

# **Invitation to Tender (ITT) Making Places**

**PLEASE READ THESE INSTRUCTIONS CAREFULLY BEFORE PREPARING  
YOUR SUBMISSION**

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## **Section 1 – Invitation to Tender**

### **1 Preamble**

#### **1.1 Introduction**

The London Borough of Waltham Forest (the “Authority”) is seeking to appoint creative practitioners to design and deliver up to 4 projects at specified sites throughout Waltham Forest. Details about the specific sites can be found in Site Information document.

The Contract shall be in accordance with the attached documents comprising the Project Brief and T&Cs.

Providers should read these instructions carefully before completing the remaining documentation, and must comply with the terms of this ITT. Failure to comply with these requirements for completion and submission of the quotation may result in the rejection of your submission. Providers should acquaint themselves fully with the extent and nature of the goods / services and contractual obligations contained herein and take any independent financial or legal advice, if necessary, as early as possible in the process and Providers are deemed to have done so before submitting a quote.

All responses are to be uploaded within [www.londontenders.org](http://www.londontenders.org)

#### **1.2 Contractual Structure**

Any Contract resulting from the grant process will be subject to the Terms and Conditions together with the schedules and appendices attached. The Contract will set out the terms and conditions between the Authority and the successful Provider(s) for the provision of the goods / services. Appointment under the Contract will mean that successful Provider will be required to deliver goods / services to the Authority on the terms and conditions set out in the Contract throughout the duration of the Contract.

The duration of the Contract will be allocated on a case by case basis, depending on the nature of the project and subject to agreement between the Authority and the successful Provider. We anticipate that contracts will be awarded in November 2017, with 4 projects being delivered by April 2018 and the remaining projects delivered by October 2018.

#### **1.3 Award of the Contract**

The successful Provider shall be selected to enter into a Contract based on an evaluation of submissions with the price criteria as outlined in the Project Brief.

It is envisaged that Providers with the top scoring submissions will be invited to join a Contract.

The evaluation criteria and their weightings are set out in the Project Brief.

#### **1.4 Information Provided**

The Authority have made every effort to ensure the completeness and accuracy of information provided to Providers but do not warrant any such information. Providers will be deemed to have satisfied themselves as to the accuracy and completeness of such information before submitting their quotes.

## **2 Content of Submission**

Providers submissions shall be made in accordance with the Project Brief and Section 2 (Instructions to Providers)

### **2.1 Quality Evaluation**

Providers shall respond to each evaluation criteria set out in the Project Brief.

Provided in brackets after each evaluation criteria is the percentage score allocated to that criteria and also any limitation to the length of response required. Providers are to use font style Arial, size 12pt. Any information given outside of this limit will not be factored into the evaluation.

### **2.2 Price Evaluation**

Providers shall complete a proposed budget as part of the application form on London Tenders Portal. Each project has a budget of up to £40k. Providers can submit proposals for multiple sites but a maximum of four sites will be awarded to any one organisation.

Any prices provided should be exclusive of VAT, and inclusive of all other costs associated with delivering the goods / services required.

### **2.3 Insurance and Health and Safety**

The winning entrant will be expected to operate as an appropriately defined legal entity (partnership or other structure) and will be required to carry Public Liability insurance for £3,000,000 for the duration of the project build, however this is subject to the type of project and will be agreed between the Provider and London Borough of Waltham Forest upon the awarding of the Contract. Where appropriate to the project, Employment Liability insurance will also be required for £5,000,000 and £1,000,000 Professional Indemnity Insurance.

The Artist shall comply with all relevant Health and Safety legislation for artworks in the public realm in accordance with this Brief.

In addition, the London Borough of Waltham Forest requires the Provider to provide all relevant insurances and a health and safety plan prior to the development and implementation of projects. A Risk Assessment of the project will also need to be carried out by the Provider if successful. The Provider shall be liable for the structural safety and durability of the elements designed and installed by the Provider until the Work has been delivered.

