



Part 1 Information

Contract Reference

TCUS2419

Contract Title

External Printing Services

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The Tender Documents can be made available in other formats. For further information please submit your request through the messaging facility on the Supplying the South West e-Tendering Portal

1 Availability of the Tender Documents

In order to give potential Applicants unrestricted, full, direct and free of charge access to the Tender Documents (*the Documents*) Torbay Council is providing the Documents in PDF format in the Opportunities Area of the Supplying the South West e-Tendering portal (*ProContract*).

In order to access amendable versions of the Documents and to submit a response Applicants must be registered on ProContract. Applicants should then register an interest to access the opportunity, download the Documents for completion and submit a response.

For details on how to register, access an opportunity and submit a response refer to Appendix A – ProContract User Guide.

2 Procurement Information

2.1 Background Information

Torbay Council have embarked on a programme to review the way in which all current and future printing requirements and bulk mail fulfilment is managed.

The Council is seeking to achieve significant cost savings and increase operational efficiencies through this procurement process and wishes to explore a range of outsourcing options to establish which one delivers the best value.

2.2 Minimum Requirements

Applicants must be able to demonstrate they will meet the Requirements set out in the Part 2 Specification, relevant to the Lot(s) they are bidding for, for the whole term of this Framework Agreement or Contract.

2.3 Options

The options being explored are as follows:

Option A

The award of a Framework to meet the Council's bulk mail fulfilment and/or printing requirements.

This would run alongside the automated document factory and hybrid mail solution currently being provided by the Council and an existing single supplier Contract for the supply of Multi-Functional Devices (MFDs) and related consumables; or

Option B

The award of a Contract for the provision of an automated document factory, hybrid mail and bulk mail fulfilment solution.

This would run alongside the Printing Service currently being provided by the Council which meets the Council's requirements for printing and an existing single supplier Contract for the supply of MFDs and related consumables; or

Option C

The award of a Framework to meet the Council's printing requirements and a Contract for the provision of an automated document factory, hybrid mail and bulk mail fulfilment solution.

This would run alongside an existing single supplier Contract for the supply of MFDs and related consumables; or

Option D

The award of a Contract for a Fully Managed Print Service, which meets the Council's requirements for printing, provides an automated document factory, hybrid mail and bulk mail fulfilment solution and supplies all MFDs and related consumables once an existing single supplier Contract has expired.

2.4 Division of Contract into Lots

This Contract is being divided into Lots, as follows:

Lot 1 – Framework for Printing Services & Bulk Mail Fulfilment

Sub-Lots:

- A) Bulk Mail Fulfilment;
- B) Bulk and Jobbing Digital Print;
- C) Display;
- D) Envelopes;
- E) Electoral Printing;
- F) Parking Stationery; and
- G) Pay & Display Tickets.

Lot 2 – Contract for Automated Document Factory, Hybrid Mail & Bulk Mail Fulfilment

This Lot includes the requirements within Sub-Lot 1A.

Lot 3 – Contract for Fully Managed Print Service

This Lot includes the requirements for Sub-Lots 1B – 1E, Lot 2 and MFDs.

2.5 Framework/Contract Periods

Lot 1 Framework for Printing Services & Bulk Mail Fulfilment

It is anticipated that if any of the Sub-Lots within Lot 1 are awarded, the Framework Agreements will commence on **03 August 2020** or at a date to be agreed for a period of four years or until the end of the allocated budget, subject to termination clauses within Terms and Conditions of Contract and as provided for in *72 Modification of contracts during their term* of the Public Contracts Regulations 2015.

Lot 2 – Contract for Automated Document Factory, Hybrid Mail & Bulk Mail Fulfilment

It is anticipated that if Lot 2 is awarded, the Contract will commence on **03 August 2020** or at date to be agreed for a period of four years. The Contract may be extended for a period of four further year(s) or until the end of the allocated budget, subject to termination clauses within Terms and Conditions of Contract and as provided for in *72 Modification of contracts during their term* of the Public Contracts Regulations 2015.

Lot 3 – Contract for a Fully Managed Print Service

It is anticipated that if Lots 3 is awarded, the Contract will commence on **03 August 2020** or at date to be agreed and will run until 28 February 2026. The Contract may be extended for a period of up to seven further year(s) or until the end of the allocated budget, subject to termination clauses within Terms and Conditions of Contract and as provided for in *72 Modification of contracts during their term* of the Public Contracts Regulations 2015.

Applicants should note that Torbay Council currently has a Contract for the provision of office based MFDs that expires **28 February 2021** (unless terminated earlier) and therefore the MFD element of the Contract would commence on 01 March 2021.

2.6 Awarding Lots

2.6.1 Award Options

The award options are as follows:

Option A - Award Lot 1 only.

(the Council reserves the right to award all or some of the Sub-Lots); or,

Option B - Award Lot 2 only; or

Option C - Award Lot 1 and Lot 2.

The Council reserves the right to award all or some of the Sub-Lots of Lot 1.

Applicants should note that Sub-Lot 1A Bulk Mail Fulfilment will not be awarded in the event of an award to Lot 2 as the requirements of Sub-Lot 1A are included within the requirements of Lot 2; or

Option D - Award Lot 3.

Applicants should note that the requirements of Sub-Lot 1F Parking Stationery and Sub-Lot 1G Parking Pay and Display Parking Tickets are not included within the requirements of Lot 3. The Council reserves the right to award Sub-Lot 1F and 1G alongside this option.

Lot / Sub-Lot	Option A	Option B	Option C	Option D
1A	Optional	x	x	x
1B	Optional	x	Optional	x
1C	Optional	x	Optional	x
1D	Optional	x	Optional	x
1E	Optional	x	Optional	x
1F	Optional	x	Optional	Optional
1G	Optional	x	Optional	Optional
2	x	✓	✓	x
3	x	x	x	✓

Further information on each of the Lots can be found in the Part 2 Specification relevant to each Lot.

Applicants may submit Tenders for one or two Lots and/or one, several or all Sub-Lots of Lot 1. There is no limit to the number of Lots and Sub-Lots which may be awarded to an individual Applicant.

2.6.2 Successful Suppliers

Dependent on the outcome of this tender process Lots may be awarded as follows:

Lot 1 –Framework for Printing Services & Bulk Mail Fulfilment

Sub-Lots:

- 1A) Bulk Mail Fulfilment – maximum of three Suppliers
- 1B) Bulk and Jobbing Digital Print – maximum of five Suppliers
- 1C) Display – maximum of five Suppliers
- 1D) Envelopes – maximum of five Suppliers
- 1E) Electoral Printing – maximum of three Suppliers
- 1F) Parking Stationery – maximum of three Suppliers
- 1G) Pay & Display Tickets – maximum of three Suppliers

For Sub-Lots 1A, 1E, 1F & 1G, a place on each Sub-Lot will be awarded to a maximum of three Applicants. Where there is more than one Applicant in third place, then all such Applicants shall be awarded a place on the Framework. Applicants must achieve a Quality score of at least 15% and a Price score of at least 35% to be awarded a place on the Framework.

For Sub-Lots 1B, 1C & 1D a place on each Sub-Lot will be awarded to a maximum of five Applicants. Where there is more than one Applicant in fifth place, then all such Applicants shall be awarded a place on the Framework. Applicants must achieve a Quality score of at least 15% and a Price score of at least 35% to be awarded a place on the Framework.

Lot 2 – Contract for Automated Document Factory, Hybrid Mail & Bulk Mail Fulfilment

Lot 2 will be awarded to one Applicant.

Lot 3 – Contract for a Fully Managed Print Service

Lot 3 will be awarded to one Applicant.

