



## TENDER DOCUMENTS

### PART 1 - TENDER INSTRUCTIONS

<b>Contract title</b>	<b>Construction Skills Programme 2015-17</b>
<b>Contract ID</b>	<b>9Z5G-J24PM7</b>
<b>Type of supply</b>	Services
<b>Type of contract</b>	Single Provider
<b>Planned contract award notice</b>	9th October 2015
<b>Contract start date</b>	1 December 2015
<b>Contract end date</b>	31 March 2017
<b>Possible extensions</b>	Option for 2 x 12 months extension subject to available funding and provider performance
<b>Estimated contract value per year</b>	£145k
<b>Estimated total contract value, including extensions if any</b>	£483,333

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## TENDER INSTRUCTIONS

### 1 GENERAL

- 1.1 Leeds City Council invites you to submit a competitive tender for **Construction Skills Programme 2015-17**.
- 1.2 The deadline for the return of expressions of interest Pre-Qualifying Questionnaire (PQQ) is by **12 noon UK time on Wednesday, 23<sup>rd</sup> September 2015** and the deadline for the return of tender submissions is **by 12 noon UK time on Wednesday, 23<sup>rd</sup> September 2015**. Any submissions received after these times and dates will be disqualified and will not be evaluated. Please refer to the timetable at section 5.1 where the key dates for this procurement exercise are illustrated.
- 1.3 The tender documents have been prepared in three parts, to assist in the preparation and submission of your tender. The three parts are:
  - 1.3.1 Part 1 – tender instructions (this document)
  - 1.3.2 Part 2 – the specification schedule
  - 1.3.3 Part 3 – the contract terms and conditions.
- 1.4 Complete your bid information in “Appendix 1 – tender schedule” and “Appendix 2 – pricing schedule” and return both by the deadline as stated at paragraph 1.2 above.
- 1.5 There is also a Pre-Qualification Questionnaire (PQQ) that tenderers must complete along with any documents requested as part of the PQQ.
- 1.6 You must ensure that all the documents listed above have been downloaded and are complete in all respects. If any of the documents are incomplete, or contain discrepancies, it is your responsibility to contact the council via YORtender, at [www.yortender.co.uk](http://www.yortender.co.uk) to clarify the position.
- 1.7 Your tender submission should be submitted electronically to the council via YORtender at [www.yortender.co.uk](http://www.yortender.co.uk).
- 1.8 Your tender submission must consist of all the documents specified in section 8 below.

### 2 COMPLIANCE

- 2.1 It is essential that you comply with these tender instructions in the preparation and submission of your tender. The council may reject any tender that does not fully comply with all of these instructions.

### **3 DECLINE OR INABILITY TO RETURN**

- 3.1 If you have been specifically invited to bid for this tender and you now want to decline to tender please confirm this in writing via YORtender at [www.yortender.co.uk](http://www.yortender.co.uk).

### **4 CLARIFICATIONS AND COMMUNICATIONS**

#### **4.1 Introduction**

- 4.1.1 You are advised to carefully read all the tender documents listed at paragraph 1.3 above prior to preparing and submitting your tender. In addition to assisting the preparation and submission of your tender, Part 2 (Specification) and Part 3 (Terms and Conditions), combined with the successful tenderer's submission, will form the contract that the council awards.

#### **4.2 Questions and answers**

- 4.2.1 If you have any questions in relation to this tender, please submit them through the discussions link on [www.yortender.co.uk](http://www.yortender.co.uk)
- 4.2.2 You must not contact any person directly in relation to this procurement except through the YORtender website. However, in exceptional circumstances, if you need to speak with someone urgently, you may contact the procurement lead whose details are contained on the front page of these instructions.
- 4.2.3 If you have any problems with the YORtender system, please contact the helpdesk on 0844 543 4579, or email [yorkshiresupport@due-north.com](mailto:yorkshiresupport@due-north.com).
- 4.2.4 You should seek written confirmation of any clarifications that impact on your tender submission. You must not rely on information discussed over the phone or in person. This is to ensure that there is no misunderstanding as to what has been said, and to ensure that there is a transparent audit trail of the tender process.
- 4.2.5 All queries regarding the tender documentation which may have a bearing on your tender submission should be raised at least ten working days before the due date for return of tenders.
- 4.2.6 The council will provide written answers via YORtender to all your questions. We will copy our answers to all tenderers, except answers which are commercially confidential to one tenderer. If you do not want the answer to your question to be copied to all tenderers, you must clearly mark your question 'in confidence' and provide reasons for the request for non-disclosure. We will decide, at our discretion, whether the question is confidential. If we do not consider the question to be confidential, we will offer you the option of withdrawing the question.

