Invitation to Tender

**Tender Ref: TC1067**

**Contract Title: The Provision of the Under 18’s Physical Activity on Referral Service (PARS)**

**OPEN PROCEDURE - AS ADVERTISED IN OJEU**

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Part 1

General Information and Instructions

**Contract Details**

**Information to Tenderers**

Manchester City Council is prepared to receive tenders for The Provision of the Under 18’s Physical Activity on Referral Service (PARS) which will be subject to the information, specification and tender package enclosed.

**The Contract period will be for 2 years with the option to extend for up to an additional 2 years. It is intended for the contract to commence 01 January 2021**

**Tenders may not be considered which do not comply with the Councils Terms and Conditions applicable to this contract which are shown as an attachment to this document for downloading**

**Please note that there is a maximum budget of £160,000.00 per annum available for this service. Tender submissions in excess of this figure will not be considered.**

The Council cannot guarantee to call off any specific quantities/work during the contract period.

In consideration of the agreements on the part of the Council herein contained the contractors agree that they will not during the contract period withdraw their offers contained in their tender.

The Council reserves the right to clarify with tenderers once tender responses have been assessed. In the event of such clarifications taking place the unsuccessful tenderers will be informed accordingly.

Other things being equal, the Committee will give preference to tenders/quotations containing firm prices.

**No Conditions submitted or referred to by the Contractor when tendering shall form part of the Contract unless specifically agreed to in writing by the Council.**

The Council reserves the right not to award a contract as a result of the procurement process and will not be liable for any costs incurred by candidates.

Tenders that have not been submitted in accordance with the instructions, or are found to be incomplete may be disqualified from the process and will not be considered any further.

**Timetable**

The proposed timetable for the procurement process is as set out below:

|  |  |
| --- | --- |
| **Key Tasks**  | **Date to be completed by**  |
| Tender Return Date | 05 October 2020 |
| Evaluation of Responses (Inc. clarification meetings if required) | 06 November 2020 |
| Internal Reporting | 24 November 2020 |
| Standstill Period | 04 December 2020 |
| Award of Contract | 07 December 2020 |
| Commencement of Contract | 01 January 2021 |

The Council reserves the right to amend the above timetable or extend any time period.

**Standard Questionnaire**

In accordance with the Public Contracts Regulations 2015, Regulation 59, the standard Selection Questionnaire which has been issued by the Government, asks suppliers to initially just self-declare their status against the exclusion grounds and selection questions. This is an online questionnaire that all tenderers are required to complete.

**Potential Supplier Information and Exclusion Grounds: Part 1 and Part 2.**

The standard Selection Questionnaire is a self-declaration, made by you (the potential supplier), that you do not meet any of the grounds for exclusion (the can be found in the online questionnaire). If there are grounds for exclusion, there is an opportunity to explain the background and any measures you have taken to rectify the situation (we call this self-cleaning).

A completed declaration of Part 1 and Part 2 provides a formal statement that the organisation making the declaration has not breached any of the exclusions grounds. Consequently we require all the organisations that you will rely on to meet the selection criteria to provide a completed Part 1 and Part 2. For example these could be parent companies, affiliates, associates, or essential sub-contractors, if they are relied upon to meet the selection criteria. This means that where you are joining in a group of organisations, including joint ventures and partnerships, each organisation in that group must complete one of these self-declarations. Sub-contractors that you rely on to meet the selection criteria must also complete a self-declaration (although sub-contractors that are not relied upon do not need to complete the self-declaration).

When completed, this form is to be sent back to the contact point given in the procurement documents along with the selection information requested in the procurement documentation.

## Supplier Selection Questions: Part 3

You need to respond to all of the questions in this section. If you are bidding on behalf of a group (consortium) or you intend to use sub-contractors, you should complete all of the selection questions on behalf of the consortium and/or any sub-contractors.

If the relevant documentary evidence referred to in the Selection Questionnaire is not provided upon request and without delay we reserve the right to amend the award decision and award to the next compliant bidder.

**Consequences of misrepresentation**

If you seriously misrepresent any factual information in filling in the Standard Questionnaire, and so induce an authority to enter into a contract, there may be significant consequences. You may be excluded from the procurement procedure, and from bidding for other contracts for three years. If a contract has been entered into you may be sued for damages and the contract may be rescinded. If fraud, or fraudulent intent, can be proved, you or your responsible officers may be prosecuted and convicted of the offence of fraud by false representation, and you must be excluded from further procurements for five years.

**Notes for completion of Standard Questionnaire**

1. The “authority” means the contracting authority, or anyone acting on behalf of the contracting authority, that is seeking to invite suitable candidates to participate in this procurement process.
2. “You” / “Your” refers to the potential supplier completing this standard Selection Questionnaire i.e. the legal entity responsible for the information provided. The term “potential supplier” is intended to cover any economic operator as defined by the Public Contracts Regulations 2015 (referred to as the “regulations”) and could be a registered company; the lead contact for a group of economic operators; charitable organisation; Voluntary Community and Social Enterprise (VCSE); Special Purpose Vehicle; or other form of entity.
3. Please ensure that all questions are completed in full, and in the format requested. If the question does not apply to you, please state ‘N/A’. If you need to provide additional information in response to the questions, please submit a clearly identified annex.
4. The authority recognises that arrangements set out in section 1.2 of the standard Selection Questionnaire, in relation to a group of economic operators (for example, a consortium) and/or use of sub-contractors, may be subject to change and will, therefore, not be finalised until a later date. The lead contact should notify the authority immediately of any change in the proposed arrangements and ensure a completed Part 1 and Part 2 is submitted for any new organisation relied on to meet the selection criteria. The authority will make a revised assessment of the submission based on the updated information.
5. For Part 1 and Part 2 every organisation that is being relied on to meet the selection must complete and submit the self-declaration.
6. All sub-contractors are required to complete Part 1 and Part 2[[1]](#footnote-1).
7. For answers to Part 3 -If you are bidding on behalf of a group, for example, a consortium, or you intend to use sub-contractors, you should complete all of the questions on behalf of the consortium and/ or any sub-contractors, providing one composite response and declaration.

