



2 Information

Contract Reference

T2017TDA

Contract Title

**Asset Management and Facilities
Management System**

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1 Procurement Information

1.1 Background Information

The Authority currently owns approximately 2400 assets of various types including office buildings, beaches, harbours, toilets, parks, cafes, car parks and sports assets.

Torbay Economic Development Company Ltd, trading as Torbay Development Agency (TDA), a wholly owned subsidiary of the Authority, is the Authority's agent in managing the property assets.

The TDA owns approximately 120 assets and also manages a number of assets for other organisations. This number can fluctuate.

The Authority has a requirement for an externally hosted Asset Management system to include functionality for a Facilities Management module.

1.2 Contract Period

It is intended that any resultant Contract shall commence as soon after receipt of formal letter of award as may be agreed. The Contract period will be up to a period of three years with the option to extend after the initial term on a rolling 12 month basis or until the end of the allocated budget subject to termination clauses contained with the Contract terms and conditions.

1.3 Contract Price

The price offered by the Applicant in 5 Pricing Submission must be firm and fixed for the duration of the Contract.

1.4.1 Contract Price Review Mechanism

The schedule in 5 Pricing Submission has been structured to enable pricing to be provided for the Contract term and for three subsequent years. Thereafter for any annual fees the Applicant must confirm that any price increases will be CPI or less.

1.4 Variant Bids

The Authority will consider variant bids: No

The Authority will consider variant bids for this opportunity, only if it is stated within the OJEU Contract Notice that variant bids are acceptable and it also states 'Yes' above.

1.5 Procurement Timetable

The Authority proposes the following timetable for the award of the Contract:

Procurement Stage	Dates
Sent Call for Competition	Monday 24 July 2017
Stage One Tender Documents Published	Monday 24 July 2017
Clarification Questions to be submitted by	Wednesday 16 August 2017 at 12:00 noon
Clarification Responses to be issued	Within 5 working days
Stage One Tender Submission Date & Time	Tuesday 5 September 2017 at 12:00 noon
Stage One Tender Evaluation Period	6 to 21 September 2017
Stage Two Tender Documents Published	Monday 25 September 2017
Clarification Questions to be submitted by	Friday 6 October at 12:00 noon
Clarification Responses to be issued by	Within 5 working days
Stage Two Tender Submission Date & Time	Friday 20 October 2017 at 12:00 noon
Stage Two Tender Evaluation Period	23 October to 15 November 2017
Demonstrations	1 to 10 November 2017
Contract Award	Wednesday 22 November 2017
Standstill Period	23 November – 4 December 2017
Contract Start	Tuesday 5 December 2017

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

1.6 Authority Representatives

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

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

For Information

1.6.1 Authority Authorised Representative: Paul Palmer, Estates Manager

1.6.2 Procurement Representative: Joanna Pascoe, Procurement Category Lead

2 Procurement Process

2.1 Procurement Procedure

This Procurement is being undertaken following the 'Restricted Procedure as outlined within the Directive (2014/24/EU) and implemented in the United Kingdom by The Public Contracts Regulations 2015 (SI 2015/102). The Authority published notice 2017/S 142-292215 in the Official Journal of the European Union on 24 July 2017.

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

For this Tender process, the maximum number of Applicants who will be invited to Stage Two Tender, following the evaluation at Stage One will be 5. If more than one Applicant is at 5th place, then all such Applicants will be invited to Tender.

2.2 Tender Award Process

2.2.1 Stage One

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

Any Stage One Tender submission which does not achieve a minimum score of 50% for each of questions 1-8 of "Project Specific Questions to Assess Technical and Professional Ability" will be rejected and not evaluated any further and Applicants will be notified accordingly.

2.2.2 Stage Two

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

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2.3 Evaluation Criteria

The evaluation process is a critical part of the procurement process and is the means by which the Authority assesses which Applicants will progress to the next stage of this procurement process.