- 4.2.7 We may extend the deadline for returning tenders at any point if we consider a question raised is so fundamental that it requires further time for the tender period. All tenderers will be given the same extension period.

#### 4.3 Further assistance

- 4.3.1 Advice on preparing and submitting successful tenders, and on the common pitfalls to avoid, is available on the government's central tenders website <https://www.gov.uk/tendering-for-public-sector-contracts>.

#### 4.4 Compliments and complaints

- 4.4.1 Any compliments, complaints or feedback regarding the tendering process can be made to the procurement lead officer in the first instance:

Name: Stephen Blighton      Email: [Steve.Blighton@leeds.gov.uk](mailto:Steve.Blighton@leeds.gov.uk)

Tel: 0113 39 52741

- 4.4.2 Compliments, complaints and feedback can also be directed to the council's Chief Officer Public Private Partnerships and Procurement:

Name: David Outram      Email: [cpu@leeds.gov.uk](mailto:cpu@leeds.gov.uk)

Tel: 0113 395 2451

- 4.4.3 A copy of the council's compliments, complaints and feedback policy and procedures can be found at <http://www.leeds.gov.uk/council/Pages/Let-Us-Know-Compliments-Complaints-and-Feedback.aspx>

#### 4.5 TUPE REGULATIONS

- 4.5.1 Tenderers should be aware that the services required against this contract are currently provided by staff who may have the right to transfer to the new provider under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (as amended, re-enacted or extended from time to time) ("TUPE Regulations 2006"). Please be aware that if TUPE applies it will be contractor to contractor and as such bidders must seek their own legal advice.

- 4.5.2 **Workforce Information/Conditions of Employment will only be issued on receipt of the signed Confidentiality Agreement emailed to the procurement lead officer.** Please refer to the Confidentiality Agreement form within the tender documents. Note that Leeds City Council does not guarantee the accuracy of the information provided and that the successful bidder will be provided with employee liability information by the current providers in accordance with the TUPE Regulations 2006. The provision of this information does not amount to a discharge of those obligations on behalf of the current providers.

## 5 TIMETABLE

### 5.1 Key dates

5.1.1 The following table sets out the key dates that have been planned for this procurement.

<b>Task/Milestone</b>	<b>Date</b>
Tenderers invited to tender and issued with tender documents	21st August 2015
Last date for tenderers to submit PQQ clarification queries	12th September 2015
<b>PQQ submission date (PQQ and associated documents)</b>	<b>23rd September 2015</b>
Last date for tenderers to submit tender clarification queries	12th September 2015
<b>Tender submission deadline</b>	<b>NOON on 23rd September 2015</b>
Assessment and evaluation	w/c 28 <sup>th</sup> September 2015
Clarifications and confirm appointments for shortlisted tenderers	w/c 28 <sup>th</sup> September 2015
Interviews of shortlisted tenderers	w/c 5 <sup>th</sup> October 2015
Tenderers notified of outcome	9th October 2015
Contract award notice and start of 10 day ALCATEL standstill period	12th October 2015
10 day ALCATEL standstill period ends and contract award	22 <sup>nd</sup> /23rd October 2015
Contract start date	1 December 2015
Contract end date (excluding extensions)	31 Mar 2017

### 5.2 Contract Extensions

5.2.1 This contract is being tendered on the basis that at the complete discretion of the Council, two optional additional 12 month extensions may be offered subject to continued need for the contracted services, available funding and provider performance.

- 5.2.2 Where the contract contains extension provisions tenderers should be aware that when deciding whether to take up any contract extension the council will, under its duty to obtain best value, consider a range of factors. The most important factors will be contract performance, efficiency improvements and increased outcomes in line with potential savings which the council has reason to believe would be achievable by retendering the contract.

## 6 TENDER MANAGEMENT AND GOVERNANCE

- 6.1 This tender is being conducted by Leeds City Council.
- 6.2 The council's Children's Services Directorate is the lead client, and is being supported by the council's Procurement Unit in this tender process.
- 6.3 The procurement is being overseen by the Employment and Skills Senior Leadership Team and the decision-maker is the Employment and Skills Chief Officer Sue Wynne.
- 6.4 During the tender process, communications with key stakeholders will be managed by the council. The key stakeholders for this procurement are Employment and Skills service.

