

## Part 2 Specification

### Contract Reference

**TPL1222**

### Contract Title

**Provision of Lighting Installations and  
Security Services for Bay of Lights -  
Light Installation Event**

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# **A Overall Scope and Nature of the Requirement**

## **A1 Nature and Scope**

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- A1.1 The Council is seeking a suitably qualified and experienced Events Company to:
- commission the design and installation of a high-quality innovative winter lighting solution for a family focussed Bay of Light – light installation event based on a light show / light installations experience. The appointed Provider will be required to provide a storage facility for the lights when they are not in use if not a hire.
  - provide all Security and Marshalling requirements for the above-mentioned light display
- A1.2 The initial trial event will take place between November 2022 and December/ January 2023. The event is likely to be a collaboration between Torbay Council and the English Riviera BID Company with Torbay Council as the lead organisation. The trial event in 2022 will have potential for additional activity and add-ons, building the event further in future years. The trial event will focus on Torquay in 2022, but consideration must be given to other areas of Torbay in future.
- A1.3 Torbay Council and the English Riviera BID Company will provide Marketing services for the Event but the Provider can also do this collaboratively.

## **B Mandatory Pass / Fail Requirements**

This section sets out the Authority's mandatory requirements for the successful Applicant to perform the Contract.

Evidence requirements are as set out in Part 5 Mandatory Criteria.

Applicants are required to establish within any variant bid how they will meet these requirements, in order for the Authority to be able to appropriately assess their offer.

### **B1 NOT USED**

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### **B2 NOT USED**

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### **B3 NOT USED**

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### **B4 NOT USED**

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### **B5 Health and Safety**

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- B5.1 All Provider staff who undertake work on behalf of the Council are required to fully comply with their legal duties under health, safety and welfare legislation while at work to ensure the health and safety of themselves and others that may be affected by their acts or omissions.
- B5.2 In recognition of the legal duties imposed upon them all Providers and those Provider staff undertaking work on behalf of the Council under this Contract will:
- a) co-operate with the Council's Director Responsible for Health and Safety, Managers, Supervisors, Corporate Health and Safety Department and their own Employer to enable them to comply with their legal duties;
  - b) Comply with ALL requirements of the Council's Health and Safety Policies and other rules and procedures in place;
  - c) Not intentionally or recklessly interfere with or misuse anything provided in the interests of health and safety;
  - d) Actively promote a positive health and safety culture;
  - e) Only undertake work for which they have been trained and are qualified

and competent to undertake;

- f) Where applicable, ensure that risk assessments and method statements relating to their work are presented to the council's authorised officer, prior to commencement of work, if they are not following the Safe System of Work provided by Torbay Council.

B5.3 The Council's Health & Safety Policy Statement can be found at Appendix B.

B5.4 The Contractor shall at all times comply with Appendix C Working on Street Lighting.

B5.5 An Event Safety Management Plan must be provided

## **B6 Invoicing**

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B6.1 The Council will make payments to the Provider quarterly in arrears.

B6.2 The Provider must invoice the Council monthly in arrears for work undertaken.

B6.3 The Provider must make all invoices payable by Torbay Council and must be marked with Torbay Council's name and address, the Provider's name and address and the Council's official purchase order number.

B6.4 Invoices must be submitted by e-mail to: **invoices@torbay.gov.uk**.

B6.5 The Provider must provide a consolidated invoicing approach as standard, including for third parties services unless otherwise specified. Any information specific to the invoice and the provision of services, must be attached to the invoice, to enable prompt processing / payment;

B6.6 All invoices must contain a full breakdown of costs and must match the agreed pricing stated on the final quotation and official purchase order.

B6.7 The Council's settlement terms are 30 days from the date of an undisputed invoice, or receipt of goods or service, whichever is the later.

B6.8 Disputed parts of invoices and invoices not bearing purchase order numbers will not be paid and a corrected invoice will be required.

B6.9 Payment will be by BACS and remittance advices will be transmitted to the Provider by email (the Provider's appropriate email address must be supplied).

B6.10 Where IR35 regulations may apply to an Individual, Sole Trader or Personal Services Company, Torbay Council will conduct an employment status check to find out if the Provider should be classed as employed or self-employed for tax purposes (CEST). The Provider will agree to abide by the outcome of the employment status check, which may affect the way in which the Provider is paid and could include the possible deduction of Tax and National Insurance.

## **B7 Financial and Performance Measures**

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B7.1 The Operator will provide a monthly written position statement detailing progress.

- B7.2 As a minimum the Operator will meet monthly with the Authority's Authorised Officer to discuss progress.
- B7.3 The Operator must provide a suitably experienced event management team which will liaise with the Authority and provide advice where appropriate and must provide the Authority with regular progress reports about the sales and marketing activities on an ongoing basis.
- B7.4 The Operator will be required to work with the Contract Authorised Representative to produce an agreed set of KPIs following Contract Award. These will be used to manage the Operator's performance to ensure the business plan is delivered within the agreed timescales. The Operator may be subject to their Contract being terminated if the KPIs are consistently not being met.

