steps you have taken and/or are planning to take.* |

**Evaluation Criteria for Section 6.2**

| **Supply Chain Prompt Payment:** **Evaluation Criteria** | **Fail** | **Pass** |
| --- | --- | --- |
| The bidding organisation has failed to confirm it has in place the systems, procedures or agreed payment terms to meet all of the requirements of question 6.2 as detailed above.  | The bidding organisation has confirmed it has in place the systems, procedures or agreed payment terms to meet all of the requirements of question 6.2 as detailed above.   |

**Evidence for self-declarations (points 2-6):**

**Prior to contract award** - the following evidence will be required from the successful bidder (where the bidder has answered “Yes” to question 6.2.1 above) in order to verify the bidder’s responses.

|  |  |
| --- | --- |
| **Question**  | **Evidence** |

|  |  |
| --- | --- |
| **6.2.2** | A copy of your standard payment terms for all of your supply chain contracts. |
| **6.2.2** | Details of the systems which are in place to ensure that suppliers are paid promptly.  |
| **6.2.3** | A copy of your procedures for resolving disputed invoices promptly and effectively.  |
| **6.2.3** | Details of any payments of interest for late payments you have paid in the past 12 months or which became due during the past 12 months and remain payable (contractually or under late payment legislation) and, if any such payment has been made (or arose), an explanation as to why this occurred and an outline of what remedial steps have been taken to ensure this does not occur again.  |
| **6.2.4** | Details of any code or standard on payment practices to which you are a signatory.  |
| **6.2.5** | If you are a signatory to a code or standard on prompt payment, details of what steps you have taken to ensure that you meet the requirements of the code or standard.  |
| **6.2.6** | A copy of your standard payment terms used with sub-contractors on public sector contracts subject to PCR 2015  |

**7. Additional Pass / Fail Questions**

Suppliers who self-certify that they meet the requirements to these additional questions will be required to provide evidence of this if they are successful at contract award stage.

**7.1: Insurance**

|  |  |  |
| --- | --- | --- |
| **Section 7.1** | **Insurance** | **Response** |
|  | Please self-certify whether you already have, or can commit to obtain, prior to the commencement of the contract, the levels of insurance cover indicated below: Employer’s (Compulsory\*) Liability Insurance = **£5million**Public Liability Insurance = **£5million** Professional Indemnity Insurance = **£1million**\* It is a legal requirement that all companies hold Employer’s (Compulsory) Liability Insurance of £5 million as a minimum. Please note this requirement is not applicable to Sole Traders. | [ ] Yes [ ]  No  |

ADDITIONAL NOTE for CONSORTIA and SPV bidders:

**Consortia, partnerships and joint ventures**

Consortia must confirm that the consortium collectively has the required levels of insurance, except for employer’s liability – each consortium member that employs staff must have an individual policy at the required level for this.

**Special Purpose Vehicles**

Special purpose vehicles must confirm that either the vehicle itself, or one of the members of the vehicle, where the policy specifically extends cover to the vehicle, has the required levels of insurance.

**Evaluation Criteria for Section 7.1**

This section is evaluated on a pass/fail basis. Bidders who fail will be disqualified from the procurement process.

| **Insurance Evaluation Criteria** | **Fail**  | **Pass**  |
| --- | --- | --- |
| Failure by the bidding organisation to confirm that it has or, if successful, will buy the specified minimum levels of insurance. | The bidding organisation confirms that it has or, if successful, will buy the specified minimum levels of insurance. |

**7.2: Health & Safety**

To ensure that the Council fulfils its duty of care under current Health and Safety legislation we require that any organisations bidding to undertake work on our behalf provide assurance of their ability to fulfil all health and safety requirements relating to the work being undertaken.

