

**INSTRUCTIONS TO TENDERERS**

(Issued to the tenderers who have been invited to tender)

**Project Title: Provision of Fitness Equipment and Related Services across Armagh City Banbridge and Craigavon Borough Council Area**

**eTendersNI Reference: CfT\_2337735**

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# Background

1. The tender documentation has been issued by the Armagh City Banbridge and Craigavon Borough Council (the Council) in connection with a competitive procurement conducted in accordance with the Competitive Procedure with Negotiation procedure, pursuant to the Public Contracts Regulations 2015 (PCR 2015).
2. Table 1 below provides estimated timescales for the procurement of the Contract. These timescales are indicative only and may be subject to change at any time at the absolute discretion of the Council. These timescales may be revised throughout the procurement process and, where appropriate, revised timescales will be communicated to Tenderers.

**Table 1 Procurement Timetable (Indicative)**

|  |  |
| --- | --- |
| **Milestone** | **Estimated Timescales** |
| Issue Invitation to Tender (ITT) | 30th August 2019 |
| Group Site Visit to SLLC  Other site visits to be organised directly by potential Service Providers | w/c 02nd September 2019 |
| Deadline for receipt of ITT Stage Responses | 07th October 2019 |
| Evaluation of Initial Tender | 7th – 28th October 2019 |
| Negotiation Phase (**if required – see note below**). | 28th October - 11th November 2019 |
| Invitation to Submit Final Tender | 11th November 2019 |
| Final Tender Response Deadline, 12.00 Noon | 25th November 2019 |
| Intent to Award Letters Issued | 9th December 2019 |
| Award / Regret Letters Issued | 20th December 2019 |

**\* The timings for negotiations, if required, will be determined at the time and will depend upon the levels of complexity, allowing sufficient time to develop a response, availability etc. The process will be:**

**Following the initial evaluation of the proposals the remaining tenderers are invited to a round table discussion with the evaluation team to discuss the aspects of their proposal that have been identified as worthy of further discussion.**

**Following the round of negotiations, the Council will issue its final specification and tenderers will be invited to submit their final offer.**

**NOTE: Whilst the Council are using this procedure in order to take advantage of the utilisation of successive stages of negotiation Reg 29, 19-20 it may also proceed to Award of Contract should they deem it appropriate, without having any rounds of negotiation, following receipt of the initial tender responses to the ITT Stage. Should no rounds of negotiation be required the above timetable will be amended accordingly.**

A tender shall only be accepted if:

* It is received before the closing date for this competition as set out in the Call for Tender (CfT) Workspace screen under the heading “Time-limit for receipt of tenders or requests to participate”;
* the submission is in the English language and prices in pounds sterling; and
* it is complete and fully compliant with the requirements detailed in the tender documentation.

1. **Glossary**

|  |  |
| --- | --- |
| **Acronym** | **Explanation/Description** |
| PCR 2015 | Public Contracts Regulations 2015 |
| CfT | Call for Tender |
| Council | Armagh City Banbridge and Craigavon Borough Council |
| ITT | Instructions to Tenderer |

1. **Technical Requirements**
2. If you wish to respond to this tender, please ensure that your system is configured in line with the requirements as set out on the eTendersNI platform.  These requirements are provided on the Home page before the user logs in and also appear on the screen when the user clicks on a link to access an opportunity.
3. Your tender must be uploaded within the eTendersNI portal via the relevant CfT. Instructions on how to submit your response can be found within the Interactive Walkthrough available through the Homepage of the portal.
4. **Please ensure that you allow sufficient time to complete your tender submission** **using the eTendersNI Tender Preparation Tool.** Please note that the Tender Preparation Tool requires operations to be performed both on the user’s computer and also the transfer of the submission via the internet onto the eTendersNI site. As such there are a number of variables that may affect the length of time that it takes for your tender submission to be received by the online system.

* Tenderers[[1]](#footnote-1) are reminded that responses must have completed the submission cycle on eTendersNI before the published closing date and time.
* Please note that although the attachment limit for a single document within a tender submission is 50MB, the maximum permitted overall submission size is 100MB.
* Please note that every tender opportunity includes by default a file called "Tender Structure XML". For online tender submission this particular file is not needed, please ignore it.