The information submitted by an Applicant in their Tender will be used in this evaluation process and will form part of any resultant Contract.

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

Evaluation Criteria Breakdown	Main Criteria	Sub Criteria	Threshold
Stage One – Selection			
Sub-Criteria		Pass	
Selection Questionnaire	Pass		
Grounds for Mandatory Exclusion	Pass	Pass	Pass
Grounds for Discretionary Exclusion	Pass	Pass	Pass
Technical and Professional Ability – Relevant Experience and Contract Examples	Pass	Pass	Pass
Requirements under the Modern Slavery Act 2015	Pass	Pass	Pass
Insurance	Pass	Pass	Pass
Project Specific Questions to Assess Technical and Professional Ability – Mandatory Pass / Fail Requirements for Option 1 Non-Hosted System and Option 2 Hosted System	Pass	Pass	Pass
Project Specific Questions to Assess Technical and Professional Ability – Short-listing Questions			50% for each question
Stage Two – Award			
Sub Criteria:	100%		
Mandatory Criteria		Pass	Pass

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Quality: Method Statements		50% 10%	
Technical Questions		20%	
Demonstration		20%	
Pricing: Years 1 to 3 Years 4 to 6		50% 30% 20%	

2.4 Stage One Evaluation Process

2.4.1 Selection Criteria

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

2.4.2 Selection Questionnaire

This Selection Questionnaire (SQ) has been designed to assess the suitability of an Applicant to deliver the Authority’s Contract requirements. This can be found in 4 Stage One Tender Submission and is for all Applicants to answer in full.

The Applicant must submit a completed 4a SQ Part 1 and 2 Declaration for each organisation that it relies on to meet the selection criteria (including parent companies, affiliates, associates, or essential subcontractors).

The 5 top scoring Applicants who have passed all the Evaluation criteria within the SQ will be considered to have been successful at this stage of the procurement process, and will be selected to be taken forward to Stage Two.

SQ Section	Evaluation Criteria
Part 1 Potential Supplier Information, comprising:	The Authority may exclude any Applicant who fails part or all of this section.
<ul style="list-style-type: none"> Potential Supplier Information 	This will be assessed on the basis of pass or fail. In order for the response to be considered a pass it must be fully completed by the Applicant and the Applicant must demonstrate that they meet the requirements of this section. Where the Applicant is submitting 4a SQ Part 1 and 2 Declarations on behalf of other organisations, these will also be assessed for completeness.

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<ul style="list-style-type: none"> • Bidding Model 	<p>This section will be assessed on the basis of pass or fail. The Applicant must demonstrate that the Bidding Model proposed meets the requirements of the tender to pass. Where the Applicant is submitting 4a SQ Part 1 and 2 Declarations on behalf of other organisations, these will also be assessed for completeness.</p>
<ul style="list-style-type: none"> • Contact Details and Declaration 	<p>This section will be assessed on the basis of pass or fail. The Applicant must fully complete this section. Where the Applicant is submitting 4a SQ Part 1 and 2 Declarations on behalf of other organisations, these will also be assessed for completeness.</p>
<p>Part 2 Exclusion Grounds:</p>	<p>The Authority may exclude any Applicant who fails this section.</p>
<p>Grounds for Mandatory Exclusion</p>	<p>This will be assessed on the basis of pass or fail. The Authority may exclude any Applicant who answers 'Yes' in any of the situations set out in this section.</p> <p>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.</p>
<p>Grounds for Discretionary Exclusion</p>	<p>This will be assessed on the basis of pass or fail. The Authority may exclude any Applicant who answers 'Yes' in any of the following situations set out in this section</p>
<p>Part 3 Selection Questions</p>	<p>The Authority may exclude any Applicant who fails part or all of this section.</p>
<p>Economic and Financial Standing</p>	<p>This will be assessed on the basis of pass or fail. The Applicant must demonstrate that they meet the requirements of this section in order to pass it in its entirety.</p> <p>In responding to question 4.2 the Applicant is making a self-declaration as to whether they meet the Authority's turnover requirement, as follows:</p> <ul style="list-style-type: none"> • the Applicant's annual turnover for the previous 2 financial years is a minimum of twice the annual contract value of £30,000. This estimated Contract Value is based on