The Council has determined the goods, works and/or services being procured to involve a medium-to-high level of health and safety risk. We therefore require bidding organisations to be externally accredited to a health and safety scheme which is a Registered Member of **Safety Schemes In Procurement (SSIP) or equivalent** or, if they are currently working towards accreditation, that they will have achieved accreditation by time of contract commencement. Bidding Organisations will also undertake to maintain accreditation for the duration of the Contract including any extensions. The relevant office/branch of the bidding organisation that would be delivering the work/service must the one that has the requisite accreditation. More information on SSIP can be found at [www.ssip.org.uk](http://www.ssip.org.uk)

|  |
| --- |
| ***7.2.1 Safety Schemes In Procurement (SSIP)or Equivalent*** |
| Does your organisation currently hold a valid accreditation, from an SSIP Registered Member health and safety scheme or equivalent? *(You may also answer “*YES*” if you are accredited by a scheme from another EU member state, recognised as equivalent to SSIP)**(Your accreditation must be relevant to the category of works covered by this procurement)* | **Yes** [ ]  **No *(but working towards)*** [ ] **No** [ ]  |
| *If answering “***YES***”,* *or* “**Working Towards**”, *please state scheme?* |  |
| *If answering* “**YES”***, on what date is your accreditation due for renewal and which of the members of SSIP are you accredited to.**(Note that if your organisation is successful in this procurement exercise, you will be expected to maintain accreditation for the duration of the proposed contract including any extensions).* |  |
| ***Please Note: By selecting ‘Yes’ you are confirming that you have an accreditation which has been formally recognised by SSIP (recognised accreditations can be confirmed via*** [***https://ssip.org.uk/members***](https://ssip.org.uk/members)***To ensure compliance with the Health and Safety requirements of this tender exercise the Council reserves the right to request Contractors provide appropriate evidence of certification at any time during the procurement process to validate their accreditation.******If you have stated that you are working towards accreditation, please note that if you are successful in this tender process, the Council will only award the contract to your organisation on confirmation that accreditation has been achieved. Failure to achieve accreditation by time of Contract commencement will result in your bid being disqualified.*** |
| ***7.2.2 Prosecutions and Enforcement Notices*** |
| Have you been subject to enforcement action or prosecutions by the Health and Safety Executive, any local authority or other relevant enforcement body in the last five years? |  **Yes** [ ]  **No** [ ]   |
| *If the answer is “****YES****” to the above question, please complete* ***Section D.3*** *below – providing details of all enforcement notices or prosecutions in the last five years.* |

**NOTE:** Should the bidding organisation declare that there are no relevant and material enforcement notices, but the Council subsequently discovers, or is alerted to, the fact that such notices **have** been made, this will result in the bidding organisation being disqualified.

**Important Notice**

A prosecution or enforcement notice will not automatically disqualify your organisation from providing goods, services or works to the Council. The Council will check the veracity of your response with the HSE Enforcement and Prosecutions database (and/or other bodies as relevant).

The Council may verify your compliance with the requirements of the Health and Safety Questionnaire prior to the commencement of any provision of goods, works or services or at any stage of any such provision, by means of policy checking, validation of accreditations, site audits or any other method it deems appropriate and may as a result disqualify the Organisation for failure to comply.

For further information on employers’ health and safety obligations, please visit the Health and Safety Executive website at:

<http://www.hse.gov.uk/simple-health-safety/index.htm>. Specific guidance on how to write a policy and risk assessment is available at <http://www.hse.gov.uk/simple-health-safety/write.htm>

|  |
| --- |
| **7.2.3: Enforcement Notices***For each enforcement notice you must provide the following information. If there are multiple enforcement notices, please repeat this table for each enforcement notice.* |
| **HSE Notice Number***(or other enforcing body name and reference number)* | **Recipient’s Name***(Organisation or consortium or SPV member)* | **Notice Type** | **Issue Date** | **Compliance Date** |
|  |  |  |  |  |
| **Description of Activity:** | **Complied with?**Y/N |
|  |  |
| **For this enforcement notice, state what actions you have taken or are taking in response:** |
|  |
| **If you did not take the required action, or the action taken did not satisfy the relevant organisation, explain why not:** |
|  |

|  |
| --- |
| **7.2.4: Prosecutions***For each prosecution you must provide the following information. If there are multiple prosecutions, please repeat this table for each prosecution.* |
| **Case Number** | **Defendant’s Name** *(Organisation or consortium or SPV member)* | **Offence Date** | **Description** |
|  |  |  |  |
| **State what remedial action you have taken as a result of this prosecution:** |
|  |

ADDITIONAL NOTE for CONSORTIA and SPV bidders:

**Consortia, partnerships and joint ventures**

The lead consortium member must ensure that the information in this section regarding Health & Safety is effectively communicated to all consortium members. The lead consortium member must provide assurance that all consortium members understand, and have the ability to fulfil all health and safety requirements relating to the work being undertaken.