2.7 Call-Off Procedure

2.7.1 Lot 1 –Framework for Printing Services & Bulk Mail Fulfilment

Call-offs from this Framework will be undertaken using the following methods:

a) Sub-Lot 1A - Bulk Mail Fulfilment

Direct Award

The Council may Direct Award to the highest ranked Supplier for:

- i. regular bulk mail fulfilment requirements. In the event the highest ranked Supplier is not able to fulfil the requirement, i.e. is unable to meet timescale and/or quality requirements and/or the price quoted exceeds the current Framework rates, the next ranked Supplier will be offered the work, and so on until the requirement can be fulfilled; or
- ii. periodic (i.e. monthly/quarterly/biannual/annual) bulk mail fulfilment requirements or requirements that have not been generated by the Council's Automated Document Factory/Hybrid Mail system in cases where the turnaround time does not allow for a Further Competition. In the event the highest ranked Supplier is not able to fulfil the requirement, i.e. is unable to meet timescale and/or quality requirements and/or the price quoted exceeds the current Framework rates, the next ranked Supplier will be offered the work, and so on until the requirement can be fulfilled.

Further Competition

Where a periodic (i.e. monthly/quarterly/biannual/annual) bulk mail fulfilment requirement arises or there is a requirement that has not been generated by the Council's Automated Document Factory/Hybrid Mail system, the Council may conduct a Further Competition in the following way:

- i. The Council will contact each Supplier awarded a place on the Framework for Sub-Lot 1A with a request to submit a quotation, based on the specific requirements;
- ii. Suppliers must ensure that they have the capacity to fulfil the order when the quote request is received;
- iii. All quotes must be valid for a three month period. Jobs may be sent to print at any point during this period;
- iv. Award will be made on the basis of the lowest price, however the Council reserves the right to reject any quotes on the basis of quality of the proofs provided either post award or at quote stage. Where the Council rejects a quote on the basis of quality, the work will be offered to the next ranked Supplier for that Further Competition.

b) Sub-Lots 1B, 1C, 1D, 1F & 1G

Direct Award

The Council may Direct Award to the highest ranked Supplier within the relevant Lot where:

- i. Their tender prices are deemed to offer best value for the Council. In the event the highest ranked Supplier is not able to fulfil the requirement, i.e. is unable to meet timescale and/or quality requirements and/or the price quoted exceeds the current Framework rates, a Further Competition will be undertaken; or
- ii. The turnaround time does not allow for a Further Competition. In the event the highest ranked Supplier is not able to fulfil the requirement, i.e. is unable to meet timescale and/or quality requirements and/or the price quoted exceeds the current Framework rates, the next ranked Supplier will be offered the work, and so on until the requirement can be fulfilled; or
- iii. For reprints from standing artwork, the Council reserves the right to engage with the original Supplier to ensure best value and/or continuity of goods/service. The prices for the repeat work must be in line with the original quotation.

Further Competition

Where a requirement arises that does not fulfil the criteria for a Direct Award, the Council may conduct a Further Competition in the following way:

- i. The Council will contact each Supplier awarded a place on the Framework for the relevant lot with a request to submit a quotation, based on the specific requirements;
- ii. Suppliers must ensure that they have the capacity to fulfil the order when the quote request is received;
- iii. All quotes must be valid for a three month period. Jobs may be sent to print at any point during this period;
- iv. Award will be made on the basis of the lowest price, however the Council reserves the right to reject any quotes on the basis of quality of the proofs provided either post award or at quote stage. Where the Council rejects a quote on the basis of quality, the work will be offered to the next ranked Supplier for that Further Competition;
- v. Delivery will be in the majority of cases to Torquay, although some requirements may require delivery to alternative sites or delivery points.

c) Sub-Lot 1E

Direct Award Only

Sub-Lot 1E will be called-off through a Direct Award to the highest ranked Supplier only.

In the event the highest ranked Supplier is not able to fulfil the requirement, i.e. is unable to meet timescale and/or quality requirements and/or the price quoted exceeds the current Framework rates, the next ranked Supplier will be offered the work, and so on until the requirement can be fulfilled.

2.7.2 Lot 2 –Automated Document Factory, Hybrid Mail & Bulk Mail Fulfilment

Lot 2 is a single Supplier Contract where requirements will be provided by the appointed Supplier.

2.7.3 Lot 3 – Fully Managed Print Service

Lot 3 is a single Supplier Contract where requirements will be provided by the appointed Supplier.

2.7.4 Suspension from the Lot 1 Framework

The Council may suspend the Supplier's right to receive Orders against any or all of the Lots awarded to them where:

- (a) a Supplier fails to respond to any Direct Award or Further Competitions in any six month rolling period; or
- (b) three instances of any one or more of the following occur in any 12 month rolling period:
 - (i) a quote deadline is not met;
 - (ii) a proof deadline is not met;
 - (iii) a delivery deadline is not met;
 - (iv) the printed material supplied is of poor quality and/or does not match the proof;
 - (v) any other issues in relation to the quality of the material supplied;
 - (vi) complaints are not acknowledged and/or addressed in a timely manner.

The Supplier will be given the opportunity to provide an explanation before a decision to suspend is made.

The Suppliers place on the Framework may be terminated with immediate effect by the service of written notice where the Supplier has already been subject to two suspensions and would be subject to a further suspension. The Supplier will be given the opportunity to provide an explanation before a decision to terminate is made.

2.8 Pricing

2.8.1 Lot 1 - Framework for Printing Services & Bulk Mail Fulfilment

Please Note: Applicants are required to submit Part 5a Pricing (Lot 1), which will provide the Council with a projected annual cost for each Sub-Lot(s) being applied for, based on the indicative recurrent and ad-hoc job requirements and subsequent volumes given within each of the Sub-Lots. The requirements do not represent the Council's current printing activity in its entirety, but will be used for evaluation purposes and are the prices on which any work awarded to successful Applicants will be based.

For recurrent jobs Applicants are required to provide a unit cost against each of the price breaks, e.g. up to 20%, 21%-40% etc., together with a unit cost for any work over and above the anticipated annual volume. For ad-hoc jobs Applicants are required to provide the total cost for each of the jobs listed. For evaluation purposes the spreadsheet is designed to calculate, based on the unit costs, an indicative price for the total annual volume of each recurrent job, which will be totalled and added to the total cost of the ad-hoc jobs.

The prices offered by the Applicant in Part 5a Pricing (Lot 1) must be the maximum prices, in relation to the specific job and volumes required, an Applicant can charge in relation to any Direct Award or Further Competition for at least the first year of the Framework Agreement.

The Framework prices will be reviewed annually. Where increased and/or decreased prices are agreed by the Council for one or more Suppliers, all Suppliers will be re-ranked in accordance with the revised prices.

Any price variations will not take effect until they have been mutually agreed by both parties in accordance with the *Change Control Procedure* at Schedule 9 of the Framework Agreement.

For most requirements pricing will be provided by the successful Applicants at the call-off stage, with prices provided for each individual call-off.

2.8.2 Lot 2 - Automated Document Factory, Hybrid Mail & Bulk Mail Fulfilment

Please Note: Applicants are required to submit Part 5b Pricing (Lot 2), which will be used to provide the Council with a projected cost for the initial term of the proposed Contract, including the following:

- Implementation costs (if applicable) and the period these would apply for.

The prices offered by the Applicant in Part 5b Pricing (Lot 2) for any implementation costs must be the maximum the Applicant is able to charge for those activities; and

- Management fees (if applicable) and the frequency they occur

Any management fee submitted by the Applicant in Part 5b Pricing (Lot 2) must be the maximum the Applicant is able to charge for those activities for the initial term; and

- All automated document factory, hybrid mail and bulk mail fulfilment requirements, based on the indicative job requirements and subsequent volumes given. The indicative requirements given do not represent the Council's current activity in its

entirety, but will be used for evaluation purposes and are the prices on which any work awarded to successful Applicants will be based.

The prices offered by the Applicant in Part 5b Pricing (Lot 2) for individual job requirements must be the maximum prices, in relation to the specific job and volumes required an Applicant can charge in relation for at least the first year of the Contract. The prices will be reviewed annually.

For evaluation purposes the Council will multiply the costs submitted for these requirements by four to obtain a total cost for the initial term of the Contract, although it is understood that prices may change during the life of the Contract.

Any price variations will not take effect until they have been mutually agreed by both parties in accordance with the *Change Control Procedure* at Schedule 9 of the Contract.

