

**TORBAY COUNCIL**

**Part 1 Information**

**Contract Reference**

**TTRAN3220**

**Contract Title**

**Customer Relationship Management  
(CRM) System**

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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

The 'Our Organisation' project within Torbay Council's Redesign Programme has an objective to "put our customers at the centre of our organisation." It aims to:

- a) Provide an effective, efficient and responsive gateway to Council services and external services;
- b) Streamline and standardise the processes by which the Council delivers cost effective services, becoming digital by default;
- c) Define the services that the Council provides, and those which it does not; empowering and enabling residents, businesses and communities to act; and
- d) Ensure an appropriate focus on performance and risk management across the organisation.

Following a review of customer contact entry points across different service areas within the Council, it has been identified that there are a number of customer 'gateways' (access points and channels).

This is to be addressed through the purchase of an improved Customer Relationship Management (CRM) system to provide a digital portal to access services.

### 2.2 Minimum Requirements

Applicants must be able to demonstrate they will meet any 'must have' Specific Requirements set out in section 3 of Part 2 Specification for the whole term of this Contract.

## 2.3 Contract Period

It is anticipated that the Contract will commence on 04 October 2021 or at date to be agreed for a period of 4 years and may be extended for two further periods of up to 2 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.

## 2.4 Division of Contract into Lots

This Contract is not being divided into Lots. This is because it is not practical due to the nature of the Contract.

## 2.5 Contract Price

### 2.5.1 Price Review

The Contract prices will be reviewed annually using the Consumer Prices Index (CPI). 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.

## 2.6 Procurement Timetable

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

Procurement Stage	Dates
Sent Call for Competition	Wednesday 06 January 2021
Stage One Tender Documents Published	Thursday 07 January 2021
Clarification Question Submission Deadline	Friday 22 January 2021 17:00
Clarification Responses Deadline	Friday 29 January 2021 17:00
Stage One Tender Submission Date & Time	Friday 05 February 2021 12:00 noon
Stage One Evaluation Period	Monday 08 February till Friday 12 February 2021
Stage One Outcome Notification	Friday 19 February 2021
Stage Two Tender Documents Published	Monday 22 February 2021
Clarification Question Submission Deadline	Wednesday 10 March 2021 17:00
Clarification Responses Deadline	Wednesday 17 March 2021 17:00

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Stage Two Tender Submission Date & Time	Wednesday 24 March 2021 12:00 noon
Stage Two Evaluation Period	Thursday 25 March 2021
Bidder Presentations	w/c Monday 12 April 2021
Approval to Award	Tuesday 04 May 2021 till Monday 19 July 2021
Contract Award Notification	Tuesday 20 July 2021
Standstill Period	Wednesday 21 July till Friday 30 July 2021
Contract Signing & Due Diligence	Monday 02 August till Friday 03 September 2021
Pre-mobilisation	Monday 06 September till Friday 01 October 2021
Contract Start	Monday 04 October 2021

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

## 2.7 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:**

Matthew Fairclough-Kay, Interim Assistant Director of Corporate Services

**Procurement Representative:**

Adam Harmer, Senior Procurement Officer

## 3 Procurement Process

### 3.1 Procurement Procedure

Torbay Council is inviting expressions of interest and Bids from Applicants in response to the Notice published on 'Find a Tender' (FTS) under the identification number 2021/S 000-000228 dated 06/01/2021. This Procurement is being undertaken following the 'Restricted Procedure' as outlined within the Directive (2014/24/EU) and implemented in the United Kingdom by The Public Contracts Regulations 2015 (SI 2015/102).

A restricted procedure is a 2 stage process, meaning that at Stage One Torbay Council is able to limit the number of suitable Applicants invited to Stage Two Tender.

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

### 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 establish a shortlist of up to 5 Applicants who will be invited to participate in Stage Two of the procurement process. Torbay Council reserves the right to proceed with fewer than 5 Applicants.

The Selection stage will 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.

Applicants will need to satisfy the requirements of Stage One in order to receive a formal Invitation to Tender and proceed to Stage Two.

