**Expression of Interest (EOI)**

**Instruction Document**



**Responsive Repairs, Voids and Planned Works**

**FTS 2024/S 000-012771**

**19 April 2024**

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# Section 1 – Background and Timetable

## Introduction

* + 1. Folkestone & Hythe District Council (F&HDC) wishes to select and appoint a suitable supplier for their Responsive Repairs, Voids and Planned Works Contract and invites organisation’s to express interest in the tender. The specific requirements for the contract are detailed in the Specification at **Draft Appendix A**.
    2. This tender will be conducted using a two-stage 'restricted' procedure. The selection stage ('stage one') will be used to decide which organisations we will invite to tender in stage two.

We expect to select five organisations for the second stage. If the scores of some applicants are the same or very close, we might choose to invite more than five organisations to tender (see 4.2).

* + 1. The contract is anticipated to start 1 April 2025 and continue for a period of 10 years (with the option to extend for a further period of up to 5 years). Therefore, a maximum term of 15 years.
    2. The anticipated annual value of the Contract is circa £3,500,000 to £4,000,000 GBP, but this is based on the current Contract value and does not include inflation over the term of the Contract or for any increase at tender stage. The £60,000,000 overall term is based on the maximum 15 years (subject to the above).

## 1.2 tIMETABLE

1.2.1 The key dates for this process are outlined in the timetable below.

1.2.2 While we do intend to keep to this schedule, these dates are estimates and we may amend or deviate from the timetable. If we do change the timetable, we will notify you of the changes.

|  |  |
| --- | --- |
| **Date** | **Activity** |
| 19 April 2024 | Publication of selection stage document pack |
| 10 May 2024 | Deadline for stage one clarification questions |
| 20 May 2024 1 PM | Construction Pre-qualification Questionnaire (PAS91:2015) Return Date |
| 24 June 2024 | Shortlisting notification |
| 26 June 2024 | Publication of Invitation to Tender (ITT) document pack |
| 22 July 2024 | Deadline for stage two clarification questions |
| 1 August 2024 | Tender Return Date |
| 20-21 August 2024 | Presentation / interviews |
| 20 December 2024 | Successful/unsuccessful notifications |
| 3 January 2025 | End of 'Standstill' Period |
| 1 April 2025 | Contract start date |

# Section 2 – Supplier Responses

## 2.1 Instructions for SUPPLIERS

2.1.1Read these instructions carefully before completing the Construction prequalification questionnaire (PAS 91:2015). It is your responsibility to make sure the document is fully completed with any other required documents. If you fail to comply with these requirements, we may reject your application.

2.1.2 By submitting a Construction Pre-qualification Questionnaire (PAS 91:2015), you confirm that you understand and can provide services (or works or goods) that satisfy the requirements described in our specifications.

2.1.3 Complete the **Construction Pre-qualification Questionnaire (PAS 91:2015)** and upload itto the **Kent Business Portal** ([kentbusinessportal.org.uk](https://www.kentbusinessportal.org.uk/)) by attaching them to your online response.

If possible, please return this document in the file format or a compatible format. If you need the documents provided to you in an alternative file format, please ask using the 'Messages' function in the portal.

2.1.4 The draft Invitation to Tender (ITT) documents are included for information only at this stage. Do not complete them. If you are invited to tender at stage two, we will provide you with the final version of the ITT pack.

2.1.5 You must submit your tender via the **Kent Business Portal**. We cannot accept tenders returned by post or email. If you have any difficulty using the portal, please contact us in plenty of time before the Construction Pre-qualification Questionnaire (PAS 91:2015) return date.

2.1.6 Presentations and interviews will take place during stage two as part of the quality/technical assessment of your tender. Instructions for these will be included in the final ITT instructions.

2.1.7 **TUPE –** Transfer of Undertakings (Protection of Employment) Regulations 2006 may apply to the contract.

2.1.8 You are permitted to include appendices with your submission to support answers to the questions in the Construction Pre-qualification Questionnaire (PAS 91:2015)**.** Any additional documents you include should be relevant and, if part of your answer to a quality question, comply with any word count limits. Where appendices are permitted this will be stated within the relevant question.

2.1.9 You are required to submit copies of audited accounts with your Construction Pre-qualification Questionnaire (PAS 91:2015). If your submission is to be shortlisted for Invitation to Tender, F&HDC will undertake a financial assessment.