**Part 1: Potential supplier Information**

Please answer the questions in full. Note that every organisation that is being relied on to meet the selection must complete and submit the Part 1 and Part 2 self-declaration.

**Please note:** A criminal record check for relevant convictions may be undertaken for the preferred suppliers and the persons of significant in control of them.

**Part 2: Exclusion Grounds**

Please answer the following questions in full. Note that every organisation that is being relied on to meet the selection must complete and submit the Part 1 and Part 2 self-declaration.

**Please Note:** The authority 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.

**Documentary Evidence**

You will be notified through the Chest of the information you will be required to provide through an online questionnaire. Unless otherwise stated at time of request evidence and response to questions will be required to be submitted online within **48 hours of request.**

Award of contract is subject to documentary evidence to support your responses in the Standard Questionnaire. **You may be asked to provide the following evidence and responses to questions through the Council’s E Tendering Portal ‘The Chest’:**

**Finance**

|  |
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| **Information you may be asked to submit** |
| Enclose copies of your organisation’s most recent annual accounts submitted to Companies House by your organisation. Applicants must note that draft, abbreviated and unsigned accounts will not be accepted and that the documents must be signed by a director/partner showing the printed name of the director/partner who signed and the physical signature. If any of these requirements are not complied with then the application with either fail or receive no score (this will be dependent on the scoring criteria). Any applicant not required to submit accounts to Companies House must provide ACCOUNTING INFORMATION COMPRISING OF A BALANCE SHEET AND INCOM STATEMENT FOR THE LATEST FINANCIAL YEAR AVAILABLE in order to enable the Council to assess its financial viability. Please note that abbreviated accounts are not acceptable and that the documents must be signed by a director/partner showing the printed name of the director/partner who signed and the physical signature. If any of these requirements are not complied with then the application with either fail or receive no score (this will be dependent on the scoring criteria). If your organisation’s accounts are consolidated into those of your parent organisation or group then please provide a copy of the most recent annual accounts for both your organisation and the parent organisation or group. Please note these documents must be signed by a director/partner showing the printed name of the director/partner who signed and the physical signature.If any of these requirements are not complied with then the application will fail..  |
| If the accounts submitted are for a year end more than 10 months ago confirm the trading position now is similar, and if not please provide details |
| Name and address of your firm's bankers. The Council may seek a financial reference from them.  |
| Full Business Postal Address (provide full details for the past 10 years) |
| Copy of your Partnership Agreement |
| Copy of your Registration Certificate of Incorporate this is applicable to: (Private Limited Company) (Public Limited Company) (Company Limited by Guarantee) |
| Previous names by which the company or organisation was known |
| Organisations may provide against their accounts if they wish an explanation for improving, stable or worsening trends. i.e. accounts show a negative net worth or deficit etc.  |

**Insurance**

|  |
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| **Information you may be asked to submit** |
| Employers Liability Insurance. This should be a minimum of £10 million in respect of any one claim |
| Public liability (third party) insurance. This should be a minimum of £10 million in respect of any one claim. |
| Professional Liability insurance. This should be a minimum of £5 million in respect of any one claim. |

**Employment, Equality and Inclusion**

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| **Information you may be asked to submit** |
| Please provide a copy of your business/organisation’s Whistleblowing Policy for employees and provide details of your process for employees to report a concern about suspected wrongdoing, malpractice, illegality or risk in the workplace. |
| Copy of your business/organisation's signed and dated Equality Policy. |
| Copy of your documents available to employees, recognised trade unions or other representative groups of employees |
| Evidence your policy on Equality is set out in instructions to those employees concerned with recruitment, training  |
| Evidence your policy on Equality is set out in recruitment advertisements or other literature |

**Health and Safety**

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| **Information you may be asked to submit** |
| A copy certificate or evidence of your organisation's current membership of Safety Schemes In Procurement (SSIP). **If you are not able to provide this information you will be required to complete the following questions.** |

