Bath & North East Somerset Council

INVITATION TO TENDER

The Hollies One Stop Shop & Libraries Reconfiguration Project:

DRAFT

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SECTION 1 – THE REQUIREMENT

1.1 Introduction

This document relates to the refurbishment and reconfiguration of a one stop shop at the Hollies Midsomer Norton. You are invited to submit a tender to carry out this work.

1.2 Overview

The Council wishes to appoint a main contractor to deliver a corporate one stop shop refurbishment and reconfiguration scheme at the Hollies at Midsomer Norton and combining the existing Libraries provision into one space at the Hollies. The works comprise briefly of refurbishment of the Existing One Stop Shop and installing new furniture and fittings to a new layout along with integration of the new Libraries storage and equipment. There are mechanical and electrical works associated with this project which is contained to the ground floor area of the Hollies.

This is a works Contract and is below the threshold level for the EU Directives; however the Public Contracts Regulations 2015 guidelines will apply in terms of transparency and fairness to all tenderers. The successful contractor will be appointed by B&NES Council under an NEC3 Option A Priced Contract with Activity Schedule form of contract. The project has been designed to circa RIBA stage 3: the successful contractor will be required to take the design forward at RIBA stage 4 and into construction. Managing and co-ordinating the discharge of the planning conditions and associated fees will form part of the contractor's duties, and the contractor will be required to engage with Building Control to complete the design and appoint them to undertake the inspection and associated fees. The contractor will also be responsible for undertaking the appointment of the Principle Designer.

1.3 Background

This project is necessary to provide a library in one space within the Hollies by combining existing facilities.

1.4 Specification

Contract Preliminaries, Works Information and Site Information are included within the tender pack

1.5 Programme

An indicative project programme has been included within the tender documents; however tenderers are required to submit their own programme of construction works, which will be evaluated as part of the quality award criteria.

SECTION 2 – INSTRUCTIONS TO TENDERERS

2.1 **E-tender System**

The Council uses Pro Contract as its e-tendering system. Assistance in relation to the e-tender system is available to Tenderers via the Supplier Help Icon within the system.

Supplier Guidance documents are also available to view and download.

Suppliers must ensure that they have the most up to date Invitation to Tender document by registering on the e-tendering system at www.supplyingthesouthwest.org.uk and expressing an interest. This will enable suppliers to view the latest documents and see any comments and discussions on those documents.

If you are still unable to resolve your issue in using the system you should send an e-mail to ProContractsuppliers@Proactis.com explaining the nature of your query.

2.2 **Register Intent or opt out**

The "Register Intent" button will be greyed out until the mandatory requirement to click on "View ITT" has been carried out.

Once the Tender Information has been viewed Tenderers will be able to click on "Register Intent" which will inform the Council of your intention to respond to this opportunity.

If a Tenderer does not wish to, or is unable to submit a Tender and not interested in proceeding, then they are required to click on "Opt Out" to decline the opportunity.

2.3 **Preparation of tender**

Organisations must obtain for themselves all information necessary for the preparation of their Tender response and all costs, expenses and liabilities incurred by the Tender in connection with the preparation and submission of the Tender shall be borne by the Tenderer, whether or not their offer is successful.

Information supplied to the Tenderer by Council staff or contained in Council publications is supplied only for general guidance in the preparation of the Tender. It shall remain the property of the Council and shall be used only for the purpose of this procurement exercise.

Tenderers must satisfy themselves as to the accuracy of any such information and no responsibility is accepted by the Council for any loss or damage of whatever kind and howsoever caused arising from the use by Tenderers of such information.

2.4 Priced Activity Schedule

The Council requires Tenderers to complete and upload a priced Activity Schedule, a blank copy of which is included within the tender pack.

All prices shall be in Pounds Sterling.

2.5 Other Documents or Supporting Evidence

If instructed to do so within the e-tender system, the Tenderer must complete and upload other documentation that may be provided with this Tender process, or upload evidence to support their Tender submission.

Tenders must not be qualified, conditional, or accompanied by statements that could be construed as rendering them equivocal and/or placed on a different footing to those of other Tenderers. Only tenders submitted without qualification, in accordance with this invitation to tender will be accepted for consideration. The Council's decision on whether or not a tender is acceptable will be final and the Tenderer concerned will not be consulted. If a Tenderer is excluded from consideration, the Tenderer will be notified.

2.6 Submission deadline

Tenderers are required to submit their Tender within the e-tender system by **12 noon on 06th November 2017** and should allow sufficient time to complete questions and upload documentation to the e-tender system, where requested to do so. A Form of Tender including Contract Data Part Two is included within the tender pack. Tenders received after the closing date will not be considered.

Failure to answer and complete the Tender within the e-tender system will result in the Council rejecting the Tender as a Fail / Non-compliant tender.

Failure to complete and upload any required documentation within the e-tender system will result in the Council rejecting the Tender as a Fail / Non-compliant tender.

The Council is under no obligation to consider partial or late submissions.