**Special Purpose Vehicles**

The lead SPV member must ensure that the information in this section regarding Health & Safety is effectively communicated to all of the organisations represented by the SPV. The lead SPV member must provide assurance that all SPV members understand, and have the ability to fulfil, all health and safety requirements relating to the work being undertaken.

**Evaluation Criteria for Section 7.2**

This section is evaluated on a pass/fail basis. Bidders who fail will be disqualified from the procurement process.

**N.B. “Equivalent” Schemes:** When referring to an “equivalent” scheme, this means a Health and Safety Scheme in an EU member state outside the UK which has been formally recognised by either SSIP or the UK Health & Safety Executive (HSE) as providing assurance equivalent to that provided by the SSIP Registered Member schemes.

**N.B. Constructionline**: Please note that Constructionline Associate or Constructionline Silver membership alone will be deemed insufficient to satisfy these requirements. Only Constructionline “Gold” or “Platinum” membership include accreditation to SSIP registered member scheme level.

**7.2.1 Safety Scheme in Procurement (SSIP) or equivalent**

| **D.1 SSIP or** **Equivalent** | **Fail**  | **Pass**  |
| --- | --- | --- |
| Failure by the bidding organisation to confirm they currently hold (or if successful will obtain) a valid accreditation, from an SSIP Registered Member health and safety scheme, or equivalent, by the time of Contract commencement  | The bidding organisation confirms they currently hold (or if successful will obtain) a valid accreditation, from an SSIP Registered Member health and safety scheme or equivalent by the time of Contract commencement. |

**7.2.2 Prosecution and Enforcement Notices**

| **D.2 Prosecution and Enforcement Notices** | **Fail**  | **Pass**  |
| --- | --- | --- |
| A relevant and material enforcement notice or prosecution has been made against the bidding organisation and there is insufficient evidence of adequate steps (or evidence of inadequate steps) taken as a consequence of any findings. | No evidence of relevant and material enforcement notices or prosecutions having been made against the bidding organisation**Or:** Evidence of a relevant and material enforcement notice or prosecution having been made, but evidence is provided of adequate steps taken as a consequence of any findings. |

**7.3: Equality & Diversity**

|  |
| --- |
| **Section 7.3.1** **Does the bidding organisation comply with its legal obligations under the Equality Act 2010, relating to the following?** |
| ***Confirm as appropriate*** |
| Age  | Yes [ ]  No [ ]  |
| Disability  | Yes [ ]  No [ ]  |
| Gender reassignment  | Yes [ ]  No [ ]  |
| Marriage and civil partnership  | Yes [ ]  No [ ]  |
| Pregnancy and maternity  | Yes [ ]  No [ ]  |
| Race  | Yes [ ]  No [ ]  |
| Religion or belief  | Yes [ ]  No [ ]  |
| Sex  | Yes [ ]  No [ ]  |
| Sexual orientation  | Yes [ ]  No [ ]  |
| ***NOTE TO ORGANISATION:******It is the responsibility of the bidding organisation to keep up to date with relevant legislation and ensure it has a current understanding.*** |
|  |
| **Section 7.3.2** | **Unlawful Discrimination at Tribunal** | **Response** |
|  | In the last three years has any finding of unlawful discrimination been made against the bidding organisation by any court or industrial or employment tribunal? | [ ] Yes [ ]  No  |

|  |  |  |
| --- | --- | --- |
| **Section 7.3.3** | **Unlawful Discrimination at Statutory Investigation** | **Response** |
|  | In the last three years has any finding of unlawful discrimination been made against the bidding organisation as a result of a formal investigation by the Equality and Human Rights Commission (EHRC) or any relevant statutory European Body? | [ ] Yes [ ]  No  |

