



Invitation to Tender - Open

PROJECT Ref. I - 1494

CASTLE QUAY – PHASE 1

Closing date for return of Tender

Monday 08/11/ 2021 Time: 1200 (Midday)

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**PART A – GENERAL INFORMATION**

1. DEFINITION OF TERMS

|  |  |  |
| --- | --- | --- |
|  | Council | means Cherwell District Council |
|  | Council’s Representative | means [basil.waloff@oxfordshire.gov.uk](mailto:basil.waloff@oxfordshire.gov.uk), the Council’s representative who will coordinate all communications with the Tenderer in relation to this ITT. |
|  | Invitation to Tender (ITT) | means this document and all its appendices which has been sent to all Tenderers. |
|  | Portal | means the e-tendering system accessed via the South East Business Portal. |
|  | Services | means the goods, works and/or services sought by the Council in accordance with the provisions of this ITT. |
|  | Specification | means the description of the Services contained in Appendix 1 to this ITT. |
|  | Tender | means a Tenderer’s response to this ITT. |
|  | Tenderer | means the entity responding to this ITT. |
|  | Tenderer’s Representative | means the Tenderer’s representative who will coordinate all communications with the Council’s Representative in relation to this ITT. |
|  | TUPE | means the Transfer of Undertakings (Protection of Employment) Regulations 2006. |

1. BACKGROUND TO THE PROCUREMENT

2.1 The Employer requires a fixed price contract under a JCT Design and Build 2016 for the strip out and works to form a new demise within part of the former M&S store in Castle Quay Shopping Centre in Banbury which involves CAT A and B office fit out to facilitate the occupation of a new Tenant.

Tenderers are invited to tender for the provision of the Services described at Appendix 1 Specification and drawings.

1. **INSTRUCTONS FOR COMPLETION AND RETURN OF ITT**
   1. Please use the question and answer section of the Portal from where you downloaded this document to ask any question(s) regarding this document and/or the ITT process. Please note that the Council will issue all questions and answers to all Tenderers unless a Tenderer specifies that a question is confidential and the Council accepts that the question is confidential. The Council reserves the right to amend questions where necessary such that answers can be released without disclosing confidential material.
   2. The documentation to be returned to the Council is listed as Sections A, B, C, D and E of this ITT. Failure to submit all documentation may result in your Tender being deemed non-compliant and not further considered by the Council.
   3. Additional attachments should be clearly labelled in relation to the Section and question. In addition please indicate under the relevant question that this has been done.
   4. Tenders must be in English.
   5. If you reproduce the ITT, the paragraph numbering, content or wording of the questions must not be changed in any way.
   6. Where a question is not relevant to your organisation, you should respond, “Not Applicable”.
   7. Please do not supply general marketing, promotional or similar material in response to a question, unless such material is specifically requested or the material supplied is particularly relevant to the question. In either event, the material should be marked clearly to show your name, the number of the question to which it relates and, if appropriate, the page number or the section of the material which is relevant.
   8. Please return an electronic copy of your Tender including any supporting material via the Portal from where you downloaded this ITT. Please allow sufficient time to upload all documents to the Portal before the deadline.
   9. Failure to submit your Tender by the closing time and date may result in your Tender not being considered.

* 1. Tenders must remain valid and open for acceptance for six months from the closing date for return of the Tender.
  2. The Council may require you to clarify any part of your Tender or to supply additional information if it considers this appropriate.
  3. Where this ITT refers to UK legislation, qualifications, codes or similar matters you should, if you are established outside the UK, base your response on the equivalent legislation, qualifications or codes that apply in the relevant domestic jurisdiction.
  4. If you are a member of a group of companies (e.g. sister organisation, subsidiary etc.), the information in Section A of Part B of this Invitation to Tender should be completed on behalf of your organisation only and not on behalf of the group as a whole (except where group information is specifically requested).
  5. The Council will not accept a Tenderer’s terms of business in lieu of, or in addition to the conditions included at Appendix 2. By submitting a Tender, Tenderers are agreeing to be bound by the conditions at Appendix 2 without further negotiation or amendment should their Tender be accepted, unless changes are agreed by the Council and such changes notified to all Tenderers prior to Tender submission.
  6. The ITT documentation must be accepted in its entirety and no alteration or modification by the Tenderer can be allowed unless notified and confirmed in writing by the Council’s Representative before the closing date for submission of Tenders. If any alteration is made or if the instructions are not fully complied with the Tender may be deemed non-compliant and not further considered by the Council.
  7. It is the Tenderer’s responsibility to ensure that all calculations and prices and other data in the Tender are correct at the time of submission. No amendment to the Tender documents will be allowed after the closing date for submission of Tenders. Unless otherwise explicitly set out, prices should be fully inclusive of all costs involved in delivering the Services and complying with the contract.
  8. The Council reserves the right to:
     1. waive or change the requirements of this ITT from time to time without prior (or any) notice;
     2. withdraw this ITT at any time, or to re-invite Tenders on the same or any alternative basis;
     3. choose not to award any contract as a result of the current procurement process, or award the contract in part.
  9. The Council will not be liable for any Tender costs, expenditure, work or effort incurred by a Tenderer in proceeding with or participating in this ITT process including if the process is terminated or amended by the Council.
  10. Although the information contained in this ITT is provided in good faith, the Council accepts no liability for any inaccuracy of information given or for any loss or damage arising therefrom.