**Please Note:** Applicants should submit responses to Part 3 Selection Questionnaire and Part 6 Certificates and Declarations only. All other tender information provided is for **information only** and Applicants will be contacted after the evaluation of Stage One to advise them whether or not they will be invited to proceed to Stage Two.

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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 below.

#### **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.



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### 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
<b>Part 3 Selection Questionnaire</b>		<b>Pass</b>		<b>Pass</b>
<b>Part 1 Potential Supplier Information, comprising:</b>	<b>Torbay Council may exclude any Applicant who fails part or all of this section.</b>			
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
<b>Part 2 Exclusion Grounds:</b>	<b>Torbay Council may exclude any Applicant who fails this section.</b>			
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
	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.			
Section 3 Grounds for Discretionary Exclusion	<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>		Pass	Pass
<b>Part 3 Selection Questions</b>	<b>Torbay Council may exclude any Applicant who fails part or all of this section.</b>			
Section 4 Economic and Financial Standing	<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><b>Assessment of Suitable Financial Standing</b></p> <p><b>Question 4.1</b> – 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. Torbay Council may give the Applicant the</p>		Pass	Pass

Stage One Selection	Evaluation Criteria	Main Criteria	Sub-Criteria	Threshold
	<p>opportunity to submit any missing financial information where it is considered this will not afford the Applicant any unfair advantage.</p> <p><b>Question 4.2(a)</b> – 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 the first year for the solution they are proposing. A ‘Yes’ response will be considered to be a pass and a ‘No’ response a fail.</p> <p><b>Overall Assessment of Section 4</b></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><b>Due Diligence</b></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"> <li>• A broad financial appraisal of the Applicant will be undertaken to determine financial capacity, health and</li> </ul>			

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Stage One Selection	Evaluation Criteria	Main Criteria	Sub-Criteria	Threshold
	<p>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 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.</p>			
<p>Section 5 Further Details in Relation to Applicants who are Part of a Wider Group</p>	<p>This section is for information purposes and will not be assessed, other than for checking that it has been completed where applicable.</p>		<p>N/A</p>	<p>N/A</p>

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Stage One Selection	Evaluation Criteria	Main Criteria	Sub-Criteria	Threshold
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
Section 8 Project Specific Questions to Assess Technical and Professional Ability – Short Listing Questions	This section will be scored in accordance with the scoring system set out at 3.4.3 below.		100%	

**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.

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### 3.3 Stage Two Award

Torbay Council will invite those Applicants shortlisted at Stage One Selection to submit their tender proposals.

Applicants are required to complete and submit Part 4 Award Questionnaire, Part 5 Pricing, Part 6 Certificates and Declarations and Part 7 Social Value Award Response Document.

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, 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.

Where the scoring for two or more Tender submissions is tied, the top scoring Applicant will be the Applicant who has achieved the higher score on Pricing.

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	Sub-Criteria	Threshold
<b>Part 4 Award Questionnaire</b>				
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
<b>Total Score Available (MEAT)</b>		<b>100%</b>		

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Stage Two Award	Evaluation Criteria	Main Criteria	Sub-Criteria	Threshold
<b>Quality</b>				
Method Statements	The questions within this section will be assessed on the zero to five scoring basis.	32.00%		
Technical Questions	The questions within this section will be assessed on the zero to five scoring basis.	8.00%		
Demonstration	<p>Applicants must be available for the timescales indicated within the procurement timetable at section 2.6.</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 presentation will be used for clarification purposes and will not be scored. Applicants should note their Method Statement and/or Technical Question scores may be amended following the demonstration.</p>	n/a		
<b>Part 5 Pricing Submission</b>				
Pricing	The questions within this section will be assessed on the comparative scoring basis.	50.00%		

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Stage Two Award	Evaluation Criteria	Main Criteria	Sub-Criteria	Threshold
<b>Part 7 Social Value Submission</b>				
Qualitative	The questions within this section will be assessed on the zero to five scoring basis.	7.00%		
Quantitative	The questions within this section will be assessed on the comparative scoring basis.	3.00%		

**Please Note:** Part 4 Award Questionnaire, Part 5 Pricing and Part 7 Social Value Award Response Document will be issued in PDF/read-only format at Stage One and will be re-issued in Word/Excel format to short-listed Applicants at Stage Two to complete and submit.

