

**Tender Opportunity**

**For the** Food and Beverage Opportunity at Victorian Cafe,

Marine Parade, Weston-super-Mare

**Commencing: 1st May 2024**

**Contract Term: minimum 15 years**

**Please submit by:** 1pm (13:00) Monday 4th April 2024

**Bidder:** [Bidder to insert name

**North Somerset Council Background Information**

North Somerset Council is the local authority of North Somerset. It is a unitary authority, possessing the powers of both a non-metropolitan county and district council combined. There are two parliamentary constituencies in the North Somerset boundary: the North Somerset constituency and the Weston-super-Mare constituency. The main settlements are Weston-super-Mare and three smaller towns of Clevedon, Nailsea and Portishead.



North Somerset Council provides a full range of local government services including highways, social services, children services, planning, parks and open spaces, waste collection and disposal, property maintenance and the council is also a local education authority. It has a population of around 206,100. North Somerset borders the local government areas of Bristol, Bath and Northeast Somerset and Somerset (previously Sedgemoor and Mendip districts).

As a contracting authority, we spend around £160 million per annum on various works, goods, and services to bring benefits to the area and its residents. The council currently operates out of the Town Hall, Weston-super-Mare and Castlewood, Clevedon.

Weston-super-Mare is an attractive seaside town within North Somerset with a population of over 84,000 and sees millions of day visitors per year.

[www.n-somerset.gov.uk](http://www.n-somerset.gov.uk)

**1. Opportunity**

* 1. North Somerset Council would like to invite you to bid for an exciting opportunity to operate a 77m2 indoor hospitality space with outdoor customer seating area. We are offering this opportunity for a minimum term of 15 years. However, if your business plan requires a longer lease term, please specify this in your submission. Please see Appendix 5 Floor Plan for current floor plan with measurements.
  2. Future opportunities for the site include reconfiguration of the existing public toilets attached to the cafe. This means a portion of the public toilet space (male toilets) could be reallocated to the café floor space. The Café operator would need to fund the reconfiguration of the new floor space, which must include customer and staff toilets. North Somerset Council is currently investigating the feasibility of this opportunity. This will be subject to securing Capital Board approval to fund the public toilet side of the works.   
       
     There is a **Yes / No** question in Appendix 2 Quality Questions to gauge bidders’ interest in this future opportunity. The answer will not be scored.
  3. The café most recently operated as The Victorian Cafe and is based on Weston-super- Mare’s busy seafront with a prime position on the promenade. The Victorian Café is a Grade II listed building, which was listed on 29-04-1999. The listing number for this property is **1386806.** This site is within the Weston Central Ward and is a part of the Great Weston Conservation Area.  
       
     Conservation areas exist to protect the special architectural and historic interest of a place - in other words the features that make it unique and distinctive. In conservation areas there are some extra planning controls and considerations in place to protect the historic and architectural elements which make the place special.
  4. The current Energy Performance Certificate rating for the Victorian Café is **C**. A copy of the Energy Performance Certificate (EPC) can be obtained on application to the council’s Property Estates and Regeneration Team, Town Hall, Weston-super-Mare BS23 1UJ. Or use the following link. <https://find-energy-certificate.service.gov.uk/energy-certificate/5728-4768-9072-7851-1017>
  5. Operational Matters – The operating covenants associated with the lease are set out in Appendix 6. Draft lease.
  6. Waste Management – The operator must have suitable arrangements in place for the disposal of all waste arising for its operations at the site and will be required to provide when requested current Transfer of Waste licences. The council can provide a chargeable commercial waste service if required.
  7. **Rates**  
     The tenant will be responsible for the payment of any rates due in respect of the cafe premises.  
     The current rateable value (1 April 2023 to present) of this property is £21,750.

(Please note this is not the amount you will pay; it is the value used by the rating office to calculate the rates bill.) Further details in respect of Business Rates can be found at,   
<https://www.n-somerset.gov.uk/my-business/business-rates-payments/>.  
Small business rate relief may be available on this premises.

* 1. The building has existing connections to mains water, gas, and power.

**2. Specification**

2.1 A site survey of the Victorian Café was carried out in 2023. This identified several works that need to be carried out on site. It also identified other surveys recommended. A copy of the full report is available in Appendix 1 site survey. A copy of the most recent electrical report is available in Appendix 3 Victorian Cafe electrical installation report. The successful bidder will be responsible for all costs associated with the cafe works.  
  