As part of their pricing response Applicants are also required to detail their proposals in relation to spend and/or volume related rebates, including where expected volumes stated in Part 5b Pricing (Lot 2) are not achieved in any contractual year.

2.8.3 Lot 3 – Fully Managed Print Service

Please Note: Applicants are required to submit Part 5c Pricing (Lot 3), which will be used to provide the Council with a projected cost for the initial term of the proposed Contract, to encompass all services, including the following:

- Implementation costs (if applicable) and the period these would apply for.

The prices offered by the Applicant in Part 5c Pricing (Lot 3) for any implementation costs must be the maximum the Applicant is able to charge for those activities; and

- Management fees (if applicable) and the frequency they occur.

Any management fee submitted by the Applicant in Part 5c Pricing (Lot 3) must be the maximum the Applicant is able to charge for those activities for the initial term; and

- All printing requirements based on the indicative recurrent and ad-hoc job requirements and subsequent volumes given.

For recurrent jobs Applicants are required to provide a unit cost against each of the price breaks, e.g. up to 20%, 21%-40% etc. together with a unit cost for any work over and above the anticipated annual volume. For ad-hoc jobs Applicants are required to provide the total cost for each of the jobs listed. For evaluation purposes the spreadsheet is designed to calculate, based on the unit costs, an indicative price for the total annual volume of each recurrent job, which will be totalled and added to the total cost of the ad-hoc jobs;

For evaluation purposes the Council will multiply the costs submitted for printing requirements by five-and-a-half to obtain a total cost for the initial term of the Contract, although it is understood that prices may change during the life of the Contract; and

- All automated document factory, hybrid mail and bulk mail fulfilment requirements, based on the indicative job requirements and volumes given.

For recurrent jobs Applicants are required to provide a unit cost against each of the price breaks, e.g. up to 20%, 21%-40% etc. together with a unit cost for any work

over and above the anticipated annual volume. For ad-hoc jobs Applicants are required to provide the total cost for each of the jobs listed. For evaluation purposes the spreadsheet is designed to calculate, based on the unit costs, an indicative price for the total annual volume of each recurrent job, which will be totalled and added to the total cost of the ad-hoc jobs;

For evaluation purposes the Council will multiply the costs submitted for printing requirements by five-and-a-half to obtain a total cost for the initial term of the Contract, although it is understood that prices may change during the life of the Contract; and

- MFD Lease and copy charges, based on the current fleet of devices and the indicative volumes given. These charges are assuming a five year lease of devices.

The indicative requirements given do not represent the Council's current activity in its entirety, but will be used for evaluation purposes and are the prices on which any work awarded to successful Applicants will be based.

The prices offered by the Applicant in Part 5c Pricing (Lot 3) for the provision of individual printing, automated document factory, hybrid mail and bulk mail fulfilment requirements and MFD Lease and copy charges must be the maximum prices, in relation to the specific job and volumes required, an Applicant can charge for at least the first year of the Contract. The prices will be reviewed annually.

Any price variations will not take effect until they have been mutually agreed by both parties in accordance with the *Change Control Procedure* at Schedule 9 of the Contract.

In the event that the expected volumes stated in Part 5c Pricing (Lot 3) are exceeded in any contractual year, the pricing submitted by Applicants will be applied for any additional requirements.

As part of their pricing response Applicants are also required to detail their proposals in relation to spend and/or volume related rebates, including where expected volumes stated in Part 5c Pricing (Lot 3) are not achieved in any contractual year.

2.9 Variant Bids – Lots 2 and 3 Only

Torbay Council will consider variant bids in relation to Lots 2 and 3 only.

Applicants are encouraged to be innovative in their thinking when preparing bids and to provide any suggestions and solutions that provide a more cost efficient and value for money solution.

Torbay Council may, at its sole discretion, consider variant bids in line with *Regulation 45 Variants* of the Public Contract Regulations 2015 where these are based on a demonstrable value for money rationale.

Variant bids may only be submitted for individual Lots where a compliant bid is also submitted for that Lot.

Torbay Council will only accept variant bids if they meet the overall requirements as identified in the Part 2 Specification relevant to the Lot the Applicant is bidding for. Variant bids submitted which do not meet the minimum requirements will be deemed to be non-compliant and not capable of acceptance by Torbay Council.

The published evaluation criteria will be used to assess whether the variant bid represents the most economically advantageous tender (MEAT) or not, taking all factors into account.

Variant bids must be set out in writing, as a separate document to the tender and accompanied by a completed Part 4 Award and Part 5 Pricing relevant to the Lot the Applicant is bidding for. Whilst Part 5 Pricing does not need to follow the structure set, the information provided must be capable of being assessed against the stated criteria. The full scope of the proposal, including costings and implementation details must be submitted in accordance with the terms set out in these tender documents.

2.10 Procurement Timetable

Torbay Council proposes the following timetable for the award of the Contract(s):

Procurement Stage	Dates
Sent Call for Competition	Monday 06 January 2020
Tender Documents Published	Thursday 09 January 2020
Site Visits (Lot 3 Only)	w/c 20 January 2020
Clarification Question Submission Deadline	Friday 21 February 2020
Clarification Responses Deadline	Friday 28 February 2020
Tender Submission Date & Time	Friday 06 March 2020 12:00 Noon
Evaluation Period	Monday 09 March to Friday 10 April 2020
Interview (Lot 3 Only)	w/c 30 March 2020
Options Appraisal and Approval to Award	Monday 13 to Friday 24 April 2020
Contract Award Notification	Monday 27 April 2020
Standstill Period	Tuesday 28 April to Monday 11 May 2020
Contract Start	Monday 03 August 2020

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

2.11 Authority Representatives

Applicants are advised that Torbay Council Representatives will only respond to queries or questions in relation to this Tender opportunity through ProContract and are unable to respond to any questions raised verbally or by email.

Authority Authorised Representative:

Mark Hammett, Strategic Support Manager

Procurement Representative:

Adam Harmer, Procurement Category Lead

2.12 Site Visit

2.12.1 Lot 1 & Lot 2

Torbay Council does not propose to undertake formal site visits. Applicants may visit the site prior to completing their offer to ensure they are fully familiar with the site location. Claims on the grounds of lack of knowledge of site locations/conditions will not be accepted by Torbay Council.

Lot 3 – Fully Managed Print Service

If an Applicant is considering using the Council's premises to deliver the Contract, the Council will undertake formal site visits to ensure Applicants are fully familiar with its current facilities. It is intended that site visits will take place during the period stated in the Procurement Timetable. Applicants should notify Torbay Council through ProContract, by no later than **12:00 Noon on Friday 17 January 2020** that they wish to attend the site visit. Applicants should provide the name and a telephone number for the individual through whom arrangements for the site visit are to be made. Torbay Council will then contact that individual to arrange a specific date and time. Applicants may be limited to a maximum of two representatives.

3 Procurement Process

3.1 Procurement Procedure

Torbay Council is inviting expressions of interest and Bids from Applicants in response to the OJEU Contract Notice identification number 2020/S 006-008736 dated 09/01/2020. This Procurement is being undertaken following the Open Procedure as outlined within the Directive (2014/24/EU) and implemented in the United Kingdom by The Public Contracts Regulations 2015 (SI 2015/102).

3.2 Stage One Selection

3.2.1 In completing Part 3 Selection Questionnaire, Applicants should not assume that Torbay Council has any prior knowledge of the Applicant, its practice, reputation or its involvement in existing services, projects or procurements. In evaluating Part 3 Selection Questionnaire, except as set out in 3.2.2 below, Torbay Council will only consider information provided in the response to the SQ.

3.2.2 Notwithstanding 3.2.1, Torbay Council may take account of any prior knowledge it has of the Applicant, its practice, reputation or its involvement in existing services, projects or procurements to the extent that such knowledge indicates that information contained in the Applicant's SQ submission is false, misleading or inaccurate.

3.2.3 Qualitative Selection

Torbay Council will use a Qualitative Selection process to test Applicants' previous experience, existing capacity, compliance with relevant legislation and their ability to demonstrate that there are no formal grounds for exclusion.