|  |  |  |
| --- | --- | --- |
| **Section 7.3.4** | **Taking Remedial Action** | **Response** |
|  | ONLY complete this section if you answered “YES” to 7.3.2 and/or 7.3.3:If the bidding organisation was required to take action, did the action taken satisfy the relevant organisation?  | [ ] Yes [ ]  No  |
|  | Outline what action the bidding organisation was required to take: |       |
|  | Outline what action the bidding organisation actually took. If the required action was not taken, explain why not: |       |

|  |  |  |
| --- | --- | --- |
| **Section 7.3.5** | **Sub-Contractors** | **Response** |
|  | If you use sub-contractors, do you have processes in place to check whether any of the above circumstances apply to these other organisations?  | [ ] Yes [ ]  No[ ]  Do not use any sub-contractors |

**Evaluation Criteria for Section 7.3**

This section is evaluated on a pass/fail basis. Bidders who fail will be disqualified from the procurement process.

| **Equality and Diversity Evaluation Criteria** | **Fail**  | **Pass**  |
| --- | --- | --- |
| Failure to confirm that the bidding organisation complies with any of its legal obligations as outlinedOREvidence of findings of unlawful discrimination by any court or industrial or employment tribunal or formal investigation and no evidence of adequate steps (or evidence of inadequate steps) taken as a consequence of any findings. | The bidding organisation confirms that it complies with all of its legal obligations as outlined ANDNo evidence of findings of unlawful discrimination by any court or industrial or employment tribunal or formal investigation; OR evidence of findings of unlawful discrimination by a court, tribunal, or formal investigation but evidence is provided of adequate steps taken as a consequence. |

**7.4: Environmental Management**

|  |  |  |
| --- | --- | --- |
| **Section 7.4.1** | **Breach of Environmental Legislation** | **Response** |
|  | In the last three years, has your organisation been convicted of breaching environmental legislation, or had any formal notice served upon it, by any environmental regulator or authority (including local authority), either in the UK or any other EU member state? | [ ] Yes [ ]  No  |
|  | If “YES” please give details of the conviction or notice, including any action taken to resolve the situation:      |

|  |  |  |
| --- | --- | --- |
| **Section 7.4.2** | **Sub-Contractors** | **Response** |
|  | If you use sub-contractors, do you have processes in place to check whether any of the above circumstances apply to these other organisations?  | [ ] Yes [ ]  No[ ]  Do not use any sub-contractors |

**Evaluation Criteria for Section 7.4**

This section is evaluated on a pass/fail basis. Bidders who fail will be disqualified from the procurement process.

| **Environmental Management - Evaluation Criteria** | **Fail**  | **Pass**  |
| --- | --- | --- |
| A relevant and material prosecution, notice or sanction has been made against the bidding organisation and there is insufficient evidence of adequate steps (or evidence of inadequate steps) taken as a consequence of any findings. | No evidence of relevant prosecution, notice or sanction having been made against the bidding organisation**Or:** Evidence of a relevant prosecution, notice or sanction having been made, but evidence is provided of adequate steps taken as a consequence of any findings. |

**7.5: ADDITIONAL ESSENTIAL CRITERIA (PASS / FAIL) QUESTION(S)**

Please refer to Document 1: “Instructions to Bidders” for more information on how to complete this section.

|  |  |  |
| --- | --- | --- |
| **Section 7.5.1** | **Safeguarding of Children, Young People and Vulnerable Adults** | **Response** |
|  | Please confirm that your organisation has written policies and procedures in relation to the safeguarding of children and young people and safeguarding of vulnerable adults, which are no less than three years old and conform with, and link to Durham County Council policies and procedures.  (For more information see: <http://www.safeguardingdurhamadults.info/Pages/HomePage.aspx> <http://www.durham-lscb.gov.uk> ).If, no would you be willing to adopt policies and procedures (at the point of contract commencement) which conform with and link to those of Durham County Council? | [ ] Yes [ ]  No [ ] Yes [ ]  No  |

