



Background and guidance for the completion of the Selection Questionnaire (SQ) for:

Mid Kent Joint Waste Collection and Cleansing Contract 2023

SUMMARY

Description:	This tender is for the provision of waste collection services on behalf of Ashford Borough Council (ABC), Maidstone Borough Council (MBC) and Swale Borough Council (SBC) and Cleansing Services for ABC and SBC.
Contact:	Any queries should be sent using the Message Centre facility on the Kent Business Portal system.
System Reference:	XXX
Tender Reference	JWC/21/1

The deadline for submission of completed Selection Questionnaires is 12 noon on 10th January 2022

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DEFINITIONS

The following words shall bear the meanings attributed to them below unless the context otherwise requires:

“Applicant”	Each party submitting a Selection Questionnaire and / or Tender for the Services
“Authority”	Ashford Borough Council, Civic Centre, Tannery Lane, Ashford TN23 1PL
“Competitive Dialogue Procedure with Negotiation”	As set out in the Public Contract Regulations 2015 (as amended).
“Contract”	The Form of Contract that will be available at tender stage.
“Invitation to Submit Detailed Solutions” (ISDS)”	Instruction document issued to those Participants who have been successful at the SQ stage.
“Invitation to Submit Refined Solutions (ISRS)”	Instruction document issued to those Participants who have been successful at the ISDS stage.
“Invitation to submit Final Tenders (ISFT)”	Instruction document issued to those Participants who have been successful at the ISRS stage.
“Selection Questionnaire” (SQ)	This document issued to those Participants that express an interest to this project.
“Services”	The provision of the Services as set out in Additional Procurement Documents”.
“Participant”	Applicants selected to participate in the ISDS, ISRS and ISFT stages of the Procurement
Partners	Ashford Borough Council, Maidstone Borough Council and Swale Borough Council

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“Procurement Document”

Any document produced or referred to by the Authority to describe or determine elements of the procurement or the procedure, including the contract notice, technical specifications, descriptive documents, proposed conditions of contract, formats for the presentation of documents by Applicants and Participants, information on generally applicable obligations and any additional documents.

References to statutory provisions shall be construed as references to those provisions as respectively replaced amended or re-enacted (whether before or after the date of this Selection Questionnaire) from time to time and shall include any provisions of which they are re-enactments (whether with or without modifications) and any subordinate legislation made under such provisions. Words importing any gender include any other gender and words in the singular include the plural and words in the plural include the singular.

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1. Background

- 1.1. Ashford Borough Council, Maidstone Borough Council and Swale Borough Council are working in partnership to procure a contractor to provide Waste Collection Services and for ABC and SBC Street Cleansing Services.
- 1.2. As such a Contract Notice was placed in the Official Journal of the European Union (OJEU)/Find a Tender, inviting expressions of interest from organisations wishing to enter into a such a contract.
- 1.3. The Partners shall be inviting Applicants to submit expressions of interest to participate in its tender of services through a competitive process described in this document. The partners are using the Competitive Dialogue with Negotiation Procedure under the Public Contracts Regulations 2015 (as amended) for the procurement of this Contract.
- 1.4. The services to be provided:
 - a) For the Waste Collection Services requirement on behalf of Ashford, Maidstone and Swale Borough Councils are as follows:
 - Household Collection of:
 - Residual waste,
 - Dry Recyclables,
 - Food waste,
 - Chargeable Garden Waste,
 - WEEE, Textiles and Batteries,
 - Bulky Waste collection,
 - Clinical Waste collection; and
 - Management, Maintenance and delivery of replacement Containers.
 - b) For Street Cleansing Services on behalf of ABC and SBC Administrative Areas ONLY are as follows:
 - Street Cleansing of all highway areas and laybys (including carriageways and channels),
 - Cleansing of all public footpaths, (including footpaths leading to public conveniences,
 - Forecourts, Precincts, underpasses, alleys, cycleways and bridleways,
 - Cleansing of public car parks,
 - Public Open Spaces including Housing Estates,
 - Cleansing of specified Parks, including flower beds, water features, tree and shrub planters,
 - Cleansing of open spaces and relevant housing land including grass verges, water features, tree and shrub planters and flower beds,
 - Cleansing of the banking of watercourses and retrieval of litter items from the river where safely achievable; (excluding spawning season unless advised by the EA otherwise),
 - Cleansing of Amenity areas adjacent beaches (SBC ONLY),
 - Third Party of Bring Bank Sites on Public Land,
 - Maintenance and Emptying of all litter and dog waste bins within the districts including the supply and replacement of disposable liners where applicable,
 - Cleansing of specified bus shelters,

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- Removal of Fly tips including hazardous waste within the districts,
 - Removal of graffiti,
 - Removal of fly posting,
 - Chewing gum removal and staining,
 - Weed spraying in car parks,
 - Emergency Cleansing of roads, relevant land, beaches following spillages or an accident, including removal of debris, animal carcasses and the provision and the spreading of sand and/or chemical alternative, and
 - Provision of staff resources in the event of an emergency / incident requiring support by any of the Partner Councils.
- 1.5. Waste Transfer, processing and disposal facilities are provided through Kent County Council as the Waste Disposal Authority.
- 1.6. The proposed Contract is for an eight-year period.
- 1.7. The target commencement date for the purpose of this Contract is 22nd October 2023, however the Partners reserve the right to amend this date for any reason.
- 1.8. Expressions of interest must be in the form of a completed Selection Questionnaire ("SQ"). This SQ adopts the UK Government Cabinet Office SQ core questions (with project specific derogations identified as "Selection" questions). The Partners intend to assess the SQ submissions to shortlist suitable Applicants to be invited to participate in the competitive tender process.
- 1.9. The procurement does not involve any Lots as it is not deemed economically advantageous to do so.
- 1.10. The SQ will be used to assess the suitability of proposed Applicants who wish to be considered for shortlisting to tender for the opportunity.
- 1.11. The Procurement Documentation sets out in more detail the scope of services to be delivered under the contract.