The Selection Questionnaire can be found in Part 3 Selection Questionnaire.

The Applicant's response will be evaluated in accordance with the scoring methodology set out in section 3.4 below.

Applicants will need to satisfy the requirements of Stage One in order for their Stage Two response to be evaluated.

Please Note: Applicants are required to submit responses to:

- Part 3 Selection Questionnaire Section 1-3 – All Lots;
- Part 3 Selection Questionnaire Section 4-8 (specific to the Lot being applied for);
- Part 4 Award Questionnaire (specific to the Lot being applied for);
- Part 5 Pricing (specific to the Lot being applied for); **AND**
- Part 6 Certificates and Declarations.

Torbay Council will then assess Part 3 Selection Questionnaire responses to ascertain that its minimum pass/fail requirements have been met. The pass/fail criteria is set out in 3.2.5.

3.2.4 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 Parts 1 and 2 of Part 3 Selection Questionnaire, but must complete and submit Part 3 of Part 3 Selection Questionnaire.

3.2.5 Selection Criteria

Applicants are advised to ensure they have read and fully understand the criteria below, which will be used in the evaluation process:

Stage One Selection	Evaluation Criteria	Main Criteria	Sub-Criteria	Threshold
Part 3 Selection Questionnaire		Pass		Pass
Part 1 Potential Supplier Information, comprising:	Torbay Council may exclude any Applicant who fails part or all of this section.			
Section 1 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.		Pass	Pass
Section 1 Bidding Model	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.		Pass	Pass
Section 1 Contact Details and Declaration	This section will be assessed on the basis of pass or fail. The Applicant must fully complete this section.		Pass	Pass
Part 2 Exclusion Grounds:	Torbay Council may exclude any Applicant who fails this section.			
Section 2 Grounds for Mandatory Exclusion	This will be assessed on the basis of pass or fail. Torbay Council may exclude any Applicant who answers 'Yes' in any of the situations set out in this section. Torbay Council 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.		Pass	Pass

Stage One Selection	Evaluation Criteria	Main Criteria	Sub-Criteria	Threshold
	<p>The decision to exclude an Applicant in relation to the Exclusion Grounds will be subject to evidence of self-cleaning being provided by the Applicant demonstrating its reliability despite the existence of a relevant exclusion ground and Torbay Council considering such evidence to be sufficient.</p>			
<p>Section 3 Grounds for Discretionary Exclusion</p>	<p>This will be assessed on the basis of pass or fail. Torbay Council may exclude any Applicant who answers 'Yes' to any of the situations set out in this section.</p> <p>The decision to exclude an Applicant in relation to the Exclusion Grounds will be subject to evidence of self-cleaning being provided by the Applicant demonstrating its reliability despite the existence of a relevant exclusion ground and Torbay Council considering such evidence to be sufficient.</p>		<p>Pass</p>	<p>Pass</p>
<p>Part 3 Selection Questions</p>	<p>Torbay Council may exclude any Applicant who fails part or all of this section.</p>			
<p>Section 4 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>Assessment of Suitable Financial Standing</p> <p>Question 4.1 – where the Applicant has indicated that they will provide the requested documentation i.e. they have answered 'Yes', to one or more of the options listed and have provided the financial information indicated in their response, the response will be deemed a pass. Where the Applicant has responded 'No' or has not provided the financial information they have indicated they will provide, the response will be deemed a fail. Prior to</p>		<p>Pass</p>	<p>Pass</p>

Stage One Selection	Evaluation Criteria	Main Criteria	Sub-Criteria	Threshold
	<p>determining whether the response is deemed a fail any information provided by the Applicant at 4.2(b) will be taken into consideration and Torbay Council may give the Applicant the opportunity to submit any missing financial information where it is considered this will not afford the Applicant any unfair advantage.</p> <p>Question 4.2(a) – Lot 1</p> <p>The Applicant is required to indicate whether their annual turnover for the previous 2 financial years is:</p> <ul style="list-style-type: none"> a) equivalent to the Annual Contract Value of £200,000 where the Applicant is bidding for a single Sub-Lot; or b) a minimum of twice the Annual Contract Value of £200,000 where the Applicant is bidding for more than one Sub-Lot. <p>Question 4.2(a) – Lot 2</p> <p>The Applicant is required to indicate whether their annual turnover for the previous 2 financial years is a minimum of twice the Annual Contract Value of £100,000.</p> <p>Question 4.2(a) – Lot 3</p> <p>The Applicant is required to indicate whether their annual turnover for the previous 2 financial years is a minimum of twice the Annual Contract Value of £380,000.</p> <p>A 'Yes' response will be considered to be a pass and a 'No' response a fail. Prior to determining whether the response is deemed a fail any information provided by the Applicant at 4.2(b) will be taken into consideration.</p> <p>The Annual Contract Value is defined as the anticipated spend</p>			

Stage One Selection	Evaluation Criteria	Main Criteria	Sub-Criteria	Threshold
	<p>over the life of the contract divided by the length of the contract, including any extensions.</p> <p>Overall Assessment of Section 4</p> <p>Where an Applicant has failed question 4.1 and/or question 4.2(a) Torbay Council will consider the information provided at 4.2(b) before determining whether the Applicant has failed this section in its entirety. Where the Applicant has provided sufficient information or assurance at 4.2(b) they will pass this section. Where an Applicant fails this section they will be deemed to have failed this stage in its entirety, their submission will not be evaluated further and they will be notified accordingly.</p> <p>Due Diligence</p> <p>As part of the pre-award due diligence process, an appraisal will also be undertaken on the winning Applicant's submission. Torbay Council will undertake an assessment of the circumstances of the Contract and the Applicant, which may include the following approach:</p> <ul style="list-style-type: none"> • A broad financial appraisal of the Applicant will be undertaken to determine financial capacity, health and dependency. This appraisal will be used to inform an assessment of risk. In making this assessment, Torbay Council will appraise a range of financial information applying a broad commercial perspective, including an appraisal of the financial statements submitted by the Applicant and an appraisal of other relevant sources of financial information, including but not limited to Dun and Bradstreet's Credit Reporter system. Torbay Council 			

Stage One Selection	Evaluation Criteria	Main Criteria	Sub-Criteria	Threshold
	will use the outcomes of this appraisal to determine the Applicant's financial standing and in its opinion the level of risk to Torbay Council and as such whether a guarantor will be required. Where the appraisal indicates to Torbay Council that the Applicant is a clearly unrealistic bidder with inadequate resources and without, in its opinion, adequate financial support guarantees, Torbay Council reserves the right to reject the Applicant's bid.			
Section 5 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.		N/A	N/A
Section 6 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.		Pass	Pass
Section 7 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.		Pass	Pass
Section 8 Insurance	This section will be assessed on the basis of pass or fail. The Applicant must demonstrate they meet all the requirements.		Pass	Pass

Section 8 Project Specific Questions to Assess Technical and Professional Ability – Mandatory Pass / Fail Requirements	This section will be assessed on the basis of pass or fail. The Applicant must demonstrate they meet all the requirements.		Pass	Pass
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Please Note: The Applicant must submit a completed 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). SQ Part 1 and Part 2 Declarations will be assessed in accordance with the criteria above.

3.3 Stage Two Award

Torbay Council will only evaluate the Stage Two submissions of those Applicants who have satisfied the requirements of Stage One Selection and meet any mandatory requirements for Stage Two.

Applicants are required to complete and submit Part 3 Selection Questionnaire, Part 4 Award Questionnaire, Part 5 Pricing and Part 6 Certificates and Declarations.

The Applicant's response will be evaluated in accordance with the scoring methodology set out in section 3.4 below.

3.3.1 Award Evaluation

The Award criteria have been designed to assess the Most Economically Advantageous Tender (MEAT), taking into account a combination of Quality (including Social Value) and Price. The top scoring Applicant will be considered to have been successful.

Please Note: All percentage scores will be calculated to two decimal places.