Providers shall confirm levels of Public liability, Employers Liability and Professional Indemnity insurance (either in place or to be obtained) in their submission and highlight any limitations on cover and enclose a copy certificate or broker's letter to confirm the level and scope of cover, where appropriate.

### **3 Evaluation of Submissions**

#### **3.1 Written Submission**

The Evaluation Panel will evaluate the bids received to establish the most high quality and suitable proposal for each site, in terms of the criteria set out in the Project Brief. That assessment will be made on the basis of the proposal put forward by the applicant via the London Tenders Portal.

#### **3.2 Site Visits and Q&A sessions**

Applicants are invited to attend a site visit and Q&A sessions where there will be opportunity to view sites, meet key stakeholders from the Authority and ask questions to clarify any aspect of the documentation, process and goods / services.

The site visit will take place on 6 September 2017 11am – 3pm, meet at Waltham Forest Town Hall at 10.45am for coach pick up.

The first Q&A session will take place on 6 September, 3.30 – 5.30pm. The second Q&A session will take place on 13 September, 5.30 – 7.30pm. Applicants should email [opencall@makingplaces.co.uk](mailto:opencall@makingplaces.co.uk) to book a place and to get information on locations and meeting points.

Any questions raised and answers given will be noted and added to the London Tenders Portal and the Making Places website.

Any questions outside this briefing must be submitted in writing via London Tenders Portal, and any substantive points of clarification will be circulated to Providers.

#### **3.3 Clarification of Submissions**

As part of the evaluation, Providers shall make available key members of their delivery team who will be responsible for the provision of the Contract to demonstrate their understanding and approach as outlined in the Submission and to allow the Authorities an opportunity to clarify any aspect of their Submission. This review of proposals is due to take place in October 2017, when London Borough of Waltham Forest may get in touch to clarify aspects of the proposals.

### **4 Procurement Timetable**

The envisaged timetable for the selection of the successful Provider to enter into the Contract is as follows:

<b>Activity</b>	<b>Date / Time</b>
Launch Open Call	23 August 2017
Sites visit	6 September 2017, 11am – 3pm
First Q&A session	6 September 3 – 5pm
Second Q&A session	13 September 2017, 5.30 – 7.30pm
Deadline for receipt of questions from Providers	29 September 2017, 12pm
Deadline for receipt of submissions	Midnight, 8 October
Shortlisting of proposals by judging panel	30 and 31 October
Notification of outcome to applicants	w/c 13 November
Final contract award	w/c 27 November
Anticipated contract start	w/c 4 December 2017

The above timetable is indicative only and subject to variation by the Authority. Providers will be informed of any significant changes.

## **Section 2 – Instructions to Providers**

**Submissions must be made in accordance with the following instructions to Providers (the “Instructions”). Submissions that do not comply with these instructions in any way may be rejected by the Authority whose decision in the matter shall be final.**

### **1 Introduction**

- 1.1 Submissions shall be presented under the same headings and in the same sequence as set out in the Project Brief.
- 1.2 Providers are responsible for obtaining all information necessary for the preparation of their Submissions. All costs, expenses and liabilities incurred by any Providers in connection with the preparation and/or submission of a response, and in discussion with the Authority, and (in the case of acceptance of a Submission by the Authority) in connection with the execution of the Contract and any relevant documents, shall be borne by that Provider.
- 1.3 The information referred to or contained in the ITT has been prepared by the Authority in good faith but does not purport to be correct, comprehensive or to have been independently verified. The Authority in no way warrants any information given to Providers. Providers shall not rely on the information and must carry out their own due diligence checks in order to verify the information provided by the Authority. The Authority accepts no responsibility or liability whatsoever for any loss or damage of whatever kind and howsoever caused arising from or in consequence of Providers use of or reliance on such information.
- 1.4 The attention of Providers is drawn to the Terms and Conditions (appendix 1). It is essential that Providers are totally familiar with the contents of this document before compiling their Submission.
- 1.5 The procurement timetable is set out at paragraph 4 of Section 1.
- 1.6 If any Provider requires any further information or wishes to raise any query, such requests or queries should be addressed in writing via the ‘Discussion’ area of London Tenders Portal. The Authority will endeavour to answer any requests and/or queries raised, provided they are received prior to the deadline set under paragraph 4 of Section 1 and provided the Authority considers any such request to be appropriate for reply. Any such requests and/or queries and the Authority’s responses will be shared on the Making Places website, where appropriate.