There are a number of surveys and items of work North Somerset Council require the new operator to undertake before they open the site for business alongside work needing to be completed by year 3 of operating. Please see Appendix 7 Schedule of works and landlord requirements for more information. Appendix 8 is a copy of the license for works.

**3. Timetable**

Timetable subject to change by North Somerset Council.

|  |  |
| --- | --- |
| **STAGE** | **DEADLINE** |
| Opportunity published on the portal | Monday 4th March 2024 |
| Site visit days – a pre-booked slot is required | Week commencing 11th March 2024 |
| Closing date for Bid Submissions | 13:00 hrs Monday 1st April 2024 |
| Evaluation of bids | By Friday 5th April 2024 |
| Lease starts | Wednesday 1st May 2024 |
| 15 Year lease ends | Saturday 30th April 2039 |

**4. Bid Submission**

4.1 Submission of this document must be with the council no later than **Monday 1st April 2024** and submitted via the portal [www.supplyingthesouthwest.org.uk](http://www.supplyingthesouthwest.org.uk). If you are new to using this portal, please take the time to familiarise yourself with it.

4.2 For instructions on how to register, view opportunities and respond to bid documents, please refer to Help and Guidance. A link can be found on the portal home page. Several video tutorials are available at the same link.

4.3 If you are not currently registered on the Portal you will need to do so to bid for this opportunity. Registration is free and once registered you can opt to select notifications of opportunities being let by other councils that may be relevant to your business areas. A link to the registration screen is provided on the front page of the Portal. Please allow a few days for the submission and completion of your registration.

4.4 If you have any queries regarding this opportunity, please use the messaging section on the portal [www.supplyingthesouthwest.org.uk](http://www.supplyingthesouthwest.org.uk) to log your query. We will only respond to queries using this method.

4.5 Any bids received after the specified deadline will not be considered unless the closing date for receipt of bids is formally extended by the council and communicated. Submissions received after the closing date may be considered in exceptional cases where submission is not possible for reasons outside of the Bidder’s control. However, this will be permitted only at the discretion of North Somerset Council and their decision on this will be final.

4.6 Bidders are responsible for ensuring their bidding pack is completed correctly and in full by the closing date and time, therefore the Council is not bound to allow any bidder the opportunity to submit any part of their bid late if they do not deem it appropriate and fair to other bidders to do so. Should elements of a Bidder’s submission be missing, the council may, at its discretion, allow the Bidder to provide these outstanding documents within a strict time limit, decided by the council.

4.7 If the council considers a bid to be abnormally high priced and it suspects that the quoted price is not sustainable, it reserves the right to challenge how the bidder can deliver the expected quality at that price. If the council is satisfied that the quoted price is indeed unsustainable, then it is at liberty to reject the tender.

**5. Bidder Support**

5.1 ProActis who provide our procurement portal also offer bidder support. For all support issues bidders should in the first instance log their query via the following email:

[ProContractSuppliers@proactis.com](mailto:ProContractSuppliers@proactis.com)

5.2 If the query is of a time sensitive nature, they also have an Emergency Contact number:

* 0330 0050352

5.3 In the first instance bidders should log their call using the e-mail address.

**6. Site Visits**

6.1 The project team have set aside the following dates and times to provide bidders with the opportunity to visit the Victorian Café:

* Monday 11th March 10am-2pm
* Tuesday 12th March 10am-2pm
* Thursday 14th March 10am- 2pm

6.2 A **30-minute appointment** is required and must be booked in advance.

6.2 To book a site visit please call 01934 626 982 or email [jasmin.williams@n-somerset.gov.uk](mailto:jasmin.williams@n-somerset.gov.uk).

6.3 These site visits are for bidders to view the building and facilities at the Victorian Cafe and ask operational questions. We will be unable to answer bid queries at these visits. Please use the portal messaging system at [www.supplyingthesouthwest.org.uk](http://www.supplyingthesouthwest.org.uk) for this.

