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| **RFQ Part 2 Response** |
| **Contract Reference****TAS6121** |
| **Contract Title****Community Green Spaces and Growing Schemes** |
| **Maximum Period of Contract****12 months** |
| **Return Date****Thursday 21 October 2021** |
| **Return Time****12:00 Noon** |
| **Return To**[**SupplyDevon.org**](https://www.applegate.co.uk/supply/devon) |
| **Applicant Name** |

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# Certificates and Declarations

Applicants are required to read this section thoroughly and confirm their acceptance of and compliance with the requirements laid out in sections A1 to A5, by providing their signature at section A6.

* 1. Torbay Council Conditions of Tender
1. Tenders are invited for the supply of the goods or services specified or described in the invitation. Tenders with conditions of contract duly completed and marked with the title of the procurement and returned electronically through the SupplyDevon Hub. Tenders must be returned by the date and time stated on the front page off the procurement documents. Tenders received after the time stated or not properly completed will be disregarded. Facsimile and emailed copies will not be accepted.
2. The Contract shall be subject to the Authority’s Conditions of Contract, included in these Tender Documents. Wherever special conditions of Contract are contained in the Invitation to Tender, the Contract shall be subject to those special conditions in addition to the Standard Conditions of Contract, and where those special conditions are inconsistent with the Authority’s Standard Conditions of Contract, the special conditions shall prevail. Offers by Applicants made subject to additional or alternative conditions may not be considered and may be rejected on the grounds of such conditions alone. No alteration must be made to the printed conditions or schedules. Any Tenders bearing such alterations will not be considered.
3. The Authority does not bind itself to accept the lowest or any Tender and reserves the right to accept a Tender either in whole or in part, for such item or items specified in the Invitation to Tender, and for such place or places of delivery as it thinks fit, each item and establishment being for this purpose considered as Tendered for separately.
4. **To Torbay Council**

I / We the undersigned DO HEREBY UNDERTAKE on the acceptance by the Authority of my/our Tender either in whole or in part, to supply (or perform the services), on such terms and conditions and in accordance with such specifications (if any), as are contained or incorporated in the Invitation to Tender. I / We agree and declare that the acceptance of this Tender by letter on behalf of the Authority, whether for the whole or part of the items included therein, will constitute a Contract for the supply of such items, I/We agree to enter into a further agreement for the due performance of the Contract, and I/We declare that I am/We are acting as the Delegated Authority for the purposes of signing off this Tender, and therefore, the Contract.

* 1. Certificate of Confidentiality

I / We hereby agree with the Authority that I / we shall not at any time divulge or allow to be divulged to any person any information, confidential or otherwise, relating to information passed to me regarding this project.

It is appreciated by the parties that in the event of negotiations in respect of the proposed Contract being entered into between the Authority and my organisation that it may be necessary to share information with colleagues within my organisation. In this event this confidentiality clause may be waived to allow such information sharing to take place but not further or otherwise.

* 1. Applicant’s Warranties

In submitting their Tender the Applicant warrants, represents and undertakes to the Authority that it:

1. Has not done any of the acts or matters referred to in Regulation 57 of the Public Contracts Regulations 2015 and has complied in all respects with the requirements; and
2. Has full power and authority to enter into the Contract and provide the goods, services or works and will, if requested, produce evidence of such to the Authority; and
3. Is of sound financial standing and the Applicant and its partners, directors, officers and employees are not aware of any circumstances (except those disclosed in the audited accounts or other financial statements submitted to the Authority by the Applicant) which may adversely affect such financial standing in the future.
	1. Not Used
	2. Certificate of Undertaking and Absence of Collusion or Canvassing

I / We the undersigned do hereby certify that:

1. My / Our Tender is bona fide and intended to be competitive and I/we have not fixed or adjusted the amount of the Tender by or under in accordance with any agreement or arrangement with any other person;
2. I / We have not indicated to any person other than the person calling for the Tender amount or approximate amount of the proposed Tender except where the disclosure in confidence of the approximate amount of the Tender was necessary to obtain insurance premium or other quotations necessarily required for the preparation of the Tender;
3. I / We shall have not entered into any agreement or arrangement with any other person that they shall refrain from Tendering or asked the amount of any Tender to be submitted;
4. I / We have not offered to pay or give any sum of money or valuable consideration directly or indirectly to any person for doing or having done or causing or having caused to be done in relation to any other Tender or proposed Tender for the said work any act or thing of the nature specified and described above.
5. I / We hereby certify that I/we have not and will not canvass or solicit any Member, Officer or employee of the Authority in connection with the preparation, submission and evaluation of this Tender or award or proposed award of the Contract and that to the best of my knowledge and belief, no person employed by me/us or acting on my/our behalf has done or will do such an act.