### **2. Confidentiality**

- 2.1 All information supplied by the Authority in connection with the ITT shall be treated as confidential and Providers shall not, without the prior written consent of the Authority, at any time, make use of such information for any purpose other than the preparation of its Submission.
- 2.2 Providers shall not at any time release any information concerning the ITT and/or their Submissions and/or any related documents and/or any negotiation and/or discussion with

the Authority in this connection for publication in the press or on radio, television, screen or any other medium.

- 2.3 The Authority reserves the right to retain all Providers' submissions throughout the period that the Submission remains valid and open for acceptance.
- 2.4 Each Provider undertakes to indemnify the Authority and to keep the Authority indemnified against all actions, claims, demands, liability, proceedings, damages, costs, charges and expenses whatsoever arising out of or in connection with any breach of the provisions of this paragraph 2 (Section 2).

### **3. Submissions**

- 3.1 Providers shall complete all relevant online questions, and upload responses to evaluation criteria where indicated. Submissions should be received no later than **midnight on 8 October 2017**. Any submission received after this time shall be excluded.
- 3.2 No alteration or addition (save for the inclusion of the relevant information) should be made to the Submission. Submissions must not be qualified in any way and must be submitted strictly in accordance with this ITT, including these Instructions. Submissions must not be accompanied by any covering letter or any statement that could be construed as rendering the Submission equivocal and/or placing it on a different footing from other Submissions.

Please note that all documentation must be completed and returned in the original format with the correct page numbers without alterations or substitutions of any kind whatsoever; pages must not be removed or extra pages inserted or replaced.

As a result of past experience of this practice and the problems this causes during submission opening, any submissions returned in a format other than the original and/or including alterations or substitutions to this document will not be accepted or considered and shall be rejected immediately.

- 3.3 Providers shall answer all questions as accurately and concisely as possible in the same order as the questions are presented. Where a question is not relevant to the Providers organisation, this shall be indicated with 'N/A'.
- 3.4 Questions shall be answered in English and state all monetary amounts in Pounds Sterling.
- 3.5 The Submissions shall be signed:-
  - a) where the Provider is an individual, by that individual,
  - b) where the Provider is a partnership, by all the partners or by at least two (2) partners signing under a power of attorney on behalf of the other partners, a copy of which is to be provided with the Submission,
  - c) where the Provider is a company, by two (2) directors or by a director and the company secretary, such persons being duly authorised for that purpose.



- 3.6 Each Provider shall produce forthwith upon request by the Authority documentary evidence of any authorisation, formation, interpretation and performance referred to in paragraphs 3.5(b) and 3.5(c) above.
- 3.7 Providers shall note that the formation, interpretation and performance of the Contract shall be subject to and interpreted in accordance with the laws of England.
- 3.8 Providers shall include in their Submission all information required by the ITT and all costs necessary to enter into the Contract and to deliver the Services safely and in compliance with all statutory provisions and other rules or regulations relating to the Contract.

#### **4. Rejection of Submissions**

- 4.1 Any Submissions or other documents submitted by any Provider in respect of which the Provider:
- a) fixes or adjusts the amount, prices, charges and rates shown:-
  - b) by or in connection with any agreement or arrangement with any other person, or
  - c) by reference to any other Submission, or
  - d) communicates to any person other than the Authority any information except in accordance with paragraph 2.2 above (Section 2), or
  - e) enters into any agreement or arrangement with any other person that such other person shall refrain from submitting Submissions or shall limit or restrict the amounts, prices, charges and rates to be shown by any other Provider in its Submission and other documents, or
  - f) offers or agrees to pay or give, or does pay or give, now or in the future any sum of money, inducement or valuable consideration directly or indirectly to any person for doing or having done or causing or having caused to be done or offering to do in relation to any other Provider or any other proposed Submissions or other documents or current or future commercial or personal relationship any act or omission, or
  - g) has directly or indirectly canvassed any member or official of the Authority concerning the acceptance of any Submissions or has directly or indirectly obtained or attempted to obtain information from any such member or official concerning any other Submissions or other submissions made by any other Provider, or
  - h) fails to use the English language, or
  - i) fails to state monetary amounts in Pounds Sterling,