Applicants are advised to ensure they have read and fully understand the criteria below, which will be used in the evaluation process:

Stage Two Award	Evaluation Criteria	Main Criteria	Threshold
Mandatory Criteria	The questions within this section will be assessed on the basis of pass or fail. Torbay Council may exclude any Applicant who fails this section.	Pass	Pass

Stage Two Award	Evaluation Criteria	Main Criteria	Threshold
Total Score Available (MEAT)		100.00%	
Quality		30.00%	Refer to 3.4.3 below
Method Statements	The questions within this section will be assessed on the zero to five scoring basis, in accordance with the table at 3.4.2 below.	30.00%	Refer to 3.4.3 below
Interview (Lot 3 Only)	<p>Applicants must be available for the timescales indicated within the procurement timetable at section 2.10.</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 and the required content of the presentation, which will include any specific questions/topics to be covered and the scoring system.]</p> <p>The interview will be used for clarification purposes and will not be scored. Applicants should note their Method Statement scores may be amended following the interview</p>	N/A	N/A

Stage Two Award	Evaluation Criteria	Main Criteria	Threshold
Price		70.00%	Refer to 3.4.3 below
Part 5a Pricing Submission (Lot 1)			
Annual Cost of Service (per Sub-Lot)	This will be scored on a comparative basis, in accordance with the worked example at 3.4.4 below.		
Part 5b Pricing Submission (Lot 2)			
Total Cost of Service for the Initial Contract Period of four years	This will be scored on a comparative basis in accordance with the worked example at 3.4.4 below.		
Part 5c Pricing Submission (Lot 3)			
Total Cost of Service for the Initial Contract Period (until 28/02/2026)	This will be scored on a comparative basis in accordance with the worked example at 3.4.4 below.		

3.4 Scoring Methodology

Responses will be assessed using one, some or all of the following methods:

3.4.1 Pass/Fail

Evaluation criteria assessed on a pass/fail basis are those where meeting the requirement is essential to Applicant's ability to deliver the Contract. They will usually relate to questions where a Yes or No response can be provided. The ability to meet the requirement will achieve a Pass and the Applicant will achieve a fail where they are unable to meet the requirement.

Where an Applicant fails one or more Pass/Fail questions they will be deselected from participating further in the process and will be notified accordingly.

The question will also set out how the Applicant should evidence their ability to meet the requirement, this will be either:

- within their responses to the Award questions; or
- during due diligence prior to contract award.

If the Applicant does not evidence ability to meet the requirement the response will be considered to be a fail and the Applicant will be deselected from participating further in the process and will be notified accordingly.

3.4.2 Zero to Five Scoring

Evaluation criteria assessed on a scoring basis will be evaluated using the zero to five scoring system in the table below.

Score 5	Excellent	Exceeds the requirement. Exceptional demonstration by the Applicant of the relevant ability, understanding, experience, skills, resource & quality measures required to deliver the Contract. Response identifies factors that will offer significant added value and/or innovation, with evidence to support the response.
Score 4	Good	Satisfies the requirement with minor additional benefits. Above average demonstration by the Applicant of the relevant ability, understanding, experience, skills, resource & quality measures required to deliver the Contract. Response identifies factors that will offer potential added value, with evidence to support the response.
Score 3	Acceptable	Satisfies the requirement. Adequate demonstration by the Applicant of the relevant ability, understanding, experience, skills, resource & quality measures required to deliver the Contract, with sufficient evidence to support the response.
Score 2	Minor Reservations	Minor reservations on the Applicant's ability to satisfy the requirement. Some minor reservations of the Applicant's relevant ability, understanding, experience, skills, resource & quality measures required to deliver the Contract, with little or no evidence to support the response.
Score 1	Serious Reservations	Major reservations on the Applicant's ability to satisfy the requirement. Considerable reservations of the Applicant's relevant ability, understanding, experience, skills, resource & quality measures required to deliver the Contract, with little or no evidence to support the response.
Score 0	Unacceptable	Does not meet the requirement. Does not comply and/or insufficient information provided to demonstrate that the Applicant has the ability, understanding, experience, skills, resource & quality measures required to deliver the Contract, with little or no evidence to support the response.

The scoring system is based on the Applicant's ability to fully satisfy the requirement and provide sufficient evidence to support their response.

Where an Applicant's response is considered to have achieved a score of three, a further assessment will be made to determine whether the response has met the criteria required for a score of four or five to be awarded.

Please Note: Where an Applicant's response is considered not to satisfy the requirement and/or adequately demonstrate the ability to deliver the Contract the maximum score achievable will be two, regardless of whether the Applicant exceeds the requirement in relation to some aspects of their response.

The scoring system awards the highest marks to those Applicants who, in addition to fully satisfying the requirement, demonstrate to a high level they have the relevant ability, understanding, experience, skills, resources and quality measures in place and/or offer added value or innovative solutions.

Scoring Example:

Applicant	Assessment	Score
Applicant A	Fully satisfies the requirement and provides sufficient evidence to demonstrate their ability to deliver the contract	3
Applicant B	Fully satisfies the requirement, provides sufficient evidence to demonstrate their ability to deliver the contract and offers some potential added value.	4
Applicant C	Only meets some of the requirements, provides adequate evidence to demonstrate their ability to meet those requirements satisfied within the response and offers some added value and innovation in relation to aspects of their offer.	2
Applicant D	Applicant says they fully satisfy the requirement, but provides insufficient evidence to demonstrate relevant ability, understanding, experience, skills, resource & quality measures required to deliver the Contract.	2

The Requirement

Applicants will be initially assessed against all of the requirements within Part 2 Specification.

3.4.3 Thresholds (Lot 1 Only)

In order to be considered for a place on the Framework Applicants must achieve a score of at least:

- 15% in relation to the Quality Criteria (Method Statements); and
- 35% in relation to the Pricing Criteria.

3.4.4 Comparative Scoring

Evaluation criteria assessed on a comparative basis are those where the Applicant's response can be compared to that of other Applicants, for example in relation to Pricing criteria:

- Price: Applicants offering the lowest price will score maximum marks out of a possible 100 and Applicants submitting higher prices will be awarded marks proportionate to their distance from the lowest price.

Scoring Example:

$$\frac{\text{Lowest Price}}{\text{Applicant's Price}} \times \text{Available Marks} = \text{Score}$$

Lowest Price: £250,000		Criteria: 70.00%
Applicant	Price	Score
Applicant A	£250,000	70.00%
Applicant B	£260,000	67.31%
Applicant C	£300,000	58.33%
Applicant D	£320,000	54.69%

Where an Applicant has quoted a price of zero for any evaluated element of their response for evaluation purposes will be considered to be a value of £1.00 in order to enable comparison across all Applicants pricing submissions.

3.5 Comparison of Award Options and Pricing

Due to the number of options being appraised in this opportunity (stated in 2.3), we will compare the submitted pricing to determine which option offers the best value to the Council. In the event that none of the options is considered to provide best value the Council reserves the right not to award against any of the Lots.

The Council will use the prices submitted by the highest scoring bidder on the basis of price and quality for each Lot/Sub-Lot.

If through the evaluation process it is determined that one or more Sub-Lot(s) within Lot 1 cannot be awarded due to either a lack of bids or submissions not passing the threshold levels stated in 3.4.3, the prices used for unawarded Sub-Lots will be current Council costs to deliver the requirements stated in the Part 5 Pricing for that Sub-Lot.

Pricing will be calculated for a 5 ½ year period assuming no price increases or decreases.