2. The Submission Challenges

2.1. The Partnership and Services

Ashford Borough Council (ABC), Maidstone Borough Council (MBC) and Swale Borough Council (SBC) work in partnership with Kent County Council (KCC) to identify and implement cost effective waste collection/processing/disposal and (with the exception of MBC) street cleansing services within their respective Administrative Areas. Whilst this Contract relates to the provision of collection and street cleansing services, the purpose of the joint working is to minimise the combined cost impact of waste collection/ street cleansing/ waste processing and disposal and improve recycling performance in so far as it is cost effective to do so.

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- 2.2 The existing collection service which provides for standard households the weekly collection of food waste and alternate weekly comingled recycling/residual collection service was implemented in 2014. This has seen recycling performance across the Boroughs rise and residual waste fall to the current levels detailed below in the latest published DEFRA statistics:

Authority 2019/20	Residual household waste per household (kg/household) (Ex NI191)	Percentage of household waste sent for reuse, recycling or composting (Ex NI192)	Collected household waste per person (kg) (Ex BVPI 84a)
Ashford Borough Council	352.2	54.2%	359.4
Maidstone Borough Council	410.0	49.2%	323.6
Swale Borough Council	512.3	40.5%	302.5

- 2.3 With regards future waste collection aspirations all partners have high satisfaction with their existing collection service and wish to ensure this is maintained and built on. That aside they are mindful of the current Government consultation programme on Extended Producer Responsibility, the Deposit Return Scheme and Recycling Consistency. Boroughs would welcome bidders' views on the likely output of the consultation process and any changes in the collection methodology they would recommend in order to ensure the Partners are compliant during the Contract term. As it is expected that further clarifications will be made regarding changes in Government policy during the course of the dialogue then changes where appropriate will be written into revised contract documentation at each stage up to the 'Invitation to Submit Final Tenders'.

- 2.4 For street cleansing, this Contract also seeks to maximise the efficiency and effectiveness of the service across the Administrative Area whilst addressing the differing needs and priorities of each authority. Key challenges faced for the street cleansing service in:

2.4.1 ABC are:

- Ensuring high standard of cleansing in town centre,
- Responding to seasonal demand and high intensity footfall during periods of good weather and holiday periods, and
- Cleansing of a large rural road network and high-speed road network that require regular and programmed cleansing for accountability.

2.4.2 SBC are:

- Addressing low satisfaction levels of standards achieved in rural and residential cleansing,
- Responding to seasonal demands and high intensity footfall during periods of good weather particularly around seafront areas,
- Cleansing High Speed Road Cleansing,
- Increased level of sweeping required relative to litter picking to ensure removal of detritus from pavements,
- Increased visibility of sweeping operations, and
- Improving the clarity of responsibility this Agreement will include the emptying of litter bins in parks/seafront/leisure areas previously within the Grounds contract.

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- 2.5 The Partners are committed to reducing their carbon footprint and bidders will be asked to include cost effective means of achieving this and identify the additional costs and benefits of a range of carbon reducing measures.
- 2.6 The Partners are keen to look at opportunities to reduce contract costs and within this would like to explore the cost impact, advantages and disadvantages of differing vehicle funding options.

3 Local Context

- 3.1 The Borough of Ashford borders five other Kent districts, as well as East Sussex to the south-west. Ashford Borough Council's main offices are in the town of Ashford. The borough was formed on 1 April 1974, by the merger of the then Borough of Tenterden with Ashford urban district as well as the Rural Districts of East Ashford, West Ashford and Tenterden. Covering 224 square miles, it is the largest district by area in Kent. The Borough is divided into 39 civil parishes, centred on the villages as well as the historic town of Tenterden.
- 3.2 Maidstone Borough covers an area generally to the east and south of the town of Maidstone: as far north as the M2 motorway; east down the M20 to Lenham; south to a line including Staplehurst and Headcorn; and west towards Tonbridge. It lies between the North Downs and the Weald and covers the central part of the county. The M20 motorway crosses it from west to east, as does High Speed 1.
- 3.3 Located on the county's northern coast, Swale Borough sits between Medway, Maidstone and Canterbury, around 60km from central London in one direction and 40km from the Channel tunnel in the other. The borough covers an area of 360km², roughly one-tenth of Kent, and is home to just under 150,000 people, also approximately one-tenth of the county figure. For such a relatively small area, the borough is a remarkably diverse place, including the historic market town of Faversham, the traditional seaside resort of Sheerness and the more industrial market town of Sittingbourne, which in recent years has been the focus of major council-led redevelopment. These urban centres are connected both physically and culturally by the borough's extensive and important rural areas, accounting for around a quarter of the population, which take in a number of protected wildlife habitats and part of the Kent Downs area of outstanding natural beauty.

4 Transfer of Employees (TUPE)

- 4.1 This Procurement will be subject to the transfer of employees under the Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE") as amended by the Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014. The application of TUPE will always be a matter of law.

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- 4.2 The Partners will assist Participants by making TUPE information available from its existing service provider.
- 4.3 It is recommended that Applicants seek their own legal advice regarding this area of employment law.

5 Procurement Process and Indicative Timeframe

5.1 Project Background

- 5.1.1 A Working Group and Partnership Board have been set up to conduct the Procurement. The Working Group will be the Partners interface to Applicants and Participants during the tender process. However, all contact from Applicants and Participants must be via the e-tendering portal: Kent Business Portal: <https://www.kentbusinessportal.org.uk/>. The Working Group includes the Officers from the three Partners and its external advisors, WasteConsulting LLP, and internal legal advisors.
- 5.1.2 In addition, other Officers of the Partners or representatives appointed by it may be involved in the tender process as necessary during the procurement. The Partners reserve the right to change its Working Group and Partnership Board at any time during the Procurement.
- 5.1.3 The SQ is made available to all Applicants at the Selection Stage and provides a background to the Partners requirements as well as the procurement procedure to be undertaken, as intended by the Partners.

5.2 Overview of the Procurement Process

- 5.2.1 The Partners are using the Competitive Dialogue procedure under the Public Contracts Regulations 2015 (as amended) for the procurement of this Contract. This section describes in more detail how the Partners intend to undertake this Procurement.
- 5.2.2 The Working Group will shortlist Applicants via the Selection Stage, who will then be invited to submit a tender.