may not be considered for acceptance and may accordingly be rejected by the Authority provided always that such non-acceptance or rejection shall be without prejudice to any other civil remedies available to the Authority in respect thereof or to any criminal liability that such conduct by a Provider may attract.

4.2 The Authority reserves the right at any time:

- a) not to award a Contract and to withdraw from, suspend or terminate the procurement procedure, any part of the procurement procedure and to procure the appointment of the Provider by any alternative means which the Authority see fit (including by way of undertaking a new procurement process), or:
- b) to award the Contract(s) to which this procurement process relates in whole, in part or not at all.

without incurring any liability whatsoever to the Provider. The Provider acknowledges and agrees that in participating in this ITQ, it shall hold the Authority harmless from any liability or loss whatsoever suffered by the Provider as a result of the Authority's actions and/or omissions under this ITQ.

## **5. Acceptance of Submissions, Criteria for Evaluation and Contract Award**

- 5.1 The Authority reserves the right to accept any Submission pursuant to the ITT.
- 5.2 The Authority shall not be bound to accept any Submission and reserve to themselves the right at their absolute discretion to accept or not accept any Submission.
- 5.3 The Authority may without limitation meet with and/or interview Providers, ask for presentations and clarification of material submitted, undertake site visits and seek references as part of the evaluation process. All Submissions made by Providers prior to the Closing Date will be considered, together with any other information that the Authority may require to be submitted.

## **6. Provider's Warranties**

- 6.1 In completing its Submission each Provider warrants, represents and undertakes to the Authority that:
  - a) it has complied in all respects with these Instructions,
  - b) all information, representations and other matters of fact communicated (whether in writing or otherwise) to the Authority by the Provider, its employees or agents in connection with or arising out of the Submission is true, complete and accurate in all respects,
  - c) it has made its own investigations and research and has satisfied itself in respect of all matters (whether actual or contingent) relating to the Submission, and has not relied on information supplied by the Authority,
  - d) it has satisfied itself as to the correctness and sufficiency of the information it has included in its Submission and inserted in the Pricing Schedule,

- e) it has full power and authority to enter into the Contract and to deliver the goods / services,
- f) it is of sound financial standing and has and will have sufficient resources available to it to comply with its obligations under the Contract.

## **7. General**

- 7.1 Every part of this ITT and all other documents provided to Providers will remain the property of the Authority.
- 7.2 Providers are advised to retain for themselves details of their Submissions. The Authority reserve the right to make a charge if a Provider requests a copy of its Submission.

## **8. Data Protection Act and Freedom of Information Requirements**

- 8.1 Providers shall at all times:
  - a) comply with the Data Protection Act 1998 (the “DPA”),
  - b) indemnify the Authority against loss, destruction or procuring of data contrary to the DPA by the Provider, its servants or agents, and
  - c) in accordance with paragraph 12 of Part II of Schedule 1 to the DPA, comply with obligations equivalent to those imposed on a data controller by the seventh principle of Part 1 of Schedule 1 to the DPA.
- 8.2 The Authority is subject to the Freedom of Information Act 2000 (the “FOIA”) and Environmental Information Regulations 2004 (the “EIR”) under which members of the public or any interested party may make a request for information held by the Authority at the time of the request.
- 8.3 Following such request, the Authority will consider the disclosure of any information, including price quotes, contained in Submissions both successful and unsuccessful, subject to the exemptions of the FOIA and EIR. Providers shall be aware that attaching a blanket label of ‘private and confidential’, ‘commercially confidential’ or similar to a Submission may not exempt that Submission from disclosure under the FOIA and/or EIR.
- 8.4 If a Provider considers that all or any part of its Submission and/or any specific information contained therein constitute a ‘trade secret’, or that the Submission or information is commercially sensitive information disclosure of which would be likely to prejudice the commercial interests of any party, believes that a duty of confidentiality applies or otherwise considers that such documents and/or information falls within any other exemption set out in the FOIA and/or EIR, the Provider should:
  - a) attach information it considers to be commercially sensitive e.g. costing or trade secrets in a separate schedule marked ‘commercially sensitive information’ or ‘trade secret’ and include a time limit for the sensitivity of the information, and