## 7 TENDER SUBMISSION GUIDANCE

### 7.1 General

- 7.1.1 You must submit all the documents set out in section 8 below.
- 7.1.2 Only documentation specifically requested should be submitted. Any additional documentation received from tenderers will not be considered by the evaluation panel and may invalidate your tender submission.
- 7.1.3 You must not make unauthorised alterations or additions to any of the tender documents that the council publishes. The tender submission must be completed in English.
- 7.1.4 All prices, costs or rates stated on the form of tender and/or schedule of prices must be quoted in British currency to 2 decimal places (i.e. whole pence).
- 7.1.5 All prices quoted should be exclusive of VAT.

### 7.2 Electronic Tenders

- 7.2.1 Electronic tenders must be submitted through [www.yortender.co.uk](http://www.yortender.co.uk) by or before the tender deadline in section 1 above.
- 7.2.2 **Tenders will not be accepted through other submission routes. Tenders will not be accepted after the deadline has passed.**

- 7.2.3 Tenderers are advised to aim to have tender submissions submitted **at least 3 hours before the deadline** and to check that you have successfully uploaded all of the required documents.
- 7.2.4 In the very unusual circumstance of technical issues with the system at the point of submission please seek advice from the helpdesk on 0844 543 4579, or by email to [yorkshiresupport@due-north.com](mailto:yorkshiresupport@due-north.com).
- 7.2.5 Signatures are required in tender submissions. However when submitting electronically, typing the name is sufficient for this purpose.
- 7.2.6 Electronic tender submissions which are lodged successfully in YORtender will automatically generate an email receipt to the tenderer's registered email address.

### 7.3 **Hard copy tenders**

- 7.3.1 All communication and information exchange in relation to the submission of this tender must be electronic and the submission of hard copy tenders is not allowed. If you submit a hard copy tender it will be disqualified and will not be evaluated.

### 7.4 **Late tenders**

- 7.4.1 Any tender submissions received after the time and date set out in section 1 will be disqualified and will not be evaluated.

### 7.5 **Qualified tenders**

- 7.5.1 Tender submissions must not be qualified. Any qualified tenders (that is, tender submissions which are on a different basis to that specified in the Council's published tender documents) may be disqualified and may not be evaluated. For example, attempted amendments to the published Part 3 Terms and Conditions may be considered to be a qualified tender; if there are any proposed material amendments that have the effect of changing the scope and balance of risk in the contract that would disadvantage other bidders who have accepted the council's terms and conditions or disadvantage the council itself then the tender submission will be disqualified and will not be evaluated.
- 7.5.2 If you have any queries or concerns regarding the council's published tender documents, please raise a query through the discussion link in YORtender.
- 7.5.3 Tender submissions must be submitted strictly in accordance with these instructions.
- 7.5.4 The tender submission must comprise all the documents specified in section 8 below and should not include statements that could make the tender ambiguous and/or place it on a different basis to other tenders.
- 7.5.5 The council's decision on whether or not a tender is acceptable will be final.



- 7.5.6 If you are in any doubt as to whether your proposed tender submission may breach these requirements, please raise a query through the discussion link in YORtender before you submit your tender.

## 7.6 Variant tenders

- 7.6.1 Variant tenders will not be accepted. Tenderers must complete their tender submission on the basis set out in the council's tender documents. Variant tenders will be disqualified and will not be evaluated.
- 7.6.2 A standard tender must be submitted, and must be submitted on the basis of the tender instructions, specification, financial information, and contract terms and conditions issued as the council's tender documents.

## 7.7 Treatment of lots

The tender is for a single contract to deliver all the specified services to ensure clear accountability, consistency of approach and economies of scale.

## 7.8 Consortium tenders

- 7.8.1 Tender submissions from a consortium should be prepared and submitted by one organisation acting on behalf of the consortium. The council will treat this organisation as the consortium's lead organisation for both contact and formal contractual purposes. If you want to organise your consortium, and the contact and contractual arrangements in a different way, please seek clarification through the discussions link in YORtender, in accordance with sections 4.2.1 and 4.2.6 above.
- 7.8.2 If you wish to tender as a consortium for the purposes of this contract please note we will need to verify whether all the consortium members can satisfy the requirements of the relevant assessment questions contained in this invitation to tender or, where applicable, in the PQQ. The council may also require the contract to be joint and several, where the lead organisation relies on the capacity of others to meet the economic and financial standing criteria.
- 7.8.3 Tender submissions from a consortium must also include a completed and signed Form of Tender from **each** member of the consortium – please see the Form of Tender in the tender schedule at appendix 1.