**Evaluation Criteria for 7.5.1**

| **7.5.1** | **Fail**  | **Pass**  |
| --- | --- | --- |
| Failure by the bidding organisation to confirm that they will have, written policies and procedures in relation to safeguarding children and young people, and or, vulnerable adults, which are no less than two years old and conform with, and link to Durham County Council policies and procedures. | The bidding organisation confirms that they have, or will have, written policies and procedures in relation to safeguarding children and young people, and or, vulnerable adults, which are no less than two years old and conform with, and link to Durham County Council policies and procedures |

|  |  |  |
| --- | --- | --- |
| **Section 7.5.2** | **Disclosure and Barring Service** | **Response** |
|  | The bidding organisation must confirm that, if successful, it will: - Ensure that all applicable employees who are engaged on this Service where required have been subject to an enhanced DBS check through DCC Integrated Passenger Transport prior to their employment  | [ ] Yes [ ]  No  |

**Evaluation Criteria for 7.5.2**

| **7.5.2** | **Fail**  | **Pass**  |
| --- | --- | --- |
| Failure by the bidding organisation to confirm that they will ensure that all applicable employees who are engaged on this Service where required have been subject to an enhanced DBS check through DCC Integrated Passenger Transport prior to their employment  | The bidding organisation confirms that they will ensure that all applicable employees who are engaged on this Service where required have been subject to an enhanced DBS check through DCC Integrated Passenger Transport prior to their employment  |

**Evaluation Criteria for 7.5.3**

|  |  |  |
| --- | --- | --- |
| **Section 7.5.3** | **Data Protection** | **Response** |
|  | The bidding organisation must confirm that it will abide by the General Data Protection Regulation (Regulation (EU) 2016/679) and all applicable laws. | [ ] Yes [ ]  No   |

**Evaluation Criteria for Section 7.5.3**

This section is evaluated on a pass/fail basis. Bidders who fail will be disqualified from the procurement process.

| **7.5.3** | **Fail**  | **Pass**  |
| --- | --- | --- |
| Failure to confirm that the bidding organisation will abide by the General Data Protection Regulation and all applicable laws. | The bidding organisation confirms that it will abide by the General Data Protection Regualtion and all applicable laws. |

**8. Additional Technical (Scored) Questions (Overall Weighting: 70%)**

Please refer to Document 1: “Instructions to Bidders” for more information on how to complete this section.

**8.1 Relevant Experience (25%)**

Bidders must provide at least one example of a completed Contract or Project, for delivering and/or supporting a programme of art implementation, which adequately demonstrates, with sufficient detail, the Bidders experience of undertaking the key elements listed below:

Key elements:

Element 1: Developing and delivering a community art programme inspired by natural and / or cultural heritage, using a range of artistic methods;

Element 2: Leading on the identification, assessment, recruitment (through a competition or other equivalent method) and management of artists;

Element 3: Writing a successful funding application to the Arts Council England for approximately £50,000 for community arts;

Element 4: Producing appropriate reports and information pertinent to the programme including liaison with key personnel to ensure the project was successful;

Element 5: Demonstrating effective budget management and control throughout the duration of the project

Element 6: Detail any added value that was achieved.

Response to be provided as separate Appendix and commentary (no word count applicable). Tables can be used in your response to the question when providing the information requested in the question.

**Scoring Criteria**

The Evaluation Criteria for each question will be as follows:

|  |  |
| --- | --- |
| **Points** | **Evaluation Criteria** |
| 0 | Does not meet the requirement. Does not comply and/or insufficient information provided to demonstrate that the organisation has the ability, understanding, skills, resource to deliver the Contract, with little or no evidence to support the response. |
| 1 | Satisfies the requirement with major reservations. Considerable reservations of the organisation relevant ability, understanding, skills, and resource to deliver the Contract, with little or no evidence to support the response. |
| 2 | Satisfies the requirement with minor reservations. Some minor reservations of the organisation relevant ability, understanding, skills and resource to deliver the Contract, with little or no evidence to support the response. |
| 3 | Satisfies the requirement. Demonstration by the organisation of the relevant ability, understanding, skills, and resource to deliver the Contract, with evidence to support the response. |
| 4 | Satisfies the requirement with minor additional benefits. Above average demonstration by the organisation of the relevant ability, understanding, skills, and resource required to deliver the Contract. Response identifies some factors that will offer potential added value, with evidence to support the response. |
| 5  | Satisfies the requirement with major additional benefits. Above average demonstration by the organisation of the relevant ability, understanding, skills, and resource required to deliver the Contract. Response identifies a significant number of factors that will offer potential added value, with evidence to support the response. |

