

Document 1 – Instructions and Information on the Equality and Human Rights Commission's Tendering Procedures

1. Introduction and background

The Equality and Human Rights Commission (the Commission) hereby invites you to tender for the provision of the requirements specified in this Invitation to Tender (ITT) pack.

These instructions are designed to ensure that all Tenders are given equal and fair consideration. It is important therefore that you provide all the information asked for in the format and order specified. Failure to do so may invalidate your Tender. If you have any doubts as to what is required or if you have difficulty in providing the information requested then please use the communication tools within the Commission's procurement Portal or alternatively email: procurementhelpdesk@equalityhumanrights.com

The Commission is committed to providing equality of opportunity for all staff, including those with disabilities. This includes ensuring that its premises are accessible and disability friendly and that those with whom it associates wherever practicable are able to comply with these same conditions.

Accordingly service providers to the Commission are required to comply with existing equality legislation, including but not limited to:

- (i) Human Rights Act 1998
- (ii) Equality Act 2010

2. Procurement Process

Tender Timetable has been set out in Document 2 Specification. All Tenders must be received by the deadline set out in the Tender Timetable and the Portal does not allow submissions after the deadline has passed. The Commission may, however, in its absolute discretion extend the deadline and in such circumstances the Commission will notify all Tenderers of any change.

Acceptance of Tenders

Your response to this invitation will form an offer to the Commission to provide the specified services. By issuing this invitation the Commission is not bound in any way and does not have to accept the lowest tender or any at all and reserves the right to accept a portion of any tender unless the Tenderer expressly stipulates otherwise in their Tender.

Tender Validity Period

Your Tender should remain open for acceptance for a period of 90 days from the tender submission deadline.

The Commission's Rights

The Commission reserves the right to:

- waive or change the requirements of this ITT from time to time without prior (or any) notice being given by the Commission;
- seek clarification or documents in respect of a Tenderer's submission;
- disqualify any Tenderer that does not submit a compliant Tender in accordance with the instructions in this ITT;
- disqualify any Tenderer that is guilty of serious misrepresentation in relation to its Tender or the tender process;
- withdraw this ITT at any time, or re-invite Tenders on the same or any alternative basis;
- choose not to award any Contract or Lot as a result of the current procurement process;
- make whatever changes it sees fit to the Tender Timetable, structure or content of the procurement process, depending on approval processes or for any other reason.

Consortium Arrangements

Tenders may be submitted by individuals, single organisations, or by organisations working within a consortium.

All Tenderers must identify whether and which subcontracting or consortium arrangements apply in the case of their Tender, and in particular specify the share of the Contract it intends to sub-contract, any proposed sub-contractors, and precisely which entity they propose to be the lead organisation.

If applying on behalf of a consortium, it will be for members of the consortium to agree and be responsible for their respective duties and liabilities amongst each other. For administrative purposes, any associated documentation prior to and in regards to Contract award will be made to the nominated lead organisation. The Commission expects to enter into a Contract with the lead organisation but reserves the right to enter into additional contracting arrangements.

Inducements

Offering an inducement of any kind in relation to obtaining this or any other contract with the Commission or any other NDPB or Government Department will disqualify your Tender from being considered and may constitute a criminal offence.

Confidentiality of Tenders

Please note the following requirements:

- a) You must not tell anyone else, even approximately, what your Tender price is or will be, before the time limit for delivery of Tenders.
- b) You must not try to obtain any information about anyone else's Tender or proposed Tender, before the time limit for delivery of Tenders.
- c) You must not make any arrangements with another organisation about whether or not they should Tender, or about their or your Tender price.

Failure to comply with these conditions will disqualify your Tender.

Format of Tenders

Your Tender response shall be submitted in line with the requirements stated in the following documents:

Document 1: (this document) Instructions and information on the Commission's Tendering procedures is for information purposes. For information purposes only

Document 2: Specification - Tenderers must address the requirements as set out in this document. Response required

Document 3: Pricing Schedule as per Specification Breakdown of the tender.
All prices to be inclusive of VAT.

Document 4: Tender Declaration Form. Signed return required

Conflict of interest

Tenderers are requested clearly to state any potential conflict of interests in the proposal (e.g. current or recent employment by an equality commission).