b) in respect of such schedule and/or specific information, identify the particular FOIA and/or EIR exemption that the Provider claims applies in the particular circumstances. Providers shall do so in full knowledge of the relevant terms of the Lord Chancellor's Code of Practice (the "Code") under Section 45 of the FOIA, giving advice to public authorities on the handling of requests under the FOIA. This will enable Providers to make such claims based on reasons that address the requirements of the Code. Further information about the FOIA and a copy of the Code is available from the Department of Constitutional Affairs' web-site at [www.dca.gov.uk/foi/reference/impref/codepafunc.htm](http://www.dca.gov.uk/foi/reference/impref/codepafunc.htm)

8.5 Providers shall be aware that, even when they have scheduled or identified relevant documents and/or information and claimed exemption pursuant to paragraph 9.4 above (Section 2), the Authority will have complete discretion in deciding whether such documents and/or information should be disclosed under the FOIA and/or EIR.

## **Appendix 1 – Terms & Conditions**

*(please see separate document on London Tenders Portal)*

## **Appendix 2 – Project Brief**

## BACKGROUND

Waltham Forest is a borough in north-east London, made up of twenty wards, which are each represented by three elected councillors. It is a place which inspires and supports creativity, attracts artists and cultural businesses, and has a long history of making. Creativity is at the heart of several ambitious programmes of work happening now across the borough to make Waltham Forest an even better place to live in years to come. We believe that arts and culture are not just things that are 'nice to have', they are essential for bringing our communities together, raising aspirations and improving wellbeing among our residents. Waltham Forest is currently developing its bid to be the first London Borough of Culture.

Making Places is a £1m initiative by Waltham Forest Council which will deliver a creative project in each of the wards across the borough. Projects will have a lasting impact on local communities, creating places which are safer, brighter and where residents and visitors enjoy spending time.

Residents have nominated the spaces in their neighbourhood that they want to see transformed and a lead councilor for each ward made the final decision on which site to put forward for Making Places. The list of sites includes parks, street corners, bridges, alleyways and a library garden.

**We are now looking for creative proposals for projects to take place at these sites through an open call.**

The open call is being managed in partnership with **Create**, an agency which exists to explore the ways artists can contribute to the lives of people in cities. Create helps artists to connect more closely with communities through an ambitious programme of projects and their work is primarily focused in east London.

## THE BRIEF

**Duration:** Round One projects awarded in November 2017. Four projects to be installed by April 2018, and the remainder to be installed by October 2018.

**A second round of five sites will be announced in November 2017.**

**Budget:** Up to £40K per site. Applicants may submit multiple proposals but a maximum of four sites will be awarded to any one organisation.

Artists and creative practitioners with an interest in working in the public realm are invited to propose ideas to transform sites nominated by the residents of Waltham Forest as part of Making Places.

The open call is for creative practitioners from anywhere in the UK to propose an idea for one or more of the nominated sites with a long-term physical installation or intervention.

The call for Making Places is open to all kinds of creative practitioners including, but not limited to, artists, designers, architects, landscape gardeners and makers. We welcome proposals from individuals, groups, organisations and partnerships and applicants should preferably have experience in delivering outdoor and public realm improvement work.