1. TUPE
   1. The Council considers that the Transfer of Undertakings Protection of Employment Regulations 2006 (TUPE) will not apply.
2. EVALUATION CRITERIA
   1. Any decision to award a contract(s) as a result of this ITT will be made on the basis of the Most Economically Advantageous Tender.
   2. Each compliant Tender received will be evaluated using the following:
   3. Mandatory Criteria Section A

5.4 Phase 1 – Tender Proposals Section B & C

The scored criteria set out in Table 1 using the mechanisms for scoring set out in Tables 2 and 3.

Table 1 Scored criteria for this ITT and respective weightings:

|  |  |  |  |
| --- | --- | --- | --- |
| **Criteria** | **Weighting (%)** | **Sub-criteria** | **Sub-criteria weighting (%)** |
| Quality | 20 | Method Statement | 1 |
| Mobilisation Plan | 2 |
| Contract Management | 4 |
| Delivery of Programme | 4 |
| Risk Register | 4 |
| Compliance | 3 |
| Training | 1 |
| Social Value | 1 |
| Price | 40 | - | - |
| Programme | 40 |  |  |
| Financial & Economic Standing | Pass/Fail |  |  |
| **TOTAL** | | | 100 |

**Please note that if there are any mandatory requirements in the Specification which are not met, the Council will treat your Tender as non-compliant.**

Table 2 Scoring mechanism for the scored criteria of this ITT:

|  |  |  |
| --- | --- | --- |
| **Comment** | **Judgement** | **Marks Available** |
| Clear, relevant and well detailed response that addresses all the requirements and provides the evaluator with confidence that the service will be provided to an excellent standard. Demonstrates in detail how all the relevant requirements of the specification will be met. | Excellent | 5 |
| Clear and relevant response that addresses all the requirements and provides the evaluator with confidence that the service will be provided to a good standard. Demonstrates how all or most of the relevant requirements of the specification will be met. The information may lack relevant detail in areas, but this does not cause the evaluator concern over the future delivery of services. | Good | 4 |
| Response addresses all or most of the requirements and provides the evaluator with confidence that the service will be provided to an acceptable standard. Demonstrates how all or most of the relevant requirements of the specification will be met. However, the information lacks some relevant detail and/or raises issues which causes the evaluator minor concern over the future delivery of services. | Satisfactory | 3 |
| Response addresses all or some of the requirements but does not provide the evaluator with confidence that the service will be provided to an acceptable standard. Demonstrates how all or most of the relevant requirements of the specification will be met. However, the information is lacking relevant detail and/ or raises issues which gives the evaluator more than minor concern over the future delivery of the services. | Unsatisfactory | 2 |
| Response addresses all or some of the requirements but does not provide the evaluator with confidence that the service will be provided to an acceptable standard. Fails to demonstrate how most of the relevant requirements of the specification will be met. | Poor | 1 |
| Response does not address any of the requirements. Response fails to provide the evaluator with confidence that the service will be provided to an acceptable standard. Does not demonstrate how any of the relevant requirements of the specification will be met. | Failed | 0 |

Table 3 Scoring mechanism for Price

Tenders price scores will be calculated based upon the lowest price submitted by Tenderer.

The Tenderer with the lowest price will be awarded the full score of 40%, with the remaining Tenderers gaining a pro-rated score in relation to how much higher their prices are when compared to the lowest price.