2.1.10 The Construction Pre-qualification Questionnaire (PAS 91:2015) must be submitted by the Construction Pre-qualification Questionnaire (PAS 91:2015) return date (see section 1.2). We will not consider late applications unless agreed by the F&HDC's authorised officers in exceptional circumstances.

2.1.11 We will not accept any changes to your application between the Construction Pre-qualification Questionnaire (PAS 91:2015) return date and the date we make our shortlist, unless a genuine error is found and corrected before we make the shortlisting decision.

2.1.12 **Modification & Withdrawal –** You may modify or withdraw your Construction Pre-qualification Questionnaire (PAS 91:2015) at any time before the Construction Pre-qualification Questionnaire (PAS 91:2015) return date. This should be done using the Kent Business Portal. If you need to withdraw your application after the deadline, please send a message using the 'Messages' function within the portal.

2.1.13 **Queries and Clarifications –** All enquiries about this Construction Pre-Qualification Questionnaire (PAS 91:2015) should be sent using the 'Messages' function within the Kent Business Portal. We will try to answer all questions as quickly as possible before the Clarification Closing Date. We recommend you submit your questions as early as possible.

# Section 3 – General Instructions

3.1.1 **Amendments to the Construction Pre-qualification Questionnaire (PAS 91:2015) -** At any time before the Construction Pre-qualification Questionnaire (PAS 91:2015) return date, F&HDC may amend the document. All applicants will be notified of any changes and F&HDC may choose to change the Construction Pre-qualification Questionnaire (PAS 91:2015) return date to extend the deadline, if we consider this necessary.

3.1.2 **F&HDC's Right to Reject or Not to Award –** F&HDC reserves the right to reject any application or tender, or abort the tender process at any time, or to not award the contract to any organisation, without incurring any liability to the affected tenderers.

3.1.3 **Confidentiality -**All information supplied in connection with this tender is confidential and by submitting a Construction Pre-qualification Questionnaire (PAS 91:2015), you agree to be bound by the obligation to preserve the confidentiality of all such information.

3.1.4 **Freedom of Information –** F&HDC is subject to the Freedom of Information Act 2000 and may be required to provide information when requested under the Act. You should identify any information in your Construction Pre-qualification Questionnaire (PAS 91:2015) that you require to remain confidential or consider to be commercially sensitive. We will honour this, if authorised by the provisions of the Act.

3.1.5 **General Data Protection Regulations (GDPR)**

F&HDC processes personal information in accordance with Data Protection Legislation namely the General Data Protection Regulations (Regulation (EU) 2016/679), the Law Enforcement Directive (Directive (EU) 2016/680), any applicable national implementing Laws as amended from time to time; the Data Protection Act 2018 to the extent that it relates to the processing of personal data and privacy; all applicable Laws about the processing of personal data and privacy.

This applies to information provided as part of a tender process. FH&DC's data retention policy states that your Construction Pre-qualification Questionnaire (PAS 91:2015) may be kept for up to 3 years after the award of the contract (or the date F&HDC cancels the tender process). If your tender is successful, it will be kept for a minimum of 12 years after the expiry of the contract.

[Go to F&HDC's Privacy Notice](https://www.folkestone-hythe.gov.uk/privacy) for more information.

3.1.6 **Publicity –** Do not advertise or publicise the provision of the goods/services/works or the award of any contract until F&HDC gives written consent to the advert or article. You must ask permission for each publication and provide a draft of the text for F&HDC's approval.

3.1.7 **Transparency –** F&HDC must comply with transparency obligations and publish certain information about this tender and any resulting contract(s). F&HDC routinely publishes details of our contracts on the Kent Business Portal and our website, including the estimated value of contracts and the identities of its contractors.

3.1.8 **Notice of Proposals for Leaseholders –** F&HDC has obligations to our leaseholders under Section 20 of the Landlord and Tenant Act 1985 (as amended). After reviewing the tenders, F&HDC will be required to issue a Notice of Proposals to leaseholders. This notice will include the names, addresses, and an estimate of costs for F&HDC's preferred bidder and at least one other bidder.

3.1.9 **TUPE –** the Transfer of Undertakings (Protection of Employment) Regulations 2006 may apply to the provision of the Works/Services. You may wish to seek professional advice about this. If TUPE applies, you accept the associated risks of and consequences of the application of the Regulations.