Selection Stage

- 5.2.3 The Partners will wish to be satisfied that it shortlists those Applicants who have the appropriate capabilities and resources available to it to perform the works and services that may be required under the Contract. To assist the Working Group in evaluating the extent to which Applicants meet the selection criteria, Applicants are required to complete the associated SQ.

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5.2.4 Applicants are provided with access to the documents attached as “**Additional Procurement Documents**”, the purpose of which is to provide Applicants with information relating to the tender and to enable them to identify the nature and scope of the requirement and determine whether to participate. The additional procurement documents provided, are as follows:

The Project Agreement

Schedule 1 – Output Specification

- Appendix 1 – Allington Waste Transfer Procedures
- Appendix 2 – Ashford Waste Transfer Procedures
- Appendix 3 – Swale Waste Transfer Procedures
- Appendix 4 – Mid Kent Disposal Points
- Appendix 5 – Ashford Waste Data File 301121
- Appendix 6 – Maidstone Waste Data File 301121
- Appendix 7 – Swale Waste Data File 301121

Schedule 3 – Payment Mechanism

Schedule 4a – Performance Mechanism

Schedule 4b – Performance Criteria

Schedule 6 – Council Policies

5.2.5 **For the avoidance of doubt, Applicants are, at this stage, ONLY required to complete and submit the Selection Questionnaire and supplementary information as requested in the selection questionnaire. These additional procurement documents are provided for information only and are NOT required for completion at this stage.**

5.2.5.1 The additional procurement documents are provided in **draft form only** and the Partners reserve the right to alter and amend the documentation between now and when the documents are issued to shortlisted Applicants.

5.2.6 Competitive Dialogue Tender Stages

5.2.6.1 A shortlist of Applicants will be produced from the organisations submitting Selection Questionnaires in accordance with the published evaluation methodology and an Invitation to Submit Detailed Solutions (ISDS) will be issued to those shortlisted Applicants. It is envisaged that a minimum of three (3) Applicants will be invited to the ISDS stage.

5.2.6.2 Participants will be requested to submit their detailed solutions. It is not the intention of the Partners to remove any Applicants during the dialogue process but use the stages to dialogue to ensure the proposed solutions meet the requirements of the Partners and in particular address the following:

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- The suitability of the proposed collection methodology to increase the quality and quantity of recycling and increase further public satisfaction in the service,
- The collections methodologies compliance with latest policy advice derived from the ongoing Government waste consultations,
- the costs and effectiveness of a range of carbon reduction measures bearing in mind the Partners Carbon commitments and timescales,
- Cost impacts, advantages and disadvantages of different vehicle funding options,
- the Applicants proposals to address street cleansing service improvements
- the Applicants use of technology to increase service efficiency, provide real time information on service resourcing, service progress, response to service requests, improving recycling performance, improving street cleansing performance and accurate reporting to the Partners.

5.2.6.3 Final Tenders received will be assessed in accordance with the ISFT evaluation weightings shown at Annex 1.

5.2.6.4 Details of specific dates, times, venues and agendas for Dialogue days and each round of meetings will be communicated in due course via: Kent Business Portal. For the avoidance of doubt, the Partners reserve the right to amend the schedule and content of the meetings at any time.

5.2.6.5 The Partners reserve the right to conduct additional telephone conferences, meetings or site visits during the process if it deems it necessary.

5.2.7 Contract Award

5.2.7.1 When the Partners are satisfied that they have received tenders that meet their requirements and have concluded any discussions/negotiations with the final tenderer submitting the winning tender, it will be able to formally award the Contract.

5.2.7.2 The Partners reserve the right:

- To cancel or withdraw from the Procurement at any stage;
- Not to award the Contract;
- To amend the terms and conditions of the Procurement.

5.3 Indicative Timeframe

5.3.1 An indicative timetable for the process is set out in the table below:

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Indicative Timetable		
Stage	Description	Timeframe
1	Publication of OJEU Contract Notice and Selection Questionnaire made available	30 th November 2021
2	Deadline for questions from Applicants on the SQ	31 st December 2021
3	Deadline for completed Selection Questionnaires	12 noon – 10th January 2022
4	Invitation to Submit Detailed Solutions (ISDS) to shortlisted Participants	14 th January 2022
5	Deadline for questions from Participants on the ISDS	18 th March 2022
6	Deadline for submission of ISDS	25th March 2022
7	ISDS Clarifications and Dialogue Sessions	26 th March 2022 – 25 th April 2022
8	Shortlisted Participants invited to Submit Refined Submissions (ISRS) stage	W/C 25 th April 2022
9	Deadline for submission of ISRS	10th June 2022
10	ISRS Clarifications and Dialogue Sessions	11 th June 2022 – 8 th July 2022
11	Issue Final Tender (ISFT) documents to shortlisted Participants	WC 11 th July 2022
12	Deadline for submission of Final Tenders (ISFT)	16th September 2022
13	Review, Clarification and Evaluation Period	17 th September 2022-30 th November 2022
14	Committee Approval Stage	December 2022/January 2023
15	Preferred Bidder Nominated / Standstill Period begins	W/C 6 th Feb 2023
16	Standstill Period Ends / Contract Awarded	W/C 13th Feb 2023
17	Contract Mobilisation*	W/C 20 th Feb 2023
18	Contract Commencement	22nd October 2023

**An 8 month mobilisation period has been allowed to facilitate vehicle procurement but the timetable will be reviewed during the process.*

5.3.2 Applicants should note that the timetable is provided as a guide, and while the Partners do not intend to deviate from the timetable, they reserve the right in their absolute discretion to do so at any time.

