Part 1 - Instructions and Details of Contract

**Asset Protection Services**

**Reference STSC DN542162**

**Public Contract Regulations 2015 Open Process**

**CONFIDENTIAL – NOT FOR DISCLOSURE OR CIRCULATION**

**South Tees Site Company Ltd**

**Invitation to Tender for – Asset Protection Services**

**Summary instructions and details of Contract**

|  |  |
| --- | --- |
| **Item** | **Contract details** |
| Contract description | Asset Protection Services |
| Insurance requirements | Minimum requirements (for one event or series of events) are as follows: -   * Professional indemnity - 1 million * Public liability - £5 million * Employers liability - £10 million |
| Period of Contract | 12 months from start date |
| Options to Extend/Vary the contract | Option to extend for a further 12 months |
| Clarification | Any clarification questions regarding the specification or the process should be submitted via the Proactis e-tender portal at: <https://procontract.due-north.com/Login>  The deadline for asking clarification questions is: **28th May 2021 at 17.00hrs**  **PLEASE NOTE – any queries raised in relation to this tender process outside of the portal will not be responded to.** |
| Submission | ITT responses, supporting documentation requested and any specific queries must be submitted electronically via the e-tender portal at: <https://procontract.due-north.com/Login>  Should you require assistance in relation to the Proactis e-tender portal, please contact Proactis Supplier Support: [ProContractSuppliers@proactis.com](mailto:ProContractSuppliers@proactis.com)  Please note, that submissions will not be accepted in either hard copy or email. All submission must be submitted electronically via the e-tender portal detailed above. |
| Date and time for Tender return | **17th June 2021 16.00hrs** It is the sole responsibility of the Bidder to ensure its tender is received by STSC in accordance with the relevant instructions set out in this ITT. STSC is under no obligation to accept late tenders.  Please note uploading files can take a lot longer than you may expect as Internet providers quote the download broadband speed. This does not mean that you can upload at that speed. Broadband upload speeds are generally much slower than download speeds.  It is your responsibility to allow sufficient time allocated to the uploading of your tender documents e.g. it is advisable to commence 24 hours prior to the deadline to ensure any problems can be addressed prior to the tender deadline |

**Timetable**

**This timetable is indicative only; STSC reserve the right to change it at its discretion.**

**Table 1**

| **Stage** | **Date(s)and time(s)** |
| --- | --- |
| Issue of Invitation to Tender | **17th May 2021** |
| Clarification Period | **17th May – 28th May 2021 @ 4pm** |
| Tender submission Deadline | **17th June 2021 16.00hrs** |
| Evaluation Period | **17th June - 28th June 2021** |
| Notification of result of evaluation | **30th June 2021** |
| Standstill period | **1st July – 14th July 2021 23.59** |
| Expected date of award of Contract(s) | **15th July 2021** |
| Contract commencement | **19th July 2021** |

Important notice

STSC have issued this Invitation to Tender (ITT) on behalf of the Contracting Authority South Tees Development Corporation STDC, to allow them and their professional advisers to prepare a Tender for this Contract and for no other purpose.

STSC give this ITT and any other documentation that STSC send to Bidders for this Tender process, on the basis that they remain STSC’s property and Bidders must treat the contents as confidential. If Bidders are unable or unwilling to keep to this rule they:

* must destroy this ITT and all associated documents at once; and
* must not keep any electronic or paper copies.

Bidders must not take part in any publicity activities with any part of the media about the Contract or this ITT process without getting STSC’s written agreement first. This includes STSC’s agreement on the format and content of any publicity.

Bidders must comply fully with the Bribery Act 2010; and any associated guidance or codes of practice issued by the relevant government department concerning this legislation. The Bribery Act can be found at:

<http://www.legislation.gov.uk/ukpga/2010/23/contents>

This ITT is made available in good faith. STSC give no warranty as to the accuracy or completeness of the information contained in it. STSC also disclaim any liability for any inaccuracy or incompleteness. STSC reserve the right to cancel the Tender process at any point. STSC are not liable for any costs resulting from any cancellation of this Tender process or for any other costs that Bidders may incur by Tendering for this Contract.

STSC are not bound to accept the lowest or any Tender. STSC also reserve the right to accept the whole or any part of any Tender submitted.