# Right to Reject and/or Disqualify

1. The Council reserve the right to exclude from participation in a procurement procedure or not award a contract to the tenderer submitting the most economically advantageous tender in any of the following situations:
2. where the tender does not comply with applicable obligations in the fields of environmental, social and labour law established by EU law, national law, collective agreements or by the international environmental, social and labour law provisions.
3. where the tenderer is bankrupt or is the subject of insolvency or winding-up proceedings, where its 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;
4. where the tenderer is guilty of grave professional misconduct, which renders its integrity questionable;
5. where the tenderer has entered into agreements with other tenderers aimed at distorting competition;
6. where there is an actual or perceived conflict of interest arising between the Council and the tenderer. Tenderers are therefore advised to review carefully the prior or current involvement of the tenderer and its consortium partners with the Council and to notify the Council using the eTendersNI messaging facility prior to submission of their tender identifying actual or perceived conflicts of interest. Tenderers will be required to complete the online ‘Conflict of Interest Statement’ at the time of tendering;
7. where a distortion of competition from the prior involvement of the tenderer in the preparation of the procurement procedure, cannot be remedied by other, less intrusive, measures;
8. where the tenderer has 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;
9. where the tenderer—

* has been 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; or
* has withheld such information or is not able to submit supporting documents required; or

1. where the tenderer has undertaken to unduly influence the decision-making process (including direct or indirect canvassing of officials, public representatives etc.) or obtain confidential information that may confer upon it undue advantages in the procurement procedure; or negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award; and
2. where the tender is completed incorrectly, is incomplete, inadequate or fails to meet the Council’s requirements which have been notified to tenderers.
3. It is essential that the information provided within the tender response is relevant to the organisation that will be awarded the Contract to deliver the required supplies or services.
4. Where one part of an organisation is submitting a response on behalf of other entities within the company, a tender response must be submitted through an eTendersNI account set up in the name of the organisation that is to be awarded the contract. Therefore, all requirements of the tender process, including the pricing submission in the Financial Envelope, must be provided through the eTendersNI account set up for the entity that the information relates to.

# False Information

1. Tenderers must ensure that all information included within their tender submission is accurate. The inclusion of information that is found to be false or misleading may result in the tenderer’s exclusion from this tender competition.
2. Furthermore, in the event that false or misleading information comes to light after a tenderer has been awarded a contract, this may be considered as grounds for termination of the contract.

# Tenderers Clarification Requests

1. Tenderers may seek clarification in relation to this tender competition where they consider any part of the documentation or any other aspect of this procurement process unclear.
2. Any clarification required during the tender submission phase of the procurement must be communicated using the Messaging function that is found within the CfT Menu of the specific tender opportunity. Attached at Appendix A is a proforma for any such questions.
3. **Tenderers must note that Clarifications should be submitted no later than 7 days prior to the “Time-limit for receipt of tenders or requests to participate:” date, as set out in the CfT workspace. Any requests for Clarification received after this date may not be responded to.**
4. All Clarifications published by the Council for review by tenderers are visible through the Messaging link found within the CfT Menu.
5. Where the clarification is issued following a request from a tenderer, the identity of the tenderer seeking the initial clarification will not be disclosed.
6. Where a tenderer believes that a clarification is confidential in nature, this should be clearly stated on the request. In all circumstances, the Council reserves the right to communicate clarification responses to all tenderers at any stage, at its sole discretion.
7. When a clarification is published by the Council, the tenderers that have expressed an interest in the opportunity, through the CfT menu, will receive an email notification instructing them that a clarification is now available to view within the system.
8. **Published clarifications shall become part of the tender and must be treated as such by the tenderer.**
9. Should it be necessary for the Council to amend or add Contract Documents in any way, tenderers who have expressed an Interest for the CfT will be sent a notification to the registered email address.
10. If the Council make changes to the settings and / or questions area of a live/running CfT within the eTendersNI portal, tenderers MUST remove and re-submit their tender response.

# Eligibility requirements and changes affecting a Qualified Bidder

1. Qualified Bidders must inform the Council in writing of any change in control, composition or membership of that Qualified Bidder or its consortium members and of any other material change to the Qualified Bidder’s response to the Selection Questionnaire. The Council reserves the right to disqualify any Qualified Bidder from any further participation in the procurement process in these circumstances.
2. Qualified Bidders are reminded of the eligibility requirements applying to the procurement process at all times. In particular, these include the provisions set out in regulation 57 of the PCR 2015. Any change in the eligibility of a Qualified Bidder must be notified immediately to the Council in writing and may result in the Qualified Bidder being disqualified from any further participation in the procurement.

# Changes to the ITT and the Project

1. The information contained in this ITT may be changed by the Council from time to time without prior (or any) notice being given by the Council.
2. In this document, words such as “anticipates”, “expects”, “projects”, “intends”, “plans”, “believes” and “will” (and words and terms of similar substance) indicate the Council’s present expectation of future events, which are subject to a number of factors and uncertainties that could cause actual requirements to differ materially from those described.
3. Although it is intended that the remainder of this procurement will take place in accordance with this ITT, the Council reserves the right to terminate, amend or vary the procurement process by notice in writing.

# Council’s rights

1. The Council reserves the right to:

 (a)  waive the requirements of this ITT;

 (b)  disqualify any Qualified Bidder that does not submit a compliant Response in accordance with the instructions in this ITT;

 (c)  withdraw this ITT at any time, or to re-invite Responses on the same or any alternative basis;

 (d)  choose not to award any contract as a result of the current procurement process; and

 (e)  make whatever changes it sees fit to the timetable and/or structure or content of the procurement process.