In the example below the price is weighted at 40%:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Tenderer | Price | (price - lowest price) / lowest price = % above lowest price | 100% - % above lowest price | Score Maximum points x (100% - % above lowest price) |
| 1 | £100 | (£100 - £100) / £100 = 0.00% | 100% - 0.00% = 100.00% | 40 x 100% = 40.00 |
| 2 | £125 | (£125 - £100) / £100 = 25.00% | 100% - 25.00% = 75.00% | 40 x 75% = 30.00 |
| 3 | £150 | (£150 - £100) / £100 = 50.00% | 100% - 50.00% = 50.00% | 40 x 50% = 20.00 |
| 4 | £175 | (£175 - £100) / £100 = 75.00% | 100% - 75.00% = 25.00% | 40 x 25% = 10.00 |
| 5 | £200 | (£200 - £100) / £100 = 100.00% | 100% - 100.00% = 0.00% | 40 x 0% = 0.00 |

5.5 Phase 2 – Economic & Financial Standing (Pass/Fail) Section D)

Tenderers must be identified as the Most Economically Advantageous Tender at Phase 1 to be evaluated in Phase 2.

The Council will carry out assessment using three ratings models available via Procurement Catalyst and 2 years of accounts. Tenderers will be assessed using the criteria set out in Table 4:

Table 4 Scoring mechanism for Financial Standing

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Criteria** | **Sub-Criteria** | **Weighting** | **Pass Mark** | **Ratios** |
| Ratio Analysis | Profitability | 30% | 15/30 | Gross & Net profit to Turnover |
| Liquidity | 30% | 15/30 | Interest Cover & Gearing |
| Gearing | 30% | 15/30 | Current Ratio & Quick Ratio |
| Turnover | | 10% | 5/10 | Contract Percentage of Turnover |
| **Total** | | **100%** | **50** |  |

Please refer to Section D of this ITT for more information on economic and financial requirements.

Where a Tenderer fails the financial stability test on their own financial information, a Parent Company Guarantee (PCG) may be offered. The Parent Company’s financial information will be assessed and must meet the pass criteria of Phase 3. Failure to provide a PCG in would be deemed a fail.

1. ADDITIONAL INFORMATION
   1. Freedom of Information

All information provided by you in your response to this ITT will remain confidential and will not be disclosed to any other party except where required for official audit purposes or to the extent that the Council considers that disclosure is required pursuant to the Freedom of Information Act 2000 or any other applicable legislation or code of practice.

* 1. Confidentiality

By receiving this ITT you agree to keep confidential the information contained in the ITT or made available in connection with further enquiries and questions. Such information may be made available to your employees and professional advisers for the purpose only of responding to this ITT.

* 1. Material Changes

At any time before the award of the contract, the Council reserves the right to disqualify any organisation whose circumstances change to the extent that it ceases to meet the selection criteria or makes a material change in respect of its Tender unless substantial justification can be provided to the satisfaction of the Council. Where a Tenderer becomes aware of a change in circumstances or information supplied, whether in respect of circumstances and information supplied at PQQ or Tender stage, it should notify the Council of this as soon as possible.

* 1. Armed Forces Covenant

The council is committed to the Armed Forces Covenant and encourages its Providers and Contractors to also add their support. Sign up is not mandatory and does not form part of any tender evaluation. Information can be accessed via:

<https://www.gov.uk/government/collections/armed-forces-covenant-supporting-information>

1. INDICATIVE ITT TIMETABLE

The deadline for the return of the ITT is as set out here unless otherwise notified by the Council. All other dates are indicative only and subject to change.

|  |  |  |
| --- | --- | --- |
| **No.** | **Activity** | **Date** |
| 1 | Advert placed on e-tendering Portal | Thursday 06/10/2021 |
| 2 | Early / Mid tender period site visit | Wednesday 13/10/21 to Friday 15/10/21 |
| 3 | Latest date for submission of Tender Query questions | Thursday 28/10/21 |
| 4 | Latest date Tender Query questions will be answered | Wednesday 03/11/21 |
| 5 | Tender submission closing date and time | Monday 08/11/2021 (12:00 Midday) |
| 6 | Clarification despatch to tenderers | Friday 19/11/21 |
| 7 | Clarification returns by tenderers | Tuesday 23/11/21 |
| 8 | Post Evaluation Clarifications and Presentations Meeting | Thursday 25/11/2021 |
| 9 | Notification of award outcome to Tenderers | Thursday 09/12/21 |
| 10 | Standstill (10 days from despatch of Award and Debrief letters) | Friday 10/12/21 – Sunday 19/12/21 |
| 12 | Contract start date | Monday 20/12/21 |

**Appendix 1 – Tender Pack**

Please see separate attachments – Specifications and drawings

(see also accompanying document list)

**Appendix 2**

**Contract Conditions**

The conditions governing any contract awarded under this ITT are set out in Appendix 2.