## 7.9 Sufficiency and accuracy of tender submission

- 7.9.1 You are responsible for examining all the council's tender documents and by your own independent observations and enquiries fully inform yourself as to the scope of the contract.
- 7.9.2 You are responsible for familiarising yourself with all regulations, byelaws and all other factors that may affect your tender.

- 7.9.3 You are responsible for thoroughly checking the accuracy of your tender submission prior to submission. You will be able to correct errors and re-submit your tender at any point up to the tender submission deadline set out in section 1 above.
- 7.9.4 If the council suspects that there has been a genuine arithmetic error in the pricing of the form of tender and/or schedule of prices, we may seek such clarification from you as we consider necessary and may ask you to standby or withdraw your tender following such clarification.
- 7.9.5 Subject to paragraph 9.6 below, the council may choose to disqualify incomplete tender submissions.

#### **7.10 Tender amendments by the council**

- 7.10.1 The council has sought to ensure that the tender process and these tender documents are robust prior to issuing them. However, the council may issue amendments to the tender documentation or the tender process prior to the tender deadline. Tenderers must take these amendments into account in the preparation of their tender submission.

#### **7.11 Acceptance period**

- 7.11.1 Your tender submission will be deemed to remain open for acceptance or non-acceptance by the council for a period of not less than ninety (90) days from the tender submission deadline date. The council may accept the tender at any time within this prescribed period but is not bound to accept any tender.
- 7.11.2 If we have not accepted your tender within the specified period then your tender shall remain in force without variation. You may at any time thereafter give us notice in writing to accept the tender.
- 7.11.3 Delivery of the notice must be made via the discussions link on [www.yortender.co.uk](http://www.yortender.co.uk). In any event, the tenderer shall not withdraw the tender except as stated in this section 7.11.

### **8 TENDER SUBMISSION ITEMS**

#### **8.1 Tender submission**

- 8.1.1 Complete the Pre-Qualification Questionnaire (PQQ)
- 8.1.2 Complete your bid information in "Appendix 1 – tender schedule"
- 8.1.3 Complete "Appendix 2 – pricing schedule".
- 8.1.4 Complete, sign and submit the required certificates listed in section 8.2
- 8.1.5 Tender submissions will be opened and recorded by the council's Procurement Unit. Tender submissions received after the required submission deadline will be disqualified and will not be evaluated.

8.1.6 During the evaluation period, all communications with tenderers will be managed by the Procurement Lead. No other communications with tenderers will be permitted during the evaluation process.

## 8.2 Certificates

8.2.1 You should complete, sign and submit the certificates, detailed below, in the tender schedule at appendix 1:

- (a) Form of tender
- (b) Certificate confirming questionnaire
- (c) Declaration of non-collusive tendering
- (d) BACS payment form

## 8.3 Price Criteria

8.3.1 There are no price evaluation criteria as this tender is for a fixed price contract. However there will be an evaluation of your fixed price cost breakdown that you are required to complete in Appendix 2 - Pricing Schedule.

## 8.4 Quality Criteria

8.4.1 The quality criteria are detailed at section 8.5.

8.4.2 The maximum amount of points available for quality will be 1,000.

8.4.3 You should submit your responses to the quality criteria (method statements), as set out below at section 8.5, in the tender schedule at appendix 1.

8.4.4 You should ensure that you do not exceed the maximum word count given for each method statement and please use font size Arial 12 for your responses. Please do not answer questions by referring to other documents or to specific paragraphs within other documents as these will not be evaluated. You should be aware that any text over the limit for the relevant method statements will be removed from the tender schedule before being issued to the evaluation panel].

8.4.5 You should submit clear, concise and unambiguous statements that provide sufficient evidence of your ability to deliver the requirements of the council's specification and associated contract terms and conditions.

8.4.6 It is important to ensure that any information submitted is relevant to the quality evaluation criteria. Information which is not relevant will not be taken into account and will not be evaluated.

- 8.4.7 You should be aware that if your tender submission is successful the method statements that you submit in the tender schedule will form part of your contract with the council.