# 

# Right to seek information/clarification from tenderers

1. Tenderers may be required to furnish information as to economic and financial standing prior to the award of any tender.
2. Tenderers may be required to provide clarification of their tenders.

# How your tender will be assessed

1. This contract will be awarded on the basis of the Most Economically Advantageous Tender (MEAT). The Quality/Cost ratio is 70% quality and 30% costs. The full evaluation criteria for all stages are attached at Appendix B.
2. The assessment process will comprise of 2 stage(s) i.e. Minimum Requirements and Award Criteria. The Minimum Requirements must be completed and passed by the Tenderers and are detailed within the Technical envelop within eTendersNI.
3. The Award stage will comprise of 2 parts i.e. Qualitative and Costs. Details of the Award stages are detailed within the Technical and Financial envelopes.
4. The Council will exercise its rights, as allowed under PCR 29:
5. to proceed to Award of Contract should they deem it appropriate (regulation 29 (15) PCR 2015), without having any round(s) of negotiation, following receipt of the initial tender responses to the ITT Stage; or
6. to negotiate in one or a number of successive stages (in line with Regulation 29 (19) and (20)).
7. In the event that the Council chooses not to award the contract on the basis of the tender responses, the Council intends to invite a maximum of the three (3) highest scoring tenderers who submitted compliant tender responses (“Qualified Tenderers) to participate in negotiations with the Council to improve the content of their tender response.
8. The Council will not negotiate on the Minimum Requirements and the Award criteria in line with the PCR 2015 - detailed at Appendix B. The Council anticipates (but is not limited to) that negotiations may focus around areas such as:

* Optimising design and equipment’s technical specification within the available budget;
* Understanding areas of the requirements that might unintentionally be attracting high costs and where such costs can be avoided through re-statement of requirements without fundamentally changing the stated outcomes;
* Optimising the maintenance service levels;
* Optimising the training approach;
* Commercial and financial issues, including financial profiling; and
* The term of the services.

1. Tenderers must not make assumptions that the Council has prior knowledge of their service provision. Tenderers will only be evaluated on the information provided in their tender response.
2. Whilst every endeavour has been made to provide tenderers with an accurate description of the requirements, tenderers should form their own conclusions about the methods and resources needed to meet those requirements. The Council cannot accept responsibility for tenderers’ assessment of the requirement.

**Assessment of Stage 1 – Award Stage Minimum Requirements**

1. Stage 1 – Minimum Requirements is divided into 6 questions which must be passed by Tenderers. In answering each question, the Tenderer must confirm that their proposed equipment meets the required standards. The purpose of these minimum requirements is to establish a baseline of technical and qualitative requirements that all proposals have as a minimum.
2. All tenders successfully passing through the Award Stage Minimum Requirements set out in Stage 1 will have their tenders assessed against the Qualitative Requirements. In order to pass the Minimum Requirements as detailed in Stage 1, Tenderers must confirm that they can meet the requirements. Tenderers will be assessed against the Minimum Requirements on their ability to meet all the standards as detailed in this section using the following definitions:

|  |  |
| --- | --- |
| **Assessment** | **Indicator** |
| Pass | Where the Tenderer has confirmed their compliance and or fully demonstrated their proposed equipment’s ability to meet all of the Minimum Requirements. |
| Fail | Where the Tenderer has failed to confirm their compliance and or fully demonstrate their proposed equipment to meet all of the Minimum Requirements. Tenderers will be excluded from the competition. |

1. If a Tenderer is awarded a ‘Pass’ for each of the criteria in the Award Stage Minimum Requirements as set out in Stage 1, their proposal will be evaluated at next stage and be assessed against the qualitative evaluation criteria. If a Tenderer is awarded a ‘Fail’ at any of the criteria in the Award Stage Minimum Requirements, then it shall be deemed that they have failed to meet the specification and their tender will be eliminated (excluded) from the competition at the point of failure.

**Assessment of Stage 2 – Award Stage**

1. Only tenders successfully passing the Award Stage Minimum Requirements will be assessed against the Stage 2 - Qualitative and Stage 3 - Quantitative criteria detailed in Appendix B. Tenderers must address each criterion fully.
2. The Qualitative criteria are as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| **Qualitative Headline Criteria** | | **Headline Weight 70%** | |
|  | | **Initially evaluated out of 100%** | **Marked back out of 70% (as the weighted score)** |
| **AC1** | **Design**  **(Minimum score required)** | **35** | **24.5** |
| **AC2** | **Equipment**  **(Minimum score required)** | **35** | **24.5** |
| **AC3** | **Mobilisation** | **7.5** | **5.25** |
| **AC4** | **Maintenance and Support (Minimum score required)** | **15** | **10.5** |
| **AC6** | **Training** | **7.5** | **5.25** |
| **Total** | | **100** | **70** |