Bidders will be deemed to fully understand the processes that STSC must follow under relevant UK legislation, particularly The Public Contracts Regulations 2015 (PCR 2015).

# **Introduction**

# The purpose of the ITT documentation is to provide information and instructions to allow bidders to submit a tender response. Further details of our needs under the Contract and other relevant information are given in the Specification in Part 2 – Invitation to Tender – Specification – STSC DN529881

# The ITT has been developed from the specification but structured in such a way as to offer an opportunity for the bidder to present how they perform business, their vision for the service, how they intend to deliver the service and their capability and capacity as a service provider.

# Through the responses, bidders will be able to describe the operational implementation of their proposal and demonstrate how they will ensure delivery of the service model within the timescales.

# The ITT documents are made as follows:

This Part 1 - Information and Details of Contract

Part 2 - Specification

Part 3 - Proposed Contract

Part 4a - Tender Submission Document

Part 4b - Costing schedule

* 1. The ITT describes specific requirements of STSC and bidders are advised to consider the specific requirements and background information carefully when completing responses to the ITT. Other than through the Proactis portal, no STSC employee or member of STSC has the authority to give any information or make any representation (express or implied) about this ITT or any other matter about the Contract.
  2. STSC reserve the right to issue extra documentation at any time during the Tendering process to clarify any issue or amend any aspect of the ITT. Any extra documentation that STSC may issue will form part of the ITT. Also, it will add to and/or supersede any part of the ITT to the extent indicated.

1.7 Bidders must obtain at their own expense all the information that they need for the preparation of their Tender.

1.8 Under the Contract Bidders must keep to STSC’s policies. Bidders are advised to satisfy themselves that they understand all the rules of the Contract before submitting their Tender.

# The tender is to be received in line with the relevant instructions and by the time and date shown.

**2. Bidder Clarification**

2.1 All requests for clarification about the requirements or the process of this procurement shall be made in accordance with paragraph 2.3.

2.2 STSC will endeavour to respond to each clarification question received during the clarification stage at least six days before the deadline for receipt of tenders. To satisfy this requirement, STSC have designated a specific window of time to deal with clarification questions as stated in the timetable in Table 1 of the ITT.

2.3 Clarification questions in relation to the ITT must be submitted via Proactis portal. Any clarifications made outside of the portal (i.e. via Telephone, Fax, Email, and Post) will not be accepted and will not be responded to. Please note that clarifications are not normally accepted or responded to after the deadline date stated in timetable in Table 1 of the ITT.

2.4 In order to ensure equality of treatment of bidders, STSC intend to publish the questions and clarifications raised by bidders together with responses from STSC to all participants on a regular basis via Proactis portal. The source of each question or clarification will not be disclosed.

2.5 Bidders should indicate if a query is of a commercially sensitive or confidential nature - where disclosure of such query and the answer would, or would be likely to, prejudice its commercial interests, bidders must set out the reason(s) for non-disclosure to other bidders. However, if STSC do not consider the query to be of a commercially sensitive or confidential nature, or one which all bidders would potentially benefit from seeing both the query and the response, they will hold at their discretion the right to refuse such a request and will inform the requesting bidder of any such decision. The bidder will then have the right to withdraw the query or clarification.

1. **Tender Clarification**
   1. STSC reserve the right to request bidders to clarify any part of their ITT response in writing. Requests for clarification will be issued via the Proactis portal.
   2. Such clarifications requests do not seek to elicit additional information to that initially requested, nor give bidders an opportunity to correct incomplete or otherwise non-compliant submissions.
   3. Bidders are required to respond within two working days of the request for clarification unless there is a justifiable reason why a delay would be incurred in submission of the response. STSC, in their sole discretion, will decide whether to grant further extension of the response time.
   4. If the bidder fails to provide an adequate response to one or more points of clarification, or fails to respond in the allotted time, the bidder may be excluded from progressing further in the procurement. Clarification questions will be issued via the Proactis portal, where bidders will receive a notification email to alert them that a clarification question has been raised. It is the bidder’s sole responsibility to ensure they respond within the timescales stipulated.
2. Tender submission requirements
   1. Part 4a – Tender Submission Document

Please ensure the following sections are completed in the Tender Submission Document

