

**Guidance**

**For**

**Bus Tenders**

**MERSEYTRAVEL – WHO ARE WE?**

Merseytravel is the transport delivery body for the Liverpool City Region Combined Authority, providing transport services across Liverpool, Knowsley, St Helens, Sefton and the Wirral and providing strategic transport advice across Halton.

We have a strategic role within the City Region, and advise the Combined Authority on transport matters in support of the delivery of the City Region’s Transport Plan for Growth. We also have a very significant role in the direct provision of transport services. These include:

* Operation of the Mersey Tunnels on behalf of the Liverpool City Region Combined Authority
* Responsibility for letting and monitoring the Merseyrail concession, allowing both organisations to work closely together to respond to local demands and needs.
* Responsibility for resourcing, administering and advising on the Merseyside Concessionary Travel scheme
* Responsibility for funding additional bus services in areas and at times that are not serviced by the commercial network and where a social need has been identified.
* Operation of the world famous Mersey Ferries
* Provision of a number services which aid the operation of local bus services, including a pre-paid ticketing scheme, maintenance of the bus infrastructure and the operation of travel centres across the city region
* Fostering collaborative working via strategic and operational relationships with stakeholders and partners e.g. in relation to safety on the network; transport planning for major events; and in taking forward infrastructure developments.

In the public attachments section of the ITT Template there is a link to the Merseytravel Corporate Plan. This provides a detailed overview of our strategic aims and objectives and the organisation in general.

**SCOPE OF REQUIREMENTS**

**Provision of Local Bus Services**

**This Invitation to Tender is issued in response to the contract advertisement placed in the Official Journal of the European Union (OJEU).**

Merseytravel wishes to establish providers for contracts for the provision of the above. This is a services agreement being procured under the openprocedure of the Public Contracts Regulations 2015 (the “Regulations”).

Bus Operators are reminded that the current Conditions of Contract will apply to these contracts. Bus Operators not in possession of a copy of the current Conditions of Contract dated 1 December 2010 should ensure that they obtain and read these prior to submitting any tender . In submitting a tender you must agree to be bound by the Merseytravel Bus Conditions of Contract 2010. A copy is attached to the ITT template on The Chest.

**GUIDANCE FOR COMPLETING THE TENDER**

This guidance has been produced to assist bus operators with the completion of the Tender documents and ensure all parties are as clear as possible in terms of the process to be followed. Merseytravel recognise that the procurement process can be difficult and time consuming for bus operators. The purpose of this document is to provide you with the relevant information you require to tender for this opportunity. Whilst at times the guidance may appear very specific, our aim is to ensure that our potential suppliers are as informed as possible in terms of the processes we adopt.

Throughout the ITT the “Authority” refers to Merseytravel.

It is the bus operator’s responsibility to ensure that they read the full questions, including any supplier help provided. The information you provide will form a critical part of the evaluation process and failure to follow instructions may lead to an invalid response. Failure to provide responses to compliance questions and scored questions may result in your submission being rejected.

Where required, guidance notes are provided at the start of each section and in the “Supplier Help” text for each question. Bus operators should refer to the “Supplier help” on the right hand side of the screen for all questions. Further information may be found by selecting the “Show more information” button within each question.

It is very important that you fully answer all the questions that apply to your organisation. You should ensure that any submission information that you provide relates specifically to the name of the bus operator. (The group parent company may only be used to demonstrate financial capacity)**.** Please note the organisation the tender is submitted in must be a trading legal entity.

Merseytravel allows potential providers to self-certify that they are not subject to any of the mandatory/discretionary grounds for exclusion.

Evidence that the bus operator can meet the specified requirements in all sections of the ITT, may be requested following the evaluation decision i.e. from the successful bus operator only, (although it can be required sooner if necessary for the proper conduct of the procedure).

All sections must be completed without ambiguity and returned as per the instructions provided and by the deadline indicated.

All Tenders are to be submitted in the English Language.

Bus operators not currently operating in the UK should, when answering each of the questions, substitute where relevant the appropriate legislation/Codes of Practice, appropriate professional, commercial or other register applicable within their domestic jurisdiction.

Merseytravel may require you to provide additional documents to support your tender. The process is designed to make this as simple as possible and provides guidance as to the type of information that we require.

Additional documents must be attached to the **relevant question to which they relate**. Please be aware that during the evaluation process, questions are evaluated by different sections within Merseytravel and the evaluators will only have access to their allocated questions and will not be able to see documents attached elsewhere. If they are attached elsewhere they may not be considered in the score.