	<p>the median figure obtained through pre-market engagement.</p> <p>By selecting Yes the Applicant is confirming they meet this turnover requirement and may be required to evidence compliance in the event their submission is successful.</p> <p>Where the Applicant cannot confirm they meet the turnover requirements, and have answered no to 4.2, should provide an explanation for this, e.g. your organisation is a new start-up, in order that their submission may still be considered.</p> <p>The Applicant is also required to give permission for the Authority to undertake a financial check through the credit management agency DNBi and to confirm the registration number of the company to be checked. The financial check will relate to the D&B Failure Score which identifies the level of risk of a business failing.</p> <p>Assessment of Suitable Financial Standing</p> <p>In order to demonstrate they have suitable financial standing to meet the Authority's minimum requirements, the Applicant's annual turnover, for the previous 2 financial years, must be a minimum of twice the Annual Contract Value given above and the credit check must yield a Failure Score of 50 or more.</p> <p>Submissions will be assessed as follows:</p> <ol style="list-style-type: none">1. Where the Applicant refuses permission for the credit check to be undertaken they will be deemed to have failed this section in its entirety, their submission will not be evaluated further and they will be notified accordingly.2. Where the Applicant fails the turnover requirement and the credit check yields a Failure Score of below 30 they will be deemed to have failed this section in its entirety, their submission will not be evaluated further and they will be notified accordingly.3. Where:<ol style="list-style-type: none">a) the Applicant fails the turnover requirement and the credit check yields a Failure Score between 30 and 49; or
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	<p>b) the Applicant passes the turnover requirement and the credit check yields a Failure Score of below 50; or</p> <p>c) the credit check does not yield a Failure Score and the Applicant either passes or fails the turnover requirement;</p> <p>the financial information will be referred to the Authority’s Finance Department for further investigation. The Finance Department will make a decision on whether the Applicant’s financial standing is deemed suitable to meet the Authority’s minimum requirements or not.</p> <p>Where the Finance Department considers the Applicant’s financial standing to be suitable they will be deemed to have passed this section.</p> <p>Where the Finance Department considers the Applicant’s financial standing is not suitable they will be deemed to have failed this section in its entirety their submission will not be evaluated further and they will be notified accordingly.</p> <p>Applicants should note that the Corporate Finance Department’s decision is final.</p>
Further Details in Relation to Applicants who are Part of a Wider Group	This section is for information purposes and will not be assessed, other than for checking that it has been completed where applicable.
Technical and Professional Ability – Relevant Experience and Contract Examples	This section will be assessed on the basis of pass or fail. The Applicant must demonstrate they have relevant experience in delivering similar requirements, or are able to explain why they are unable to provide a minimum of one example.
Requirements under the Modern Slavery Act 2015	This section will be assessed on the basis of pass or fail. The Applicant must demonstrate they meet the requirements, if applicable.
Insurance	This section will be assessed on the basis of pass or fail. The Applicant must demonstrate they meet the requirements, if applicable.
Project Specific Questions to Assess Technical and Professional Ability – Mandatory Pass / Fail	This section will be assessed on the basis of pass or fail. The Applicant may be asked to provide evidence that they meet the requirements.

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Requirements	
Project Specific Questions to Assess Technical and Professional Ability – Short Listing Questions	The questions will be scored in accordance with the one to ten scoring system as per the table in section 2.6.2 below. Any Stage One Tender submission which does not achieve a minimum score of 50% for each of questions 1-8 of Project Specific Questions to Assess Technical and Professional Ability will be rejected and not evaluated any further and Applicants will be notified accordingly.