**Pre-qualifying Questions**

7.1 Before evaluating your submission, the council needs to satisfy itself that you meet its minimum requirements.

7.2 Please answer the following questions. Failure to answer any of the questions below will automatically disqualify your bid. In addition, should a contract be awarded, and it is subsequently discovered that these questions were not answered accurately, it could render the contract void.

|  |  |  |
| --- | --- | --- |
| **Questions:** | | **Response:** |
| **7.3** | **Acceptance of the Draft Lease and Specification of works –** Has your bid been submitted in accordance with the Draft lease terms outlined in Appendix 6 and the Specification of works outlined in Appendix 7. | Yes  No |
| **7.4** | **Do you have outstanding debt with North Somerset Council? –** Have you ever defaulted on a debt to North Somerset Council or have any outstanding debts? | Yes  No |
| **7.5** | **Insurance –** Will your organisation have **Public** **Liability Insurance** not less than £5 million in place before any contract is signed? | Yes  No |
| **7.6** | **Insurance –** Will your organisation have **Employer’s Liability Insurance** not less than £5 million in place before any contract is signed? ￼  It is a legal requirement that all companies hold Employer’s (Compulsory) Liability Insurance of £5 million as a minimum. Please note this requirement is not applicable to Sole Traders. | Yes  No  N/A Sole Trader |
| **7.7** | **Insurance –** Will your organisation have **Business Insurance** in place before any contract is signed? | Yes  No |
| **7.8** | **Insurance –** Will your organisation have appropriate **Contents** **Insurance** in place before any contract is signed? This will need to cover all major perils such as fire, lightning, flood, storm, and explosion etc. | Yes  No |
| **7.9** | **Licence/Legal Requirements** – Does your organisation have the relevant licence or meet regulatory requirements to provide the goods/services requested? For example, a personal alcohol licence. | Yes  No |
| **7.10** | **Collusive Tendering** – Have you discussed and/or agreed your submission with any other bidders or third party? | Yes  No |
| **7.11** | **Canvassing** – Has any person employed by your organisation canvassed any member, employee, agent or contractor of North Somerset Council in connection with the award of this contract? | Yes  No |
| **7.12** | **Equality and Diversity –** Does your organisation have an Equality and Diversity Policy?  Please also confirm that you shall comply with all legislation, official guidance and codes of practice relating to equal opportunities, including but not limited to The Equality Act 2010. | Yes  No  Yes  No |
| **7.13** | **References** – Are you able to provide the names of at least two of your recent customers and one of your recent suppliers who are willing to provide references for your organisation? (See 10. References) | Yes  No |
| **7.14** | **Sub-contracting** – You must state in your bid if you propose to sublet any of the work and or sublet the cafe.  You will still be required to apply in writing to the Council for permission to sublet and the fact that this declaration is completed in no way implies the automatic approval or the granting of permission to sub-let the listed works. | Yes  No |
| **7.15** | **Grounds for Mandatory Exclusion** – Within the past five years have you, your organisation or any person who has powers of representation, decision or control in the organisation been convicted of any of the following offences?:   * Participation in a criminal organisation * Corruption * Fraud * Terrorist offences or offences linked to terrorist activities. * Money laundering or terrorist financing * Child labour and other forms of trafficking in human beings | Yes  No |

**8. Economic and Financial Standing**

8.1 Please complete question 8.2. Evidence of financial standing will only be requested of the successful bidder, and you **do not** need to submit this information as part of your bid.

|  |  |  |
| --- | --- | --- |
|  | **Question** | **Response** |
| **8.2** | Are you able to provide a copy of your audited accounts for the last two years, **if requested**?  If no, can you provide **one** of the following: | Yes  No |
| **(a)** 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. | Yes  No |
| **(b)** A statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position. | Yes  No |
| **(c)** 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). | Yes  No |

**9. Health and Safety**

9.1 Please complete each of the following questions. Evidence of Health and Safety questions will only be requested from the successful bidder, and you do not need to submit that information as part of your bid.

|  |  |  |
| --- | --- | --- |
|  | **Question** | **Response** |
| **9.2** | **Please submit your Health and Safety policy (as required by Section 2(3) of the Health and Safety at Work Act 1974).**  This should include the health and safety arrangements for your work activities. Further guidance can be found on the [HSE website](http://www.hse.gov.uk/simple-health-safety/policy/index.htm). | Yes  No |
| **9.3** | Are your employees (and volunteers if applicable) provided with adequate training, information, and instruction necessary to ensure they are competent and comply with all relevant health and safety legislation?  **Please provide evidence of their relevant training, including Food Hygiene Certificate Level 2.** | Yes  No |
| **9.4** | Will you have appropriate food management systems in place to support the requirements of food safety legislation?  For example, the “Safer Food Better Business” food safety management system developed by the Food Standards Agency.  **Please note the successful bidder will need to achieve a food hygiene rating of 4 or above in line with the draft lease.** | Yes  No |
| **9.5** | Will you have First Aid always trained staff available on site? | Yes  No |
| **9.6** | Does your organisation complete risk assessments for all significant hazards associated with your business? Further guidance can be found on the [HSE website](https://www.hse.gov.uk/risk/casestudies/).  Please provide examples of at least two risk assessments for the food business or similar catering activities. | Yes  No |
| **9.7** | a. Do you intend to sub-contract any part of the service?  b. If yes, are checks made on the competence of the subcontractor to undertake the work, including Health and Safety compliance? | Yes  No  Yes  No  N/A |
| **9.8** | In the last five years, have you had any Health and Safety enforcement action (e.g., HSE) taken against your organisation?  If yes, please provide details. | Yes  No |
| **9.9** | Do you currently have a registered food business?  If yes, please provide details of your council registration and Food Hygiene rating. | Yes  No |