**Key to Scoring**

1. To ensure consistency and equity the evaluation panel will assign scores for quality of response to the qualitative requirements using the scores and indicators below:

|  |  |
| --- | --- |
| **Score** | **Descriptor** |
| 0 | The response fails to address the question/issue/criteria or provide a solution. |
| 1 | A poor or unacceptable response/answer/solution with serious reservations. Limited detail of approach to be applied. There is a high risk that the solution will not be successful. |
| 2 | A limited response/answer/solution with reservations. There is unconvincing detail of the methodology/solution to be applied. There is a medium risk that the proposed methodology/solution will not be successful. |
| 3 | An acceptable response/answer/solution that demonstrates that it meets the requirements i.e. which demonstrates that there is little or no risk to the delivery of the key elements of the service (identified as needing a minimum mark to qualify). |
| 4 | A good response which demonstrates that it meets the requirements with good supporting evidence. Whilst meeting the requirements the proposal also provides additional value or certainty in a number of areas. |
| 5 | An excellent response/answer/solution with detailed supporting evidence and no weaknesses. Provided a coherent and well supported response communicating an understanding of the key issues/requirements/skills (necessary or proposed) with logical solutions as appropriate. Added value/benefits across a significant number of areas were provided and recognised by the evaluation team. |

**Threshold Score**

The Council consider the following criteria to be vital to ensuring the successful completion of this project and the achievement of the objectives of this contract:

|  |
| --- |
| Headline Criteria |
| AC1: Design |
| AC2: Equipment |
| AC4: Maintenance and Support |

1. Therefore, tenderers must secure a minimum acceptable score for their response (i.e. secure a minimum mark of 3 in all elements of this headline criterion) in line with the scoring of qualitative criteria as detailed in the Instructions to Tender. Failure to achieve this minimum acceptable score in this criterion will result in an overall ‘Fail’ in these criteria and the tenderer will be eliminated from the competition. No further evaluation of the tenderer’s response will be undertaken.
2. This threshold score does not apply to qualitative criteria and sub-criteria in AC3 or AC5.

**Final Quality Score**

1. Following completion of the Qualitative evaluation, the Tenderer with the highest qualitative score will be awarded the maximum qualitative score of 70%**.** The other Tenderers will be awarded scores on a pro rata basis, based upon their relative difference with the top scored bid e.g. the following formula will be applied:

the highest qualitative score out of 100% receives the maximum qualitative score of 70% and,

then for the other bidders, their other bidders’ specific score (out of 100%) is divided by the highest scoring bidder out of 100%, multiplied by 70%.

**Stage 3 - Quantitative Assessment (Price/Cost)**

1. Only tenders successfully passing the Qualitative Criteria will be assessed against the Stage 3 - Quantitative criteria. The evaluation panel will not have sight of the Pricing Schedules, prior to completing their consensus Qualitative evaluation.
2. Each Pricing Schedule will be evaluated based on the whole life costs for the provision of the contract service in line with the worksheets within the Pricing Schedules. For the purposes of evaluation of this project the whole life costs will be considered to be:
3. Design, and installation;
4. Equipment;
5. Maintenance and Support costs; plus
6. Training, less
7. Trade-in values allowed.
8. Only tenders successfully passing the Qualitative Criteria will be assessed and the lowest cost tendered will be awarded the maximum score available of 30%.
9. To calculate the score for the costs submitted for the remaining Tenderers, the following formula will be applied – the lowest tendered price divided by the Tenderer’s price multiplied by 30%.

**Final Score – combination of Quality and Cost**

1. The Council will combine the overall final score (Quality and Cost) of the Tenderers.
2. As previously stated, the Council reserve the right to proceed to Award of Contract for this contract without having any rounds of negotiation, following receipt of the initial tender responses to the Invitation to Tender Stage. Tenderers should take this into account when submitting their bids.
3. Should the Council decide not to negotiate, the Tenderer with the highest overall final score (Quality and Cost) will become the preferred supplier.
4. Should the Council decide not to negotiate and should there be two or more Tenderers who have achieved the same overall score and there is a tie break situation, the Tenderer with the highest % score in quality will be awarded the contract. If when applying the tie breaker, a clear result is identified (i.e. the tie breaker score differentiates the Tenderers who have the same score for the initial evaluation of bids), the tie break process will be terminated at that step and the appropriate Tenderer will become the preferred supplier.
5. The evaluation panel will use its best judgement to determine whether they consider that they have identified a proposal to which they can make an award or whether there is merit in utilising the opportunity to negotiate. Should the evaluation panel decide to move to negotiation this will be with a maximum of three tenderers. The exact number will be decided by the evaluation panel using its best judgement as to the number of tenderers they consider merit further negotiation.