6 Selection Questionnaire Instructions to Applicants

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6.1 Instructions to Applicants

- 6.1.1 Applicants wishing to participate in this Procurement should submit their expressions of interest by return of the completed SQ response.
- 6.1.2 As such, Applicants are invited to complete the Selection Questionnaire available via upload to the Kent Business Portal by **12 noon – 10th January 2022**. Please clearly identify the question number you are responded to.
- 6.1.3 The Partners reserve the right to clarify with Applicants any matters that are unclear from the SQ responses if necessary. The Partners and its advisors will treat all submissions on a confidential basis.
- 6.1.4 This Selection Questionnaire (SQ) follows the guidance set out by Cabinet Office / Crown Commercial Services relating to requirements for Selection Questionnaires to help businesses access public sector contracts.
- 6.1.5 No information contained in the SQ or in any communication made between the Partners and any Applicant in connection with the SQ shall be relied upon as constituting a contract, agreement or representation that any contract shall be offered in accordance with the SQ.
- 6.1.6 The purpose of the SQ is to enable Applicants who are interested in participating in the Procurement to provide the Partners with sufficient information to make an initial assessment of their financial standing, capability and suitability for the proposed Contract enabling the Partners to shortlist Applicants for the tender stage of the Procurement. Applicants short-listed from the selection process will be invited to participate in the ISDS process.
- 6.1.7 The Partners reserves their right to cancel or postpone this Procurement at any time and the Partners shall not be liable for any losses, damages, costs, expenses or other sums whatsoever to any of the Applicants/Participants.
- 6.1.8 Under no circumstances shall the Partners incur any liability in respect of the SQ or any supporting documentation.
- 6.1.9 Direct or indirect canvassing of any Elected Member, public sector employee or agent by any Applicant concerning this requirement, or any attempt to procure information from any Minister, public sector employee or agent concerning this SQ may result in the disqualification of the Applicant from consideration for this requirement.
- 6.1.10 Applicants' responses to the SQ will be evaluated against the criteria set out in the "Selection Process and Evaluation Methodology" as detailed in Section 7 of this document.

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- 6.1.11 A shortlist of Applicants will be produced from the organisations submitting Selection Questionnaires. It is envisaged that a minimum of three (3) and a maximum of five (5) Applicants will then be invited to participate in the ISDS stage (out of those that pass all the “Pass/Fail” criteria and are the top scoring Applicants against the “Selection Process and Evaluation Methodology”).
- 6.1.12 The Partners reserves the right to take through less than the envisaged number of Applicants in the event that insufficient Applicants meet the minimum threshold score.
- 6.1.13 The Partners reserve the right to take through additional Applicants where two or more have received equal scores when in the last position.
- 6.1.14 If there are fewer than the envisaged number of Applicants that meet the minimum standard, the Partners shall invite the relevant number to tender, provided that the Partners are satisfied that there is a sufficient number of Applicants to ensure genuine competition.
- 6.1.15 Please return the completed SQ response by uploading your responses and all supporting documentations onto the Authority’s e-tendering portal.
- 6.1.16 Please allow yourselves enough time to upload your SQ submission; any submission received after the deadline will be rejected and will not be considered.
- 6.1.17 **SQ submissions must be received by no later than 12:00:00 on 10th January 2022.**
- 6.1.18 Any SQ response submitted manually or by email, will be rejected and will not be considered.
- 6.1.19 The evaluation will be based only on SQs submitted via the: Kent Business Portal. Information provided via external website links as part of an SQ submission will not be assessed.
- 6.1.20 The Partners may seek independent financial and market advice to validate information declared or to assist in the evaluation.
- 6.1.21 The Partners may reapply the selection criteria used in assessing responses to this SQ at any time during the procurement process in order to verify the continued eligibility of shortlisted applicants to participate in the procurement.

6.2 Notes for Completion of the SQ

- 6.2.1 “You” / “Your” refers to the potential supplier completing this standard Selection Questionnaire i.e. the legal entity responsible for the information provided. The term “potential supplier” is intended to cover any economic operator as defined by the Public

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Contracts Regulations 2016 (referred to as the “Regulations”) and could be a registered company; the lead contact for a group of economic operators; charitable organisation; Voluntary Community and Social Enterprise (VCSE); Special Purpose Vehicle; or other form of entity.

- 6.2.2 Please ensure that all questions are completed in full, and in the format requested. If the question does not apply to you, please state ‘N/A’.
- 6.2.3 Should you need to provide additional information in response to the questions, please submit a clearly identified annex.
- 6.2.4 The Partners recognises that arrangements set out in Section 1.2 of the standard Selection Questionnaire, in relation to a group of economic operators (for example, a consortium) and/or use of sub-contractors, may be subject to change and will, therefore, not be finalised until a later date. The lead contact should notify the Partners immediately of any change in the proposed arrangements and ensure a completed Part 1 and Part 2 is submitted for any new organisation relied on to meet the selection criteria. The Partners will make a revised assessment of the submission based on the updated information.
- 6.2.5 For Part 1 and Part 2 every organisation that is being relied on to meet the selection criteria must complete and submit the self-declaration.
- 6.2.6 For answers to Part 3 – If you are bidding on behalf of a group, for example, a consortium, or you intend to use sub-contractors, you should complete all of the questions on behalf of the consortium and/ or any sub-contractors, providing one composite response and declaration.
- 6.2.7 The Partners confirm that they will keep confidential and will not disclose to any third parties any information obtained from a named customer contact, other than to the Cabinet Office and / or contracting authorities defined by the Regulations, or pursuant to an order of the court or demand made by any competent authority or body where the authority is under a legal or regulatory obligation to make such a disclosure.
- 6.2.8 Please read each section carefully as only those organisations that meet the requirements in the SQ will be short-listed and invited to tender.
- 6.2.9 Please answer every question and ensure that you complete the SQ as requested and in accordance with the Authority’s instructions. Failure to do so may result in your application being disqualified and rejected.
- 6.2.10 If a question does not apply to you please write “N/A”; if you don’t know the answer please write “N/K”. Where appropriate, the Applicant should also include an explanation of why “N/A” or “N/K” applies.

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6.2.11 Please complete all questions in English.

6.2.12 Please include, where appropriate, any supporting documents.

6.2.13 If the relevant documentary evidence referred to in the SQ is not provided upon request and without delay, the Partners reserve the right to amend the award decision and award to the next compliant Applicant.

6.2.14 All enclosures should be clearly marked with the question to which they refer.

6.2.15 When completing the SQ, only attach additional documentation when requested. Any additional documents and information submitted in addition to the SQ will need to be cross referenced with the question it is referring to. Additional documentations and generic marketing material not requested in this SQ will be disregarded. Accordingly, Applicants should ensure it responds fully to this SQ.