Costed proposals for up to £40,000 per site will be considered and the winning commissions will be installed throughout 2018. Projects will need to have a minimum lifespan of five years and require minimal or low-cost maintenance. Any project will need to be weather resistant, fire proof and accessible. Proposals should be site specific and respond to the issues raised and suggestions made by residents as covered in the *Site Information*. Ideas for projects might include: lighting installations, growing spaces, sculptures, play equipment, outdoor furniture or other interventions which will revitalize and improve the site and surrounding area.

See *Site Information* for details about specific spaces, including photos, feedback from residents and suggested ideas. You can also see the locations which were selected at [www.makingplaces.co.uk](http://www.makingplaces.co.uk)

## SITE VISITS

Applicants have the opportunity to visit sites on **06 September** on a minibus tour starting at 11am. Following the site visit, there will be a Q&A session from 3 – 5pm. Another Q&A session will be held **13 September**, 5.30 – 7.30pm.

Spaces are limited so please book in advance by emailing [opencall@makingplaces.co.uk](mailto:opencall@makingplaces.co.uk) and we'll let you know the meeting point.

If applicants would like to visit sites independently, exact locations can be found in the *Site Information* document. Site visits are highly recommended before applying.

## SUBMITTING YOUR PROPOSAL

Applicants are invited to submit their proposal before midnight Sunday 8 October 2017 on London Tenders Portal. If you don't already have a profile, you will be required to sign up to LTP in order to submit a proposal.

Before submitting your proposal, you should also read the *Site Information* and *Invitation to Tender (ITT)* which sets out legal and procurement requirements and a more detailed timeline. This can be downloaded from London Tenders Portal (link on [www.makingplaces.co.uk](http://www.makingplaces.co.uk)).

When applying, you will be required to submit the following information, making sure that your application is directed to the correct site on London Tenders Portal.

- 1) What is your idea? (up to 400 words)
- 2) Why have you chosen this site? How will your project benefit the local community? Would your proposal work equally well at another site? (500 words)
- 3) Please provide illustrative examples of your proposed idea - JPG/PDF Max 2MB
- 4) What materials and logistical requirements would be needed to deliver your proposal? (300 words)
- 5) We are looking for projects that have a minimum lifespan of 5 years and are very low maintenance. How long will your project last for, and will it require maintenance? Please detail sustainability and maintenance required (300 words)
- 6) Please provide details of your relevant experience and expertise including past projects / commissions. Please also include links to websites and online coverage (500 words)
- 7) Provide a top line budget for your proposal (maximum £40,000+VAT).

Indicative budget breakdown as follows:

Production 70-80%

Fees 10-20%

Maintenance 5%



## SELECTION PROCESS

Shortlisting will take place throughout October 2017 and proposals will be judged by a panel of creative experts. The judging panel will include:

Louise Jeffreys	Director of Arts, Barbican
Tamsie Thomson	Director, London Festival of Architecture
Mark Godfrey	Executive Director, Soho Theatre
Hadrian Garrard	Director, Create London
Harriet Warden	Creative Director, Blackhorse Workshop

## EVALUATION CRITERIA

Applications will be judged on the following criteria:

Quality of proposal and track record	30 %
Local engagement, benefit to community	30 %
Value for money	20 %
Ease of maintenance and project legacy	20 %

We will aim to let applicants know if they have not been shortlisted by 8 November 2017. If proposals are thought to be more suited to alternative sites, we'll let applicants know by the same date or earlier .

## ADDITIONAL INFORMATION

Please read the following documents before submitting your proposal, found at [www.makingplaces.co.uk](http://www.makingplaces.co.uk) or on London Tenders Portal.

- **Site Information**
- **Invitation to Open Call**

If you have any questions about the open call, please email [opencall@makingplaces.co.uk](mailto:opencall@makingplaces.co.uk)

Or contact Kate O'Connor, Making Places Project Manager [kate.o'connor@walthamforest.gov.uk](mailto:kate.o'connor@walthamforest.gov.uk)

In order to ensure a fair and transparent process, questions and answers that are relevant to all will be added to the Open Call page of the website  
[www.makingplaces.co.uk/open-ca](http://www.makingplaces.co.uk/open-ca)