**If you do not have current membership of Safety Schemes in Procurement (SSIP) complete the following questions**

|  |
| --- |
| **Information you may be asked to submit** |
| Name of Director, Partner, Associate or other person responsible for the implementation of your firm’s safety policy.  |
| Does your firm employ a Safety Officer? |
| **If YES, please name here and specify any relevant qualifications held.** |
| Copy of Health and Safety Policy covering General Policy, Organisation and Arrangements (as required by Section 2(3) of the Health and Safety at Work Act 1974), together with any codes of safe working practice issued to employees. |
| Has your firm, during the last three years been prosecuted for contravention of the Health and Safety at Work Act 1974, or equivalent national legislation? |
| Has your firm, during the last three years been the subject of a formal investigation by the Health and Safety Executive, or similar national body charged with supervision of health and safety standards?  |
| **Less than five employees or if company policy does not detail any of the following, details of the following will be required:** |
| Procedures to be followed in cases of emergency |
| Procedures for reporting and recording of accidents and dangerous occurrences |
| First aid and welfare provisions |
| Provision of appropriate protective clothing and equipment (if required) |
| **ALL COMPANIES will be required to provide the following information unless a Certificate has been provided i.e. CHAS, or European Equivalent as stated previously** |
| Demonstrate the competence of the following people in your organisation (refer to experience, technical knowledge and qualifications |
| Senior Managers |
| Managers / Agents |
| Staff / Operatives |
| **Details of the following may be required:** |
| No. of Accidents (last 3 years) | No. of Accidents (last 3 years) reportable to HSE |
| No. of Diseases (last 3 years) | No. of Diseases (last 3 years) reportable to HSE |
| No. of Prosecutions by HSE (last 5 Years) | No. of Prosecutions by HSE (last 5 Years) reportable to the HSE |
| No. of HSE Improvement Notices (last 5 years) | No. of HSE Improvement Notices (last 5 years) reportable |
| No. of HSE Prohibition Notices (last 5 years) | No. of HSE Prohibition Notices (last 5 years) reportable to HSE |
| No. of Civil Claims by Employees (last 3 years) | No. of Civil Claims by Employees (last 3 years) reportable to HSE |
| No. of Civil Claims by the Public (last 3 years) | No. of Civil Claims by the Public (last 3 years) reportable to HSE |
| What steps do you take to investigate accidents or incidents? |
| Will you report incidents/accidents to us? |
| Details of supervision your company generally provides on site  |
| Access to the services of an Occupational Health Professional? If yes please provide the following details: |
|  | Name: |
| Qualifications |
| Address: |
| Telephone No |
| Details of Health Surveillance carried out by your company |
| What do you consider to be the most significant hazards associated with your work activity? |
| **Example of the following documentation relevant to your work activity:** |
| A COSHH Assessment |
| A Noise Assessment |
| A PPE Assessment |
| A Vibration Assessment |
| Permit to Work |
| How do you monitor Health and Safety standards and the effectiveness of Health and Safety procedures on site? |
| If you identify a problem, what action do you take concerning your staff or subcontractors? |
| How do you identify training needs and evaluate the effectiveness of training given? |
| Do you have visits made to the site by a Professional Safety Officer? |
| If YES: How frequently is this undertaken and by whom? |
| Do you use subcontracts for this type of work? If your response is yes please provide details and evidence of how you ensure your subcontractors are competent.  |
| How do you prepare subcontractors for working safely on site? |
| Details of any qualifications held by staff, that are relevant to the work which is the subject of this application |
| Details of any membership of Trade or Professional Bodies, held by your firm, or key staff, which may have a relevance to this application. |

**Human Trafficking and Slavery**

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| **Information you may be asked to submit** |
| If you have responded Yes to Part 3 Q7.1 and Q7.2 a signed and dated copy of your annual Slavery and Human Trafficking statement for the current year. |
| Provide evidence of your program to assure that human trafficking and slavery do not exist in your operations and supply chain – including in your response; policies (to include Whistleblowing policy), identifying risks, audits, management of your supply chain, training of employees, compliance, remedial of infractions etc. |

**Online Submission of Standard Questionnaire and Evidence**

The online e-tendering system has been programmed to store a response for up to 1 year (dependent on the question being asked). Should you be invited to tender for other projects the system will automatically use the stored responses to populate a new questionnaire provided the response is still valid (a valid response is indicated by a green tick on the system).

It is your responsibility to ensure that all responses are still valid and updated accordingly as information that is out of date will affect your submission. As guidance the information you should check is still valid are:

Certificates

Policies – Safety, Insurance, Quality, Sustainability etc. this list is not exhaustive therefore you should check for others within your response.

Accounts

The above list is not exhaustive therefore you should check within your response all information submitted is valid.

If you encounter any technical problems associated with the tender, please log issues via:

|  |
| --- |
| **Chest Portal - Supplier Support**To log a support call for the Pro-Contract System please contact ProcontractSuppliers@proactis.com in order to log your call. Select V3 Support then select submit a ticket and log your details and request.In case someone needs to call you back please ensure that you put a phone number in the call with which you can be reached.Alternatively you can log your call by emailing:ProcontractSuppliers@proactis.com and one of the Due North representatives will come back to you shortlyFor Critical and Time-Sensitive issues (normally requiring resolution with 60 minutes) then please call 0330 005 0352. |

Supplier help guides are also available on “The Chest” from [www.the-chest.org.uk](http://www.the-chest.org.uk/).

**Quality and Social and Ethical Submission**

Documents for responding to quality, social and ethical questions can be found in the Council’s E-Tendering Portal ‘The Chest’

Documentation titled “Documents to be returned”

You are required to

* Respond to all questions
* Attachments to support your response must clearly identify which question the attachment is applicable to by referencing the response with the Questions Number.
* The document folder name to be uploaded onto the ‘Chest’ must include the question number for identification.

e.g. Document name: Q1.1 Quality Policy

(An attachment must only refer to one question)

If your attachment does not identify which question it is referring to the response may be disqualified and will not be considered or scored.