## 8.5 Quality Evaluation Criteria

	<b>Method Statement</b>	<b>Assessment Method</b>	<b>Maximum Points Available</b>  (Total 1000)	<b>Minimum Score Threshold</b>	<b>Maximum Word Count</b>
1	Please demonstrate your understanding of current construction issues and opportunities in Leeds, the city region and how national policies may impact on the delivery of this contract	Scoring	300	150	2000
2	The successful contractor will need to work with developers, contractors and the local supply chain to deliver local employment obligations through the City Council's procurement and planning functions. Please indicate how you would support these obligations	Scoring	200	100	2000
3	Part of this contract will be to maximise match funding for the Flexible Fund element. Please indicate how you will achieve this	Scoring	100	50	1000
4	Describe your management, monitoring and reporting systems which will demonstrate how you are meeting the targets in the contract	Scoring	100	50	1000
5	Describe staff resources and their qualifications who will be assigned to this fixed price project	Scoring	100	50	1000
6	Please complete Appendix 2 - Pricing Schedule to provide a detailed breakdown of your costs.	Scoring	200	100	
7	Please confirm you have completed the PQQ	PASS/FAIL			

## 8.6 Other items

8.6.1 Please ensure you have completed the PQQ

8.6.2 Please ensure you have completed Appendix 1

8.6.3 Please ensure you have completed Appendix 2

## 8.7 Interviews, Presentations, Site Visits

8.7.1 The top three scoring shortlisted tenderers (subject to meeting the minimum quality thresholds where applicable) will be invited to interview. We will contact you on the day before your interview to provide you with details of the date and time of your interview which will take place at a Leeds City Council venue.

8.7.2 The format of the interview will be:

(a) The interview panel will comprise of officers from the Council Employment and Skills Service.

(b) A maximum of three key people from the tenderer may attend the interview to answer interview questions.

## 9 TENDER EVALUATION

### 9.1 Introduction

9.1.1 The tender evaluation will objectively assess the extent to which each tender submission meets each of the specified evaluation criteria, and will identify the strengths and weaknesses of the tender submissions in respect of those criteria.

9.1.2 The evaluation will assess the tenders on the basis of the submitted tenders only. No prior knowledge of the tenderer will be assumed. Although the aim is for tenderers to address the evaluation criteria in separate method statements, the council will review each tender submission as a whole.

9.1.3 The council's intention is to award a contract to 1 successful tenderer.

### 9.2 Quality only evaluation

9.2.1 The cost element is on a fixed price basis of which tenderer's will compete on quality criteria only. Tenderers are required to provide a breakdown how they propose to use the fixed costs.

9.2.2 Please ensure you have completed your proposed cost breakdown in Appendix 2 - Pricing Schedule.

### **9.3 Evaluation panel**

- 9.3.1 The Procurement Lead will ensure the distribution of compliant tender submissions to each member of the evaluation panel.
- 9.3.2 The evaluation panel will consist of officers from the Council Employment and Skills service.

### **9.4 Consultees and advisors**

- 9.4.1 Consultees and advisors from the local construction industry may be used to confirm prior relationship assertions in each tender submission to the evaluation panel. Consultees and advisors will not score or rank the tenders.

### **9.5 Assessing tenders**

- 9.5.1 The evaluation panel will review each tender submission and objectively assess the extent to which each tender submission meets each of the specified evaluation criteria. The panel will agree scores for tender submission for each criteria and sub-criteria and will identify the strengths and weaknesses of the tender submissions in respect of those criteria.
- 9.5.2 The evaluation panel will assess each submission on a consensus approach.
- 9.5.3 The chair of the evaluation panel will ensure the panel appropriately considers the views expressed by the consultees and advisors.
- 9.5.4 The chair of the evaluation panel will ensure that an accurate formal record of the evaluation panel's final scores and final assessment of the strengths and weaknesses of each tender is prepared. Any draft papers and personal notes will be disposed of as confidential waste.
- 9.5.5 The Procurement Lead will retain for audit purposes: one reference copy of the tender submissions, clarification logs, score sheet booklet, scoring matrix, formal reports and formal correspondence.

### **9.6 Clarifying tender submissions**

- 9.6.1 If, at any time during the evaluation process, the council discover that any information or documentation submitted by a bidder is or appears to be incomplete or erroneous, or missing, the council may (but shall not be obliged to) ask you to submit, supplement, clarify or complete the relevant information or documentation.