### 3.4 Scoring Methodology

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

#### 3.4.1 The Requirement

Applicants will be initially assessed against the ‘must have’ and ‘should have’ Specific Requirements identified within Part 2 Specification. Optional ‘could have’ requirements will only be considered where the Applicant has fully met the criteria to be awarded a minimum score of three.

#### 3.4.2 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:



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- 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.

### 3.4.3 Zero to Five Scoring – Part 4 Award

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

<b>Score 5</b>	<b>Excellent</b>	<b>Exceeds the requirement.</b> 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.
<b>Score 4</b>	<b>Good</b>	<b>Satisfies the requirement with minor additional benefits.</b> 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.
<b>Score 3</b>	<b>Acceptable</b>	<b>Satisfies the requirement.</b> 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.
<b>Score 2</b>	<b>Minor Reservations</b>	<b>Minor reservations on the Applicant’s ability to satisfy the requirement.</b> 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.
<b>Score 1</b>	<b>Serious Reservations</b>	<b>Major reservations on the Applicant’s ability to satisfy the requirement.</b> 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.
<b>Score 0</b>	<b>Unacceptable</b>	<b>Does not meet the requirement.</b> 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.

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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

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### 3.4.4 Zero to Five Scoring – Part 7 Social Value Award

Evaluation criteria assessed on a scoring basis for Social Value will be evaluated using the zero to five scoring system in the table below, taking into consideration the scale of the Applicants offer.

<b>Score 5</b>	<b>Excellent</b>	Exceptional demonstration by the Applicant of how they will deliver their chosen indicators, the achievability of delivery, the community benefits realised and the ability to measure success. Response identifies factors that will offer significant added value and/or innovation, with evidence to support the response.
<b>Score 4</b>	<b>Good</b>	Above average demonstration by the Applicant of how they will deliver their chosen indicators, the achievability of delivery, the community benefits realised and the ability to measure success. Response identifies factors that will offer potential added value, with evidence to support the response.
<b>Score 3</b>	<b>Acceptable</b>	Adequate demonstration by the Applicant of how they will deliver their chosen indicators, the achievability of delivery, the community benefits realised and the ability to measure success.
<b>Score 2</b>	<b>Minor Reservations</b>	Minor reservations on how the Applicant will deliver their chosen indicators, or the achievability of delivery, the community benefits realised or the ability to measure success.
<b>Score 1</b>	<b>Serious Reservations</b>	Major reservations on how the Applicant will deliver their chosen indicators, or the achievability of delivery, the community benefits realised or the ability to measure success.
<b>Score 0</b>	<b>Unacceptable</b>	Applicant has either not answered the question or has provided insufficient information to demonstrate how the Applicant will deliver their chosen indicators.

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

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Please be aware that for any indicator selected 'Yes' Applicants must complete all of the following columns in Part 7 Social Value Award:

- F - Identify scoring indicators for qualitative assessment;
- G - How will you deliver against those indicators?
- H- Demonstrate how this will be achievable;
- I - What will the benefits of this be?
- J - How will you measure the success?
- K - What is the quantity/percentage/value you will attribute to the indicator? (e.g. how many employment opportunities will you offer?)

Columns G to K are limited to a maximum of 1,200 characters (including spaces) per cell. This equates to approximately 1 page of A4 across each of the requirements.

The Council will make a qualitative evaluation of a maximum of three for each Applicant. Where an Applicant submits 3 or less indicators all responses will be scored. Where an Applicant submits more than 3 indicators the Applicant must indicate in column F which 3 indicators are to be scored. If you do not indicate which responses you want scored on this basis, or identify more than 3 indicators then we will score the first 3 as they appear on the sheet.