You MUST NOT embed attachments into your tender response. Any response found to have embedded documents will not be considered when evaluating or scoring your submission and may result in the disqualification of your tender for failure to comply with the instructions given above.

General promotional material must not be submitted as a response to the quality questions. This will not be considered or scored.

**Please note:**

Submissions must be completed in the document provided and returned as requested. The Council reserves the right to disqualify a tender if they have been submitted incorrectly or are incomplete.

**Weighting**

The Contract will be awarded on the basis of the most economically advantageous tender to the Council based on the evaluation criteria of **(30%)** Price**, (50%)** Quality and **(20%)** Social Value.

**Price**

With regards to the price evaluation the lowest price tenderer will be awarded the maximum price score **(30%)** and tenderers will thereafter be ranked and scored in accordance with how much more expensive their prices are compared to the lowest price, e.g. if tenderer XX is 50% more expensive than the lowest price it will be awarded 50% less price points than the lowest price tender. If 125% more expensive it will be awarded 125% less price score making this a minus score.

**Quality**

Weighted scores will be calculated by multiplying the score for each quality criteria by its weighting. The weighted scores will be totalled for each tender. The totals will be normalised so that the normalised highest total will attract the highest quality score i.e. **(50%)**

There is an un-weighted quality threshold of **(60%).** This means that if a tenderer’s quality score does not reach the un-weighted quality threshold the weighting will not be applied to the quality criteria and the tender will no longer be considered.

**Social and Ethical Value**

Weighted scores will be calculated by multiplying the score for each Social Value criteria by its weighting. The weighted scores will be totalled for each tender. The totals will be normalised so that the normalised highest total will attract the highest social value score i.e. **(20%).**

**Please note:**

The Council reserves the right to disqualify a tender if it has been submitted incorrectly or is incomplete.

|  |  |
| --- | --- |
| **Criteria** | **Normalised Weighting** |
| **Price** | **30%** |
| **Quality**  | **50%** |
| **Social and Ethical Value**  | **20%** |

**Scoring Criteria**

The Council will use the following scoring system for evaluating responses where a score is applicable:

|  |  |  |
| --- | --- | --- |
| **SCORE** | **CRITERIA** | **Scores may be based on one or more of the following reasons** |
| 0 | REJECTED | * No response submitted (non-compliant)
 |
| 1 | UNACCEPTABLE | * The response is inadequate
* The response fails to demonstrate an ability to meet the requirements
 |
| 2 | POOR | * The response is partially relevant and poor.
* The response addresses some elements of the requirement but contains insufficient/limited detail or explanation to demonstrate how the requirement will be fulfilled.
 |
| 3 | ACCEPTABLE | * The response is relevant and acceptable
* The response addresses a broad understanding of the requirement but lacks details on how the requirement will be fulfilled in certain areas.
 |
| 4 | GOOD | * The response is relevant and good
* The response is sufficiently detailed to demonstrate a good understanding and provides details on how the requirements will be fulfilled.
 |
| 5 | EXCELLENT | * The response is completely relevant and excellent overall.
* The response is comprehensive, unambiguous and demonstrates a thorough understanding of the requirement and provides details of how the requirement(s) will be met in full.
 |

### Price, Quality, Social and Ethical Evaluation Criteria

|  |  |  |
| --- | --- | --- |
| Evaluation Criteria | sub weighting | Normalised Weighting |
| **Pricing** | **(30%)** |
| **PART 1: POTENTIAL SUPPLIER INFORMATION – PASS FAIL** |
| 1.1(a) to 1.1(p) Potential Supplier Information | (Pass/Fail) |
| 1.2(a) to 1.2(b) Bidding Model | (Pass/Fail) |
| 1.3(a) to 1.3(h) Contact Details and Declaration | (Pass/Fail) |
| **PART 2: EXCLUSION GROUNDS** |  |
| 2.1(a) to 2.3(b) Grounds for Mandatory Exclusions | (Pass/Fail) |
| 3.1 to 3.2 Grounds for Discretionary Exclusion | (Pass/Fail) |
| **PART 3; SELECTION QUESTIONS – PASS/FAIL OR SCORED** |
| Section 4 Economic and Financial standing | (Pass/Fail) |
| Section 5 Wider Group Details | (Pass/Fail) |
| Section 6 Technical and Professional Ability | (Pass/Fail) |
| Section 7 Modern Slavery Act 2015 | (Pass/Fail) |
| Section 8 Additional Questions | (Pass/Fail) |
| 8.1 Insurance | (Pass/Fail) |
| **QUALITY** |
| Q1.1 Quality Assurance | For info | **(50%)** |
| Q1.2 Environmental Management | For info |
| Q1.3 Experience | 10% |
| Q1.4 Implementation | 30% |
| Q1.5 Method Statement | 30% |
| Q1.6 Delivery Plan/Process | 20% |
| Q1.7 Promoting the service | 10% |
| Q1.8 Business Continuity | For info |
|  | **100%** |
| **SOCIAL AND ETHICAL**  |
| Q1.1 Our Manchester Strategy | 20% | **(20%)** |
| Q2.1 Experience | 20% |
| Q2.2 Service Delivery | 50% |
| Q2.3 Monitor and manage Social Value | 10% |
|  3.0 Ethical Values | For info |
|  4.0 Supply Chain Management | For info |
|  5.0 Environment | For info |
| **TOTAL** | **100%** |
| TOTAL | 100% |

**PLEASE NOTE:**

The authority recognises that arrangements set out in section 1.2 of the standard Selection Questionnaire, in relation to a group of economic operators (for example, a consortium) and/or use of sub-contractors, may be subject to change and will, therefore, not be finalised until a later date. The lead contact should notify the authority immediately of any change in the proposed arrangements and ensure a completed Part 1, Part 2 and Part 3 is submitted for any new organisation relied on to meet the selection criteria. The authority will make a revised assessment of the submission based on the updated information and reserves the right to deselect a Potential Supplier or a group prior to any award of contract, based on an assessment of the updated information.