Options will be compared as follows:

Factors included in Comparison	Option A (Lot 1 only)	Option B (Lot 2 only)	Option C (Lot 1 & 2 – excluding Sub-Lot 1A)	Option D (Lot 3)
Lot 1 Pricing (including Sub-Lot 1A) Refer to 3.5.1 below	X			
Lot 1 Pricing (excluding Sub-Lot 1A) Refer to 3.5.3 below			X	
Lot 2 Pricing (includes Sub-Lot 1A) Refer to 3.5.2 below		X	X	
Lot 3 Pricing (includes Sub-Lots 1B – 1G and Lot 2) Refer to 3.5.4 below				X
Existing provision of printing services (Council costs)		X		
Existing provision of automated document factory and hybrid mail (Council costs)	X			
Existing MFD contract (Council costs)	X	X	X	X (6 mnts)
Staff and other overheads, including service management (Council costs)	X	X	X	X

3.5.1 Option A – Lot 1 Pricing

The prices submitted in Part 5a Pricing for each indicative job requirement will be used to calculate projected annual costs of requirements for the provision of each Sub-Lot based on the volumes given. These annual costs of requirements will be combined, multiplied by five-and-a-half and added to any relevant Council costs to calculate a Total Cost of Service over a projected term of five-and-a-half years.

$$\textbf{\underline{Total Cost of Option A Service}} = \textbf{(Annual Lot 1 Job Costs x 5.5) + Relevant Council Costs}$$

3.5.2 Option B – Lot 2 Pricing

The prices submitted in Part 5b Pricing for each indicative job requirement will be used to calculate a projected annual cost of requirements based on the volumes given. This annual cost will added to any annual management costs (if applicable) to give an annual cost of service and this will be multiplied by five-and-a-half, added to any one-off implementation costs (if applicable) and any relevant Council costs to calculate a Total Cost of Service over a projected term of five-and-a-half years.

$$\textbf{\underline{Total Cost of Option B Service}} = \textbf{(Annual Lot 2 Job Costs x 5.5) + (Annual Management Costs x 5.5) + Implementation Costs + Relevant Council Costs}$$

3.5.3 Option C – Lot 1 (excluding Sub-Lot 1a) & Lot 2 Pricing

The prices submitted in Sub-Lots 1B-1G in Part 5a Pricing for each indicative job requirement will be used to calculate projected annual costs for the printing requirements based on the volumes given. These annual costs of requirements will be combined and multiplied by five-and-a-half to calculate a Total Cost of Printing Provision over a projected term of five-and-a-half years.

$$\textbf{Total Cost of Printing Provision} = \textbf{(Annual Printing Cost x 5.5)}$$

This figure will then be added to the Total Cost of Option B Service including only those Council costs relevant to this option (see 3.5.2) to calculate a Total Cost of Option C Service over a projected term of five-and-a-half years.

$$\textbf{\underline{Total Cost of Option C Service}} = \textbf{Total Cost of Printing + Total Cost of Option B Service}$$

3.5.4 Option D – Lot 3 Pricing

The Total Cost of Printing Provision will be calculated using the prices submitted in Part 5c Pricing and using the formula in 3.5.3

The prices submitted in Part 5c Pricing for each indicative Automated Document Factory, Hybrid Mail & Bulk Mail Distribution requirement will be used to calculate a projected annual cost of service based on the volumes given.

The prices submitted in Part 5c Pricing for the MFD Lease and copy charges will be used to calculate a projected annual cost for the MFD provision based on the current fleet of devices and the indicative volumes given. This annual cost will be multiplied by five and added to the cost of the current MFD Contract, which has six months remaining to provide a Total Cost of MFD Provision.

$$\text{Total Cost of MFD Provision} = (\text{New Annual MFD Cost} \times 5) + (\text{Existing Annual MFD Cost} \times 0.5)$$

These figure will be added to any one-off implementation costs and any relevant Council costs to calculate a Total Cost of Service over a projected term of five-and-a-half years.

$$\begin{aligned} \text{Total Cost of Option D Service} = & (\text{Annual Management Fee} \times 5.5) + \\ & \text{Implementation Costs} + \\ & \text{Total Cost of Printing Provision} + \\ & \text{Annual Cost of Automated Document} \\ & \text{Factory, Hybrid Mail \& Bulk Mail} \\ & \text{Distribution} \times 5.5 + \\ & \text{Total Cost of MFD Provision} + \\ & \text{Relevant Council Costs} \end{aligned}$$

Council Costs

The Council will calculate all costs that will be incurred under each of the Contract award options, in order to ensure a fair comparison across these options.

4 Tender Requirements

4.1 Communication

All communication between Torbay Council and Applicants will take place through ProContract, this includes but is not limited to:

- (a) clarification questions;
- (b) submission of Confidentiality Agreements and issue of confidential Documents;
- (c) requests to participate in site visits;
- (d) suggestions and queries in relation to the Terms and Conditions;
- (e) post tender clarification questions;
- (f) invitations to demonstrations, interviews or presentations;
- (g) outcome notification letters.

Please Note: Applicants are responsible, at all times during the Tender process, for checking whether any messages or amendments have been issued and should not rely solely upon automatic notification from ProContract.

4.2 Tender Clarification

Please Note: Torbay Council will only accept clarification questions, including queries or suggestions on the Terms and Conditions, during the clarification period stated in the Procurement Timetable, unless the question is directly related to a response issued by Torbay Council on or after the deadline for submission of questions.

Where the Tender is being run as a 2 stage process queries or suggestions on the Terms and Conditions may only be raised during Stage One.

Torbay Council will not negotiate on or of any of the substantive terms of the Documents.

Responses to clarification questions will be provided to all Applicants except where the question:

- (a) is innovation based, in which case the response will only be provided to the Applicant who raised the question; or
- (b) relates to confidential Documents, in which case the response will only be provided to Applicants who have submitted a Confidentiality Agreement.

Torbay Council will endeavour to respond to clarification questions within 5 working days of the date the question is submitted, or the next working day if the question is submitted on a non-working day.

The identity of Applicants raising questions will remain confidential.

Applicants are responsible for ensuring they read and understand all of the responses to questions that have been raised.

Applicants will need to register an interest in the Tender on ProContract in order to access responses to clarification questions or receive communications from Torbay Council regarding amendments to the Documents.

4.3 Amendment to Documents

Amended Documents will be made available in both the publicly accessible opportunities area of ProContract and within the tender opportunity itself, except where the amendment relates to a confidential Document. Where necessary the Tender Submission deadline will be extended to enable Applicants time to take these changes into account.

Where the amendment relates to a confidential Document the amended Document will only be shared with those Applicants who have submitted a Confidentiality Agreement.

Amended Documents will form part of the resultant Contract.

Please Note: Applicants are responsible for ensuring they have read all communications and the amended Documents and will be considered to have taken any amendments into account when preparing their submission.

4.4 Post Tender Clarification

Post tender clarification will be for the purposes of clarifying or supplementing the content of an Applicant's submission or Torbay Council's requirements where this would not be discriminatory to other Applicants. Questions may be issued to one, some or all Applicants as appropriate.

Where post tender clarification results in substantial modification to the Contract Torbay Council reserves the right to restart or abandon the Tender process.

Please Note: Failure to respond to post tender clarification questions in a timely manner may result in the Applicant's Tender being rejected.

4.5 The Tender Documents

The Documents are and shall remain the intellectual property of Torbay Council. Applicants may only copy or reproduce the Documents for the purposes of their response. If no response is submitted the Applicant shall delete any documents downloaded.

Where an Applicant identifies an error or omission within the Documents they should immediately notify Torbay Council through ProContract. Torbay Council will then rectify the error or omission and issue any amended Documents.

Some tenders will include confidential Documents and the tender documents will then include a separate Confidentiality Agreement appendix. Any Documents considered by Torbay Council to be of a confidential nature will not be made publicly available. Applicants are responsible for ensuring that confidential Documents are treated as such, are used only for the purposes of this tender and are not disclosed in whole or part to any 3rd party without Torbay Council's prior written consent.

Applicants can access confidential Documents by completing and submitting the Confidentiality Agreement through the ProContract Messaging Facility.

Torbay Council may reproduce the whole or any portion of submitted Tenders for the purpose of tender evaluation.

4.6 Preparation and Completion of Tenders

Applicants are responsible for ensuring they fully understand the requirements and have all the information they need to enable them to submit a response, within the time required. Torbay Council will not accept any claims related to an Applicant's failure to read and understand the Documents.

Applicants are responsible for meeting any costs, expenses or liabilities incurred in connection with this process, including if it is terminated or amended by Torbay Council. Torbay Council will not be responsible, nor will they pay for any expense or loss which may be incurred by Applicants in the preparation of their Tenders, or any other aspect of the Tender process.