6.2.16 Applicants should adhere strictly to the guidance provided in terms of format and / or page count:

6.2.16.1 Page Counts are based on a response on A4 and in portrait orientation. Applicants should note that if they exceed the page count, then the Evaluator is only obliged to evaluate up to the limit stated. For example, if the Applicant provides an 11page response and the page count is 10 pages, then the 11th page will not be evaluated. It is therefore important that the Applicant responds within the page count or risk being “marked down”.

6.2.16.2 Text must be no smaller than font size 11; line spacing no less than 1.15.

6.3 Enquiries

6.3.1 All enquiries, clarification questions and correspondence must be sent electronically via the Message Centre facility on the Kent Business Portal. Verbal enquiries and requests will not be responded to.

6.3.2 The deadline for posting queries is 12:00 Noon on 31st December 2021.

6.3.3 The Partners will endeavour to respond to queries not less than four (4) days prior to the deadline date for receipt of SQ submissions.

6.4 Evaluation Team

6.4.1 The Evaluation Team for this procurement consists of the individuals detailed below:

Ashford Borough Council:

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- Tracey Butler
- Mark Goodman

Maidstone Borough Council

- Jennifer Stevens
- Graham Gosden

Swale Borough Council

- Martyn Cassell
- Alister Andrews
- Kelly Upson

External Advisers

- Chris Stannard
- Paul Bridger
- Graeme Rasdall-Lawes

Legal support

- Chris Ryan
- Simon Talijancic
- Mirabel Nsofor

6.4.2 The Partners reserve the right to amend the Evaluation Team at any point in the procurement process.

7 Selection Process and Evaluation Methodology

7.1 Overview

7.1.1 The evaluation will consist of the following steps:

7.1.1.1 **STEP ONE:** All responses will be checked to ensure that all questions have been addressed and that all supporting documents requested have been attached. In the event that an Applicant is unable to provide supporting documents or a response to any of the questions, or a detailed reason as to why a response cannot be given, the Partners will exclude the Applicant from further participation in the selection process; although the Partners reserve the right to request clarification where there is a clear error or omission in an Applicant's Response.

7.1.1.2 **STEP TWO:** Responses which were not disqualified, as detailed in Step One above, will then be checked against the stated pass/fail tests. Responses which fail any of the pass/fail questions will not be considered further.

7.1.1.3 **STEP THREE:** Responses which were not disqualified under Steps One or Two as detailed above will then be evaluated in accordance with the marking scheme / evaluation guidance which are set out in Paragraph 7.8.1. Applicants who achieve a

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“pass” against all of the “Pass/ Fail” criteria will then be scored in accordance with the weightings and specific scorings as indicated. Responses will be reviewed by the “Evaluation Team” comprising of representatives of the Partners and their technical advisers. Each scored question will be marked out of 4. Each score out of 4 is converted to give the Applicant’s percentage mark for the particular question. So, if for example an Applicant gets a score of 3 out of 4 for a question with a weighting of 20%, its percentage score for that question will be 15% (i.e. $3/4 \times 20\% = 15\%$). All scoring questions will be aggregated to produce the total score.

7.2 **Introductory Information** (SQ Questions 0.1)

7.2.1 This section of the Selection Questionnaire will be checked to ensure that all questions have been addressed. Failure to provide a response, or a reason why a response cannot be given, may lead to an Applicant failing to pass the selection process.

7.3 **PART 1 - Potential Supplier Information** (SQ Questions 1.1(a) to 1.3(h))

7.3.1 **This section will be assessed on a pass / fail basis.**

7.3.2 Part 1 of the Selection Questionnaire will be checked to ensure that all questions have been addressed. Failure to provide a response, or a reason why a response can’t be given, may lead to an Applicant failing to pass the selection process.

Marking Scheme	Evaluation Guidance
Pass	You have provided the information requested or have responded with N/A or N/K as appropriate. If N/K is inserted you have explained why this is the case.
Fail	The Partners have the discretion to disqualify you if, for whatever reason, you do not or cannot provide the information above or have not responded with N/A or N/K as appropriate or have not explained why N/K has been used.

7.4 **PART 2: Grounds for Mandatory Exclusion** (SQ Questions 2.1(a)-(i) to 2.3(b))

7.4.1 **This section will be assessed on a pass / fail basis.**

7.4.2 Applicants must confirm that none of the circumstances described in Regulation 67(1) and (2) of the Public Contracts Regulations 2015 apply.

7.4.3 Regulation 57(1) and (2) set out the "mandatory" criteria, under which a Contracting Authority must, or may, determine that an Applicant is ineligible to participate in a procurement process.

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- 7.4.4 The obligation to exclude an economic operator also applies where the person convicted is a member of the administrative, management or supervisory body of that economic operator or has powers of representation, decision or control in the economic operator.
- 7.4.5 The Partners may seek evidence at a later date to confirm that these details are correct.
- 7.4.6 Any Applicant that answers 'Yes' to any of questions in Part 2 of the Selection Questionnaire should provide sufficient evidence that provides a summary of the circumstances and any remedial action that has taken place subsequently and effectively "self-cleanse" the situation referred to in that question. The Applicant has to demonstrate it has taken such remedial action, to the satisfaction of the Partners in each case.
- 7.4.7 If such evidence is considered by the Partners (whose joint decision will be final) as sufficient, the economic operator concerned shall be allowed to continue in the procurement process.
- 7.4.8 In order for the evidence referred to above to be sufficient, the Applicant shall, as a minimum, prove that it has:
- 7.4.8.1 paid or undertaken to pay compensation in respect of any damage caused by the criminal offence or misconduct;
- 7.4.8.2 clarified the facts and circumstances in a comprehensive manner by actively collaborating with the investigating authorities; and taken concrete technical, organisational and personnel measures that are appropriate to prevent further criminal offences or misconduct.
- 7.4.9 The measures taken by the Applicant shall be evaluated taking into account the gravity and particular circumstances of the criminal offence or misconduct. Where the measures are considered by the Partners to be insufficient, the Applicant shall be given a statement of the reasons for that decision.

Marking Scheme	Evaluation Guidance
Pass	You have answered NO to all questions, or; You have answered NO to some and YES to one or more and have included evidence of 'self-cleaning' which is acceptable to the Partners as assessed against the relevant ground for exclusion.
Fail	You have answered YES to some or all of the questions and have either failed to provide any evidence of 'self-cleaning' or failed to provide evidence of 'self-cleaning' which is acceptable to the Partners as assessed against the relevant ground for exclusion (those questions to which you have answered YES).