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.

The scoring system awards the highest marks to those Applicants who, demonstrate to a high level they have the relevant ability, understanding, experience, skills, resources and quality measures in place to offer the Social Value indicated.

### **3.4.5 Comparative Scoring – Part 5 Pricing**

Evaluation criteria assessed on a comparative basis are those where the Applicant's response can be compared to that of other Applicants.

On the 'System' tab of Part 5 Pricing, Applicants are required to provide annual costs over the full 8 year term of the Contract for the CRM system being proposed to satisfy the requirements stated in Part 2 Specification. These costs will comprise of:

- Initial Software Cost;
- Annual Support/Maintenance;
- Hosting Fee (if applicable);
- Implementation/Consultation Costs; and
- Any additional costs.

In addition to this, on the 'Modules' tab of Part 5 Pricing, Applicants are required to indicate in column G which modules currently in use by the Council are included in the system being proposed and could be switched off/replaced. In these instances, no other columns need completing.

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Where no cost is given there is either no direct cost to the Council due to the item being provided by in an house provision or the item being included in a bundle where the cost is provided for the main item in that bundle.

If modules currently in use by the Council are not included in the system being proposed but there is the opportunity to 'bolt-on' additional functionality to replace existing modules, Applicants must indicate this in column H. Please be aware that for any indicator selected 'Yes' in column H, Applicants must complete all of the following columns:

- J - Initial Cost of additional module;
- K - Additional Implementation/Consultation Costs for additional module;
- L - Additional Support/Maintenance Cost per annum;
- M - Additional Hosting Fee per annum;
- N - Any other costs; and
- O - Details of other costs.

Applicants are provided with the Council's relevant technical software inventory so they are able to identify software involved in delivering Council services. Details on how to access this information can be found in section 2.2.4 of Part 2 Specification.

Applicants offering the lowest 'Overall Total Costs' (cell B5 on the 'Summary' tab) 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.

### Comparative Scoring Example 1 (Price):

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

Lowest Price: £1,000,000		Criteria: 60.00%
Applicant	Price	Score
Applicant A	£1,000,000	60.00%
Applicant B	£1,100,000	54.55%
Applicant C	£1,273,050	47.13%
Applicant D	£1,899,999	31.58%

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### 3.4.6 Comparative Scoring – Part 7 Social Value Award

Evaluation criteria assessed on a comparative basis are those where the Applicant's response can be compared to that of other Applicants.

Applicants achieving the highest Total Score (cell C9 on the Score Total tab) across all indicators selected will be awarded maximum marks out of a possible 100 and Applicants with lower scores will be awarded marks proportionate to their distance from the highest score.

#### Comparative Scoring Example 2 (Social Value):

$$\frac{\text{Applicant's score}}{\text{Highest score}} \times \text{Available Marks} = \text{Score}$$

Highest Score: 16		Criteria: 3%
Applicant	SV Score	Score
Applicant A	16	3.00%
Applicant B	6	1.13%
Applicant C	12	2.25%
Applicant D	11	2.06%

### 3.4.7 Character, Word and Page Limits

Character, word or page limits relate to the maximum number of characters, words or pages Applicants can submit.

Where an Applicant's response exceeds any limit set, those elements of the response which falls outside of that limit will not be evaluated.

## 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 3<sup>rd</sup> 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.

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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](http://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](mailto: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**

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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 at Stage One by a member of the Procurement Team and at Stage Two 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) Torbay 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

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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.