* **1. Form of Tender -** to be completed by all Bidding organisations
* **2. Standard Selection Questionnaire** - to be completed by all Bidding organisations
* **3**. **Economic and Financial Standing** - to be completed by all Bidding organisations
* **4**. **Economic and Financial Standing (Additional Information)** - to be completed by Bidding organisations that meet the requirements identified under this section
* **5. Modern Slavery Act** - to be completed by all Bidding organisations
* **7. Additional Questions -** to be completed by all Bidding organisations
* **8.1.1 to 8.1.7** – to be completed by all Bidding organisations
  1. **Pricing Schedule**

Part 4b – Pricing Schedule

Please complete the pricing schedule template detailing all costs associated with delivery of the contract, providing a breakdown of how the bid price will be spent over the lifetime of the contract.

* 1. **Social Value Requirement**

STSC are under a statutory duty to take into account The Social Value Act 2012 (‘the Act’), where social value should be explicitly evaluated from January 2021 rather than just ‘considered’ as was previously required under ‘the Act’.

* 1. Tenders must be written in the English language.
  2. Only one Tender is allowed from each Bidder. If a Bidder submits more than one Tender; STSC will evaluate the one with the latest time of submission and disregard the other(s).
  3. The Tender (including price) should remain valid for a minimum period of 90 days.
  4. The Tender must not be qualified in any way.
  5. Any signatures must be made by a person who is authorised to commit the Bidder to the Contract.
  6. Your full registered business name and main office address must be given on all documents.

1. **TUPE**

The Transfer of Undertakings (Protection of Employment) Regulations 2006 as amended by the Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014 (TUPE) may apply for this contract.

Bidders are advised to form their own view on whether TUPE applies, obtaining their own legal advice and carrying out due diligence including taking into account the New Fair Deal non-statutory policy setting out how pensions issues are to be dealt with when staff are compulsorily transferred from the public sector to independent providers delivering public services.

1. Contract documents
   1. Any resulting Contract will consist of the proposed Contract attached to this ITT, the Specification and the successful Tender.
   2. You will be asked to confirm acceptance of the terms of the proposed Contract as part of your tender response in the ‘Form of Tender’ document. STSC require that any issues/queries you may have are raised during the clarification period. No amendments will be made to the contract following that time.
   3. The Contract will be subject to English law and the exclusive jurisdiction of the English courts.
   4. STSC are bound by procurement rules and cannot enter any negotiations on the Tender or the proposed Contract during the post tender period.
   5. Any contract award will be conditional on the Contract being approved under STSC’s internal procedures and STSC being generally able to proceed. In line with this STSC will allow the statutory standstill period of a minimum of 10 calendar days to elapse before sending confirmation of contract award to the successful Bidder..
2. **Standard Selection Questionnaire**

7.1 The standard Selection Questionnaire (SSQ) , which can be found in **Part 4 – Invitation to Tender – Submission Document STSC DN29881**, of these ITT documents, is a self-declaration, made by you (the potential supplier), that you do not meet any of the grounds for exclusion. If there are grounds for exclusion, there is an opportunity to explain the background and any measures you have taken to rectify the situation (we call this self-cleaning). For the list of exclusion please see:

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

7.2 A completed declaration of Part 1 and Part 2 provides a formal statement that the organisation making the declaration has not breached any of the exclusion grounds. Consequently, we require all the organisations that you will rely on to meet the selection criteria to provide a completed Part 1 and Part 2. For example, these could be parent companies, affiliates, associates, or essential sub-contractors, if they are relied upon to meet the selection criteria. This means that where you are joining in a group of organisations, including joint ventures and partnerships, each organisation in that group must complete one of these self-declarations. Sub-contractors that you rely on to meet the selection criteria must also complete a self-declaration (although sub-contractors that are not relied upon do not need to complete the self-declaration).

7.3 For part 3 of the SSQ, there are instructions on the selection questions that you need to respond to and details of how to submit those responses. If you are bidding on behalf of a group (consortium) or you intend to use sub-contractors, you should complete all of the selection questions on behalf of the consortium and/or any sub-contractors.

If the relevant documentary evidence referred to in the Selection Questionnaire is not provided upon request and without delay, we reserve the right to amend the contract award decision and award to the next compliant bidder.