Applicants are advised to note the following when completing their response:

- (a) all entries including responses to questions, rates, price totals or any other endorsements must be typewritten in English and in £ sterling. Handwritten responses will not be accepted;
- (b) responses must be submitted in the documents as provided or on-line where required;
- (c) the format and layout of the response documents must not be altered;
- (d) 6 Certificates and Declarations may be submitted in pdf format, but all other response documents must be submitted in the format issued;
- (e) responses should be made in full and should not refer to information provided elsewhere in the Submission;
- (f) where a word or page limit has been set any portion of the response which exceeds that limit will not be evaluated;
- (g) supporting documents / appendices will only be evaluated where these have been permitted within the response;
- (h) appendices, where permitted, must be clearly referenced within the response;
- (i) where a question does not apply to an Applicant they should clearly state N/A in the response section;
- (j) individual evaluators may not evaluate the entire response and the evaluation panel may include other stakeholders, such as partner organisations or people who use Council services;
- (k) do not make any assumptions about your past or current supplier relationship with Torbay Council or to assume that such prior relationships will be taken into account in the evaluation procedure;
- (l) all Documents must be completed in full and signed where required.

Please Note: Failure to complete or submit any of the Documents in accordance with Torbay Council's requirements may result in the Tender being rejected.

As arrangements relating to consortium bids or sub-contracting may change Applicants should respond on the basis of the arrangements envisaged at the time the Tender is submitted. Torbay Council must be notified immediately of any changes or proposed changes in relation to the bidding model, so that a further assessment against the selection criteria can be made. Torbay Council reserves the right to deselect the Applicant prior to any award of contract, based on an assessment of the updated information.

Where the Applicant is relying on the capacity of a consortium member or sub-contractor and that organisation does not meet any relevant selection criteria Torbay Council reserves the right to require the Applicant to replace the organisation with an alternative.

Before submitting any documentation, Applicants need to understand the nature of Torbay Council's transparency commitments for tenders and contracts and the scope of Torbay Council's ability to withhold material. What will be disclosed does not differ from that currently disclosable under Freedom of Information legislation, but Applicants must ensure they understand the limitations on Freedom of Information exemptions for confidentiality and commercially sensitive information. **Please Note:** Applicants are requested to clearly identify any documents they consider to be commercially sensitive either during the tender process or after conclusion of the Contract.

Please Note: Applicants are expected to read, understand and confirm their acceptance of the Terms and Conditions before submitting their Tender. Applicants cannot reserve the right to comment or negotiate on them at a later date.

4.7 Submission and Opening of Tenders

Applicants should submit all documentation electronically through ProContract (www.supplyingthesouthwest.org.uk) using the Response Wizard as directed in the 'Supplier Guide' located in the help section or in Appendix A – ProContract User Guide.

Applicants are responsible for ensuring:

- (a) they have submitted all of the required documents in the correct format;
- (b) their response is submitted by the deadline. **Please Note:** any submissions classified by ProContract as late will be rejected.

In the event Torbay Council is made aware of any technical issues with ProContract, which may prevent Applicants from meeting the submission deadline, the deadline may be extended. However Applicants are strongly advised to submit their Tender in good time.

Where an Applicant decides not to submit a Tender Torbay Council requests that the Applicant formally 'Opts Out' through ProContract, giving the reasons for non-submission. Torbay Council may contact Applicants who have expressed an interest but have not submitted a Tender, in order to understand their reasons for non-submission.

An Applicant's submitted Tender will constitute an irrevocable offer to provide the required goods, services or works.

Technical Support

Any Applicants who experience problems with ProContract should contact the support desk:

ProContractSuppliers@proactis.com

Or click on the Help link at the bottom of the web page.

Please Note: If your issue is time sensitive call:

0330 005 0352

This line is available 09:00 to 17:30 Monday to Friday (excluding English bank and public holidays).

All Tenders will remain electronically sealed until the Submission deadline, when they will be unsealed by an independent Verifier in the presence of a member of the Procurement Team.

4.8 Rejection of Tenders

Torbay Council will only reject Tenders where rejection is without prejudice to any other civil remedies available to Torbay Council or any criminal liability which the Applicant's conduct may attract.

Torbay Council will reject any Tender where:

- (a) submission was made after the date and time specified on the documents;
- (b) submission was not made through ProContract;
- (c) the Applicant's price exceeds Torbay Council's declared budget;
- (d) the Applicant has not accepted Torbay Council's Terms and Conditions. **Please Note:** Torbay Council will seek clarification from the Applicant prior to rejecting the Tender;
- (e) the Applicant acts in any way improperly, including but not limited to canvassing, price fixing or inducements (which relate to offences under the Bribery Act 2010, Section 117 of the Local Government Act 1972 or any future legislation); or
- (f) the Council has become aware at any point that the Applicant has been afforded a competitive advantage or has a conflict of interest that cannot be rectified.

Torbay Council may at its absolute discretion reject any Tender where:

- (a) the price has been assessed as being abnormally low (see 4.9);
- (b) it is considered by Torbay Council to be incomplete (see 4.10) or vague;
- (c) it is not in accordance with the required format;
- (d) the Applicant alters the Documents in any way or misrepresents itself in terms of any previous information provided;
- (e) the Applicant does not respond to post tender clarification questions in a timely manner;
- (f) the tender has been qualified in any way; or
- (g) it is in breach of any condition contained within it.

4.9 Abnormally Low Tenders

Where an Applicant's price has been assessed as being abnormally low Torbay Council will require the Applicant to explain the price proposed and will assess the explanation in accordance with the guidance set out in the Public Contracts Regulations 2015. The Tender will only be rejected where the evidence provided does not satisfactorily account for the low price or where the Applicant has obtained State Aid that has resulted in a distortion in competition.

Advice in assessing the explanation may be sought from Torbay Council's Corporate Finance section.

4.10 Incomplete Tenders

Tenders will be considered incomplete where the Applicant has not:

- (a) submitted all of the required documents, including any supporting information requested;
- (b) fully completed all of the Documents required;
- (c) responded to all of the questions; or
- (d) submitted the Documents in the required format.

4.11 Evaluation and Award

All accepted Tenders will be evaluated in accordance with the evaluation criteria set out in the Documents.

Torbay Council will only complete a full evaluation of accepted Tenders which meet all of the mandatory requirements as set out within the Documents.

The evaluation will be carried out by an Evaluation Panel and will be moderated by a member of the Procurement Team.

Please Note: Not all Panel members may assess every question, but all Tenders will be evaluated in the same manner and by the same Panel. Evaluation Panels may not comprise solely of Torbay Council's Officers, but may also include other key stakeholders, such as partner organisations and people who use Council services.

On completion of the evaluation process approval to award the Tender will be sought in accordance with Torbay Council's approval procedure.

Torbay Council is not bound to make any award of Contract. If the Contract is awarded it will be on the basis of the most economically advantageous tender, which may not be the lowest price offered.

All Applicants will be notified of the Tender outcome at the same time, whether this is to award or not to award the Contract. Notification will be through ProContract.

Please Note: Applicants will be advised through ProContract of any changes to the decision date.

Torbay Council will comply with the requirements of *Regulation 87 Standstill period* of the Public Contracts Regulations 2015.

4.12 Legal and Contracting Arrangements

Information supplied by Torbay Council as part of the tender process is supplied in good faith and Applicants must satisfy themselves as to the accuracy of such information. Torbay Council accepts no responsibility for any loss or damage arising from the use by Applicants of such information. All information issued to Applicants must be treated as confidential.

Applicants must ensure that they are fully familiar with the nature and extent of the obligations that they will take on if their Tender is accepted.

This Tender will be run in accordance with the requirements of regulations *24 Conflicts of*

interest and 41 Prior involvement of candidates or tenderers of the Public Contracts Regulations 2015.

Where the successful Tender is on behalf of a consortium Torbay Council may require the consortium to assume a specific legal form or require joint liability for the execution of the Contract, where this is considered necessary for the satisfactory performance of the Contract.