**Negotiation Stage**

1. If the Council chooses not to award the contract on the basis of initial tender responses, up to a maximum of the three (3) highest scoring Tenderers who submitted a compliant Tender Response (“**Qualified Tenderers**”) to participate in negotiation with the Council to improve the content of their Tender Response.
2. In line with regulation 29 (14) PCR 2015 the Council will not negotiate in relation to the Minimum Requirements or the Award criteria. However, in advance of negotiations, the Council will inform Tenderers which areas of their bid they are interested in negotiating on and provide Tenderers with an opportunity to also highlight areas.
3. The purpose of the Invitation to Tender Stage and potential round(s) of negotiation is to enable the Council to identify the Tenderer best suited to satisfying the Contract requirements. Tenderers should note that the procurement procedure will take place in the English language and that any potential negotiation meetings will be held in Council office situated within the Council’s borough. Candidates will be required to attend such meetings at their own expense. All documentation produced in the course of the competition should be in the English language. If a round(s) of negotiation take place all tenderers will be treated equally and afforded the same opportunity.
4. It is anticipated that following negotiations that any remaining tenderers will offer a revised tender proposal which will be re-evaluated against the award criteria.
5. The details pertaining to the conduct of the negotiations will be provided to the tenderers, still remaining in the competition, in advance of negotiation (these will be in compliance with Regulation 29 of the Public Contract Regulations.)

# Submission of Final Tenders

1. Once the Council is satisfied that no further negotiations are required, all tenderers, if appropriate will be notified that the negotiations have concluded and will be invited to submit their final tenders. Tenderers will be advised of the date for submission of their final tender response. The final tender from each Tenderer must be submitted via the messaging service in eTendersNI. No other method of communication will be accepted. Failure to submit a final tender in this manner will be deemed to be a nil response, and no further evaluation of the Tenderer’s bid will be undertaken.
2. There will be no further negotiation once the final tenders have been submitted.
3. The Council will re-evaluate the final bids in line with section 9 above (excluding the paragraph on Negotiations).

# Abnormally Low Tenders

1. Where the overall tendered amount appears to be abnormally low, the Tenderer will be required to provide further written details of the constituent elements of the overall tendered amount or the tendered rates or any other information considered to be relevant.
2. Any failure to provide such information, where requested, may exclude the tender from further consideration. If, having considered the information provided, the Council is of the view that either the tendered total of the prices is abnormally low or any tendered amounts are abnormally low, the tender may be rejected.

# Format of Response

1. Your response to each individual question/criterion must either be completed online or uploaded as detailed within eTendersNI. Help on uploading your response is provided in section 13. Tenderers should note that the size of file attachments will be set at 50MB and the overall tender response size should not exceed 50MB.

**Award Criteria**

1. This section should be read in conjunction with the Specification, the Award Criteria at Appendix B (which contains greater detail) and the technical envelope on eTendersNI. Tenderers must respond to stages with each of the section as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| **Section** | **Headline Criteria** | **Headline criteria** | **Sub Chapters** |
| 1 | Award Stage -Minimum Requirements |  | Tenderers must respond to each Minimum Criterion. |
| 2 | Award Criteria | AC1: Design  AC2: Equipment  AC3: Mobilisation  AC4: Maintenance and Support  AC5: Training | Tenderers must ensure that all the appropriate sections of the Award Criteria are fully addressed. |

1. Tenderers must ensure that within each of their documents they address the criteria as detailed in Appendix B.
2. To assist in the evaluation, the Council requests that the Tenderers provide a section called ‘Introduction’ which summarises their understanding of the requirements of the Council and highlights to the evaluation panel how their proposed solution will fulfil all requirements and the key benefits.
3. Please ensure that no costs are detailed in this section. Should costs be included the Council will remove these and we will not accept responsibility for any impact this might have to the layout and structure of your response.
4. In addition, Tenderers must provide a single document response for each individual headline criteria as follows:
5. AC1: Design;
6. AC2: Equipment;
7. AC3: Mobilisation;
8. AC4: Maintenance and Support; and
9. AC5: Training.

Your responses to Stage 2 Award Criteria should be made in a Microsoft Word document and uploaded as an attachment in relation to the appropriate question within the Technical envelope in eTendersNI. Please ensure that your response attachments are titled as per Award criteria headings.

1. Responses to AC1-AC5 will be evaluated separately in accordance with the details as per section 9 and the evaluation criteria attached at Appendix B.