I / We further undertake that I/we will not do any of the acts mentioned in (b), (c) (d) and (e) above before the hour and date specified for the return of the Tender.

* 1. Signature

|  |  |
| --- | --- |
| Organisation name |  |
| Full postal address |  |
| Telephone number |  |
| Signed |  |
| Name *(in block capitals)* |  |
| In the capacity of *(state official position e.g. director, manager etc.)* |  |

# Stage 1: Supplier Suitability Questionnaire

* 1. Notes for Completion
		1. “You” / “Your” refers to the Applicant completing this Supplier Suitability Questionnaire i.e. the legal entity responsible for the information provided and who the Council will Contract with. The Applicant 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.
		2. 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’. Should you need to provide additional information in response to the questions, please do so in the spaces provided.
	2. Applicant Information and Exclusion Grounds
		1. This Supplier Suitability Questionnaire is a self-declaration, made by you (the Applicant), that you do not meet any of the grounds for exclusion[[1]](#footnote-2). 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).
		2. A completed declaration at section A5 provides a formal statement that the organisation making the declaration has not breached any of the exclusion grounds.
		3. Full details of the mandatory and discretionary exclusion grounds summarised in sections B6 and B7 below can be found at:

[Annex\_C\_Exclusion\_Grounds.pdf (publishing.service.gov.uk)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/956764/Annex_C_Exclusion_Grounds.pdf)

* 1. Consequences of Misrepresentation
		1. If you seriously misrepresent any factual information in filling in the Selection Questionnaire, and so induce an authority to enter into a contract, there may be significant consequences. You may be excluded from this contract 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.
	2.
	3. Applicant Information

Please complete the following section in full

| Question Number | Question | Response |
| --- | --- | --- |
|  | Full name of the Applicant submitting the information. |  |
|  | Applicant’s registered office address (if applicable) |  |
|  | Registered website address (if applicable) |  |
|  | Trading status |  |
| If you have selected ‘other’ please specify your trading status |  |
|  | Date of registration in country of origin |  |
|  | Company registration number (if applicable) |  |
|  | Charity registration number (if applicable) |  |
|  | Registered VAT number |  |
|  | If applicable, are you registered with the appropriate professional or trade register(s) in the state where your organisation is established? |  |
| If you have answered ‘yes’ please provide the relevant details including the registration number(s) |  |
|  | Is it a legal requirement in the state where you are established for you to possess a particular authorisation, or be a member of a particular organisation in order to provide the services specified in this procurement? |  |
| If you have answered ‘yes’ please provide details of what is required and confirmation you have complied with this |  |
|  | Trading name(s) that will be used if successful in this procurement |  |
|  | If applicable please select the relevant classification |  |
|  | Are you a Small, Medium or Micro Enterprise (SME) [[2]](#footnote-3)? |  |
|  | Do you have an immediate parent company? |  |
| If you have answered ‘yes’ please provide the following information: |  |
| Full name of immediate parent company |  |
| Registered office address (if applicable) |  |
| Registration number (if applicable) |  |
| Head office DUNS number (if applicable) |  |
| Head office VAT number (if applicable) |  |
|  | Do you have an ultimate parent company? |  |
| If you have answered ‘yes’ please provide the following information: |  |
| Full name of ultimate parent company |  |
| Registered office address (if applicable) |  |
| Registration number (if applicable) |  |
| Head office DUNS number (if applicable) |  |
| Head office VAT number (if applicable) |  |

* 1. Contact Details and Declaration

I declare that to the best of my knowledge the answers submitted and information contained in this document are correct and accurate.

I declare that, upon request and without delay I will provide the certificates or documentary evidence referred to in this document.

I understand that the information will be used in the selection process to assess my organisation’s suitability to be invited to participate further in this procurement.

| Question Number | Question | Response |
| --- | --- | --- |
|  | Contact name |  |
|  | Name of organisation |  |
|  | Role in organisation |  |
|  | Phone number |  |
|  | Email address |  |
|  | Full postal address |  |
|  | Signature (electronic is acceptable: |  |
| Date signed |  |

* 1. Grounds for Mandatory Exclusion

Please complete the following section in full.