**10. References**

10.1 Please complete the details of two references. These references should be relevant to the type of work that you are submitting a bid for. If you wish to provide more than two references, please expand the box as required.

10.2 You should provide at least one contact from your recent customers and one contact from your recent suppliers.

10.3 Please ensure that the contact details are correct and each of the referees are made aware that they may be contacted by the council.

|  |  |  |  |
| --- | --- | --- | --- |
|  | Customer / Supplier name, Contact’s name, address, e-mail address and telephone number | Description of services provided the annual value and length of the contract/arrangement. | Dates (from/to) |
| 1 |  |  |  |
| 2 |  |  |  |

**11. Evaluation criteria**

11.1 The council will evaluate bids based on what is the most economically advantageous to it. It proposes to take into account both quality and price. Quotes will be evaluated according to quality and price at the following ratio:

* Quality 60%
* Price 40%

**12. Quality Evaluation**

12.1 Quality will have an overall weighting of 60%.

12.2 Please respond to each of the questions in Appendix 2 Quality Questions.

12.3 Please follow the instructions in Appendix 2. If a word count has been included, please ensure that you keep to this level and provide a total word count at the end of each response.

12.4 The weighting of each question is indicated in the table below.

|  |  |  |
| --- | --- | --- |
| **Question Topic** | | **Weighting %** |
| 1 | Proposed plans and building work | **30%** |
| 2 | Funding status and business plan | **20%** |
| 3 | Sustainability plan | **15%** |
| 4 | Food and Beverage offer | **15%** |
| 5 | Previous operational experience | **10%** |
| 6 | Seafront suitability and tourism considerations | **10%** |
|  | **Total** | **100%** |

Please answer all the questions. Failure to do so will usually mean that you will not be successful as we will be unable to fully assess your suitability.

12.5 The **Quality Evaluation** will be scored using the following matrix:

|  |  |  |
| --- | --- | --- |
| **Score** | **Classification** | **Award Criteria** |
| 5 | Excellent | A response that inspires confidence; specification is fully met and is robustly and clearly demonstrated and evidenced. Full evidence as to how the contract will be fulfilled either by demonstrating experience or through a clear process of implementation. |
| 4 | Good | A response supported by good evidence/examples of the Bidders’ relevant ability and/or gives the council a good level of confidence in the Bidders’ ability. All requirements are met, and evidence is provided to support the answers demonstrating sufficiency, compliance and either actual experience or a process of implementation. |
| 3 | Satisfactory | A response that is acceptable and meets the minimum requirement but remains limited and could have been expanded upon. |
| 2 | Weak | A response only partially satisfying the requirement with deficiencies apparent.  Not supported by sufficient breadth or sufficient quality of evidence/examples and provides the council a limited level of confidence in the Bidders’ ability to deliver the specification. |
| 1 | Inadequate | A response that has material omissions not supported by sufficient breadth and sufficient quality of evidence/examples. Overall, the response provides the council with a very low level of confidence in the Bidders’ ability to deliver the specification. |
| 0 | Unsatisfactory | No response or response does not provide any relevant information and does not answer the question. |

12.6 Please note that the council reserves the right to reject any submission scoring 2 or less in respect of any of the quality questions.

**13. Price Submission**

13.1 The minimum price submission for Victorian Cafe is £26,500 per annum.

13.2 For evaluating the overall price from each supplier, it is proposed to use the standard cost evaluation method, which is widely used within the council.

The submission with the highest annual rental offer to the council will receive the maximum score of 100 (weighted at 40%) and the prices of all other tenders will be expressed as a percentage of the maximum score.

13.3 Please offer your price submission in Appendix 4.

13.4 We shall not be bound to accept any bid and reserve the right to accept all or any part.

13.5 We shall not be responsible for any expenses or losses incurred in the preparation of this bid.

13.6 The rental figure offered in Appendix 4 will be subject to annual RPI increases.

13.7 The council will not award a licence if the applicant is in arrears of any sums due to the council in respect of any concession fees, licences or leases.