**8.2 Proposed Delivery Individual / Team (15%)**

Having specific regard to the Specification;

Please put forward your proposed and named Contract Delivery Individual /Team, providing pen portrait(s) outlining the relevant skills, capabilities, knowledge and experience of the key individuals who will form the members of the team directly working on the project and details of their specific skills and capabilities relating to the Contract Requirements. This must be in the context of the following:

Production of a costed delivery programme and the completion of a community arts project:

* Identification of Artists relevant to the project and how that would be undertaken;
* Appropriate consultation and engagement with individuals, communities and relevant stakeholders;
* Effective delivery of Project objectives, with clear Client reporting mechanisms/communication within budgetary constraints and challenging timelines.
* Project management of artistic commissions
* Excellent knowledge of community arts within the North region and nationally.
* Demonstrable consideration for how urban audiences might relate to and engage with art linked to the rural environment
* Experience in the delivery of community-led art inspired by natural and/or cultural heritage

Response to be provided as separate Appendix and commentary (no word count applicable). Tables can be used in your response to the question when providing the information requested in the question.

**Scoring Criteria**

The Evaluation Criteria for each question will be as follows:

|  |  |
| --- | --- |
| **Points** | **Evaluation Criteria** |
| 0 | Does not meet the requirement. Does not comply and/or insufficient information provided to demonstrate that the organisation has the ability, understanding, skills, resource to deliver the Contract, with little or no evidence to support the response. |
| 1 | Satisfies the requirement with major reservations. Considerable reservations of the organisation relevant ability, understanding, skills, and resource to deliver the Contract, with little or no evidence to support the response. |
| 2 | Satisfies the requirement with minor reservations. Some minor reservations of the organisation relevant ability, understanding, skills and resource to deliver the Contract, with little or no evidence to support the response. |
| 3 | Satisfies the requirement. Demonstration by the organisation of the relevant ability, understanding, skills, and resource to deliver the Contract, with evidence to support the response. |
| 4 | Satisfies the requirement with minor additional benefits. Above average demonstration by the organisation of the relevant ability, understanding, skills, and resource required to deliver the Contract. Response identifies some factors that will offer potential added value, with evidence to support the response. |
| 5  | Satisfies the requirement with major additional benefits. Above average demonstration by the organisation of the relevant ability, understanding, skills, and resource required to deliver the Contract. Response identifies a significant number of factors that will offer potential added value, with evidence to support the response. |

**8.3 Methodology of approach / Delivery Programme (%)**

Having specific regard to the Specification:

Please provide your methodology and delivery programme for undertaking the requirements of this Contract detailing how your organisation will successfully undertake and complete the tasks associated with the Project, including all relevant communications/reporting requirements. Your response must identify and include the allocated responsibilities of any required Team members and the timeline by which the ‘outputs’ identified in the Specification will be undertaken and achieved.

This should include as a minimum the following:

• Clear proposed and programmed milestones throughout the delivery of the contract (to ensure the contract is on course to achieve the contract outputs) during the development phase

• Details of the time period relevant to the delivery of each key task (including allowances of meetings identified and appropriate stakeholder engagement) during the development phase

• Details of the number of days identified and costed to each of the requirements/outputs listed in the specification during the development phase

• The inclusion of the formal reporting structure factored into your programme specifically identifying the draft and final report dates for the development phase;

• Clear identification and responsibility of the lead personnel relative to project/task delivery, including provision of a day rate for each of the personnel for the development phase

*Response to be provided as separate Appendix and commentary; (no word count applicable, Bidders can also utilise tables, images, charts, logos or other graphics as required in their response).*