| Question Number | Question | Response |
| --- | --- | --- |
|  | Please indicate if, within the past five years you, your organisation or any other person who has the powers of representation, decision or control in the organisation who has been convicted anywhere in the world of any of the offences within the summary below: |
|  | Participation in a criminal organisation |  |
|  | Corruption |  |
|  | Terrorist offences or offences linked to terrorist activities |  |
|  | Money laundering or terrorist financing |  |
|  | Child labour or other forms of trafficking in human beings |  |
|  | If you have answered to any of questions A6.1a) to A6.1e) please provide further details, including:Date of conviction, specify which of the grounds listed the conviction was for and the reasons for conviction;Identity of who has been convicted:If the relevant documentation is available electronically please provide the web address, issuing authority and precise reference of the documents. |  |
|  | If you have answered yes to any of questions A6.1a) to A6.1e) have measures been taken to demonstrate the reliability of the organisation despite the existence of a relevant ground for exclusion? (Self-Cleaning) |  |
|  | Has it been established, for your organisation by a judicial or administrative decision having final and binding effect in accordance with the legal provisions of the United Kingdom or the legal provisions of the country in which the organisation is established (if outside the UK), that the organisation is in breach of obligations related to the payment of tax or social security contributions? |  |
|  | If you have answered yes to question A6.4 please provide further details. Please also confirm you have paid or have entered into a binding arrangement with a view to paying, the outstanding sum including where applicable any accrued interest and/or fines. |  |
| Please Note: The Council reserves the right to use its discretion to exclude an Applicant where it can demonstrate by any appropriate means that the Applicant is in breach of its obligations relating to the non-payment of taxes or social security contributions. |

* 1. Grounds for Discretionary Exclusion

Please complete the following section in full.

| Question Number | Question | Response |
| --- | --- | --- |
|  | Please indicate if, within the past three years, anywhere in the world any of the following situations have applied to you, your organisation or any other person who has powers of representation, decision or control in the organisation. |
|  | Breach of environmental obligations? |  |
|  | Breach of social obligations? |  |
|  | Breach of labour law obligations? |  |
|  | Bankrupt or is the subject of insolvency or winding-up proceedings, where the organisation’s assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business activities are suspended or it is in any analogous situation arising from a similar procedure under the laws and regulations of any State? |  |
|  | Guilty of grave professional misconduct? |  |
|  | Entered into agreements with other economic operators aimed at distorting competition? |  |
|  | Aware of any conflict of interest due to participation in the procurement procedure? [[3]](#footnote-4) |  |
|  | Been involved in the preparation of the procurement procedure?[[4]](#footnote-5) |  |
|  | Shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity, or a prior concession contract, which led to early termination of that prior contract, damages or other comparable sanctions? |  |
|  | Please answer the following statements |
|  | The organisation is guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria. |  |
|  | The organisation has withheld such information. |  |
|  | The organisation has influenced the decision-making process of the Council to obtain confidential information that may confer upon the organisation undue advantages in the procurement procedure, or negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award. |  |
|  | If you have answered ‘yes’ to any of questions A7.1a) to A7.1i) and/or A7.2a) to A7.2d) please explain what measures have been taken to demonstrate the reliability of the organisation despite the existence of relevant ground for exclusion? (Self Cleaning) |  |

* 1. Financial Standing

Please complete the following section in full.

| Question Number | Question | Response |
| --- | --- | --- |
|  | In submitting this form you agree to the Council undertaking a credit check as detailed in the instructions above. |
| Please provide the company registration number against which the check should be made. |  |
|  | Applicants are required to indicate below the financial information they are able to provide if requested to do so. To prevent delays to the due diligence process any Applicant may be asked, at any point during the evaluation period, to submit the support financial information indicated. Where information is requested this will only be assessed in respect of the successful Applicant(s).  |
| Are you able to provide a copy of your audited accounts for the last 2 years if requested?If no, can you provide one of the following: |  |
|  | A statement of the turnover, Profit and Loss Account/Income Statement, Balance Sheet/Statement of Financial Position and Statement of Cash Flow for the most recent year of trading for this organisation. |  |
|  | A statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position. |  |
|  | Alternative means of demonstrating financial status if any of the above are not available (e.g. forecast of turnover for the current year and a statement of funding provided by the owners and/or the bank, charity accruals accounts or an alternative means of demonstrating financial status). |  |
|  | Please indicate whether your annual turnover for the previous 2 financial years is a minimum of twice the Annual Contract Value of £50,000 |  |
|  | If you are unable to provide any of the financial information set out in question A8.2 and/or have answered No to question A8.3 please provide a brief explanation for this, e.g. your organisation is a new start-up: |  |

* 1. Insurance

Please complete the following section in full.

| Question Number | Question | Response |
| --- | --- | --- |
|  | Please self-certify where you already have, or can commit to obtain prior to the commencement of the contract, the minimum levels of insurance cover indicated below |
|  | Employers (Compulsory) Liability Insurance\* = £5,000,000*\* Please note this requirement is not applicable to Sole Traders.* |  |
|  | Public Liability Insurance = £5,000,000 |  |