Please **do not** include general marketing or promotional material for your organisation, either as answers for any of the questions or for any other reason.

Several questions require a Yes/No response using the boxes provided. Unless otherwise stated, additional written responses to these questions are not required.

Please answer every question. If the question does not apply to you please write N/A. If you do not know the answer please write N/K. If for any reason you fail to answer a question as requested, or do not provide the relevant information as directed, then that element of your submission will not be scored. If you fail to complete this ITT in full you may be disqualified from consideration. Please note that if there is no answer for each mandatory question, the system will not allow you to submit which may delay your submission.

Assessment of bus operator responses is made solely on the information that you provide in this invitation to tender. Even if your organisation has worked with Merseytravel before, please do not assume that we know everything about your organisation. **You should approach your submission as if Merseytravel knows nothing about your organisation and provide full details to the questions asked.**

You must complete the Price Submission in the format specified. All the prices quoted should be in sterling and exclude VAT (which will be paid in addition to the Tender price where appropriate). To reduce the need for further clarification:

• do not leave fields blank - if there is no charge for a specific item enter zero

• if a specific unit price is requested please do not insert your own

• prices should be submitted to 2 decimal places and formulae should not be included.

• clearly detail any additional charges not specified on the template

• ensure that you follow any additional instructions on the price submission document

Your tender should remain open for acceptance for a period of 4 months. A tender valid for a shorter period may be rejected.

**QUESTIONS AND CLARIFICATIONS**

If you have any questions or queries please make contact via ‘The Chest’ at the earliest opportunity, and certainly, no later than 12 noon on the date that is three working days prior to the closing date for tenders. Both questions and answers will either be made public on ‘The Chest’, or a response directed to the originator depending on the content.

**Bus operators must not contact individual members of Merseytravel staff directly**. **Contact outside of these arrangements could lead to your tender being disqualified.**

 All communication will be with the person named on ‘The Chest’ who originally expressed an interest. It is your responsibility to check ‘The Chest’ for any questions, answers, amendments or additional information throughout the tender process.

Should Merseytravel require any amendments, clarification or adjustments to be made to this ITT it will issue instructions to all tenderers via ‘The Chest’.

It is **your** responsibility to check “The Chest” for any questions, answers, amendments or additional information throughout the tender process.

It may be useful for bus operators to use a generic email address that multiple staff have access to as this will ensure that communications are not missed in the event of unforeseen absences e.g. sickness, leavers etc.

If you have any questions or need help filling in the form, please make contact

via “The Chest”.

**TECHNICAL ISSUES**

If you encounter any technical problems associated with the ITT, please

log issues via ProcontractSuppliers@proactis.com or go directly to <http://proactis.kayako.com/default>. For critical and Time-sensitive issues (normally requiring resolution within 60 minutes) then please call 0330 005 0352. Supplier help guides are also available on “The Chest” from [www.the-chest.org.uk](http://www.the-chest.org.uk).

You must ensure that you upload and submit all your documentation to The Chest on time.  You need to bear in mind that fluctuations in connectivity or uploading larger documents can mean that the process takes longer than you may have anticipated.  Any bids not uploaded and submitted to The Chest in accordance with our requirements, or submitted incomplete by the stated deadline time and date will be disqualified. It is your responsibility to meet the ITT deadlines.

If you feel that any technical issue you are experiencing may result in a late submission please make contact with us via “The Chest” so that we may consider granting an extension to the ITT. Failure to do so will result in your tender being disqualified.

**SCORING MECHANISM**

The ITT contains a number of gateway questions.

**These questions are essential criteria and are either Pass/Fail –bus operators failing any of these questions will not have their submission considered further.**

Please refer to the “Supplier Help” field of each question which will indicate whether the question is a Pass/Fail question.

Please note there are two types of pass/fail questions as follows:-

• Automatic – whereby the system will automatically mark the submission

• Manual – the additional information provided by you will be used to evaluate whether the question is marked pass or fail.

**EVALUATION**

The questions in this Open Tender are designed to give Merseytravel all of the information needed to assess our requirement in terms of:-

• Part 1 Potentioal Supplier Information

• Potential Supplier Information

• Bidding Model

• Declaration

• Part 2 Exclusion Grounds

• Grounds for Mandatory Exclusion

• Grounds for Discretionary Exclusion

• 3 Selection Questions

• Insurance

• TUPE

• Price Submission

• Declaration

The Price submission is the only section of the evaluation which is scored.