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7.5 **PART 2 (cont'd): Grounds for Discretionary Exclusion** (SQ Questions 3.1(a) to 3.2)

7.5.1 **This section will be assessed on a pass / fail basis.**

7.5.2 The Partners may exclude the Applicant if there is a conflict of interest which cannot be effectively remedied. The concept of a conflict of interest includes any situation where relevant staff members have, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement procedure.

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

7.5.4 The Partners may also exclude any Applicant who answers 'Yes' in any of the situations set out in Section 3 of the Selection Questionnaire.

7.5.5 Any Applicant that answers 'Yes' to any of questions in Section 3 of the Selection Questionnaire should provide sufficient evidence that provides a summary of the circumstances and any remedial action that has taken place subsequently and effectively "self cleanse" the situation referred to in that question. The Applicant has to demonstrate it has taken such remedial action, to the satisfaction of the Partners in each case.

7.5.6 If such evidence is considered by the Partners (whose joint decision will be final) as sufficient, the Applicant concerned shall be allowed to continue in the procurement process.

7.5.7 In order for the evidence referred to above to be sufficient, the Applicant shall, as a minimum, prove that it has;

7.5.7.1 paid or undertaken to pay compensation in respect of any damage caused by the criminal offence or misconduct;

7.5.7.2 clarified the facts and circumstances in a comprehensive manner by actively collaborating with the investigating authorities; and

7.5.7.3 taken concrete technical, organisational and personnel measures that are appropriate to prevent further criminal offences or misconduct.

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

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Marking Scheme	Evaluation Guidance
Pass	You have answered NO to all questions, or; you have answered NO to some and YES to one or more and have included evidence of 'self-cleaning' which is acceptable to the Partners against the relevant ground for exclusion (those questions to which you have answered YES).
Fail	You have answered YES to some or all of the questions and have either failed to provide any evidence of 'self-cleaning' or failed to provide evidence of 'self-cleaning', which is acceptable to the Partners, as assessed against the relevant ground for exclusion as applicable (those questions to which you have answered YES).

7.6 PART 3: Economic and Financial Standing (SQ Questions 4.1 to 4.2)

7.6.1 This section will be assessed on a pass / fail basis.

7.6.2 Information provided in this section of the Selection Questionnaire will be used to evaluate the financial standing of your company.

7.6.3 The objectives of undertaking Applicant financial assessment as part of a procurement exercise are to ensure that Applicants possess the necessary economic and financial capacity to perform the contract.

7.6.4 Applicants must answer all applicable questions in this section of the Selection Questionnaire as well as providing the relevant documents requested.

7.6.5 Alternative means of demonstrating financial status could include but is not limited to:

- Deeds of guarantee
- Accountants' references
- Management accounts
- Financial projections, including cash flow forecasts
- Capital availability

7.6.6 The Partners will undertake an in-house financial assessment based on the information provided but may also use an independent company (Dun and Bradstreet) to supplement this financial assessment of your current operation.

7.6.7 The financial assessment will be undertaken according to the evaluation criteria below:

Question 4.1 Marking Scheme	Evaluation Guidance - If a candidate chooses to submit a copy of its audited accounts for the most recent two years
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Pass	<p>Candidates are required to demonstrate:</p> <ol style="list-style-type: none"> 1. Annual average Turnover of at least £40m in current prices over both years of the audited accounts. The Partners will not adjust for the effect of inflation for figures that are greater than one year old because the Partners considers this immaterial at a time of low CPI inflation.* 2. Positive cash flow from operations in both years of the audited accounts 3. Net reserves of at least 10% of turnover in both years of the audited accounts 4. Cash flow of 1% of the resulting turnover in both years of the audited accounts 5. Satisfactory Credit Check <p><i>*A turnover of less than the sum set out above will not necessarily result in a fail providing the Candidate can demonstrate they meet the other criteria stated and are assessed by the Partners to be low risk.</i></p>
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Question 4.1(a) Marking Scheme	<p>Evaluation Guidance – If a candidate chooses to submit a statement of the turnover, Profit and Loss Account/Income statement, Balance Sheet/Statement of Financial position and Statement of Cash Flow for the most recent year of trading for this organisation.</p>
Pass	<p>Candidates are expected to demonstrate:</p> <ol style="list-style-type: none"> 1. Turnover of at least £40m in current prices. (The Partners will not adjust for the effect of inflation for figures that are greater than one year old because the Partners consider this immaterial at a time of low CPI inflation). * 2. Positive cash flow from operations of at least 1% of turnover 3. Positive net current assets 4. Cash in bank equivalent to 30 days turnover at the end of the Supplier’s reporting period 5. Satisfactory credit check <p>The reporting period must be no more than 3 months before the deadline for the return of the SQ response. Supporting statements/endorsements required under 4.1(a):</p> <ol style="list-style-type: none"> 1. The documents submitted in response to 4.1(a) must be endorsed by an International Federation of Accountants qualified accountant/auditor; and 2. A statement from two Directors/Trustees should be included confirming that their organisation is a going concern with

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Question 4.1(a) Marking Scheme	Evaluation Guidance – If a candidate chooses to submit a statement of the turnover, Profit and Loss Account/Income statement, Balance Sheet/Statement of Financial position and Statement of Cash Flow for the most recent year of trading for this organisation.
	<p>adequate resources to continue in operation for the foreseeable future.</p> <p><i>*A turnover of less than the sum set out above will not necessarily result in a fail providing the Candidate can demonstrate they meet the other criteria stated and are assessed by the Partners to be low risk.</i></p>