**Completion and Return of Tender**

Please note:

1. Both Price and Quality submissions must be responded to as instructed and returned.

Manchester City Council reserves the right to disqualify a tender if either of these are not submitted.

2. Tender submissions must be completed on the CHEST portal of the Manchester City Council’s electronic tendering system by no later than:

**11:00 a.m. on Monday 05 October 2020**

You will have open access to the CHEST portal until the above closing date and time should you wish to amend you submission.

**PLEASE NOTE:**

**THE ELECTRONIC SYSTEM USED FOR THE RETURN OF TENDERS HAS AN AUTOMATIC CUT OFF TIME OF 11:00 a.m.**

**IT IS IMPORTANT YOU ALLOW ENOUGH TIME FOR SUBMTTING YOUR TENDER RESPONSE TO BE RECEIVED IN THE CHEST BEFORE THE CLOSING DATE AND TIME AS THE CHEST WILL REGISTER IT AS A LATE TENDER.**

Tenders which have commenced being uploaded before the closing time but have not finished being uploaded by the closing time will be registered by the system as a late tender.

**PLEASE UPLOAD YOUR DOCUMENTS AT LEAST TWO HOURS OR LONGER BEFORE THE CLOSING TIME.**

**IF YOUR TENDER IS RECEIVED LATE IT MAY NOT BE ACCEPTED.**

3. Tenders submitted by post, fax or other electronic means will not be accepted.

4. Failure to comply with the above may invalidate your tender response.

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| **Chest Portal - Supplier Support**To log a support call for the Pro-Contract System please contact ProcontractSuppliers@proactis.com in order to log your call. Select V3 Support then select submit a ticket and log your details and request.In case someone needs to call you back please ensure that you put a phone number in the call with which you can be reached.Alternatively you can log your call by emailing:ProcontractSuppliers@proactis.com and one of the Due North representatives will come back to you shortlyFor Critical and Time-Sensitive issues (normally requiring resolution with 60 minutes) then please call 0330 005 0352. |

**Requests for Information**

Nothing in this Invitation to Tender shall bind the Council to accept any tender. Tenderers are requested to note this position when submitting bids.

To ensure transparency and fairness to all bidders any inquiries regarding the invitation to tender are to be submitted in writing through the ‘CHEST’, no later than 5 working days before close of tender. The Council offers no guarantee that questions received less than 5 working days prior to close of tender are guaranteed to be answered. No question must be submitted outside the ‘CHEST and may disqualify a tender if a company is found doing so.

Any question issued by a tenderer regarding the tender, together with any answers given by the Council may be provided to all tenderers who have been invited to bid. Details of the enquirer will not be disclosed.

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| **Lead Procurement Officer – contact through the Chest as instructed above** |
| Name | Deborah Fitton |

### Disclosure pursuant to the Freedom of Information Act 2000

In accordance with the obligations placed upon public authorities by the Freedom of Information Act 2000 ("Act"), all information submitted to the Council may be disclosed by the Council in response to a request made pursuant to the Act.

In respect of any information submitted by Tenderers, which they consider to be commercially sensitive, Tenderers should:

a) Clearly identify such information as commercially sensitive;

b) Explain the implications of disclosure of such information; and

c) Detail the envisaged timeframe during which such information will remain commercially sensitive.

Please note, even where information is identified as commercially sensitive the Council may be required to disclose such information in accordance with the Act if a request is received. Receipt of any information marked "confidential" should not be taken to mean that the Council accepts any duty of confidence by virtue of the marking.

**General Data Protection Regulations (GDPR)**

New data legislation came into force during May, 2018, which aims to protect the privacy of all EU citizens and prevent data breaches. It applies to any public or private organisation processing personal data.

Established key principles of data privacy remain relevant in the new Data Protection Legislation but there are also a number of changes that affect commercial arrangements, both new and existing with suppliers. The new General Data Protection Regulations specify that any processing of personal data, by a Processor, should be governed by a contract with certain provisions included.

This contract is subject to the new General Data Protection Regulations.

Any organisation required to comply with the new Data Protection Legislation may incur costs in doing so, especially where new systems or processes are required. However, these costs are attributable to conducting business in the EU, and not supplying the UK public sector. We expect all suppliers to manage their own costs in relation to compliance.

The Council will not accept liability clauses where you are indemnified against fines under GDPR as the Processor. The legal penalty regime has been extended directly to Processors to ensure better performance and enhanced protection for personal data. That means indemnifying Processors for any GDPR fines or court claims undermines these principles.

The parties agree to take account of any guidance issued by the Information Commissioner’s Office. The Customer may on not less than 30 Working Days’ notice to the Contractor amend this agreement to ensure that it complies with any guidance issued by the Information Commissioner’s Office.