* Design\_and\_Build\_Contract\_2016\_Edition Draft (with special conditions)
* Castle Q Ph1 Framework Sched 1 JCT 2016 DB

(see also accompanying document list)

**Appendix 3**

Tender Response Pack - Castle Q ITT Response

**Appendix 4**

Pricing Schedule

Tender Sum Analysis

**Appendix 5**

Tenderer Confidentiality Agreement

**PART B – INVITATION TO TENDER**

**SECTION A MANDATORY CRITERIA,** please complete the bidder contact details.

**SECTION B TECHNICAL QUESTIONS (PHASE 1) 20%**

**PROGRAMME QUESTIONS (PHASE 1) 40%**

In order to progress to Phase 2 of the evaluation process, Tenderers must pass Phase 1 –Please read Appendix 3 Tender Response Pack

**SECTION C TENDER SUM ANALYSIS (PHASE 1) 40%**

**Completing the Pricing Document**

You should identify all potential cost components anticipated in your delivery of the Services described in Appendix 1 Specification. No additional costs will be considered by the Council unless these are clearly stated in your Pricing Schedule response.

All prices should exclude VAT.

**Evaluation**

Tenders will be evaluated based upon whole life costs.

Tenderer’s price scores will be calculated based upon the lowest price submitted by Tenderers.

The Tenderer with the lowest price will be awarded the full score of 40% with the remaining Tenderers gaining a pro-rated score in relation to how much higher their prices are when compared to the lowest price.

**SECTION D ECONOMIC & FINANCIAL STANDING (PHASE 2) PASS/FAIL**

In order to progress to Phase 2 of the evaluation process, and be identified as the Most Economically Advantageous Tender at Phase 1.

Where a Tenderer fails the financial stability test on their own financial information, a Parent Company Guarantee (PCG) may be offered. The Parent Company’s financial information will be assessed and must meet the pass criteria. Failure to provide a PCG in would be deemed a fail.

Where a Tenderer fails the financial stability test the contract(s) will be awarded to the next Most Economically Advantageous Tender subject to Phase 2 evaluation.

**Please complete the table in Section D of Appendix 3 –Tender Response Pack**

**Please Note: Tenderers do not need to submit the selected financial information as part of their submission. Please have this information ready to submit from 05/11/2021.**

GUIDANCE

1. Introduction
   1. The Council will assess the potential service provider’s finances as follows; -

For above threshold tenders the test will include an assessment of the finances as per section 3 and an assessment via Catalyst as per section 4.

For below threshold tenders the assessment will be via Catalyst as per section 4. If the potential service provider fails section 4 the assessment in section 3 will be conducted.

1. **Financial Submission Documents**
   1. There is no requirement to submit financial documents with your Tender return. The potential service provider will be asked to submit their latest 2 years audited or signed accounts[[1]](#footnote-1). These must include both a statement of income & expenditure and balance sheet and be provided as a separate set of accounts for each year. See also paragraph 2.3.
   2. Where it is not possible to submit the documents stated in paragraph 2.1 an income and expenditure account shall be submitted for the two most recent financial years and be provided as a separate set of accounts for each year1. These must either be signed by the potential service provider 's accountant or accompanied by the tax return to validate the figures. See also paragraph 2.3.
   3. Where the most recent financial year end for the documents specified in paragraphs 2.1 or 2.2 is greater than 6 months prior to submission, either an interim set of accounts (which reduces the period to less than 6 months) or a statement (which either confirms no significant change or states significant changes to the finances) signed by your Financial Director, Accountant or Company Director must also be submitted. For example, if the most recent accounts submitted have a year-end date of 31 March 2016 and the submission date is after 30 September 2016 this would be required.
   4. If the potential service provider has not been operating for long enough to have 2 sets of financial statements, the requirements are set out in section 5 below relating to new companies.
   5. When assessing charitable or not for profit organisations an allowance will be made in the tests, particularly the profitability test. It is therefore important that this status is made clear in any submissions.
   6. The Council may also seek further evidence of the financial viability of the organisation to inform a risk assessment to determine whether the Council can be sufficiently satisfied of financial standing. The Council’s determination of financial viability within these thresholds will be final and failure to satisfy the Council of sound financial standing will disqualify the potential service provider.
   7. The Council will, when undertaking the assessment in section 3 and 4 below, check for any indicators that suggest there are any potential breaches of obligation to pay taxes as part of the due diligence of the potential provider’s bid.
2. **Financial Accounts Evaluation**
   1. Accounts will be assessed using the below criteria for the potential service provider.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Criteria** | **Sub-Criteria** | **Weighting** | **Pass Mark** | **Ratios** |
| Ratio Analysis | Profitability | 30% | 15/30 | Gross & Net profit to Turnover |
| Liquidity | 30% | 15/30 | Interest Cover & Gearing |
| Gearing | 30% | 15/30 | Current Ratio & Quick Ratio |
| Turnover | | 10% | 5/10 | Contract Percentage of Turnover |
| **Total** | | **100%** | **50/100** |  |

3.2. The potential service provider must score the minimum pass mark for each test in the table above and meet the criteria to pass Procurement Catalyst assessment in section 4 below. Where a company fails any of the sub criteria or the Procurement Catalyst assessment the Council will carry out further analysis and may request further information to assure itself that the additional risk this poses is acceptable.