8. Tender evaluation

* 1. The evaluation seeks to identify the most economically advantageous tender, which in this instance is interpreted as the highest scoring bid for quality from the evaluated tenders.
  2. Evaluation of this ‘Open’ tender process will have the following stages.

**Stage 1 – Compliance**

* All documents requested have been submitted onto the Proactis portal by the stated deadline.
* All questions in the SSQ have been answered and relevant information has been provided.

Bidders who do not meet the compliance requirements at stage one will not pass to the next stage of the process.

**Stage 2 – Quality Assessment**

This stage will evaluate the detailed tender submissions based on the specified quality criteria, detailed in this ITT document.

Bidders who do not meet the minimum standard of ‘Satisfies the requirement’ (see evaluation criteria) for question 2 will not be taken any further in the process and will not progress to the quality evaluation of the full question set and will take not further part in this tender.

The Bidder with the highest score for quality and cost will be the Most Economically Advantageous Tender and will then move to Stage 3 of the process.

**Stage 3 -** **Economic and Financial Standing and Validation of Highest Scoring Bidder**

This stage validates the self-certification statements and evidence provided by the highest Scoring Bidder in **Part 4 - Invitation to Tender – Submission Document – STSC DN529881**

Where the Highest Scoring Bidder has not provided the necessary evidence to support the statements for economic and financial standing, the Highest Scoring Bidder will not be awarded a contract. In this case the next highest scoring bidder will be assessed for compliance at Stage 3. Stage 3 will be repeated until a bidder is fully compliant with Stage 3.

1. **Evaluation Criteria and Weightings**
   1. Technical questions have been assigned to assess quality. The detail for the technical questions and scoring criteria can be found in **Part 4a – Invitation to Tender – Submission Document – STSC DN529881**.
   2. Each technical question has been given a percentage weighting which will be used to calculate the bidders’ final weighted score. The weightings assigned to each of the questions are as follows:

|  |  |  |
| --- | --- | --- |
| **Question Number** | **Technical Question** | **Percentage Weighting** |
| 1 | Please provide detail around how you would ensure effective implementation of your policies/procedures with your frontline workforce | 15% |
| 2 | Please demonstrate your understanding of the Contract and detail how you would ensure successful delivery of this requirement? | 15% |
| 3 | Please demonstrate how you will ensure continuity of service during holiday and any sickness periods? | 10% |
| 4 | Please provide details of your proposed mobilisation plan for this contract. | 15% |
| 5 | Social Value | 20% |
| 6 | Please detail how you intend to promote added value through the life of the contract to improve the operational and commercial performance of the service, keeping in mind the objectives of the Teesworks specification. | 5% |
|  | Price (Appendix 4b) | 20% |
| **Final Weighted Score** | | **100%** |

* 1. **Price**

Please fully complete the sections in yellow (noted within Appendix 4b price schedule), those not fully competed or amended in any way may be deemed non-compliant and may not be evaluated further.

Corporate requirements

* 1. Legally STSC have to make sure that it keeps to a number of corporate considerations when providing its services.  STSC is delivering its services when a contractor is delivering services on STSC’s behalf.  Therefore, STSC needs to make sure that any contractor that is working for it carries out these legal requirements.  STSC are looking for a commitment within Tenders to help it in the following duties.  STSC does not consider that these requirements will be onerous and so pricing should not be affected in keeping to any of these obligations.