Question 4.1(b) Marking Scheme	Evaluation Guidance – If a candidate chooses to submit a statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position
Pass	<p>Candidates are expected to demonstrate:</p> <ol style="list-style-type: none"> 1. Turnover of at least £40m in current prices. (The Partners will not adjust for the effect of inflation for figures that are greater than one year old because the Partners consider this immaterial at a time of low CPI inflation.) * 2. Positive cash flow from operations of at least 1% of turnover 3. Positive net current assets 4. Cash in bank equivalent to 30 days turnover at the end of the Supplier’s reporting period 5. Satisfactory credit check <p>The reporting period must be no more than 3 months before the deadline for the return of the SQ response. Supporting statements/endorsements required under 4.1(b):</p> <ol style="list-style-type: none"> 1. The documents submitted in response to 4.1(b) must be endorsed by an International Federation of Accountants qualified accountant/auditor; and 2. A statement from two Directors/Trustees should be included confirming that their organisation is a going concern with adequate resources to continue in operation for the foreseeable future. <p><i>*A turnover of less than the sum set out above will not necessarily result in a fail providing the Candidate can demonstrate they meet the other criteria stated and are assessed by the Partners to be low risk.</i></p>

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Question 4.1(c) Marking Scheme	Evaluation Guidance – If a candidate decides to demonstrate financial standing using alternative means of demonstrating financial status if any of the above are not available (e.g. Forecast of turnover for the current year and a statement of funding provided by the owners and/or the bank, charity accruals accounts or an alternative means of demonstrating financial status)
Pass	<p>Candidates are expected to demonstrate:</p> <ol style="list-style-type: none"> 1. Turnover of at least £40m in current prices. (The Partners will not adjust for the effect of inflation for figures that are greater than one year old because the Partners consider this immaterial at a time of low CPI inflation.)* 2. Positive cash flow from operations of at least 1% of turnover; 3. Cash in bank equivalent to 30 days turnover at the end of the Supplier’s reporting period 4. Satisfactory credit check <p>The reporting period must be no more than 3 months before the deadline for the return of the SQ response. Supporting statements/endorsements required under 4.1(c):</p> <ol style="list-style-type: none"> 1. The alternative means of demonstrating financial standing must be endorsed by an International Federation of Accountants qualified auditor. 2. A statement from two Directors/Trustees should be included confirming that their organisation is a going concern with adequate resources to continue in operation for the foreseeable future <p><i>*A turnover of less than the sum set out will not necessarily result in a fail providing the Candidate can demonstrate they meet the other criteria stated and are assessed by the Partners to be low risk.</i></p>

Question 4.1, 4.1(a), 4.1(b) & 4.1(c) Marking Scheme	Evaluation Guidance
Fail	Information not provided in accordance with one of 4.1, 4.1 (a), 4.1(b), or 4.1(c)

Question 4.2 Marking Scheme	Evaluation Guidance
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Pass	The stated minimum financial threshold has been met in relation to the relevant means of demonstrating your economic/financial standing (either 4.1, 4.1(a), 4.1(b) or 4.1(c)).
Fail	The stated minimum financial threshold has not been met in relation to the relevant means of demonstrating your economic/financial standing (either 4.1, 4.1(a), 4.1(b) or 4.1(c)).

7.7 PART 3 (cont'd) - Economic Operator Group *(SQ Questions 5.1 to 5.3)*

7.7.1 If you have indicated in the Selection Questionnaire (Question 1.2) that you are part of a wider group, please further details must be provided in this section.

7.7.2 Any Applicant that indicates that it is part of a wider but does not provide the information requested in this section may be disqualified from the selection process.

7.7.3 Information provided in this section will be assessed as follows:

Marking Scheme	Evaluation Guidance
Pass	You have answered YES to 5.1 and are prepared to provide a guarantee from your ultimate / parent company; or You have answered YES to 5.1 and are not prepared to provide a guarantee from your ultimate / parent company but you are able and prepared to obtain a guarantee elsewhere; or You have answered NO to 5.1 and are able and prepared to obtain a guarantee elsewhere.
Fail	You have answered YES to 5.1 but are not able and prepared to provide a guarantee from your ultimate / parent company or obtain a guarantee from elsewhere; or You have answered NO to 5.1 and are not able to obtain a guarantee from elsewhere.
The Partners will require at the point of contract award that the successful Supplier enters into a guarantee or bond (subject to final Contract decision).	

7.8 PART 3 (cont'd) - Technical and Professional Ability

7.8.1 Mid Kent Joint Waste Collection and Cleansing Contract *(SQ Questions 6.1)*

7.8.1.1 **This section will be assessed on a scored basis.**

7.8.1.2 Applicants must provide details of up to three contracts in the public sector; that are relevant to our requirement.

7.8.1.3 The named contact provided should be able to provide written evidence to confirm the accuracy of the information provided.

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7.8.1.4 The Partners may assess the past performance of an Applicant (through a Certificate of Performance provided by a Customer or other means of evidence). The Partners may take into account any failure to discharge obligations under the previous principal relevant contracts of the Supplier completing this SQ. The Partners will also assess whether specified minimum standards for reliability for such contracts are met (i.e. ability to deliver a service of this nature effectively).

7.8.1.5 Applicants may also be asked to update the evidence they provide in this section to confirm that nothing has changed).

7.8.1.6 Applicants must ensure that answers provided in this section reflect the services/works as performed by the legal entity wishing to enter into contract with the Partners. Applicants should indicate within your answer the percentage reliance on subcontractor input.

7.8.1.7 Where Suppliers are consortia, they must ensure that responses and evidence to all questions in this section represent the consortium as a whole. **There is no requirement to present answers from each individual member.**

7.8.1.8 The following selection criteria are applicable:

Selection Criteria	Weighting	Requirement
Mid Kent Joint Waste Collection and Cleansing Contract		
i)	20%	Demonstrate a track record of undertaking contracts of a similar scale and complexity within the last 5 years.
ii)	20%	Details of the supplier's experience and achievements in improving the performance of collection services.
iii)	15%	Details of the supplier's experience and achievements in improving the performance of street cleansing services.
iv)	15%	Details of how the Supplier has used technology to enhance both the public's engagement with the services and the Council's ability to monitor performance.
v)	15%	Details of the supplier's experience, achievements and future expectations of its capability in reducing the carbon footprint of waste collection and street cleansing services

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vi)	15%	Detail any other information supporting that sets you apart or makes you ideally suited to deliver this work.
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7.8.1.9 Responses will be reviewed by "Evaluation Team" comprising of representatives of the Partners and their technical advisers.