If you would like to know more about the changes, the Information Commissioner’s Office is a useful source of information on the regulations ([ICO Information on GDPR](https://ico.org.uk/for-organisations/)).

Corporate Procurement’s Privacy Notice and General Privacy Notice can be found through the following link [Corporate Procurement Privacy Notice](https://secure.manchester.gov.uk/directory_record/361905/corporate_procurement_service).

Pricing and Payment Instructions

**Price Submission**

**Pricing**

1 Tenderers should note that a high standard of delivery of the contract is expected and therefore the successful tenderer will be expected to provide resources sufficient to achieve the required standards at all times.

2 The Council may at their sole discretion require any delivery of the Contract it considers to be unsatisfactory to be re-executed at the successful tenderer’s own expense.

3 The successful tenderer will be solely responsible for providing all necessary labour, plant, equipment and necessary software and hardware to satisfactorily and safely deliver the provision of the Contract in strict accordance with the Health and Safety at Work Act (1974) and any subsequent amendments thereto or recommendations of the Health and Safety Executive. In carrying out the delivery of the Contract the successful tenderer will exercise all the skill, care and diligence to be expected of a properly qualified and competent person experienced in the provision of a contract similar in nature to the Contract and in relation to projects of a similar size, scope and complexity to the Project.

4 **Prices quoted must anticipate all costs in relation to the provision of the contract as NO additional costs will be accepted unless approved in writing by the Council. Additional cost must be declared in the tender documents for these to be considered.**

All costs in evaluating this tender must be shown by the Tenderer.

5 Fees and prices must be quoted in pounds sterling to a maximum of 2 decimal places and currency fluctuations will not form part of the Contract.

6 All prices tendered must be exclusive of VAT.

**Please complete the Pricing Sheet which can be found on the ‘Chest’ Portal as an attachment for downloading**

**Payments**

**Lodge Card/Purchase Card**

The Council prefers to pay suppliers / vendors and contractors by Lodge Card/Purchase Card wherever possible. The ability to pay our suppliers in this way is an administratively efficient way of making payment for the Council as well as a way of ensuring we can pay for goods and services supplied promptly and therefore the ability to pay by Purchase Card will be considered an advantage when evaluating tenders.

Currently the Council uses a Visa Purchasing Card. Please note that the type of card may change over time so you will need to check with the Council to ensure that you can accept payment in this way and confirm this in your tender submission.

The Council expects its vendors / suppliers to be Purchase Card capable at Level 3. This means that you must be able to pass data to the Council at Line Item Detail.

Trading using Purchasing Cards gives benefits to both the Council and its vendors / suppliers.

**Benefits to you as a vendor / supplier**

* HM Customs and Excise has agreed that the statements / management information which is provided to the Council as part of the Purchasing Card transaction itself will replace your invoice as the legal document for the Council’s VAT reclaim. This means that, as long as the vendor / supplier has Level 3 technology, the Purchasing Card process **removes the need for the supplier to send an invoice and therefore reduces postage and administration costs**.
* Vendors / Suppliers accepting Purchasing Cards will **receive payment in their Bank account within 4 days of the transaction**.
* You will be allocated one Purchasing Card number which you will be able to charge all purchases that the City Council has made from you to a single card (provided that you have received a valid Purchase Order and that you have delivered the goods or services). **This puts the vendor / supplier in control of when they get paid**.
* An increasing number of local authorities and many private sector businesses are introducing Purchasing Card programmes. Therefore, accepting Purchasing Cards may **lead to increased business opportunities for your company**.
* In addition to supporting Line Item Detail (Level 3) transactions, Purchasing Card solutions will also give your company the **ability to accept other types of credit card and also to accept Debit Card transactions such as Maestro or Switch**.

**What to do if you are already Purchase Card enabled**

Contact the Council to ensure that the technology you have complies with our requirements as you may need to upgrade your existing equipment or software in order to trade with the Council at the desired level.

**What to do if you are not Purchase Card level 3 enabled**

If you do not currently accept Purchasing Card payments or your existing card payment processing solution does not support Line Item Detail (Level 3), there are a variety of suppliers that are able to provide this capability. Please note that the cost of implementing a Purchasing Card acceptance facility is not excessive and there are many vendors / suppliers of suitable solutions in the market place.

The Council cannot recommend any particular vendor / supplier to provide you with Purchasing Card acceptance technologies. However, most major UK banks provide Purchasing Card acceptance services and it is therefore recommended that your first port of call should be your existing bankers.

You may wish to note that you are usually not obliged to obtain Purchasing Card acceptance facilities from your existing bankers and therefore you may wish to approach more than one vendor / supplier in order to ensure that you secure the best deal for your company.

However, if desired, the Council can provide you with contact details for Streamline which is a company within the Royal Bank of Scotland of group. Please contact the Council for further details.

**Purchase Orders**

In accordance with the Council’s “No Purchase Order, No Payment” policy, Council procedures require that official Purchase Orders are issued to suppliers / vendors and contractors before any goods or services are supplied and therefore any invoices that are presented for payment without quoting an official Purchase Order number will be returned. Suppliers will be required to reject any orders from Council staff unless a valid Purchase Order reference is supplied at the point of the order being made.

If it is not possible to agree to pay by Purchase Card it is important that alternative administratively efficient ways of making payment are agreed prior to contract commencement.