1. Whistle blowing Policy
   1. It is expected that the successful tender will have its own Whistle Blowing Policy, be familiar with STSC’s Whistle Blowing Policy and inform STSC promptly of any concerns that they may have in relation to STSC activity.
2. Subcontractors and Supplies
   1. Where practicable, Bidders will be expected to have considered the use of local companies for the supply of materials, and any sub-contract work required in undertaking the Contract.
3. Freedom of Information Act and Environmental Information Statement
   1. STSC are subject to The Freedom of Information Act 2000 (Act) and The Environmental Information Regulations 2004 (EIR).
   2. As part of its duties under the Act or EIR, STSC may need to disclose information about the procurement process or the Contract to anyone who makes a reasonable request.
   3. If Bidders think that any of the information given in their Tender is commercially sensitive (meaning it could reasonably cause prejudice to the organisation if disclosed to a third party); then Bidders should clearly mark this as ‘Not for disclosure to third parties‘. Bidders should also give valid reasons in support of the information being exempt from disclosure under the Act and the EIR.
   4. STSC will aim to consult with Bidders and consider comments and any objections before STSC release any information to a third party under the Act and/or the EIR. However, STSC will be entitled to decide in its absolute discretion whether any information is:
      1. exempt from the Act or the EIR; or
      2. to be disclosed in response to a request of information.
   5. STSC must make its decision on disclosure in line with the provisions of the Act or the EIR and can only withhold information if it is covered by an exemption from disclosure under either.
   6. STSC will not be held liable for any loss or prejudice caused by the disclosure of information that:
      1. has not been clearly marked as ‘Not for disclosure to third parties’ with supporting reasons (referring to the relevant category of exemption under the Act or EIR where possible);
      2. does not fall into a category of information that is exempt from disclosure under the Act or EIR (for example, a trade secret or would be likely to prejudice the commercial interests of any person); or
      3. where it is in the public interest to disclose this and there is no legal duty to withhold it.
4. **Equality and Diversity**
   1. STSC are committed to:
      1. Eliminating unlawful discrimination;
      2. Advancing equality of opportunity; and
      3. Fostering good relations.
   2. As a minimum, these aims are applied to the protected characteristics of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation and marriage and civil partnership, in both employment and service provision. STSC expect the successful Bidder to be equally committed to these aims.
   3. STSC will ask the successful Bidder to contract with STSC to make sure that they keep to these obligations.  STSC will, if suitable, monitor this throughout the framework period.
   4. STSC need service providers to demonstrate that they keep to equality rules in employment legislation.  The levels of compliance become more demanding depending on the number of employees employed by the organisation. Please refer to the Appendix for further information.

**Appendix – Equality Requirements**

Organisations employing less than five employees face minimum requirements, whilst organisations employing 50 or more employees need to meet more comprehensive criteria.  STSC may work with contractors during the framework period, to make sure they keep to the rules of employment legislation.

**Level 1 (less than five employees)**

Organisations with less than five directly employed people will be expected to meet the suitable level of compliance for the delivery of the Framework.  If recruitment increases the size of the organisation to five or more employees, the organisation will be expected to meet the appropriate level of compliance.

**Level 2 (5 to 49 employees)**

All organisations with between 5 and 49 employees must achieve criteria 1 – 4 listed below.

1. All organisations must have an equality policy for race, sex, disability, age, sexual orientation, religion or belief, gender reassignment, pregnancy and maternity, marriage and civil partnership that covers at least:
   * + - 1. recruitment, selection, training, promotion, discipline, grievance and dismissal;
         2. discrimination, harassment, and victimisation, making it clear that these are disciplinary offences within the firm;
         3. identification of the senior position with responsibility for the policy and its effective implementation; and
         4. how Bidders communicate the policy to employees.
2. Effective implementation of the policy in the organisation’s recruitment practices, to include open recruitment methods such as the use of job centres, careers service or press advertisements.
3. The policy should either be reviewed to reflect changes in legislation or within a four-year period whichever occurs first.
4. To monitor the gender, disability, ethnicity, age, sexual orientation and religion or belief of job applicants.

**Level 3 (50 or more employees)**

All organisations with 50 or more employees must achieve criteria 1-4 in level 2 and the extra criteria 5-10 listed below.

1. Give written instructions to managers and supervisors on equality in recruitment, selection, training, promotion, discipline, grievance and dismissal of employees.
2. Give equality training to managers and any employees responsible for recruitment and selection that covers race, sex, disability, age, sexual orientation, religion or belief, gender reassignment, pregnancy and maternity, marriage and civil partnership
3. As well as criterion 4 (Level 2), carry out monitoring on the number of employees from different protected groups by grade when:
   * + - 1. in post;
         2. applying for posts;
         3. taking up training and development opportunities;
         4. promoted;
         5. transferred;
         6. disciplined and dismissed;
         7. a grievance is raised; and
         8. leaving employment.
4. If the above monitoring reveals inequalities, organisations will be expected to take steps to address imbalances.
5. For 7 and 8 above, annual monitoring and reporting is needed about equality issues within the workforce.
6. Organisation’s recruitment advertisements and publicity literature should state that equal opportunities practices are in place.