**Quantitative Criteria**

1. Tenderers are required to complete and upload the Pricing Schedulein the Financial Envelope. Prices must be in GBP and be exclusive of VAT. Prices must only be provided using the Pricing Schedule and should not be included within any other Tender documentation.
2. Tenderers must complete the Pricing Schedule in full, giving disclosure of all costs for completion of the contract. The Pricing Schedule is made up of individual spreadsheets which must be completed except for the Pricing Summary (the first spreadsheet in the Pricing Schedule). This totals spreadsheet will be automatically populated upon the completion of the other spreadsheets.
3. Tenderers must make their own decisions and assumptions upon which to base their proposal and ensure that all costs relating to the project are included. Tenderers should enter their costs in the cells which are white. Greyed out cells will be either automatically totalled and or will feed into another table or spread sheet or no costs are anticipated.
4. Suggested headings have been provided but Tenderers should not consider these suggested headings as a limiting factor. The spread sheets facilitate the input of additional costs lines however any such additional lines should be clearly labelled to maintain transparency.
5. Where the price for an aspect of the service is nil (no cost to the Council), then Tenderers must state that within the pricing schedule.
6. Tenderers must ensure that they are content that the Pricing Summary (the first spreadsheet), accurately reflects the costs of your proposal as this will be the prime source for the pricing/cost evaluation.
7. Tenderers are required to ensure that all of the costs associated with the delivery of your proposal are included within the pricing schedules. Errors or omissions will not be accepted at a later date.

# Additional Notes

**Help for Suppliers - eTendersNI**

1. There are a number of options that Tenderers can seek help through:
2. By clicking on the Help link located at the top of the homepage. This will enable the supplier to access a number of documents relating to using the system
3. By reviewing the Interactive Walkthroughs which can be accessed via a link within the Information section of the homepage
4. By contacting the eTendersNI helpdesk on 0800 240 4545 or via email to [ni-eproc-helpdesk@eurodyn.com](mailto:ni-eproc-helpdesk@eurodyn.com)
5. **Tendering Costs**

Tenderers will not be entitled to claim, from the Council, any costs or expenses associated with this procurement competition.

1. **Period of Validity of Tenders**

Tenderers are required to keep their tenders valid for acceptance for the period stated within the CfT core information page.

1. **Confidentiality**

Tenderers must treat the tender documents as private and confidential between the tenderer, and the Council. Tenderers should note that the Council shall use the tender documents for the purposes of evaluation and that the tender documents held by the Council will be destroyed in line with the Council’s Retention and Disposal Policy.

1. **Period of Contract**

The initial contract period is as detailed in the Terms and Conditions of Contracts. It is anticipated that the contract will commence in early 2020 (depending upon negotiations) and expiry on 31 December 2025.

1. **Award Notification**
2. Tenderers will be notified via eTendersNI as to the outcome of this competition. Please note: notifications will be sent to the email address of those users that have been associated with this CfT. Tenderers should ensure that all contact details relevant to the competition are accurate and updated as required.
3. The Council will notify Tenderers of their progress within this project in line with the requirements of the PCR 2015. To be clear the Council will inform Tenderers as quickly as possible after a decision resulting in their elimination from the competition e.g. if the Council moves to negotiate and:
   * 1. following the evaluation of the initial tender, where a Tenderer does not make the necessary Threshold Score in AC1, AC2 and or AC4; or
4. following negotiation, the Tenderer is eliminated from the competition under Regulation 29 (19) and (20);

the Council will inform them at this point that they have been eliminated from the competition. However, as the competition remains active, we cannot provide relative advantages and characteristics as

1. there is, at this stage, no winning tenders to compare with, and
2. this information remains, at this stage, commercially sensitive.
3. **Complaints Procedure**

If any issues arise during the process and it becomes necessary to make a complaint, the Tenderer should, in the first instance, refer the matter to the Buyer assigned to the Tender process. Should the matter remain unresolved or if the Tenderer has any further concerns, it may be appropriate to raise a formal complaint.

Formal complaints should be referred to the Council’s Complaints Co-ordinator. A copy of the Council’s Complaints procedure is available on request.

1. **Security Vetting**

Security Vetting is not required for this contract.

1. **Ethics**

The Council is committed to conducting all of its business in accordance with the highest ethical standards e.g. Nolan Principles etc. The Council requires all of its contractors to operate within the same codes, principles and general behaviours that are recognised as to be representative of the highest Ethical Standards.

# Contract Management

1. The successful Contractor’s performance on this Contract will be managed as per specification and in line with the Council’s Contract Management Policies and Procedures. Contractors not delivering on contract requirements is a serious matter. It means the public purse is not getting what it is paying for. If a contractor fails to reach satisfactory levels of contract performance, they will be given a specified time to improve. If, after the specified time, they still fail to reach satisfactory levels of contract performance, the matter will be escalated to senior management in the Council for further action.
2. If this occurs and their performance still does not improve to satisfactory levels within the specified period, it may be regarded as an act of grave professional misconduct and they may be issued with a Certificate of Unsatisfactory Performance and this Contract may be terminated. The issue of a Certificate of Unsatisfactory Performance will result in the contractor being excluded from all procurement competitions being undertaken by the Council for a period of twelve months from the date of issue of the certificate.