## **B8 Business Continuity Plans**

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- B8.1 The Provider is required to submit a Business Continuity Plan for the Council's approval within three months of the contract start date.
- B8.2 As a minimum the Business Continuity Plan should address the following:
- a) The impact of COVID-19 or any other similar crisis
  - b) Failure of technical equipment
  - c) Staffing issues
  - d) Supply chain issues
  - e) Any other reasonably foreseeable events that could prevent the delivery of the contract in full or in part

## **B9 NOT USED**

## **B10 Use of Council Branding**

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- B10.1 Torbay Council owns its identity, branding devices and logos, these are protected by law.
- B10.2 The Provider must agree only to use the Council's visual identity in accordance with the terms set out in the Contract.
- B10.3 The Provider will be issued a licence number to use the Council's visual identity and use must be only in relation to this Contract, further usage will be subject to separate request and approval.
- B10.4 Permission to use the Council's visual identity does not prevent the Council from revoking that permission at a later point. Any revocation is at the sole and complete discretion of the Council.
- B10.5 The Council's identity is provided 'as is' and must not be altered in any way.

## C Core Requirements

This section sets out the Authority's core requirements for this Contract, which Applicants are required to demonstrate within their response that they are capable of meeting

Applicants are required to establish within any variant bid how they will meet these requirements, in order for the Authority to be able to appropriately assess their offer.

### D1 Core Requirements

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- C1.1 The Provider must design and install a high-quality innovative winter lighting solution for a family focussed Bay of Light – light installation event based on a light show / light installation experience, delivered by a suitably qualified and experienced Contractor.
- C1.2 The Provider must deliver the installation by the third week of November 2022 to run at least to the end of December 2022 but with potential consideration to run until mid-January 2023.
- C1.3 In Year 1 the installations must be centred around the Banjo area of Torquay and link through the seafront to the town centre and Torre Abbey, incorporating the existing festoon lighting.
- C1.4 The installations should have the necessary high impact and quality to be seen as an Event that would qualify it as a visitor destination.
- C1.5 The Provider will be expected to provide certification for all installations in line with relevant legislation.
- C1.6 All installations should be designed to be secure (not open to vandalism).
- C1.7 All installations must use carbon reducing lighting where possible.
- C1.8 In Year 1 the light installation must be centred around the Banjo area of Torquay and link through the seafront to the town centre and Torre Abbey with family trails or other activities
- C1.9 Applicants must provide an outline proposal which must include the following:
  - C1.11.1 Proposals in relation to the quality requirements to demonstrate how the installation at the Banjo will deliver high quality and high impact to be seen as an event that would qualify it as a visitor destination;
  - C1.11.2 Video and/or visuals around what the proposed scheme will look like to demonstrate high quality design;
  - C1.11.3 Demonstrate or describe by what mechanism the main light installations at the Banjo will be connected to the town centre and or Torre Abbey; this may not necessarily be a physical connection and may use existing infrastructure
  - C1.11.4 Details of how the festoon lighting might be incorporated into the project design;
  - C1.11.5 Proposals in relation to the quality requirements to demonstrate how the light installation at the Banjo will deliver high quality and high

impact to be seen as an event that would qualify it as a visitor destination;

C1.11.6 Video and/or visuals around what the proposed light installation will look like to demonstrate high quality design;

C1.11.7 Fully costed budget including Contractor's fees;

C1.11.8 Gantt chart, covering deadlines and key milestones.

**C1.10** The Applicant must provide a methodology stating how Security will be ensured at the Bay of Lights – light installation event which must include the following:

C1.12.1 Proposals in relation to security arrangements for the safe delivery of the Bay of Lights – light installation event

C1.12.2 Proposals in relation to marshalling arrangements for the safe delivery of the Bay of Lights – light installation event;

C1.12.3 Fully costed budget including Contractor's fees;

C1.12.4 Gantt chart, covering deadlines and key milestones.



## **D Additional Requirements**

### **D1 Additional Requirements**

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- D1.1 The Banjo area of Princess Gardens in Torquay will be the centrepiece of the event. The idea is that this area will have real impact and achieve the “Disney effect” of light installations and colour. There will be the potential for sound to complement the light installations in this area.
- D1.2 Consideration should be given to how the event can be enhanced in Year 2.
- D1.3 If budgets allow Applicants could consider the provision of video-mapped shows projected on the front of Torre Abbey seaward facing facia. The show should be produced in discussion with the Torre Abbey Manager and be in keeping with the Torre Abbey ethos and Spirit of Place.
- D1.4 If budgets allow Applicants should consider the provision of illumination of walkways from Torre Abbey to the seafront via Torre Abbey Gardens.
- D1.5 The newly installed LED festoon lighting that is owned and operated by Torbay Council can form part of the trail along the seafront between Torre Abbey Park and the Banjo area. This can be themed in an appropriate seasonal colour scheme and animated accordingly.
- D1.6 Budget permitting, the Applicant should allow for smaller installations at Abbey Park, the Curley Bridge and opposite the Abbey Sands development, where the giant pebbles sit, as well as dressing of/illumination of the trees on the Old Post Office roundabout at the intersection between Union Street and Fleet Street.
- D1.7 Budget permitting, Applicants should show how the installations or trail will connect with the existing Christmas light offer in Union Street and Fleet Street.
- D1.8 The installations or trail will connect with but will not replace the existing Christmas light offer in Union Street and Fleet Street.
- D1.9 Consideration should be given to illuminating the harbour area of Torquay, this could be as simple as provision of illuminations for boats. If this is not possible in 2022 it should be planned for 2023.
- D1.10 Applicants should consider a trail that families can follow from the town centre to the Banjo area and Torre Abbey or vice-versa, so that businesses will be able to

benefit from the increased footfall of visitors coming to the area. The trail can be either a light trail of sorts, or a more traditional downloadable trail on a map.