9.6.2 Such requests will be responded to within 24 hours and if the council decides in a particular case to make such a request it shall do so on a fair basis to all bidders so that every bidder will be given the opportunity, where appropriate, to re-submit the information or documentation requested.

## 9.7 Evaluating price

9.7.1 The tender is for a fixed price annual contract and Price will NOT be evaluated.

9.7.2 Breakdown of costs and value for money supplied in Appendix 2 - Pricing Schedule will be taken into account as part of evaluating quality.

9.7.3 Tenderers should note that prices cannot be altered and it is the responsibility of the tenderer to ensure their bid can deliver the appropriate level of high outputs and quality within the fixed price.

## 9.8 Evaluating quality

9.8.1 Scores for quality will be allocated on a 0 – 10 basis as set out in the Score Guide table below:

### Score Guide (0 – 10)

Score	Assessment
10	<b>Outstanding:</b> The response covers all elements of the criterion, and associated specified contract requirements and standards; and with a high level of relevant and detailed information, backed up with clear evidence; and demonstrates a robust and coherent understanding of the council's requirements; and with no issues, weaknesses or omissions.
9	<b>Excellent:</b> The response covers all elements of the criterion, and associated specified contract requirements and standards; and with relevant and detailed information, backed up with clear evidence; but with limited minor issues, weaknesses or omissions in the information/evidence only.
8	<b>Very good:</b> The response covers all key elements and almost all of the other elements of the criterion, and associated specified contract requirements and standards; and with relevant and detailed information, backed up with clear evidence; with a few minor issues, weaknesses, or omissions in the information/evidence.
7	<b>Good:</b> The response covers all key elements and the majority of the other elements of the criterion, and associated specified contract requirements and standards; and with relevant information, backed up with evidence, but lacks detail in some areas; some minor issues, weaknesses, or omissions in some areas of information/evidence.
6	<b>Better than satisfactory:</b> The response addresses all key elements of the criterion, and associated specified contract requirements and standards; but is not fully detailed or fully backed up with clear evidence in some areas; a number of minor and/or one or two more significant issues, weaknesses, or omissions in some areas.



<b>5</b>	<b>Satisfactory:</b> The response addresses all key elements of the criterion, and associated specified contract requirements and standards; but is not fully detailed or fully backed up with clear evidence in some areas; with a large number of minor, and/or a number of significant weaknesses, issues or omissions in the detail/evidence.
<b>4</b>	<b>Less than satisfactory:</b> The response has some weaknesses, issues or omissions, lacking detail, clarity and/or evidence with regard to at least one key element of the criterion, and associated specified contract requirements and standards with respect to this criterion.
<b>3</b>	<b>Weak:</b> The response has some weaknesses, issues or omissions, lacking detail, clarity and/or evidence with regard to several key elements of the criterion, and associated specified contract requirements and standards.
<b>2</b>	<b>Poor:</b> The response has material weaknesses, issues or omissions, lacking detail, clarity and/or evidence with regard to many key elements of the criterion, and associated specified contract requirements and standards.
<b>1</b>	<b>Very poor:</b> The response does not meet the criterion, or does not include sufficient information or clarity or evidence or information in support, to determine whether the solution meets the council's requirements or standards.
<b>0</b>	<b>Unacceptable:</b> Failed to provide a response, or the response provided is wholly inconsistent with the council's specified contract requirements and standards with respect to this criterion.

- 9.8.2 Once the final score out of 10 for each method statement question has been determined the appropriate weighting for each question will be applied.
- 9.8.3 For example, if a question had a weighted score of 100 points and following evaluation the panel scored the response a 5, then the total score awarded to the tenderer for that question would be 50 points.
- 9.8.4 The evaluation panel will ensure that supporting comments are recorded during the evaluation process. These will later form the basis of the report to the decision maker, and will also form the basis of feedback to tenderers at the end of the evaluation period.
- 9.8.5 If a tenderer scores less than the minimum score threshold in any of the method statement question, as detailed at section 8.5, the evaluation panel will highlight this in their report to the decision maker together with a recommendation to reject that tenderer.
- 9.8.6 Tenderers must also achieve a minimum of 50% of the overall quality points available (i.e. 500 points out of the 1000 points available). Tenderers who do not meet this minimum overall quality threshold will be automatically eliminated from the evaluation process and not considered for the contract.

## 9.9 Scoring interviews

- 9.9.1 The interview will be assessed on the basis that the evaluation panel have the opportunity to adjust their initial scoring of your written tender submissions based on information you provide at the interview.