# Freedom of Information (FOI)

1. The Council is bound by law to respond to FOI requests and by submitting a tender the Tenderer acknowledges that their response and any further relevant information provided may be disclosed under FOI. The Council will endeavour to ensure that where necessary any FOI requests relating to the Tenderer’s information will be answered in liaison with the Tenderer.
2. Tenderers should note the provisions of the Freedom of Information Act in the Terms and Conditions of Contract.
3. Tenderers should be aware that after award of contract, information in relation to the contract may be published on the Council’s website, this is likely to include the contract title, name and address of the successful Tenderer and the award value. When appropriate, this will be published without further consultation.

# Data Protection

1. Should any personal data (as defined in the relevant applicable Data Protection Legislation) be made available by the Council as part of the Competition, the Tenderer will ensure it complies with the provisions of the Data Protection Legislation including, without limitation:
2. ensuring that it has in place an appropriate notification on the register maintained by the Information Commissioner;
3. only process such personal data in accordance with the instructions of the Council;
4. ensuring it destroys all such personal data when it is no longer required for the purposes for which the information was made available to the Tenderer; and
5. all Council’s policies and methods for the handling of personal data and its security.
6. The Tenderer also undertakes:
7. to observe the policies of the Council with respect to the security of any personal data used in connection with this Competition any other relevant policies which the Council makes known to the Tenderer; and
8. to notify the Council if any unauthorised use or disclosure of personal data is made.

**List of Appendices**

Appendix A Clarification question pro-forma

Appendix B Award evaluation criteria

**Appendix A** Clarification Question Pro-forma

**Project Title:** Provision of Fitness Equipment and Related Services

across Armagh City Banbridge and Craigavon Borough Council Area

eTendersNI Reference: Cft\_2337735

Clarification Questions CQ {insert number}

Dated: {insert date}

Please note: We accept that you may circulate anonymised questions and answers in this document to all bidders. We also note that you will remove the highlighted “Comments in Confidence” column beforehand as these have been provided to assist in the formulation of a focused response.

|  | **Bidder’s Ref** | **Council’s Ref** | **Doc** | **Clause** | **Clarification Question** | **Comments in Confidence, if necessary** | **Response** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Q |  |  |  |  |  |  |  |
| Q |  |  |  |  |  |  |  |
| Q |  |  |  |  |  |  |  |
| Q |  |  |  |  |  |  |  |

**Appendix B**

**Tender Evaluation Criteria, Weightings and Comments**

These criteria are found in the technical envelope within eTendersNI. All scoring is completed using the appropriate scoring method described in the Instructions to Tender.

As required by the Public Contract Regulations 2015 Reg 9 the Council will not be negotiating on its minimum requirements which a successful Supplier must meet.

The following is separated into 2 distinct sections,

**A - Minimum Requirements (the supplier must meet these in order to progress**

**B - Qualitative Tender Evaluation Criteria (This includes questions against which the tenderer must secure a minimum score of 3 in order to progress)**

**Section A – Minimum Requirements**

| **Title** | **Criteria Scoring** | **Criteria** | **Outline Guidance** |
| --- | --- | --- | --- |
| MR1: Treadmills | Pass or Fail | * Min 4.0 HP motor * Max Speed must exceed 12 mph. * Incline/Decline options * Emergency stop button * Warning /motion safety indicator | All minimum requirements included in this section MUST be met. |
| MR2: Rowers and Ski Ergs | Pass or Fail | * Concept 2 (model E for rowers) or equivalent | All minimum requirements included in this section MUST be met. |
| MR 3 - Upper Body Ergometers | Pass or Fail | * Must allow for seated and standing use * Must provide full wheelchair access | All minimum requirements included in this section MUST be met. |
| MR 4 - Watt bikes, Grapplers and Jacobs Ladders | Pass or Fail | * if supplied to be specifically these, or equivalent | All minimum requirements included in this section MUST be met. |
| MR 5 - IFI certification requirements | Pass or Fail | * IFI certification requirements for South Lake Leisure Centre and where specified for other centres must be met | All minimum requirements included in this section MUST be met. |

The Council has provided beneath each of these descriptors the elements of the specification which we consider to be most relevant to the area being evaluated. These are intended as a guide, rather than an exhaustive list. Tenderers are not limited by these and must ensure that the totality of the specification is addressed.

Tenderers are encouraged to provide screen shots or and examples to demonstrate their design or proposed equipment at any of the criteria below.

These award criteria will be scored using the appropriate scoring method described in the Invitation to tender (ITT).

Some criteria are core and fundamental to the success of this contract. Therefore, tenderers must secure a minimum acceptable score for their response (i.e. secure a minimum mark of 3 in all elements of this headline criterion) in line with the scoring of qualitative criteria as detailed in the Instructions to Tender. If a threshold has been applied to any criteria it is noted below.

Failure to achieve this minimum acceptable score in this criterion will result in an overall ‘Fail’ in these criteria and the tenderer will be eliminated from the competition. No further evaluation of the tenderer’s response will be undertaken.