**Scoring Criteria**

The Evaluation Criteria for each question will be as follows:

|  |  |
| --- | --- |
| **Points** | **Evaluation Criteria** |
| 0 | Does not meet the requirement. Does not comply and/or insufficient information provided to demonstrate that the organisation has the ability, understanding, skills, resource to deliver the Contract, with little or no evidence to support the response. |
| 1 | Satisfies the requirement with major reservations. Considerable reservations of the organisation relevant ability, understanding, skills, and resource to deliver the Contract, with little or no evidence to support the response. |
| 2 | Satisfies the requirement with minor reservations. Some minor reservations of the organisation relevant ability, understanding, skills and resource to deliver the Contract, with little or no evidence to support the response. |
| 3 | Satisfies the requirement. Demonstration by the organisation of the relevant ability, understanding, skills, and resource to deliver the Contract, with evidence to support the response. |
| 4 | Satisfies the requirement with minor additional benefits. Above average demonstration by the organisation of the relevant ability, understanding, skills, and resource required to deliver the Contract. Response identifies some factors that will offer potential added value, with evidence to support the response. |
| 5  | Satisfies the requirement with major additional benefits. Above average demonstration by the organisation of the relevant ability, understanding, skills, and resource required to deliver the Contract. Response identifies a significant number of factors that will offer potential added value, with evidence to support the response. |

**8.4 Social Value (10%)**

Having specific regard to the Specification (ITT doc 2) and your responses to the questions in this ITT:

Please produce your proposed response that would detail how the organisation will deliver the social value aspects of this contract in line with the specification and the requirements detailed below. Your response should include as a minimum the following requirements:

* Social: Healthier, Safer and more Resilient Communities
	+ Initiatives to be taken to support young (8-25 years old), older, disabled and vulnerable people to build stronger community networks within and beyond the project area (e.g. befriending schemes, digital inclusion clubs).
	+ Initiatives taken or supported to engage people in wellbeing initiatives in the community.
* Growth: Supporting Growth of Responsible Regional Business
	+ Total amount (£) spent through contract with LOCAL micro, small and medium enterprises (MSMEs)

*Response to be provided as separate Appendix and commentary; (no word count applicable, Bidders can also utilise tables, images, charts, logos or other graphics as required in their response).*

**Scoring Criteria**

The Evaluation Criteria for each question will be as follows:

|  |  |
| --- | --- |
| **Points** | **Evaluation Criteria** |
| 0 | Does not meet the requirement. Does not comply and/or insufficient information provided to demonstrate that the organisation has the ability, understanding, skills, resource to deliver the Contract, with little or no evidence to support the response. |
| 1 | Satisfies the requirement with major reservations. Considerable reservations of the organisation relevant ability, understanding, skills, and resource to deliver the Contract, with little or no evidence to support the response. |
| 2 | Satisfies the requirement with minor reservations. Some minor reservations of the organisation relevant ability, understanding, skills and resource to deliver the Contract, with little or no evidence to support the response. |
| 3 | Satisfies the requirement. Demonstration by the organisation of the relevant ability, understanding, skills, and resource to deliver the Contract, with evidence to support the response. |
| 4 | Satisfies the requirement with minor additional benefits. Above average demonstration by the organisation of the relevant ability, understanding, skills, and resource required to deliver the Contract. Response identifies some factors that will offer potential added value, with evidence to support the response. |
| 5  | Satisfies the requirement with major additional benefits. Above average demonstration by the organisation of the relevant ability, understanding, skills, and resource required to deliver the Contract. Response identifies a significant number of factors that will offer potential added value, with evidence to support the response. |

**9. Tender Price (Overall Weighting: 30%)**

**Please complete, in full, Pricing Schedule**

**Please provide a pricing schedule as an attachment.** Your response should provide a supporting cost plan associated with the key tasks and outputs in the specification, showing the breakdown of costs in line with the maximum budget provided and link to your answer to question 8.3, and as a minimum include the following requirements:

* Details of the number of days identified and costed to each of the requirements/outputs listed in the specification during the development phase
* A supporting cost plan detailing the breakdown of the project delivery cost for the development phase
* A supporting cost plan outlining the breakdown of the project delivery costs for the delivery phase

The budget for the delivery can be varied downwards in response to project development. We reserve the right to maintain the project management fee at 20% of the delivery cost.