1. **Procurement Catalyst Evaluation**
   1. The Council will carry out assessment using three ratings models available via Procurement Catalyst:

* ModeFinance – MORE Credit Risk
* Zanders – FALCON Global Credit Risk
* VADIS – VadRisk
  1. The potential service provider will be classified as financially stable if a pass rating is achieved on a minimum of two or more of the models. The minimum pass ratings for each model is outlined below:
* ModeFinance – B
* Zanders – 4
* VADIS – 6
  1. A potential service provider not achieving a pass rating on two or more of the models due to fail ratings or unavailable ratings will be subject to the assessment in section 3.
  2. Please note that this company check is not a credit check search and will have no impact on your credit rating. The Council reserves the right to carry out company checks on your company throughout the life of this contract.

1. **New Organisations**
   1. For organisations with less than 2 years’ accounts available, the financial submission documentation is:

* As much of the financial documentation set out under section 2 above as possible.
* Business plans and projections for the length of the contract.
  1. Where a new company is created as a result of a merger the financial submission documentation is:
* As much of the financial documentation set out under section 2 above as possible.
* Accounts for the remainder of the prior two years for all businesses which were involved in the merger, along with an explanation of significant accounting or operational changes.
  1. Based on the documents submitted testing will be carried out and an analysis of the risk level to the Council considered.

1. **Parent Company Guarantee**
   1. If a company wishes to rely on the accounts of their parent company, the above requirements and tests will apply to the parent company’s accounts.
   2. A letter from the parent company stating that they are willing to provide a parent company guarantee must also be submitted.
   3. The parent company accounts will only be assessed where the Council deems this to be appropriate. The Council will normally rely on the accounts of the company itself.
   4. Where a company fails to pass these tests on their own accounts they may be offered the opportunity to submit parent company accounts.

**SECTION E FORM OF TENDER**

**Please complete separate attachment titled Appendix 3 Tender Response Pack -** Castle Q Ph 1 ITT Response

**SECTION F - TENDERER CHECKLIST & PRE-CONTRACT CHECKLIST**

**TENDERER CHECKLIST**

Tenderers should ensure that they have completed the following sections before returning their ITT responses:

|  |  |  |
| --- | --- | --- |
| **No.** | **SECTION HEADING** | **COMPLETED?** |
| 1 | Section A Mandatory Criteria (Phase 1) |  |
| 2 | Section B Service Questions (Phase 2) |  |
| 3 | Section C Pricing (Phase 2) |  |
| 4 | Section D Economic & Financial Standing (Phase 3) |  |
| 5 | Section E Form of Tender |  |
| 6 | Social Value Policy |  |
| 7 | Response document |  |
| 8 | Programme |  |
| 9 | Tender Sum Analysis |  |
| 10 | Tender Stage Method Statements |  |
| 11 | 550 Health and Safety Information |  |
| 12 | 570 Outline Construction Phase Health And Safety Plan |  |
|  | 590 Site Waste Management Plan  630 Domestic Subcontracts  - List: Provide Details Of All Subcontractors And The Work For Which They Will Be Responsible.  - Submit: A List Of Subcontractors. |  |

It is important that all sections are completed as failure to do so may result in your ITT response being deemed non-compliant and not further considered by the Council.

Tenderers who do not wish to provide a response to this ITT are requested to advise the Council’s representative as soon as possible.

**PRE-CONTRACT CHECKLIST**

Following evaluation the following documents will be required by the Council from the Tenderer(s) who has the Most Economic Advantageous Tender [MEAT]. These documents must be checked prior to contract and the Council is providing this list so Tenderers can be prepared.

|  |  |
| --- | --- |
| **SECTION** | **SECTION HEADING** |
| 4.1 | Insurance Certificates |
| 4.2 | Equality & Diversity Policy |
| 4.3 | Safeguarding Policy |
| 4.4 | Health & Safety Policy |

1. Financial accounts and supporting information should wherever possible be provided in English and GBP Sterling. Where this is not possible, the Council will use an exchange rate where necessary as part of the assessment of financial standing. The source of the exchange rate will usually be www.xe.com and the rate used can be notified to the potential service provider by the Council at the time the assessment is made. [↑](#footnote-ref-1)