Tender Clarifications

The deadline for submission of pre tender clarification requests is 5pm on the date stated in Document 2 Specification.

The Commission will circulate to all Tenderers, the content of any Tender clarification queries raised and the answers given, if it is felt that clarification would be of benefit to all Tenderers.

Suitability Assessment Questionnaire (to be completed on the Portal)

When Suitability Assessment Questionnaire has been included by the Commission in connection with a competitive procurement, please ensure that you complete it as requested. Failure to do so may result in your Tender being disqualified.

Please note that the Suitability Assessment Questionnaire would not be issued for a further competition under an existing framework agreement.

Evaluation Approach:-

Selection criteria will be a combination of both financial and non-financial factors as set out in the Suitability Assessment Questionnaire

Tender specific selection criteria may also be included within Document 2 - Specification

Tender evaluation

Any Contract awarded as a result of this procurement will be awarded on the basis of the offer that is the most economically advantageous to the Commission.

Tenders will be evaluated against the requirements set out in the Specification – Document 2 and Suitability Assessment Questionnaire (when applicable).

All technical elements of the Tenders will be evaluated and scores totalled. All price elements will be separately evaluated and scored. Both elements will be totalled and areas for clarification identified.

If the total score of a Tender submission is significantly lower than that of the highest score at that stage, the Tender will not be taken forward to the clarification stage. In line with best practice, this decision will be taken on the basis that no amount of clarification is likely to bridge this gap; therefore it would not be beneficial for the Tenderer to incur the additional cost and resource input necessary. However, the Tender will not be eliminated and will be revisited if this situation changes (i.e. clarification with other Tenderers results in sufficiently reduced scores).

The Commission reserves the right to disqualify any Tender received which is not in compliance with the Commission's requirements including where the Tenderer proposes qualifications or clarifications which have the same effect.

The Commission accepts no liability for any work undertaken in advance of a formal signed contract and the issue of a purchase order.

Feedback and debriefing

Following the award of the Contract, feedback and debriefing will be provided if your Tender is unsuccessful.

Freedom of Information and Transparency Policy

The Commission adheres to the Government's Code of Practice on Access to Government Information, commonly known as Open Government. Under the Code of Practice the Commission is obliged to provide details, upon request, regarding the expenditure of public money. This may include, amongst other things, the disclosure of a winning tender price, the nature of the goods or services provided standards of service and the tender evaluation criteria.

The Government is committed to achieving greater transparency and accountability across government operations so that the public can hold public bodies and politicians to account and the Commission adheres to this commitment.

To achieve this, the Government has directed that Tender documents and Contracts, have to be published where the Contract value exceeds £10,000. This applies to all government bodies, and also includes bodies supported by government departments such as the Commission.

Accordingly if a Tenderer is awarded a Contract by the Commission valued over £10,000 including VAT, the related Contract, including the Tender will have to be published, unless parts of these documents can be excluded from publication (i.e. redacted). Redactions may be justified on the following basis:

- information is personal information that is protected from disclosure under the Data Protection Act 1998.

-information is exempted from disclosure under the Freedom of Information Act 2000 or Environmental Information Regulations 2004.

The Government Transparency policy requires disclosure on the Commission's website and the Contract must also be accessible through data.gov.uk.

In addition the Commission adheres to the Government's published set of general transparency principles that require public procurers proactively to disclose Contract and related information that may previously have been withheld on grounds of commercial confidentiality.

The transparency principles are published at:
www.gov.uk/government/publications/transparency-of-suppliers-and-government-to-the-public

It is important that Tenderers are aware that the Commission operates with a presumption in favour of disclosure in relation to all Contracts publically procured, together with a commitment to update the information as required during the life of a Contract. If a Tenderer has concerns regarding the additional transparency requirements these should be raised in their ITT response.

Documents forming the Contract

Document 2 - The Specification;

Document 3 - The Pricing Schedule. All prices inclusive of VAT ;

Document 4 - Tenderer Declaration Form;

Terms and conditions as featured in specific contract section of portal;

The winning Tenderer's response, as may be clarified.

Conclusions

Whilst every endeavour has been made to give Tenderers an accurate description of the Commission's requirement, Tenderers should form their own conclusions about the methods and resources needed to meet those requirements.