*Maximum budget available for programme:*

* *Development phase £9,000*
* *Delivery phase £180,000 (20% management fee £30,000)*

Contracts will be awarded to the highest ranked bidder, on the basis of their total score for price and quality.

Bidders must price on the basis that you are making an offer on the terms of the Contract (including the service requirements) as supplied in this ITT. All prices must be stated in pounds sterling and exclusive of VAT

**10. Form of Tender and Declaration**

**FORM OF TENDER**

**Durham County Council**

Invitation to Tender for Tees-Swale: Visual Art Programme Development and Delivery (The “Contract”).

To Durham County Council

I/We hereby offer and agree to execute the whole of the Services required in carrying out the above project in accordance with the following:

* The Contract Terms and Conditions as set out in ITT Document 2 – Contract
* Our Agreement to Form of Tender and Declaration as confirmed in Document 3 – ITT Response (this document)
* Completed Pricing Schedule and response to Sections 1 to 9 of Document 3 – ITT Response (this document)
* Relevant Clarifications

I/We acknowledge that the parties will not enter into a Contract unless and until they execute and complete a Contract incorporating the above mentioned documents

I/We certify that this is a bona fide Tender and that I/we have not fixed or adjusted the amount of the Tender by or under or in accordance with any agreement or arrangement with any other person.

I / We agree that the Council may disclose the Tender information/documentation (submitted to the Council during this Procurement) more widely with other Public Sector Contracting Authorities for the purpose of ensuring effective public sector procurement processes, including the bench-marking of costs against other organisations to ensure value for money is being obtained.

I/We also certify that we have not done and I/we undertake that I/we will not do at any time before the hour and date specified for the return of this Tender any of the following acts: -

(a) Communicate to a person other than the person calling for this Tender the amount or approximate amount of the proposed Tender, except where the disclosure, in confidence, of the approximate amount of the Tender was necessary to obtain insurance premium quotations required for the preparation of the Tender;

(b) Enter into any agreement or arrangement with any other person to the effect that such person shall refrain from tendering or as to the amount of any tender to be submitted;

(c) Offer or pay or give or agree to pay or give any sum of money or valuable consideration directly or indirectly to any person for doing or having done or causing or having caused to be done in relation to any other Tender or proposed Tender for the said work any act or thing of the sort described above.

In this Certificate, the word "person" includes any persons and any body or association, corporate or unincorporated; and "any agreement or arrangement" includes any such transaction, formal or informal and whether legally binding or not.

|  |
| --- |
| **DECLARATION**I have checked that all questions have been answered, where applicable, and that supporting documents are enclosed, if and as requested.I certify that the information supplied is accurate, to the best of my knowledge, and I accept the conditions and undertakings of the procurement documentation and process.I certify that I have not canvassed any member, Director, employee, representative or adviser of the Council in connection with this procurement process.I understand that untrue, inaccurate or out of date information could result in my organisation not being invited to tender or disqualified at any point in the procurement process or in the termination of the contract, if already awarded.I understand that it is a criminal offence, punishable by imprisonment, to give or offer any gift or consideration whatsoever as an inducement or reward to any servant of a public body and that any such action could result in my organisation not being invited to tender or being disqualified at any point in the procurement process or in the termination of the contract, if already awarded.  |
| Signed |       |
| Name |       |
| On behalf of (bidding organisation) |       |
| Position in organisation |       |
| Email address |       |
| Date |       |

1. See EU definition of SME <https://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition_en> [↑](#footnote-ref-1)
2. UK companies, Societates European (SEs) and limited liability partnerships (LLPs) will be required to identify and record the people who own or control their company. Companies, SEs and LLPs will need to keep a PSC register, and must file the PSC information with the central public register at Companies House. [See PSC guidance](https://www.gov.uk/government/publications/guidance-to-the-people-with-significant-control-requirements-for-companies-and-limited-liability-partnerships). [↑](#footnote-ref-2)
3. Central Government contracting authorities should use this information to have the PSC information for the preferred supplier checked before award. [↑](#footnote-ref-3)