In the absence of the ability to pay by Purchase Card, the Council’s next favoured option is for suppliers / vendors and contractors to present invoices in an electronic format to avoid the need for City Council staff to re-key information into our payment system. There is a specific format for this electronic data to be supplied in and it is expected that invoices will be presented in this manner to ensure efficiency – details of this format will be supplied, if necessary, and Tenderers will be required to confirm their ability to present invoices in this format. In addition hard copy invoice(s) (paper) will be required in order to satisfy the Council’s VAT obligations.

Depending upon the nature of the contract, the successful contractors will be required to adhere to the following:

* Individual orders are raised for each requested supply.
* Each invoice presented must contain a valid Purchase Order reference.
* The billing address for all invoices must be:

Manchester City Council, Business Service Division, Corporate Shared Service Centre, PO Box 532, Manchester, M60 2LA

* Where composite Invoices are presented and, where appropriate time sheets, each supply must contain a valid Purchase Order reference.
* All required documentation needs to be received before payment can be processed.
* Invoices need to be sent to the Corporate Shared Service Centre and any supporting documentation needs to be submitted in the agreed format and in accordance with agreed timescales to the relevant contact in the Council (which may not be the Corporate Shared Service Centre).

**Note: - Should your tender be successful you may be required to attend a meeting with the Head of the Finance Shared Service Centre to discuss the format of invoices and, if necessary, to resolve any payment issues. Failure to reach a satisfactory agreement with the Council in relation to payment arrangements may result in the tender being awarded to another bidder.**

Tenderers should note that the Council’s standard terms and conditions are to make payment 30 days from the invoice date. In the event of problems arising relating to the delay in paying properly presented invoices that are in the correct format issues will need to be raised with the Finance Shared Service Centre (contact details will be provided). If this situation should arise, the successful tenderer will be required to undertake not to cease providing goods and / or services to the Council unless at least 4 weeks’ notice, in writing, has been provided to the Corporate Services Division at the following address **(a copy of this letter must also be sent to the Corporate Procurement Manager, Manchester City Council, Corporate Procurement, Level 3 Town Hall Extension, Manchester, M60 2LA):**

Manchester City Council, Business Service Division, Corporate Shared Service Centre, PO Box 532, Manchester, M60 2LA

**Price Increases**

**PRICE INCREASE CLAIM – Applicable only where Firm Prices for Full Period of Contract have not been quoted.**

Any claim for a price increase must be proved to the satisfaction of the City Treasurer (or other officer nominated by the Council) by the production of purchase invoices from your suppliers or other agreed documentary evidence giving full details of increases in manufacturing cost or other significant costs incurred by you which may lead to a request for a price increase. Claims for a price increase should be submitted not later than 30 days prior to the date of the proposed increase.

Applications for a price increase **must** be sent to the Corporate Procurement Manager, Manchester City Council, Corporate Procurement, Level 3 Town Hall Extension, Manchester, M60 2LA your letter should quote the Tender Reference No TC/1067 and contract title. Attached to your letter should be your substantiation as requested above and your original pricing schedule that clearly shows your tendered/current rates with an additional column showing the new rates being applied for. Failure to comply with this will result in your application being rejected. You will be asked to re-submit your price increase application in accordance with the instructions above.

**The 30 days’ notice will commence once you have submitted your price increase application correctly.**

**Invoices should not be submitted for the revised price until you have received written acceptance of your price increase from the City Council.**

**Part 2**

Social and Ethical Procurement

**Social Value**

The Council has a statutory duty under the Public Services (Social Value) Act 2012, to have regard to economic, social and environmental well-being in connection with public services contracts and for connected purposes within its communities that it serves.

The Council has a statutory duty under the Public Services (Social Value) Act, when procuring services to consider how and what is being procured might improve the economic, social and environmental well-being of an area and how the Council might secure that improvement in the procurement process itself. The legislation has the potential to improve the procurement process and ensure that values beyond solely financial costs are included in the procuring decisions. Potentially it will enable more suppliers, contractors, service providers, charities and voluntary groups to use their skills and expertise to deliver more public services.

Social Value is defined by the Sustainable Procurement Taskforce as:

*A process whereby organisations meet their needs for good, services, works and utilities in a way that achieves value for money on a whole life basis in terms of generating benefits not only to the organisation, but also to society and economy, whilst minimising damage to the environment.*

**Living Wage**

The Council developed a formal Living Wage Policy in September 2015 and has since operated the Manchester Living Wage (MLW) which defines the Council’s policy with regard to its lowest paid employees.  In November, 2019 Manchester City Council became a ***Real Living Wage Accredited Organisation*** (RLW).

The RLW is a voluntary rate of pay announced annually by the Living Wage Foundation and is based on an independent assessment of the real cost of living based on a number of indicators, including goods and services, which represent what people need to meet their basic everyday needs.

As part of that accreditation the Council is required to provide information relating to its suppliers payment of the Living Wage to their employees and as such any successful suppliers will be required to provide relevant details on request.

The MLW is aligned to the RLW as a minimum. The current RLW rate is £9.30.

The main drivers that led to the creation of the MLW were the impact of the economic downturn, positive links between wage levels and all aspects of well-being, the Council’s Community Plan objectives, and the direct contribution this strategy had on the Community Strategy vision.