When awarding this contract, Merseytravel do not commit themselves to accept the lowest or any tender. In determining which, if any, tender to accept, Merseytravel will seek to provide the most effective service to the public and the most economic use of subsidy.

**REJECTION AND DISQUALIFICATION**

Bus Operators will or may (depending on whether it is a mandatory or discretionary

exclusion) be excluded from tendering in the circumstances set out in Regulation 57

of the Public Contracts Regulations 2015.

**CONTRACT AWARD**

Please note that all submissions remain sealed until after the specified deadline has passed. Merseytravel staff are therefore unable to view any submission until it has been released by an authorised officer.

The ITT includes a Declaration section where tenderers are agreeing to a number of statements. Please note: **The submission of the tenderer’s response via ‘The Chest’ is considered to be an electronic signature and that the designated person submitting the tender has the authorisation to do so.**

Merseytravel will inform all bus operators via the “The Chest”of any intention to award a contract.

**Following a minimum standstill period of 10 calendar days, subject to there being no substantive challenge to that intention, a contract will be formally awarded to the successful tenderer.**

All unsuccessful tenderers will be notified via “The Chest” of the outcome of the evaluation exercise.

Following the conclusion of the procurement process, all unsuccessful tenderers will be afforded the opportunity of a debriefing. Unsuccessful tenderers should notify Merseytravel in writing that they wish to be debriefed. Merseytravel will formally debrief the unsuccessful tenderer in writing via the messaging facility on the chest within 15 days of receiving such a request.

**TERMS AND CONDITIONS:**

**Please do not insert your own conditions of contract. The Bus Conditions of Contract 2010 attached to the ITT will be the only conditions applicable. Any variation from these or any unauthorised alterations or additions to the Tender documents may invalidate the Tender and result in disqualification.**

Except insofar as may be directed in writing by Merseytravel, no agent or servant in their employ has any authority to make any representation or explanation to tenderers as to the meaning of this ITT or other documents or to any other matter so as to bind Merseytravel.

Any alleged inadequacy or ambiguity in the descriptions, specifications or other matters contained in this Invitation to Tender must be brought to the notice of Merseytravel before submission of the tender as no claim will be entertained in this connection after the submission of the tender, it being assumed that in pricing the Works, Goods or Service, the tenderer was fully aware of the requirements.

Exclusions – if the tenderer cannot tender for any part of the opportunity then they must inform Merseytravel as soon as possible defining the relevant Part(s) and stating the reasons for their inability to tender.

Bus operators are solely responsible for the costs and expenses incurred in connection with the preparation and submission of their tender and all other stages of the selection and evaluation process. Under no circumstances will Merseytravel, or any of their advisers, be liable for any costs or expenses borne bybus operators , sub-contractors, suppliers or advisers in this process.

Merseytravel may at its own absolute discretion, extend the closing date and the time for receipt of tenders. Any extension granted will apply to all tenderers.

Tenderers shall treat the details of the Tender documents as private and confidential.

**INSURANCE**

Relevant insurance cover in accordance with Merseytravel requirements must be in place at the commencement of this contract. Details are set out in the Conditions of Contract attached to the ITT Template.

In addition to the mandatory and discretionary exclusions under Regulation 57 of the Public Contracts Regulations 2015 Merseytravel reserves the right to:

• cancel the evaluation process at any stage; and/or

• Require the bus operator to clarify its tender in writing and/or provide additional information. (Failure to respond adequately may result in the bus operator not being included in the evaluation process).

**FREEDOM OF INFORMATION:**

Bus operators should note that Merseytravel is a body governed by public law within the terms of the Freedom of Information Act 2000. The general presumption is in favour of disclosing information held by Merseytravel when receiving a valid request. There are exemptions for disclosure, which Merseytravel will consider when receiving a request. If a request for information is received from a third party in respect of any information provided by you as part of this tender submission then Merseytravel will endeavour to consult with you in respect of such disclosure.

If you consider that any part of your tender submission contains trade secrets or is “commercially sensitive” then you should indicate the same at the time of your tender submission. However, the decision as to whether information is a trade secret or commercially sensitive and whether Merseytravel is under an obligation to disclose the same under the Freedom of Information Act 2000 will be a matter for Merseytravel to determine in accordance with the provision of the Act.

**PUBLICATION OF DATA**

Merseytravel reserves the right to publish any spend information over £500 or any other information in line with Central Government requirements.