- D1.11 Consideration should be given to how local artists and creatives can be involved to enhance the core offer of the event. This should be part of the thinking for 2023 if not possible in 2022.
- D1.12 Consideration should be given to how the event can link to the other key towns of Paignton and Brixham or how existing seasonal events in these areas can be enhanced. If this is not possible in 2022 this should be planned for 2023 or 2024.
- D1.13 Consideration should be given to illuminating the harbour area of Torquay, this could be as simple as provision of illuminations for boats. If this is not possible in 2022 this should be planned for 2023.
- D1.14 Consideration should be given to managing crowds and flows of people. This may require a three-way discussion with a security company who will look after stewarding as well as safeguarding the installations.

## **D2 Further Services Offered**

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- D2.1 The Applicant will be expected to suggest as part of its response to the Evaluation Questions any additional products or services that they may be able to offer as part of this Contract or any other added value that their offer might be able to bring to the Authority. Applicants are expected to build any such offers into their submissions regardless of whether specific questions are asked along these lines or not.

## **E Social Value**

### **E1 Our Commitment**

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- E1.1 The Council is committed to its responsibilities under The Public Services (Social Value) Act 2012. Therefore the Council is seeking Participants who will add value to the Agreement by providing additional community benefits (above the services described within this specification).

### **E2 Our Priorities**

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- E2.1 We are seeking submissions that support our local priorities. Torbay Council's mission is to be a Council that supports, enables and empowers its residents, communities and partnerships.
- E2.2 The Council's ambition and priorities for Torbay and its residents to thrive are outlined in the Community and Corporate Plan 2019 -2023:  
<https://www.torbay.gov.uk/council/policies/corporate/corporate-plan/>
- E2.3 We are looking for Applicants to make submissions in relation to Social Value that support the collective delivery of this plan in Torbay. All responses are expected to demonstrate what and how they will contribute to the delivery of this plan in Torbay.
- E2.4 In relation to delivery of this contract, Applicants should take into account the following key areas in formulating their response:
- Equality, diversity and inclusion training provided for staff and supply chain staff
  - Innovative measures to safeguard the environment and respond to the climate emergency.
  - Commitment for invoices to be paid within 30 days

### **E3 National Themes, Outcomes and Measures (TOMs)**

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- E3.1 The TOMs Framework for Social Value provides a measurement standard to support better and wider implementation of the Social Value Act. It provides a way to assess additional contributions that a project will make to society. It also enables us to embed local priorities and signpost Applicants to the areas of greatest need in our community where their actions will be of most value.
- E3.2 To support Applicants in their responses we have aligned the National Theme and Outcome measures (TOMs) with the priorities set out in our Community and Corporate plan (See Part 7 Social Value Award). We invite Applicants to submit responses aligned with the National TOMs.
- E3.3 If an Applicant has a Social Value proposal that has not been included as an indicator that you would be able to provide as part of your Social Value delivery

then these can be included in your response (please be aware that these will not be subject to any priority weighting).

## **E4 Monitoring and Reporting**

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The monitoring and reporting of Social Value impact will be the responsibility of the Contract Manager.

# F Scope and Nature of Possible Modifications or Options

## F1 Permitted Changes

F1.1 Changes to the Contract shall be made only where:

- (a) Such a Change is permitted by the Public Contracts Regulations 2015, Regulation 72(1)(b) to (f); or
- (b) Permitted under paragraph **Error! Reference source not found.** below.

F1.2 A Change is permitted where each of requirements F1.2 (a) to (d) and F1.3 below are satisfied:

(a) the Change is of the following scope and nature:	(b) the price of the Change is calculated as follows:	(c) the circumstances necessitating the Change are:
i. The Provider may be asked to provide pricing for further designs supplies and installations over the course of this Contract.  ii.	i. A quote will be requested from the Provider.	i. Torbay Council may wish to expand its lighting offers subject to further additional funding becoming available.

- (d) the Change does not alter the overall nature of the Contract.

F1.3 In respect of paragraph F1.2(b) the cost of additional services, changes or modifications will:

- (a) be assessed on a Service by Service basis;
- (b) be proportionate to the changes being made;
- (c) be calculated in accordance with the Council's budget and/or any additional funding for that Service;
- (d) offer best value to the Council and/or any other funder;
- (e) take into consideration the pricing proposals set out in the successful Applicant's tender submission.