7.8.1.10 Each Applicant will be assessed, with each of the criteria listed in Paragraph 7.8.1.8 receiving one score for that Applicant in accordance with the following scale:

Score	Term	Definition
0	Unacceptable	No response provided or a response that is substantially irrelevant.
1	Limited	The response does not address some or all of the key requirements and fails to evidence the Applicant's technical capability in terms of the project.
2	Satisfactory	A response that addresses the key requirements of the project and evidences sufficient capability. Positive outcomes are present; however there may be some omissions or areas of weakness that are of concern to the Authority.
3	Good	A good response submitted in terms of level of detail and relevance. Positive and measurable outcomes have been evidenced along with lessons learned. Capability is clearly evidenced with only minor concerns raised.
4	Excellent	A comprehensive response submitted in terms of level of detail and relevance. The response is clear and all key areas have been evidenced along with positive and measurable outcomes. The Applicant has fully demonstrated its capability to deliver the requirements of the project.

7.8.1.11 Applicants that cannot provide at least one example must provide an explanation for this (e.g. your organisation is a new start-up or you have provided services in the past but not under a contract).

7.8.1.11.1 For the purpose of this procurement exercise reference to 'new' means those organisations that offer the Service required but which have not been operational for more than 1 year.

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7.8.1.11.2 Any supplier that cannot provide any contract examples and does not provide an explanation will be disqualified from the selection process.

7.8.1.11.3 Applicants that that cannot provide any contract examples must include evidence as part of this explanation demonstrating that they have the necessary capability and infrastructure in place to deliver the technical requirements for each of the selection criteria listed in Paragraph 7.8.1.8.

7.8.1.11.4 Each response will be assessed, with each of the criteria listed in Paragraph 7.8.1.8 (demonstrating the necessary capability and infrastructure rather than experience) being scored in accordance with the 0 to 4 scoring scale detailed in Paragraph 7.8.1.10.

7.8.1.12 To ensure that the Partners selects Applicants that have the required technical capability to potentially deliver the contract, the Partners reserve the right to disqualify any Applicant that scores a '0' or '1' in any of the listed selection criteria.

7.9 PART 3 (cont'd) - Modern Slavery Act 2016 (SQ Questions 7.1 to 7.2)

7.9.1.1 **This section will be assessed on a pass / fail basis.**

7.9.1.2 Applicants that are a relevant commercial organisation as defined by section 64 of the Modern Slavery Act 2016, must confirm that they are compliant with the annual reporting requirements contained within Section 64 of the Act 2016.

7.9.1.3 Any Applicant that does not provide this confirmation and the relevant URL will be disqualified from the selection process.

7.10 PART 3 (cont'd) - Additional Questions

7.10.1 **Section 8.1: Insurance**

7.10.1.1 **This section will be assessed on a pass / fail basis.**

7.10.1.2 Applicants must self-certify whether you already have, or can commit to obtain, prior to the commencement of the contract, the levels of insurance cover indicated below:

- Mid Kent Joint Waste Collection and Cleansing Contract
(SQ Questions 8.1.1(a)-(i) to 8.1.1(a)-(iii))
 - Employer's Liability: £10,000,000
 - Public and Products Liability: £10,000,000
 - Professional Liability: £2,000,000

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Marking Scheme	Evaluation Guidance
Pass	You have answered YES to the question or; you have answered NO to the question but are able to commit to obtaining the required insurance cover
Fail	You have answered NO to the question and you are unable to commit to obtaining the required Insurance cover prior to commencement of the contract.

7.10.1.3 If the successful Applicant does not provide proof of the required insurance cover when requested prior to award stage they may be disqualified.

7.10.1.4 It is also expected that the supplier will have, where required, any additional insurance cover(s) which would be applicable to discharge the contract if necessary.

7.10.2 **Section 8.2: Skills and Apprentices**

7.10.2.1 **This section will be assessed on a pass / fail basis.**

7.10.2.2 Applicants must confirm that they will be supporting apprenticeships and skills development through this contract.

8 **Disclaimers**

8.1 This SQ has been prepared by the Partners for the purpose of providing an application procedure for Applicants interested in tendering for this procurement.

8.2 By receiving this SQ, the Applicant agrees to keep confidential the information contained in the documents or made available in connection with any further enquiries.

8.3 The SQ may be made available to the Applicants' employees and professional advisors directly involved in the appraisal of such information and the preparation of any tender related submissions to the Authority. The SQ shall not, either in whole or part, be copied, reproduced, distributed or otherwise made available to any other party in any circumstances without the prior written consent of the Authority, nor may it be used for any other purpose than that for which it is intended.

8.4 This SQ is intended only as a preliminary background explanation of the Authority's activities and is not intended to form the basis of any decision on whether to enter into any contractual relationship with the Authority.

8.5 This SQ does not purport to be all-inclusive, or to contain all of the information that a prospective Applicant may require.

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- 8.6 None of the Authority, its technical, financial or legal advisors or any other advisor (or the directors, officers, members, partners, employees, staff, agents or advisors of any such person):
- 8.6.1 Makes any representation or warranty (express or implied) as to the accuracy, reasonableness or completeness of this SQ. Any persons considering making a decision to enter into contractual relationships with the Partners following receipt of this SQ should make their own investigations and their own independent assessment of the Partners and its requirements for services associated with the project and should seek their own professional technical, financial and legal advice;
- 8.6.2 Accepts any responsibility for the information contained in this SQ or for its fairness, accuracy or completeness. Nor shall any of them be liable for any loss or damage arising as a result of reliance on such information or any subsequent communication. Only the express terms of any written Contract relating to the subject matter of this SQ, as and when it is executed, shall have any contractual effect in connection with the matters to which it relates;
- 8.6.3 Will be liable for any costs incurred by any Applicants responding to the SQ or any subsequent tender documents or process in this procurement, whether incurred by them directly or their advisors or sub-contractors.
- 8.6.4 The Partners will not reimburse any costs incurred by Applicants in connection with its participation in this Procurement. The publication of this SQ in no way commits the Partners to award any Contract pursuant to any Procurement for this Contract.

ANNEX 1 – Mid Kent Joint Waste Contract - Evaluation Criteria and Weightings

Criteria Headings	Weighting
Price	40.00
Technical	35.00
Quality Management Systems	17.50
Environmental Impact	5.00
Social Value	2.50
Total Score	100.00