# Section 4 – Evaluation

## 4.1 Construction pre-qualification questionnaire (PAS 91:2015) and Supporting technical questions

4.1.1 F&HDC will evaluate submissions in the following order:

1. Validation of the completed Construction Pre-qualification Questionnaire (PAS 91:2015) to confirm it has been completed correctly and in accordance with the instructions.
2. Technical question evaluation in accordance with the marking criteria.
3. Due diligence checks on the top ranked suppliers, including a financial assessment.

4.1.2 You must complete all questions in the **Construction Pre-qualification Questionnaire (PAS 91:2015)** . Responses to the questionnaire will be evaluated on a pass/fail basis unless the question states otherwise. Any organisation which fails any section of the questionnaire will be disqualified and their application will be rejected.

4.1.3 Suppliers attention is drawn to the checklist in PAS-91 whereby Suppliers are required to include confirmation of the following accreditations:

* 1. CHAS or Constructionline
  2. NICEIC or equivalent
  3. Gas Safe

4.1.4 We will assess your organisation's technical or 'quality' ability to assess your past performance and experience using your responses to the quality questions set out in PAS-91 Part 3\_Q6 (Experience Qs) of the **Construction Pre-qualification Questionnaire (PAS 91:2015)** and within the Supplier Response Document. These questions are based on the parts of the service (or works or goods) that we consider to be the most important to F&HDC.

4.1.5 During the evaluation, we may contact you to clarify something in your Construction Pre-qualification Questionnaire (PAS 91:2015) or to check information which we think could be incorrect. We will send these questions through the ‘Messages’ function in the Kent Business Portal. You should answer any questions we have promptly by replying to the message in the portal.

4.1.6 We are not responsible for finding errors in your application. It is your responsibility to make sure your Construction Pre-qualification Questionnaire (PAS 91:2015) is complete, comprehensive and correct. We are not obligated to accept corrections to any errors in your Construction Pre-qualification Questionnaire (PAS 91:2015) which result in your application being rejected or given a particular score.

4.1.7 The maximum quality score is divided across each of the quality questions in PAS-91 Part 3\_Q6 (Experience Qs) and within The Supplier Response Document. The weighting of each question is shown below.

* Q0 Case Studies 15%
* Q1 Resourcing 20 %
* Q2 Resident Communication 20 %
* Q3 Information Technology 20 %
* Q4 Quality Controls 20 %
* Q5 Sustainability 5 %
* **Total Quality Score 100** **%**

4.1.8 Each question will be scored 0-5 based on the following method:

|  |  |  |
| --- | --- | --- |
| **Quality** | **Description** | **Score** |
| Superior | As Comprehensive, but to a significantly better degree and a response which goes above and beyond to answer the question.  Answer demonstrates detailed understanding of the subject and/or F&HDC's specific requirements, and demonstrates an innovative or independently proactive approach on the subject. The answer is supported by specific detail. | 5 |
| Comprehensive | A comprehensive response submitted in terms of detail and relevance to the question.  Answer demonstrates detailed understanding of the subject and/or F&HDC's specific requirements, and demonstrates a proactive approach on the subject. The answer is supported by specific detail. | 4 |
| Acceptable | An acceptable response submitted in terms of the level of detail, accuracy and relevance.  Answer demonstrates clear understanding of the subject and/or F&HDC's requirements, and demonstrates the tenderer's competence on the subject. | 3 |
| Limited | Limited information provided, and/or a response that is inadequate or only partially addresses the question.  Answer demonstrates a general understanding of the subject, but fails to demonstrate sufficient understanding of F&HDC's priorities and/or lacks sufficient detail to demonstrate the tenderer's competence on the subject. | 2 |
| Inadequate | Inadequate detail provided and some of the questions not answered, and/or some of the answers to questions are not directly relevant to the question.  Answer demonstrates an awareness of the subject, but fails to demonstrate the tenderer's competence on the subject. | 1 |
| Deficient | Response to the question (or an implicit requirement) significantly deficient or no response given.  Answer fails to answer the question or fails to answer significant parts of the question. | 0 |

4.1.9 We will score your answers to the quality questions out of a maximum of 5 points each (as above), and calculate a weighted score for the question.

**EXAMPLE**

|  |  |  |  |
| --- | --- | --- | --- |
| **Criteria** | **Weighting** | **Score (out of 5)** | **Weighted Score** |
| Criteria A | 50% | 4 | 40% |

If ‘Criteria A’ was weighted 50% and the suppliers response received a score of 4 out of 5 then the following formula would be applied:

= (Weighting / maximum score) \* score awarded = Criteria awarded %

= (50/5)\*4 = 40%

4.1.10 If more than one person scores the tenders, a consensus scoring mechanism will be used (i.e. the panel will agree a score for each marked element).