* 1. Requirements under the Modern Slavery Act 2015

Please complete the following section in full.

| Question Number | Question | Response |
| --- | --- | --- |
|  | Are you a relevant commercial organisation as defined by section 54 ("Transparency in supply chains etc.") of the Modern Slavery Act 2015 ("the Act")? |  |
|  | If you have answered ’Yes’ to question A10.1 are you compliant with the annual reporting requirements contained within Section 54 of the Act 2015? |  |
|  | If you have answered ‘Yes’ please provide the relevant URL |  |
|  | If you have answered ‘No’ please provide an explanation |  |

* 1. Technical and Professional Ability

Applicants should have a proven track record of community engagement and delivering added value and sustainability to local community-led projects, with a particular focus on green spaces and growing schemes.

Please provide details of up to three contracts, in any combination from either the public or private sector; voluntary, charity or social enterprise (VCSE) that are relevant to our requirement. VCSEs may include samples of grant-funded work. Contracts for supplies or services should have been performed during the past three years.

The named contact provided should be able to provide written evidence to confirm the accuracy of the information provided below.

Consortia bids should provide relevant examples of where the consortium has delivered similar requirements. If this is not possible (e.g. the consortium is newly formed or a Special Purpose Vehicle is to be created for this contract) then three separate examples should be provided between the principal member(s) of the proposed consortium or Special Purpose Vehicle (three examples are not required from each member).

Where the Supplier is a Special Purpose Vehicle, or a managing agent not intending to be the main provider of the supplies or services, the information requested should be provided in respect of the main intended provider(s) or sub-contractor(s) who will deliver the contract.

|  |  |  |  |
| --- | --- | --- | --- |
|  | Contract 1 | Contract 2 | Contract 3 |
| Name of Customer Organisation: |  |  |  |
| Point of Contact in the Organisation: |  |  |  |
| Position in the Organisation: |  |  |  |
| E-mail Address |  |  |  |
| Brief Description of Contract: |  |  |  |
| Contract Start Date: |  |  |  |
| Contract Completion Date: |  |  |  |
| Estimated Contract Value |  |  |  |

* 1. Project Specific Questions

|  |  |  |
| --- | --- | --- |
| Question Number | Question | Response |
|  | Has your organisation been subject to any breaches of health and safety legislation in the last 5 years, applicable to the country in which you operate, on comparable projects? |  |
| If you have answered ‘Yes’ please provide details |  |
|  | Has your organisation or any of its Directors or Executive Officers been in receipt of enforcement/remedial orders in relation to the Health and Safety Executive (or equivalent body) in the last 3 years? |  |
| If you have answered ‘Yes’ please provide details |  |
|  | Please confirm that you have the necessary policies, procedures and systems in place to comply with your obligations under Data Protection legislation. |  |

# Stage 2: Terms and Conditions of Contract

**Minimum Requirement / Evaluation Criteria**

This question will be evaluated on the basis of your self-assessment as to whether you meet the requirement. A Yes response will be deemed a Pass and a No response will be deemed a Fail. Applicants failing this requirement will be excluded from further participation in the process.

**Evidencing Compliance**

If it becomes apparent at any stage of the process that an Applicant does not comply with this requirement, either where acceptance of the terms and conditions is qualified in any way or the successful Applicant requesting changes to any part of the terms and conditions prior to signing the Contract, the Applicant will be considered to failed the tender in its entirety and will be excluded from further participation in the process. Where the successful Applicant is deemed to have failed this required the Contract will be withdrawn or terminated.

|  |  |  |
| --- | --- | --- |
| Question Number | Question | Response |
|  | Please confirm whether you accept the terms and conditions of contract accompanying this tender, without qualification or alteration. |  |

# Stage 2: Mandatory Requirements

**Minimum Requirement / Evaluation Criteria**

These questions will be evaluated on the basis of your self-assessment as to whether you meet the requirement. A Yes response will be deemed a Pass and a No response will be deemed a Fail.