2.4.3 European Single Procurement Document

In accordance with Regulation 59 of the UK Public Contract Regulations 2015 and EU Implementing Regulation 2016/7 Applicants may submit an XML version of the ESPD in place of Part 1 and Part 2 of 4 Tender Submission, but must complete and submit Part 3 of 4 Tender Submission.

The [EU E-ESPD Service](#) provides an on-line version of the EU ESPD which covers Part 1 and Part 2 of the Selection Questionnaire.

2.5 Stage Two Evaluation Process

2.5.1 Award Criteria

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

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

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

Award Criteria	Evaluation Process
Mandatory Criteria	The questions within this section will be assessed on the basis of pass or fail. The Authority may exclude any Applicant who fails this section.
Method Statements/Technical Questions	The questions within this section will be assessed on a scoring basis.

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Demonstrations	<p>Applicants must be available for the timescales indicated within the procurement timetable at section 1.5.</p> <p>Applicants will be contacted via the Supplying the South West e-tendering portal during the evaluation period. The invite will detail the date, time and location of the Demo, which may include any additional clarifications which have not been covered during the tender process, and the scoring system.</p> <p>Applicants will be required to demonstrate that the system is user-friendly and satisfies the requirements of the Specification as set out in Appendix 3 Demonstration Requirements.</p> <p>The Demo will be assessed on a scoring basis.</p>
Pricing	<p>Applicants must fully complete 5 Pricing Submission with a detailed breakdown of Implementation and Consultation Costs at cell C11.</p> <p>The figures at Cells F13 and J13 will be used for evaluation purposes. Applicants with the lowest price for Years 1 to 3 will score maximum marks out of a possible one hundred (100) and Applicants with the lowest price for Years 4 to 6 will score maximum marks out of a possible one hundred (100). Applicants submitting higher prices will be awarded marks proportionate to their distance from the lowest price. The scores will then be added together and will form 50% of the overall score for Stage Two of the process.</p>

2.6 Evaluation Assessment

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

2.6.1 Pass/Fail

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

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

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2.6.2 One to Ten Scoring

Where evaluation criteria are being assessed on a scoring basis, a one to ten scoring system will be used in accordance with the guidelines in the table below. The scoring system awards the highest marks to Applicants who show innovation, creativity, further relevant details and information that could potentially enhance the Applicant's proposal. It should be noted that to achieve the highest marks available for the questions you should not only meet but exceed the requirements of the specification.

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

0	No response	No response	
1	Extremely Weak	Very poor proposal/response; does not cover the associated requirements, major deficiencies in thinking or detail, significant detail missing, unrealistic or impossible to implement and manage	Weak
2	Very Weak	Poor proposal/response, only partially covers the requirements, deficiencies in thinking or detail apparent, difficult to implement and manage	
3	Weak	Mediocre proposal/response, moderate coverage of the requirements, minor deficiencies either in thinking or detail, problematic to implement and manage	
4	Fair - Below Average	Proposal/response partially satisfies the requirements, with small deficiencies apparent, needs some work to fully understand it	Fair - Good
5	Fair – Average	Satisfactory proposal/response, would work to deliver all of the Authority's requirements to the minimum level	
6	Fair - Above Average	Satisfactory proposal/response, would work to deliver the majority of the Authority's requirements to the minimum level with some evidence of where the Applicant could exceed the minimum requirements	
7	Good	Good proposal/response that convinces the Authority of its suitability, response slightly exceeds the minimum requirements with a reasonable level of detail	Strong - Excellent
8	Strong	Robust proposal/response, exceeds minimum requirements, including a level of detail or evidence of original thinking which adds value to the bid and provides a great deal of detail	
9	Very Strong	Proposal/response well in excess of expectations, with a comprehensive level of detail given including a full description of techniques and measurements employed	
10	Outstanding/Excellent	Fully thought through proposal/response, which is innovative and provides the reader with confidence of the suitability of the approach to be adopted due to the complete level of detail provided	