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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

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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	Contains the Selection Questions and may include the requirement for Applicants to provide some on-line responses.	To be completed and submitted at Stage One
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.	To be completed and submitted at Stage One, if applicable
Part 4 Award Questionnaire	Contains the Award Questions and may include mandatory requirements, method statements and/or technical questions.	To be completed and submitted at Stage Two
Part 5 Pricing	Contains the Applicant’s pricing proposals for this Tender.	To be completed and submitted at Stage Two
Part 6 Certificates and Declarations	Contains the Certificates and Declarations to which all Applicants must conform.	To be completed and submitted at Stage One and Stage Two

Document	Purpose	For Completion and Submission
Part 7 Social Value Award	Contains the Applicant's Social Value proposals for this Tender.	To be completed and submitted at Stage Two
Terms and Conditions of Contract	Contains the terms and conditions under which the resultant Contract will operate	No Applicants are required to confirm acceptance as part of their response at Stage One

## 5.2 Appendices and Links

5.2.1 Appendix A ProContract User Guide

5.2.2 Appendix B Information Governance Framework

5.2.3 Appendix C Data Protection Policy

5.2.4 Appendix D Corporate Information Security Policy; and

5.2.5 Appendix E Information Rights Policy

5.2.6 Appendix F Tax Collection & Benefits Requirements

5.2.7 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](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf)

5.2.8 Selection Questionnaire – EU Definition of an SME:

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

5.2.9 Selection Questionnaire – PSC Guidance:

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

5.2.10 Torbay Council's Community and Corporate Plan 2019 -2023:

<https://www.torbay.gov.uk/council/policies/corporate/corporate-plan/>

5.2.11 Torbay Council's software inventory:

<https://online.torbay.gov.uk/suppliercrmspec/>



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#### 5.2.12 HMRC Making Tax Digital for VAT

<https://www.gov.uk/government/publications/vat-notice-70022-making-tax-digital-for-vat/vat-notice-70022-making-tax-digital-for-vat>

## 5.3 Definitions

You should include definitions for any terms you have used in the tender documents which require clarification.

Term	Definition
<b>Torbay Council</b>	The Contracting Authority
<b>Applicant</b>	An organisation that may respond to this Tender.
<b>Authority Authorised Representative</b>	The Officer leading the Tender process on behalf of Torbay Council who will be responsible for managing the resultant Contract.
<b>Award</b>	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.
<b>Award Questions</b>	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.
<b>Bidding Model</b>	The Applicant's proposals relating to any consortia or sub-contracting arrangements that will be put in place in order to deliver the Contract.
<b>Call for Competition</b>	The Contract Notice sent electronically for publication on Find a Tender (FTS).
<b>Confidential Information</b>	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.
<b>Consortia/Consortium</b>	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.
<b>Contract Term</b>	The length of the Contract including extensions, if available.

Term	Definition
<b>Contracting Authority</b>	Torbay Council and any other Authority on whose behalf Torbay Council may be working.
<b>Contractor</b>	The Applicant awarded the Contract culminating from an offer to supply accepted by Torbay Council.
<b>CRM</b>	Customer Relationship Management.
<b>Documents</b>	All of the tender documents in relation to this Tender.
<b>Eligible Users</b>	Any organisation given access to the Contract resulting from this Tender.
<b>FTS</b>	Find a Tender e-notification service for public sector procurement notices.
<b>Lead Applicant</b>	The organisation leading the bidding process on behalf of its consortia or sub-contractor partners.
<b>Lot</b>	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.
<b>Messaging Facility</b>	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.
<b>Official Purchase Order</b>	Torbay Council's Official Purchase Order, to which these conditions apply.
<b>ProContract</b>	The e-tendering portal through which Torbay Council advertises opportunities and conducts Tenders.
<b>Price Review Mechanism</b>	The mechanism that will be used during the life of the Contract to review and vary the price.
<b>Procurement Representative</b>	The Procurement Officer who is leading the procurement process on behalf of Torbay Council.
<b>Public Contracts Regulations</b>	The UK legislation concerning public procurement, which can be found at: <a href="http://www.legislation.gov.uk">www.legislation.gov.uk</a> .

Term	Definition
<b>Relevant Tax Authority</b>	The organisation responsible for administering tax policy in the country in which the Applicant's organisation is established.
<b>Standstill</b>	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.
<b>Supplying the South West</b>	Means the same as ProContract.
<b>Tender</b>	The invitation to bid for this Contract; and / or The Applicant's response to this tender opportunity.