**Section B – Qualitative Tender Evaluation Criteria**

| **Criteria** | **Weightings** | **Sub-criteria** | **Sub- criteria weighting** | **Outline Guidance** |
| --- | --- | --- | --- | --- |
| **AC1: Design**  **(Minimum required score applicable)**  **(Specification 1, 2, 2.2, 4)** | **35%** | Per gym | 4.375 per gym | Tenderers must provide a detailed description of their proposed overall design and colour scheme including wall and floor colourings.  Tenderers must clearly detail their rationale behind their design and layout to demonstrate how it will meet all of the Council’s requirements across all gym sites.  The tenderer must fully demonstrate to the evaluation panel how their design and layout will provide the Council with a solution that will carry all gyms into the future and how the flexibility of their proposed design will accommodate the differing sizes and scales of all the gyms.  This criterion must be clearly demonstrated by supporting documents including Autocad drawings for each gym.  The design and layout for each gym will be evaluated separately by the evaluation panel and scored out of 5 in line with 9.14. Each gym must achieve the minimum required score of 3 out of 5 as per 9.15 AC1: Design. Failure for a design for an individual gym to score the minimum required score will result in elimination. |
| **AC2: Equipment (Minimum required score applicable)**  **(Specification 1, 2, 2.2, 4)** | **35%** | Per gym | 4.375 per gym | Tenderers must provide a detailed explanation of why they are proposing each type of the equipment in terms of its quality, its interface with technology, how it may provide flexibility across all gyms and into the future, meet the IFI requirements (where relevant) and the various policies of the Council.  Tenderers should include information on their approach to deciding on each type of equipment and how they consider each element will impact on the success of their design across all gyms.  Tenderers should also include a full technical specification for each proposed type of equipment which details the model number.  The equipment for each gym will be evaluated separately by the evaluation panel and scored out of 5 in line with 9.14. Each gym must achieve the minimum required score of 3 out of 5 as per 9.15 AC2: Equipment. Failure for a design for an individual gym to score the minimum required score will result in elimination. |
| **AC3: Mobilisation**  **(Specification 1, 2, 3)** | **7.5%** | N/A | N/A | Tenderers should detail their methodology to successfully install each of the gyms. Tenderers should include clear and relevant details around the necessary lead times for the equipment, and any other areas e.g. flooring, etc. and how such lead times will be managed into their installation programme.  Tenderers should demonstrate to the evaluation panel how and by whom the implementation plan will be successfully managed to ensure the timely implementation of each gym refresh bearing in the mind the key dates in relation to Dromore and SLLC. Tenderers should also demonstrate to the evaluation panel how equipment will be tested before the handover and ‘snagging’ of the accessories will be handled i.e. flooring etc*.*  A detailed project installation plan for each of the gyms should be submitted as part of this tender. |
| **AC4: Maintenance and Support (Minimum required score applicable)**  **(Specification 1, 2, 2.2, 4)** | **15%** | N/A | N/A | In responding to the elements of this criterion, tenderers are reminded that their response should cover all aspects of the equipment i.e. proactive/preventative and reactive maintenance.    Tenderers should detail their methodology of approach to ensure that the maintenance and support requirements are met in relation to the equipment, how will the Council make contact if there is an issue, how will the Council will be alerted to an issue, how will the service levels be provided and by whom?  Once the implementation has been completed, how will the details of the maintenance and support requirements be handed over to the tenderer’s maintenance and support team and what, if any, training or communication will be required?  Tenderers should provide details of their maintenance and support teams including CV’s if appropriate on key staff/technicians.  How will both the tenderer’s team and the Council staff be made aware of the appropriate manufacturers’ warranties.  In relation to the planned proactive/preventative maintenance programme to be conducted by Council staff, including any daily, weekly, monthly and annual maintenance schedule for individual machines to ensure longevity and optimal performance of the equipment.  In the event that the required maintenance and support elements (i.e. response and first fix) or the KPIs are not being met in full, tenderers must clearly detail the escalation procedures.  Tenderers should include details of any additional non-technical support and or on-going added value elements during the life of contract that they are proposing. |
| **AC5: Training**  **(Specification 1, 2, 2.2, 4)** | **7.5%** | N/A | N/A | Tenderers must provide a clear methodology of their approach to meeting the Council’s training requirements, including their outline training timetable across the installation phase as well as the life of the contract.  The methodology should cover the proposed appropriate training methods and contents to ensure the different requirements of training are provided to Council staff member.  Areas such as their approach to administrating the training and communicating with Council’s leisure centre managers and staff should also be included, bearing in mind the work patterns. Details of who will manage this element of the contract, particularly during the installation phase.  Details of how Tenderers will manage to ensure that the appropriate Council staff are provided with training opportunities (i.e. pre and post implementation, plus refresher as appropriate). |
| **Total Headline Weightings** | **100%** |  |  |  |

1. ‘Tenderer’ takes the same meaning as an ‘Economic Operator’ as defined in Reg. 2 of The Public Contracts Regulations 2015 [↑](#footnote-ref-1)