3 Glossary

3.1 Appendices

3.1.1 Selection Questionnaire – List of Mandatory and Discretionary Exclusions:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf

3.1.2 Selection Questionnaire – EU Definition of an SME:

<http://ec.europa.eu/enterprise/policies/sme/facts-figures-analysis/sme-definition/>

3.1.3 Selection Questionnaire – PSC Guidance:

<https://www.gov.uk/government/publications/guidance-to-the-people-with-significant-control-requirements-for-companies-and-limited-liability-partnerships>

Appendix 1 – CESG Cloud Info Security Questionnaire

Appendix 2 – Condition Survey Report Sample

Appendix 3 – Demonstration Requirements

3.2 Definitions

Term	Definition
1 Instructions	Shall mean the document containing all the instructions on how to conduct the procurement process
2 Information	Shall mean the document containing information relating to the procurement including definitions, information on the procurement procedure, the evaluation process, information about the Contract and other information that may assist the Applicant to complete their submission.
3 Specification	Shall mean the document containing the Authority's requirements in relation to the goods, services or works being procured.
4 Stage One Tender Submission	Shall mean the document which the Applicant is required to complete and submit at Stage One of the Process, containing the Selection Questionnaire and certificates / declarations Applicants are required to sign at this Stage of the process.
4 Stage Two Tender Submission	Shall mean the document which the Applicant is required to complete and submit at Stage Two (2) of the process, containing the Method Statements, Technical Questions and certificates / declarations Applicants are required to sign at this Stage of the process.
4a SQ Part 1 and 2 Declaration	Shall mean the document, containing Part 1 and Part 2 of the Selection Questionnaire, which all organisations the Applicant relies on to meet the selection criteria must complete and which must be submitted by the Applicant.
5 Pricing Submission	Shall mean the document which the Applicant is required to complete and submit at Stage Two (2) of the Process, containing their pricing for this Tender.
Abnormally Low Tender	Shall mean a Tender where the Authority considers the Applicant's price to be abnormally low.
Applicant	Shall mean the organisation responding to this tender opportunity.
Authority	Shall mean Torbay Council and Torbay Development Agency (TDA).

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

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Term	Definition
	order to ascertain the rights and obligations of all the parties involved.
Contracting Authority	Shall mean Torbay Council and any other Authority on whose behalf Torbay Council may be working.
Contractor	Shall mean the Applicant awarded the Contract culminating from an offer to supply accepted by this Authority.
Discussions Facility	Shall mean the area within Supplying the Southwest where Applicants submit clarification questions and confidentiality agreements during the tender process and through which the Authority will post its replies.
Documents	Shall mean all of the tender documents in relation to this process as detailed in section 2 The Tender Documents of (1) ATR Tender Instructions.
Eligible Users	Shall mean any organisation given access to a Contract as a result of the procurement process and on whose behalf the Authority may be establishing the arrangements.
Employers' Liability (Compulsory Insurance)	<p>Shall mean an insurance that enables organisations to meet the costs of damages and legal fees for employees who are injured or made ill at work through the fault of the employer. Employees injured due to an employer's negligence can seek compensation even if the organisation goes into liquidation or receivership. The NHS can also claim the costs of hospital treatment (including ambulance costs) when personal injury compensation is paid. This applies to incidents that occur either on or after 29 January 2007.</p> <p>By law, an employer must have EL insurance and be insured for at least £5 million. Most insurers automatically provide cover of at least £10 million. The insurance must cover all the organisation's employees in England, Scotland, Wales and Northern Ireland.</p> <p>If the organisation is not a limited company, and you are the only employee or you only employ close family members, you do not need compulsory Employers' Liability Insurance. Limited companies with only One</p>