4.1.11 The purpose of stage one is to shortlist organisations best able to fulfil F&HDC's contract requirements. If your organisation achieves a score of 2 or lower for more than one question in PAS-91 Part 3\_Q6 (Experience Qs) and The Supplier Response Document, we may reject your application. For clarity, if your organisation achieves scores of 4, 2, 3, 1, 4, 4 across the six questions, your submission will be rejected as it received a score of 2 or lower for more than one question.

## 4.2 Selection and Notification

4.2.1 Once we have scored all the 'quality' questions, we will rank the applications by this score using 'standard competition ranking' (1224). We expect to select five organisations for the second stage.

However, if the scores of some applicants are the same or very close, we might choose to invite more than five organisations to tender.

For example: if the rankings are 123 455, where two organisations are both ranked 5 with the same score, we will invite both those organisations.

Similarly, if the rankings are 123356, we could invite the organisation ranked 6th, if their score is very close to organisation 5. However, this would be at F&HDC's discretion and we would not be obliged to extend that invitation.

4.2.2 We will send all organisations a letter confirming whether or not they have been shortlisted. This letter will include feedback on your application and the details of who to contact for more information about our decision.

4.2.3 The organisations selected for stage two will be sent the finalised 'Invitation to Tender' document pack through the Kent Business Portal. This will include a full set of instructions for stage two.

4.2.4The versions of the ITT documents issued at this stage (stage one) are drafts only. At any time before the Tender Return Date, F&HDC may amend the ITT documents. All invited tenderers will be notified of any changes and F&HDC may choose to change the Tender Return Date to extend the deadline, if we consider this necessary.

4.2.5 In stage two, we will evaluate the tenders to find the 'most economically advantageous tender' (MEAT) based on **60% 'quality'** and **40% 'price'**. The weighted quality and price scores will be added together to identify the MEAT.

## 4.3 FINANCIAL EVALUATION

4.3.1 We will undertake a financial evaluation of the shortlisted organisations on the following basis. This will be undertaken before any shortlist notification is issued.

Suppliers, who do not meet the minimum turnover of twice the annual contract value per annum, of £8,000,000 will be further scrutinised and may be required to submit further evidence to demonstrate that they can deliver the works required by F&HDC.

**Minimum Level of Economic and Financial Standing and its Evaluation Criteria:**

This is a significant procurement for F&HDC and potential bidders. In order to ensure the proper conduct of the procurement procedure, F&HDC will apply the following evaluation criteria to assess the minimum level of economic and financial standing at Selection stage.

1. **Profitability last year:**

This is the measure of the profits in the last relevant financial year divided by the turnover

Profits is deemed as - the Profit on Ordinary Activities after tax

The score is:

|  |  |
| --- | --- |
| **Profitability** | **Score** |
| Deficit of over 10.0% | -2 |
| Deficit of between 0.0% and 10.0% | -1 |
| No surplus | 0 |
| Surplus from 0.0% to 0.99% | 1 |
| Surplus from 1.0% to 2.99% | 2 |
| Surplus from 3.0% to 4.99% | 3 |
| Surplus between 5.0% and 9.99% | 4 |
| Surplus over 10% | 5 |

1. **Profitability Growth:**

This is the measure in the growth of profits over the two-year period and is calculated by dividing the movement between the first year and last financial year by the profits in the first year.

Profits is deemed as - the Profit on Ordinary Activities after tax.

The score is:

|  |  |
| --- | --- |
| **Profitability Growth** | **Score** |
| Decrease over 10.0% | -2 |
| Decrease between 0.0% and 10.0% | -1 |
| No increase | 0 |
| Increase from 0.0% to 4.99% | 1 |
| Increase from 5.0% to 9.99% | 2 |
| Increase from 10.0% to 19.99% | 3 |
| Increase from 20.0% to 29.99% | 4 |
| Increase of over 30% | 5 |

1. **Growth in turnover:**

This is the measure in the growth of turnover over the two-year period and is calculated by dividing the movement between the first year and last financial year by the turnover in the first year.

This is to manage the risk of overtrading.