If the Council issues an amendment to the original Tender process, and if it regards that amendment as significant, an extension of the closing date may, at the discretion of the Council, be given to all Organisations.

The information supplied in response to the Tender will be checked for completeness and compliance before responses are evaluated. The Council expressly reserves the right to require a Tenderer to provide additional information supplementing or clarifying any of the information provided in response to the requests set out in the Tender. However, the Council is not obliged to make such requests.

Tenderers shall accept and acknowledge that by issuing this ITT the Council shall not be bound to accept any tender and reserves the right not to conclude a Contract for some or all of the works for which tenders are invited.

2.7 **Tender Validity**

The tender should remain open for acceptance for a period of 120 days. A Tender valid for a shorter period may be rejected.

2.8 **Communication**

All contact and communication during this procurement should be submitted in writing through the e-tender system.

Tenderers should seek to clarify any points of doubt or difficulty via the e-tender system in sufficient time before the closing date of the Tender, to enable the Council to respond to all Tenderers. It is not acceptable for Tenderers to seek clarifications via telephone or e-mail outside of the e-tender system.

Where the Council considers any question or request for clarification to be of material significance it may communicate both the query and the response, in a suitably anonymous form, to all interested parties. Tenderers should therefore not include within the question placed their organisation's name and any potential commercially sensitive information.

2.9 **Confidentiality**

The supplier must keep confidential and will not disclose to any third parties any information contained within their bid. They shall not release details other than on an 'In Confidence' basis to those whom they need to consult for the purpose of preparing the Quote response, such as professional advisors or joint bidders.

The Tender shall not be canvassed for acceptance or discussed with the media, any other Organisation, member/officer of Bath & North East Somerset Council, or their representatives. Any supplier trying to exert any undue influence during the tender process could be excluded from the process.

2.10 **Disclaimer**

Whilst the information in this ITT and supporting documents has been prepared in good faith, it does not purport to be comprehensive nor has it been independently verified.

Neither the Council, [nor any relevant Other Contracting Bodies], nor their advisors, respective directors, officers, members, partners, employees, other staff or agents:

- make any representation or warranty (express or implied) as to the accuracy, reasonableness or completeness of the ITT; or

- accepts any responsibility for the information contained in the ITT or for their fairness, accuracy or completeness of that information nor shall any of then be liable for any loss or damage (other than in respect of fraudulent misrepresentation) arising as a result of reliance on such information or any subsequent communication.

Any Framework Agreement or Contract concluded as a result of this ITT shall be governed by English law.

2.11 **Freedom of Information Act**

Tenderers should note that the Council is subject to the 'Freedom of Information Act 2000' and provisions are in force allowing any person access to information held by the Council. There are limited exemptions to this including information, the disclosure of which would be an actual breach of confidence or likely to prejudice the commercial interests of any person, or information that constitutes a trade secret. Tenderers are requested to state which part, if any, of the information supplied with their tenders is confidential or commercially sensitive or should not be disclosed in response to a request for information. Where Tenderers state that any information is confidential or commercially sensitive, they must also state why they consider the information to be confidential or commercially sensitive. Tenderers' statements will be considered in the context of the exemptions provided for under the Act and the Council is unable to give any guarantee that the information in question will not be disclosed.

2.12 **Transparency**

Suppliers and those organisations who bid should be aware that if they are awarded a contract, the resulting contract between the supplier and the Council will be published under the government transparency policy. To view details of what we MUST publish, see the Local Government Transparency Code 2015 at the link below.

Local Government Transparency code 2015

The Council is required to publish details of all expenditure over £500 made to its suppliers and all contracts and framework agreements over £5000.

Details will be published on the Council's website and the government's transparency website (Data.gov.uk) and Contracts Finder.

2.13 **Equality**

Bath & North East Somerset Council is committed to equality of opportunity for everyone and believes that the diversity of the local community is a major strength that contributes to the social and economic prosperity of the area. This extends to the way it deals with its suppliers. All suppliers will be treated fairly and equitably before, during and after this tender procedure.

2.14 Ethical Standards

Ethical procurement takes the wider view and incorporates the net benefits for both the buyer organisation and the wider world. The Council will consider the impact of environmental, economic and social factors along with price and quality and will lookout for signs of unacceptable practices in the supply chain such as fraud, corruption, modern-day slavery, human trafficking and wider issues such as child labour.

2.15 Social Value

The Council will procure its services, where appropriate, in line with the Public Service (Social Value) Act 2012. The Act asks commissioners to think about securing extra benefits for their area when they are buying services.

When responding to an Invitation to Tender, Suppliers might wish to consider the following:-

- Understand the needs of the local area and the Council's priorities.
- Articulate the social value offer - quantify the value for money you will provide and make the case for your social value offer being a way for commissioners to navigate cost savings pressures.
- Help the Council to understand the full range of innovation you can provide.
- Consider guidelines for paying a Living Wage

For further details on the Council's Social Value Policy, tenderers can request a copy of the policy from the Procurement Team by e-mailing procurement@bathnes.gov.uk

2.16 Procurement Timetable

The indicative timetable for this procurement is set out below. This is intended as a guide and, whilst the Council does not intend to depart from the timetable, it reserves the right to do so at any time.