**Evidencing Compliance**

You do not need to provide evidence of compliance at this stage. As part of the Council’s pre-award due diligence process or prior to Service commencement the successful Applicant may be required to provide written evidence to demonstrate compliance with these requirements. Where compliance is not evidenced for one or more requirements the Service Contract may be withdrawn or terminated.

|  |  |  |
| --- | --- | --- |
| Question Number | Question | Response |
|  | Please confirm whether you will comply with the requirements set out in section E2.2 Safer Recruitment of Part 1 Information and Specification. |  |
|  | Please confirm whether you will comply with the requirements set out in section E2.5 Health and Safety of Part 1 Information and Specification. |  |
|  | Please confirm whether you will comply with the requirements set out in section E2.6 Invoicing of Part 1 Information and Specification. |  |
|  | Please confirm whether you will comply with the requirements set out in section E2.9 Use of Council Branding of Part 1 Information and Specification. |  |

# Stage 2: Award Questions

Applicants are required to submit their responses to the following Award Questions. Your responses should:

* be drafted in a way that enables them to form part of the Contract;
* contain sufficient detail to demonstrate you meet the core requirements set out in the Specification;
* relevant to the question;
* where applicable meet any word or page limits set – Applicants should note the evaluation of responses will not go beyond the word or page limit;
* only include supporting information where this is permitted – Applicants should note that supporting information must be clearly named, identifiable and referenced in the question to which it relates.

|  |  |  |
| --- | --- | --- |
| Question Number | Question | Score |
|  | Community EngagementPlease detail how you will satisfy the Core Requirements set out in Part 1, section E3, in respect to engaging with and enabling the residents of the Melville area and communities across Torbay.**Minimum Requirement / Evaluation Criteria**Your response will be evaluated against your ability to demonstrate and evidence the above in respect to:* The Melville Area Regeneration and a focus on their green spaces; and
* The Sustainable Food Partnership and a focus on growing schemes.

**Page Limit:** Maximum 2 pages of A4 in Arial 12**Permitted Appendices and Supplementary Information**The inclusion of Appendices and Supplementary Information is not permitted | 25.00% |
| **Response:** |
|  | Partnership WorkingPlease detail how you will satisfy the Core Requirements set out in Part 1, section E3, in respect to working strategically with partner organisations and other projects in the local area to develop and deliver a shared vision across sectors.**Minimum Requirement / Evaluation Criteria**Your response will be evaluated against your ability to demonstrate and evidence the above in respect to:* The Melville Area Regeneration and a focus on their green spaces; and
* The Sustainable Food Partnership and a focus on growing schemes.

**Page Limit:** Maximum 2 pages of A4 in Arial 12**Permitted Appendices and Supplementary Information**The inclusion of Appendices and Supplementary Information is not permitted | 20.00% |
| **Response:** |
|  | SustainabilityPlease detail how you will satisfy the Core Requirements set out in Part 1, section E3, in respect to enabling the on-going sustainability of the projects, beyond the term of the Contract.**Minimum Requirement / Evaluation Criteria**Your response will be evaluated against your ability to demonstrate and evidence the above in respect to:* new projects;
* existing projects; and
* utilising networks to access expertise or charitable funding.

**Page Limit:** Maximum 2 pages of A4 in Arial 12**Permitted Appendices and Supplementary Information*** The inclusion of Appendices and Supplementary Information is not permitted
 | 20.00% |
| **Response:** |
| * 1.
 | Funding NarrativePlease describe how your organisation will allocate the money across the life of the Contract to implement and deliver the service requirements stated in Part 1, section E.**Minimum Requirement / Evaluation Criteria**Your response will be evaluated against your ability to demonstrate and evidence proposed costs and the impact on the provision of the Contract.**Page Limit:** Maximum 2 pages of A4 in Arial 12**Permitted Appendices and Supplementary Information**The inclusion of Appendices and Supplementary Information is not permitted | 25.00% |
| **Response:** |
|  | Social ValuePlease detail how you will satisfy the Additional Requirements set out in Part 1, section E4.2, in respect to social value.**Minimum Requirement / Evaluation Criteria**Your response will be evaluated against your ability to demonstrate and evidence:* Number of areas of importance addressed; and
* Extent of the commitment to each area.

**Page Limit:** Maximum 2 pages of A4 in Arial 12**Permitted Appendices and Supplementary Information**The inclusion of Appendices and Supplementary Information is not permitted | 10.00% |
| **Response:** |

1. For the list of exclusion please see:

<https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf> [↑](#footnote-ref-2)
2. See EU definition of SME: http://ec.europa.eu/enterprise/policies/sme/facts-figures-analysis/sme-definition/ [↑](#footnote-ref-3)
3. Where the Applicant is aware that any member of Council staff involved in the procurement procedure has, directly or indirectly, a financial, economic or other personal interest in relation to the Applicant which might be perceived to compromise the staff member’s impartiality. [↑](#footnote-ref-4)
4. Where the Applicant has advised the Council in the planning of the procurement procedure and/or has access to privileged information, which may provide the Applicant with a competitive advantage. [↑](#footnote-ref-5)