The score is:

|  |  |
| --- | --- |
| **Turnover growth** | **Score** |
| Decrease over 10.0% | -2 |
| Decrease between 0.0% and 10.0% | -1 |
| No increase | 0 |
| Increase from 0.0% to 4.99% | 1 |
| Increase from 5.0% to 9.99% | 2 |
| Increase from 10.0% to 19.99% | 3 |
| Increase from 20.0% to 29.99% | 4 |
| Increase from 30.0% to 49.99% | 5 |
| Increase from 50.0% to 74.99% | 4 |
| Increase from 75.0% to 99.99% | 3 |
| Increase over 100.00% | 2 |

1. **Liquidity:**

This is the ability to service short term liabilities with the current assets as per the financial statements.

The score is:

|  |  |
| --- | --- |
| **Liquidity** | **Score** |
| Less than 0.49 | -5 |
| Between 0.5 and 0.74 | -3 |
| Between 0.75 and 0.99 | -1 |
| Between 1.00 and 1.09 | 1 |
| Between 1.10 and 1.19 | 2 |
| Between 1.20 and 1.39 | 3 |
| Between 1.40 and 1.50 | 4 |
| Over 1.50 | 5 |

1. **Debt Ratio:**

This is the measure of the current and fixed assets excluding the intangible ones compared to the short term and long-term creditors including provisions.

The score is:

|  |  |
| --- | --- |
| **Debt Ratio** | **Score** |
| More than 2.0 | -5 |
| Between 1.75 and 1.99 | -3 |
| Between 1.50 and 1.74 | -1 |
| Between 1.00 and 1.49 | 0 |
| Between 0.99 and 0.90 | 1 |
| Between 0.75 and 0.89 | 2 |
| Between 0.74 and 0.6 | 3 |
| Between 0.5 and 0.59 | 4 |
| Less than 0.5 | 5 |

1. **Contract Turnover:**

This is to compare the current turnover of the contractor to the expected annual contract value. The measure is that the annual contract value is divided by the annual turnover

|  |  |
| --- | --- |
| **Contract Turnover** | **Score** |
| More than 1.0 | -5 |
| Between 0.8 and 0.99 | 1 |
| Between 0.7 and 0.79 | 2 |
| Between 0.6 and 0.69 | 3 |
| Between 0.5 and 0.59 | 4 |
| Less than 0.5 | 5 |

1. **Credit Score:**

A post score by a credit agency – F&HDC will be using Credit Safe.

Any creditsafe score over 51 is a pass, a score of 30-50 (or unscored) as “for review”, and anything below 30 as a fail.

A screenshot of a computer

Description automatically generated

The Minimum Level of Economic and Financial Standing is achieved when **scoring 18** or above.

If a bidder scores a fail on the Credit Score, and has scored the lowest marks available for any one other ratio then the bidder will also be excluded as not meeting a Minimum Level of Economic and Financial Standing.

# Section 5 – Terms and Conditions of Draft Contract

5.1.1 The Terms and Conditions of Contract F&HDC intends to use for this contract will be set out in the draft form of TAC-1 and F&HDC will not accept any alternative terms and conditions.

5.1.2 If you have any queries or concerns about the Terms and Conditions of Contract, or require a non-material change to the terms, you **must** ask about this during the clarifications period and before the Tender Return Date. **Note:** this should be undertaken during the tender period and not the Request to Participate period.

5.1.3 **Parent Company Guarantee –** F&HDC reserves the right to require a Parent Company Guarantee from the successful tenderer, if the organisation has a parent company. This will use the template in **Appendix 1**.

5.1.4 **Performance Bond –** F&HDC reserves the right to require a Performance Bond or alternative security from the successful tenderer if a Parent Company Guarantee is not available. This will use the template in **Appendix 2**.

5.1.5 **Collateral Warranty –** F&HDC reserves the right to require a Collateral Warranty from any sub-contractor(s) of the successful tenderer. This will use the template in **Appendix 3**. We are more likely to request this if 50% or more of the contract will be fulfilled by a sub-contractor or if the type of work sub-contracted represents a significant risk.

# Section 6 – Submission Checklist

6.1.1 Complete the following documents and upload them to the Kent Business Portal ([kentbusinessportal.org.uk](https://www.kentbusinessportal.org.uk/)) by the stated submission deadline:

1. Completed PAS-91
2. Suppliers’ Response Document
3. Signed and PDF declaration
4. All required documents, as set out within the Construction Pre-Qualification Questionnaire (PAS 91 2015)

If possible please return these documents in the file format provided (e.g. doc, .xls, etc.) or a compatible format. If you need the document provided to you in an alternative file format, please ask using the ‘messages’ function in the portal.