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Term	Definition
	employee, where that employee also owns 50 per cent or more of the issued share capital in the company, are also exempt from compulsory Employers' Liability Insurance. However, there is nothing to prevent an exempt employer from choosing to buy this insurance in view of the financial security it can provide.
Evaluation Questions	Shall mean the written response submitted by the Applicant to evidence their ability to meet the Authority's requirements, which will form part of the evaluation process upon which award of the Contract will be based.
Goods	Shall mean all Goods to be supplied as part of this Contract and covered by the Official Purchase Order.
Incomplete Tender	Shall mean a Tender which has been submitted with information / documents missing or in an incorrect format.
Irregular Tender	Shall mean a Tender which has not been submitted via Supplying the Southwest.
Late Tender	Shall mean a Tender which has been automatically classified by Supplying the Southwest as being received after the submission deadline.
Lead Applicant	Shall mean the organisation leading the bidding process on behalf of its consortia or sub-contractor partners.
Lot	Shall mean One of a number of categories of goods or services which a single procurement process has been divided into. The use of lots potentially allows for multiple providers to be appointed following One procurement process.
MEAT	Shall mean most economically advantageous tender from the point of view of the contracting authority in relation to the subject matter of the contract.
Official Purchase Order	Shall mean the Authority's Official Purchase Order, to which these conditions apply.
On Time Tender	Shall mean a Tender which has been automatically classified by Supplying the Southwest as being received by the submission deadline.

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

Term	Definition
Public Contracts Regulations	Shall mean the legislation incorporated in to English law concerning public procurement, which can be found at: www.legislation.gov.uk .
Public Liability Insurance	<p>Shall mean an insurance that covers members of the public or customers coming to the organisation's premises or if the organisation's staff go to theirs (including if the organisation is based 'at home').</p> <p>It covers any awards of damages given to a member of the public because of an injury or damage to their property caused by the organisation. It also covers any related legal fees, costs and expenses as well as costs of hospital treatment (including ambulance costs) that the NHS may claim from the organisation.</p> <p>Premiums are based on the type of business and rated on an estimate for the level of activity of the business.</p>
Relevant Tax Authority	Shall mean the organisation responsible for administering tax policy in the country in which the Applicant's organisation is established.
Restricted Procedure	Shall mean the procedure the procurement process is following, in accordance with the Public Contract Regulations 2015.
Selection	Shall mean the process by which Applicants will be selected to move forward to the next Stage of the procurement process, in accordance with the criteria listed at Regulations 23, 24 and 25 of the Public Contracts Regulations 2006 as amended in 2009.
Selection Questionnaire	Shall mean the questionnaire to be completed by all Applicants, containing the selection requirements through which Applicants shall be assessed against in order to move through to the next stage of the process.
Service(s)	Shall mean any action/s by the Contractor required by the Contract.
Stage One	Shall mean the first Stage of the Procurement Process addressing the selection criteria in the form of the Selection Questionnaire.

Term	Definition
Stage Two	Shall mean the second Stage of the Procurement Process addressing the Award criteria.
Standstill	Shall mean the period, as set out in Regulation 87 of the Public Contracts Regulations 2015, immediately following notification of the award decision to Applicants during which the Authority must not enter into the Contract.
Submission	Shall mean the correct and proper process for electronically submitting the Applicant's Tender, as detailed in section 4 Completion, Submission and Receipt of Tenders of (1) ATR Tender Instructions.
Supplying the South West	Shall mean the e-Tendering Portal through which the Authority advertises procurement opportunities and conducts procurement processes electronically
Tender	Shall mean the invitation to bid for this Contract. Shall mean the Applicant's response to this tender opportunity.
Tender Clarification	Shall mean the opportunity for Applicants to submit questions, within a specified timescale, relating to this tender and the associated Documents.
Terms	Shall mean the same as the Contract.
Transfer of Undertaking (Protection of Employment) Regulations 2006 (TUPE)	Shall mean the regulations which govern how employers shall deal with transfer of staff when a service or business changes hands from One employer to another in order to ensure the principal terms of employees' rights are protected.
Whole Life	Shall mean the Contract length, including extensions, if available.