## **10 AWARD PROCESS**

### **10.1 Reporting and decision making**

- 10.1.1 The chair of the evaluation panel will submit a report to the decision maker summarising the evaluation process highlighting any particular areas of concern and making a recommendation on which of the tenderers (if any) should be selected as the preferred provider.
- 10.1.2 For the avoidance of doubt, the decision-maker cannot replace their views in place of those of the evaluation panel with respect to the scores or the ranking of tender submissions. The decision-maker can comment on the process and can seek further clarity or justification of scores or comments prior to taking a decision. The decision-maker can decide that no contract should be awarded, or that there should be a new tender exercise.

### **10.2 Call-in and stand-still**

- 10.2.1 The Public Contracts Regulations require an ALCATEL 'standstill period' of at least 10 calendar days before a contract can be awarded, and within that period an unsuccessful tenderer can challenge the process if they believe it has not followed the requirements of the Regulations. Additionally for certain decisions the council's governance arrangements may include a 'call in' period, when any elected member can challenge an officer decision.
- 10.2.2 These processes will be followed before the contract can be awarded and usually take 2-3 weeks, but may take longer in some circumstances.

### **10.3 Informing tenderers**

- 10.3.1 You will be notified of the outcome of your tender submission as soon as practical after the decision maker makes their decision.
- 10.3.2 You will be given a summary of your scores, those of the highest scoring tenderer and, where applicable, the characteristics and relative advantages of the winning bid in accordance with the Public Contracts Regulations 2015.

### **10.4 Contract award**

- 10.4.1 After the decision to award the contract is confirmed, and the relevant 'standstill' and 'call in' periods have been observed as detailed at section 10.2, the council will award the contract and liaise with the winning bidder(s) to complete and sign the necessary contract documents and start the process of mobilising prior to contract commencement.

## **11 INCURRED EXPENSES**

- 11.1 You are responsible for the costs of preparing and submitting your tender, and, should your tender be successful, for the costs you incur relating to the contract award process.
- 11.2 The council will not be responsible for, or pay, any losses or expenses which you incur during the preparation and submission of your tender. This includes (but is not limited to) attending any pre or post tender meetings, the delivery of any presentations by the tenderer to the council in relation to their proposal, site visits or other negotiations.
- 11.3 The council will not accept claims for additional charges for work done by the tenderer after acceptance of the tender.

## **12 THIRD PARTIES**

- 12.1 If you involve any third parties, including for example advisors or sub-contractors, in the preparation or submission of your tender, or in the delivery of the contract, you are responsible for providing them with all necessary technical and commercial information relating to the tender.
- 12.2 The council will not respond to any direct approach from such third parties seeking details about a particular invitation to tender.
- 12.3 Tenderers must declare their intention to sub-contract any part of the contract and list any proposed third parties in their tender submission. Any changes to the arrangements that you set out at the pre-qualification stage must be disclosed to the council on the Certificate Confirming Questionnaire enclosed in the tender schedule at appendix 1. You are also recommended to raise a query through YORtender, using the discussions link, as soon as possible after you make a decision to change your proposed sub-contracting arrangements.

## **13 CONFIDENTIALITY AND PUBLICITY**

- 13.1 You should not release any publicity or other information relating to this procurement without the prior written approval of the council.
- 13.2 During the tender process the council may issue you with information which is strictly confidential. This information must not be distributed to others and must be stored securely at all times. You must treat this information in the same way that the council requires confidential information to be treated during the contract period, which is set out in Part 2 Specification and Part 3 Contract Terms and Conditions.