The MLW alignment with the RLW supports the Council in meeting many of its social, economic and environmental objectives, including:

1.    Ensuring that wages in the City can sustain families and individuals

2. Attracting and retaining motivated employees, thereby reducing the impact of staff turnover.

3.    Helping to underpin a thriving economy.

In accordance with the Council’s aspirations and objectives and its obligations under the Public Services (Social Value Act) 2012 we commend the adoption of the MLW and RLW to our contractors and suppliers.

Further guidance on social value can be found in the Greater Manchester Combined Authorities (GMCA) Social Value Policy Nov 2014 (Association of Greater Manchester Authorities AGMA).

[GMCA Social Value Policy | GMCA](https://www.greatermanchester-ca.gov.uk/downloads/file/336/gmca_social_value_policy)

**Ethical Procurement**

The Council is a public body and a contracting authority and as such must act strictly in accordance with EU and UK procurement legislation. The fundamental EU Treaty principles of transparency, equal treatment, non-discrimination and proportionality are implemented as part of the required procurement process. They also ensure procurement is conducted in an ethical manner based on the principles of openness, integrity, honesty and there is equality of access to all procurement opportunities. The Council is committed to ensuring a high standard of ethical trade practices, across its commissioning and procurement activities and in co-operating with trade union representatives monitoring the implementation of ethical employment policies by employers, and alerting the authority to evidence of non-compliance or issues of concern to employees.

The Council has set out its ethical policy for commissioning and procurement activities which can be found on the Councils website or by using the following link:-

[Ethical (procurement) policy | Manchester City Council](http://www.manchester.gov.uk/downloads/download/6446/ethical_procurement_policy)

In accordance with this Policy the Council expects is suppliers, service providers and contractors to observe the policy’s provisions and to demonstrate a similar commitment to an ongoing programme of ensuring and, where necessary, improving ethical practices locally and globally.

**Environmental - Climate Change**

Manchester - A Certain Future – the city’s Climate Change Action Plan sets out our commitment to be a leading low carbon Council where our services are transformed so that they are designed and delivered with a minimum impact on the local and global environment and maximum benefit in terms of opportunities to general local employment and supporting resilient sustainable communities. The plan can be read at [**www.manchesterclimate.com**](http://www.manchesterclimate.com)

The City Council is committed to reducing the city’s CO2 emissions by 41% on 2005 levels by 2020, and to engage and embed low carbon thinking into the lifestyle and operations of the city. As part of this commitment we will be seeking ways to reduce the carbon impact and risk of our procurement, and we will be asking our suppliers to assist us to reach these goals through management of their own carbon impacts and transforming the city’s procurement to a lower carbon supply chain.

All tenderers, Suppliers, and Organisations, interested in doing business with Manchester are required to promote and demonstrate they have a sustainable approach within their own business.

**Equal Opportunities**

1 **Compliance with statutory obligations**

The successful tender shall, and shall procure that all Sub-Contractors shall, adopt a policy to comply with the Council’s statutory obligations under the Equality Act 2010, Article 141 of the Treaty of Rome, or Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2002, and shall comply with best professional practice in relation to equal opportunities and, accordingly, the successful tenderer will not, and shall take all reasonable steps to ensure that all its employees and agents (All Contractors and all Sub-Contractors and all employees and agents of the sub-Contractors and its employees and agents) do not, discriminate against any person because of their sex, sexual orientations, marital status, colour, race, religion or belief, age, nationality (including citizenship), national or ethnic origin, part-time status, fixed term status or on the grounds of their disability, in decisions to recruit, train, promote, discipline or dismiss employees.

**2 Codes of practice**

The successful tenderer shall, and shall procure that its sub-contractors shall, observe the Equal Opportunities Commission’s Codes of Practice for employment and equal pay, the Commission for Racial Equality’s Codes of Practice for employment, the Disability Rights Commission’s Code of Practice for employment and any codes of practice relation to employment issues from time to time by the commission for Equality and Human Rights.

**3 Adverse finding against a Tenderer**

In the event of any finding of unlawful discrimination including, without limitation, sex, sexual orientation, part time, fixed term, racial, religious/belief, disability or age discrimination being made against the successful tenderer or any of its sub-contractors during the Contract Period by any court or employment tribunal, or of an adverse finding in any formal investigation (in the case of discrimination only) by the Equality and Human Rights Commission during the Contract Period, the successful tenderer shall inform the Council of this finding and shall take appropriate steps to prevent repetition of the unlawful discrimination.

**4 Provision of Information**

The successful tenderer shall, on request by the Council, provide the Council with details of any steps taken under condition 3.

**5 Circulation of Equal Opportunities and Diversity policy**

The successful tenderer’s equal opportunities and diversity policies shall be set out in any instructions circulated to those members of the tenderers staff and sub-contractor’s staff concerned with recruitment, training and promotion, in relevant documentation available to its staff and others and in its recruitment advertisements and other relevant literature.

**6 Provision of further information**

The successful tenderer shall provide such information as the Council may reasonably request for the purpose of assessing the tenderers compliance with the above conditions, including, if requested, examples of any instructions, recruitment advertisements or other literature, and details of monitoring applicants and employees.

Part 3

Contract Information

**Please see separate documents.**

* **Service Specification U18s PARS JUL20**
* **Information Sharing Agreement MCC v1.0 (1)**  **(Example)**
1. See PCR 2015 regulations 71 (8)-(9) [↑](#footnote-ref-1)