Date or Target Date	Activity
25th Sept 2017	ITT issued to potential suppliers
tbc	Site visit with Project Manager
06th Nov 2017	Deadline for submission of tenders
10th Nov 2017	Tender interviews, (note that only those tenderers with a realistic chance of winning the Contract following preliminary evaluation of the responses will be invited to interview)
12th Nov 2017	Evaluation of the ITT responses by tender panel
13th Nov 2017	Award decision made and award letter issued
14th Nov 2017	Contract award concluded
18th Nov 2017	Start on Site

2.17 **Required documents**

Within this Tender process Tenderers have been provided with the following documentation. Where indicated these are required to be completed and uploaded within the e-tender system.

DOCUMENT TITLE	COMPLETE AND UPLOAD
Invitation to Tender	✓
Contract Preliminaries	✓
Collateral Warranty	✓
Form of tender including Contract Data part two and Non-Collusion Certificate	✓
Activity Schedule	✓
Indicative project programme	✓
Risk register	✓
Works Information	✓
Site Information	✓

Please Note: The completion and electronic return of all the documents ticked above is mandatory.

Tenderers must also submit the following information to enable the tender panel to score the tenders against the quality criteria set out in the 'Award Criteria and Weightings' table below, in Section 3.2

i. Programme of the Works

ii. **Project specific site management and logistics plan**

iii. **Social Value statement (see 2.15)**

SECTION 3 – EVALUATION AND AWARD

3.1 Evaluation and Award

Tenders will be evaluated to find the most suitable Tenderer who can meet the Specification and provide competitiveness of price. The award will be based on the evaluation criteria as outlined under Award Criteria and Weightings. Tenderer(s) that are successful and unsuccessful will receive in writing an award decision letter.

The Council expects to make an award for the Contract within 14 days of the closing date for the submission of tenders. The Council may, if necessary, extend the period for completing the award process.

Upon acceptance, the Contract shall thereby be constituted and become binding on both parties and, notwithstanding that, the Tenderer upon request of the Council execute a formal Contract in the form contained in this Tender process.

Tenderers must not undertake work without written notification that they have been awarded a Contract and are required to start work.

Tenderers should note that the Council reserves the right to terminate this procedure without any decision to award.

Tenderers should also note that, should they be successful the Council reserves the right to terminate the Contract, if at any time it is discovered that the Tenderer made any material misrepresentation and/or have not notified the Council about any material changes in relation to the information provided in the Tender submission.

3.2 Award Criteria and Weightings

Submitted Tender responses will be evaluated by officers of the Council using the award criteria and weightings detailed in the table below.

Tenderer's completion of the Priced Activity Schedule will give the award score in terms of Price.

For full evaluation methodology, please see Appendix 1

AWARD CRITERIA & WEIGHTINGS		
Price	**60%**	
Quality	**40%**	**Breakdown:** **Programme of the Works – 33%** **Project specific site management and logistics plan – 50%** **Social Value statement – 17%**
TOTAL	**100%**	

3.3 **Moderation of Scores**

Once all tenders have been received and scores completed, it may be necessary for the scoring panel to request clarifications from the tenderers. These will be submitted on the e-tendering system and will be available for all tenderers to see and respond to. As a result of these clarifications, it may be necessary to moderate the initial scores.

3.4 **Supplier Presentations/Clarification Meetings**

It may be necessary to hold supplier presentations or clarifications meetings and these may also result in the initial scores being moderated.

3.5 **Final moderation**

All the scores from the tender, presentations, clarifications, will be combined to produce a final score and the tenderer with the best overall score shall be identified.

3.6 **Evaluation Report and Recommendation**

An evaluation report will be produced by the procurer/tender panel and recommendation made to award to the winning Contractor.

3.7 **Contract Approval**

The approval of the award will be made by the appropriate Council representative, usually the budget holder for the project.

3.8 **Contract Award**

The Contract award process is completed and the procurer will debrief all tenderers.

3.9 Debriefing

Upon completion of the tender exercise the successful company will receive a written notification letter that the Council is intending to award them the business. The award letter will contain information to explain why the bid was successful, including scores and commentary pertaining to the award criteria published in the Invitation to Tender.

Unsuccessful companies will receive a written notification that the Council intends to award the Contract. The notification will state the name of the winning tenderer, the overall scores and reasons to justify the award and will pertain to the published award criteria.

The Council will be careful not to disclose confidential information of the successful Contractor and may withhold debriefing information in certain circumstances including where disclosure would be contrary to the public interest, would prejudice the legitimate commercial interests of any supplier, or might prejudice fair competition.

SECTION 4 - APPENDICES

1. Tender Scoring Methodology