The information provided by Applicants will be relied upon to be true and accurate and will form part of the Contract with the successful Applicant. **Please Note:** If any of the information provided by an Applicant is found to be inaccurate the Applicant may be excluded from further participation in this or any future Tender issued by Torbay Council and could lead to termination of any resultant Contract.

In submitting a response Applicants will be confirming to Torbay Council that:

- (a) they have satisfied themselves of the accuracy and viability of all prices or rates stated within their response;
- (b) all prices or rates quoted will (unless otherwise provided for in the Contract) cover all of the Applicant's obligations under the Contract;
- (c) they have obtained all of the necessary information in relation to risks, contingencies or any other circumstances which reasonably influence or affect their bid;
- (d) their Tender is accurate and sufficient.

Torbay Council may, at its absolute discretion, extend the closing dates and times by amending the Tender on ProContract. Prospective Applicants will receive notification of the change of submission date and time. Unless any such extension has been granted, Tenders submitted after the submission dates and times will not be considered.

Torbay Council may, at its sole discretion, terminate the tendering procedure at any time. If such action is taken, Applicants will be notified through ProContract.

Torbay Council reserves the right to restart or abandon the Tender process where the lowest price submitted exceeds its estimate or available budget.

The Applicant's offer shall remain open for acceptance for a period of 12 months from the closing date and may be extended by mutual agreement.

Please Note: if the successful Applicant does not accept the Terms and Conditions as drafted Torbay Council reserves the right to withdraw the Contract award and class the submission as non-compliant.

Any acceptance of the Tender by Torbay Council will be communicated in writing to the Applicant and upon that acceptance the Contract shall become binding on all parties.

Prior to issuing the Contract Torbay Council will require the successful Applicant to provide evidence of compliance with any Contractual requirements, such as insurances, disclosure and barring service checks and policies and procedures. **Please Note:** If the successful Applicant is unable to provide this evidence Torbay Council reserves the right to withdraw the Contract award and class the submission as non-compliant.

The successful Applicant will not be allowed to commence performing the Contract prior to the formal Contract documents being signed by both parties, unless written agreement to do so has been given by Torbay Council's Legal Service.

5 Glossary

5.1 Tender Documents

The following documents, together with the Appendices and Links at 5.2 below, form the tender documents:

Document	Purpose	For Completion and Submission
Part 1 Information	Contains information on the procurement process and instructions on how it will be conducted.	No
Part 2 Specification	Contains Authority's requirements in relation to the goods, services or works being procured.	No
Part 3 Selection Questionnaire Section 1 - 3	Contains the Selection Questions and may include the requirement for Applicants to provide some on-line responses.	Yes (all Lots)
Part 3 Selection Questionnaire Section 4 - 8	Contains the Selection Questions and may include the requirement for Applicants to provide some on-line responses.	Yes (submit relevant document that refers to the Lot being applied for)
SQ Part 1 and 2 Declaration	Contains the Part 1 and Part 2 of the Selection Questionnaire, which must be completed by any organisations the Applicant relies on to meet the selection criteria. This document must be submitted by the Applicant on their behalf.	Yes, if applicable
Part 4 Award Questionnaire	Contains the Award Questions and may include mandatory requirements, method statements and/or technical questions.	Yes (submit relevant document that refers to the Lot being applied for)

Part 5 Pricing	Contains the Applicant's pricing proposals for this Tender.	Yes (submit relevant document that refers to the Lot being applied for)
Part 6 Certificates and Declarations	Contains the Certificates and Declarations to which all Applicants must conform.	Yes
Framework Agreement	Lot 1 Only Contains the terms and conditions under which the resultant Framework and any subsequent call-off Contracts will operate	No Applicants are required to confirm acceptance as part of their response
Terms and Conditions of Contract Lot 2 Terms and Conditions of Contract Lot 3	Lots 2 and 3 Only Contains the terms and conditions under which the resultant Contract will operate	No Applicants are required to confirm acceptance as part of their response

5.2 Appendices and Links

- 5.2.1 Appendix A – ProContract User Guide
- 5.2.2 Appendix B – Confidentiality Agreement
- 5.2.3 Appendix C2 – Base Data of Staff – Lot 2 Only
- 5.2.4 Appendix C3 – Base Data of Staff – Lot 3 Only
- 5.2.5 Appendix D2 – Actuary Report – Lot 2 Only
- 5.2.6 Appendix D3 – Actuary Report – Lot 3 Only
- 5.2.7 Appendix E – Current Functionality
- 5.2.8 Appendix F – Forms System Overview
- 5.2.9 Appendix G – Workflow360
- 5.2.10 Appendix H – Heads of Terms
- 5.2.11 Appendix I – Printing Facility Footprint

5.2.12 Appendix J – Asset List

5.2.13 Appendix K – Information Protection Policy

5.2.14 Appendix L – Third Party Use of Council Resources Policy

5.2.15 Appendix M – Partner Agencies and Third Party IT Policy

5.2.16 Appendix N – Resource Protection Policy

5.2.17 Appendix O – Remote Access Policy

5.2.18 Appendix P – Software Policy

5.2.19 Appendix Q – Example Parking Stationery

5.2.20 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

5.2.21 Selection Questionnaire – EU Definition of an SME:

<https://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition/>

5.2.22 Selection Questionnaire – PSC Guidance:

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

5.3 Definitions

Term	Definition
Torbay Council	The Contracting Authority
Applicant	An organisation that may respond to this Tender.
Authority Authorised Representative	The Officer leading the Tender process on behalf of Torbay Council who will be responsible for managing the resultant Contract.
Award	The process by which Torbay Council will determine the successful bidder in accordance with <i>Regulation 67 Contract award criteria</i> of the Public Contracts Regulations 2015.
Award Questions	The written response submitted by the Applicant to evidence their ability to meet Torbay Council's requirements, which will form part of the evaluation process upon which award of the Contract will be based.
Bidding Model	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	The Contract Notice sent electronically for publication in the Official Journal of the European Union.
Confidential Information	Any information or documents which Torbay Council considers to be confidential in nature and which will only be made available to Applicants who sign and submit a Confidentiality Agreement.
Consortia/Consortium	Two or more persons, at least one of whom is an economic operator, acting jointly for the purpose of being awarded a public contract in accordance with <i>Regulation 19 Economic operators</i> of the Public Contracts Regulations 2015.
Contract Term	The length of the Contract including extensions, if available.
Contracting Authority	Torbay Council and any other Authority on whose behalf Torbay Council may be working.

Term	Definition
Contractor	The Applicant awarded the Contract culminating from an offer to supply accepted by Torbay Council.
Messaging Facility	The area within ProContract where Applicants submit clarification questions and Confidentiality Agreements during the tender process and through which Torbay Council will post its replies.
Documents	All of the tender documents in relation to this Tender.
Eligible Users	Any organisation given access to the Contract resulting from this Tender.
Lead Applicant	The organisation leading the bidding process on behalf of its consortia or sub-contractor partners.
Lot	One of a number of categories of goods or services into which a single procurement process has been divided. The use of lots potentially allows for multiple providers to be appointed following a single procurement process.
Official Purchase Order	Torbay Council's Official Purchase Order, to which these conditions apply.
ProContract	The e-tendering portal through which Torbay Council advertises opportunities and conducts Tenders.
Price Review Mechanism	The mechanism that will be used during the life of the Contract to review and vary the price.
Procurement Representative	The Procurement Officer who is leading the procurement process on behalf of Torbay Council.
Public Contracts Regulations	The UK legislation concerning public procurement, which can be found at: www.legislation.gov.uk .
Relevant Tax Authority	The organisation responsible for administering tax policy in the country in which the Applicant's organisation is established.
Standstill	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 Torbay Council must not enter into the Contract.

Term	Definition
Supplying the South West	Means the same as ProContract.
Tender	The invitation to bid for this Contract; and / or The Applicant's response to this tender opportunity.
Transfer of Undertaking (Protection of Employment) Regulations 2006 (TUPE)	The regulations which govern how employers must 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.