14 Further information

14.1 Prior to entering a contract, the successful bidder will need to provide:

* Evidence of economic and financial standing (as indicated in 8.2)
* Health and Safety policy
* Confirmation that adequate Health and Safety procedures will be in place, including risk assessments to cover set-up and operations of the café / kiosk, and Covid-19
* Fire Risk Assessment (if required, to be agreed with venue manager)
* Evidence of food safety certification and confirmation of compliance with North Somerset Council’s Food Standard requirements as applicable. A minimum Food Hygiene Rating of 4 and above is required.
* Food Hygiene Certificate Level 2
* Food Safety Management System
* Personal Alcohol Licence if applicable
* Premises Licence for Sale of Alcohol (allow 28 days). More information available at: [North Somerset Council Premises Licence](https://www.n-somerset.gov.uk/business/licences-permits/food-alcohol-entertainment-gambling/premises-licence)
* First Aid certificates
* Confirmation and evidence of:
  + - Public liability insurance cover of a minimum of £5million
    - Employer’s liability insurance cover (if applicable) of a minimum of £5million
    - Business insurance cover
    - Contents insurance cover
* Equality and Diversity policy (if required)

14.2 The successful bidder will need to enter into a lease with North Somerset Council, as set out in Appendix 6 - Draft Lease.

**15. Potential Supplier Information and Declaration**

|  |  |
| --- | --- |
| **Question** | **Response** |
| Full name of the potential supplier submitting the information |  |
| Registered office address (if applicable) |  |
| Registered website address (if applicable) |  |
| Trading status  a) public limited company  b) limited company  c) limited liability partnership  d) other partnership  e) sole trader  f) third sector  g) other (please specify your trading status) |  |
| Company registration number (if applicable) |  |
| Charity registration number (if applicable) |  |
| Registered VAT number |  |
| Trading name(s) that will be used if successful in this procurement |  |
| Relevant classifications (state whether you fall within one of these, and if so which one)  a) Voluntary Community Social Enterprise (VCSE)  b) Sheltered Workshop  c) Public service mutual |  |
| Are you a Small, Medium or Micro Enterprise (SME)[[1]](#footnote-2)? | Yes  No |

**16. 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.

I understand that the authority may reject this submission in its entirety if there is a failure to answer all the relevant questions fully, or if false/misleading information or content is provided in any section.

I am aware of the consequences of serious misrepresentation.

|  |  |
| --- | --- |
| **Contact details and declaration** | |
| Contact name |  |
| Name of organisation |  |
| Role in organisation |  |
| Phone number(s) including mobile |  |
| Email address |  |
| Postal address |  |
| Signature  (electronic is acceptable) |  |
| Date |  |

**19. Freedom of Information Act**

19.1 The Freedom of Information Act 2000 came into force for local authorities on 1st January 2005. It affects all information held by local authorities. It is a matter of law and local authorities cannot contract out of it. The council currently expects the position as to what information may be accessible to the public to be as follows. However, it can give no guarantee that this will continue to be the case, as the legislation develops and as the Information Commissioner issues decisions in this area. Nor can the council give any commitment that it or other customers may not be required or feel obliged to make information available to the public or to withhold it on some other basis. By submitting your tender, you are taken to accept this.

|  |  |
| --- | --- |
| **Information** | **How it is treated** |
| Bid submissions | Will be treated as publicly inaccessible at least until the successful bidder has signed the contract. |
| Identity and amount of bids | The identity and amount of the successful bid will become publicly accessible during the award process. Whilst details of unsuccessful bid submissions will be considered as confidential for the purposes of Freedom of Information, this does not extend to the identities of the bidders (unless the identity would be considered to be personal data). If amounts appear in publicly accessible documents, the bidders will normally not be identified by name. Unsuccessful bidders will continue to have their existing rights to know details about their own tender, but not other peoples. |
| Contract documents as completed by the successful bidder | Accessible during the advertisement period under the council’s auditing regime. |
| Amounts spent on purchases etc. | Accessible |
| Trade secrets and other information that is genuinely commercially confidential | Under European Law the council is obliged not to disclose information that is genuinely confidential (such as the formula for making a particular product). However, the Information Commissioner has made it clear that this cannot be used as a blanket justification for refusing access, and that councils may not agree to treat information as confidential unless there is a strong justification for doing so. |

1. See EU definition of SME https://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition\_en [↑](#footnote-ref-2)