## 14 OPEN DATA AND FREEDOM OF INFORMATION

- 14.1 The council is committed to openness and transparency in its activities and its decisions. In addition, we are subject to legislation and guidance relating to information publishing and open data. The council publishes tender documents and details of contracts awarded. We also publish information relating to the key decisions that we take and the invoices that we pay.
- 14.2 In addition to the information that we publish, we must respond within twenty (20) working days to written requests for information in accordance with Freedom of Information Act 2000. The information requested must be supplied unless it falls into specified categories of exempted information, which cover areas like commercial sensitivity, confidentiality, personal details, matters pertaining to national security, or any other information that is likely to prejudice either the council or other affected parties. If an exemption holds true, we have no duty to disclose the requested information.
- 14.3 It is your responsibility to state in your tender submission any information that fits with a recognised exemption. You should also provide contact details within your tender submission so that should the council need to consult on an information request it can be done promptly within the twenty (20) working days deadline. You should note that any request for information regarding whether you have submitted a PQQ and/or tender will be disclosed as well as whether you have been successful or not without further consultation. However, if a request is received to disclose the contents of your tender the council will consult with you in order to give you an opportunity to highlight which parts of your tender you consider should not be disclosed and why.
- 14.4 You are advised that information which falls into the council's interpretation of the legal definition of confidentiality, personal information, trade secret or prejudice to commercial interests may still have to be disclosed in some circumstances. For example, if there were very strong public interest reasons for disclosure, the council may have to disclose trade secrets, or information that would, or would be likely to prejudice a tenderer's commercial interests. The council may be forced to make information public as a result of an appeal by a member of the public against our initial decision not to reveal information. The public can appeal through the council's internal complaints procedure and ultimately to The Information Commissioner's Office, the government organisation responsible for enforcing the Freedom of Information Act.
- 14.5 Detailed guidance on contracts with third parties and confidentiality clauses, and the implications of The Freedom of Information Act 2000, is available on the council's website [www.leeds.gov.uk](http://www.leeds.gov.uk) under Information Governance. Further information can be obtained from The Information Commissioners Office website using the link from the council's website or [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk).
- 14.6 Tenderers should also be aware the council will make documents available to Trading Standards Departments, the Office of Fair Trading and other appropriate regulators where we are required to do so, or where we have agreed to cooperate on a specific investigation.

## 15 COUNCIL POLICIES AND SOCIAL VALUE

- 15.1 The council holds a number of important values, policies and priorities. It is also committed to meeting (and where possible exceeding) the social value obligations that it has with respect to the economic, social and environmental well-being of Leeds. The council's specific requirements and ambitions with respect to this tender are included within the specification and contract terms and conditions and are reflected as appropriate in the evaluation criteria.

## 16 DISCLAIMERS

- 16.1 Despite having issued an invitation to tender for the contract to you, the council makes no representations regarding your organisation's financial stability, technical competence or ability in any way to carry out the contract.
- 16.2 The issue of this invitation to tender does not commit the council to award a contract and the council reserves the right to withdraw from the process at any stage and to not award the contract either in part or in whole to any tenderer.
- 16.3 The council reserves the right to disqualify any tenderer or tender submission that does not comply with the tender instructions set out in the council's tender documents or is otherwise qualified.
- 16.4 Although every care has been taken in preparing this invitation to tender the council makes no representation, warranty or undertaking as to the accuracy or completeness of the documentation, and the publication of the tender documents and any clarifications do not constitute a binding commitment on the part of the council.
- 16.5 The council reserves the right to issue amendments and clarifications to any of the council's tender documents, including these instructions,

## 17 GLOSSARY

- 17.1 Key terms used in this documents that you should be aware of:

**'We'** – Leeds City Council

**'You'** – the person or organisation invited to tender, including any advisors and sub-contractors or other associated third parties

- 17.2 Some other definitions that you may find helpful:

**Award** - the issue of an order or contract to a provider

**Collusion** - A fraudulent arrangement between two or more parties whereby prices or service requirements are manipulated.

**Competitive Tendering** - A process of seeking competing tender submissions from more than one organisation

**Confidentiality Agreement Form** - A form to enable the release of confidential information. The information must not be disclosed to any other person or be used for anything other than preparing the tender.

**Consortium** - An unincorporated group of organisations or individuals, often formed to tender for a contract with a view to working together.

**Consultee** - A person who is formally consulted with as part of the evaluation process. Consultees are individuals with specific expertise relating to the contract being procured.

**Contract** - A binding agreement made between two or more parties, which is enforceable at law.

**Contract Documents** - Documents incorporated in the agreement between the council and the contractor.

**Contract Value** - The total monetary value of a contract, over its full duration (not annual value).

**Contractor / Provider** - An organisation or individual who is awarded a contract to undertake works, supply goods or provide services.

**Data Protection Act (DPA)** -The Data Protection Act 1998 (DPA) defines UK law on the processing of data on identifiable living people. It is the main piece of legislation that governs the protection of personal data in the UK. Although the Act does not mention privacy, in practice it provides a way in which individuals can control information about themselves. Most of the Act does not apply to domestic use, for example keeping a personal address book. Anyone holding personal data for other purposes is legally obliged to comply with this Act, subject to some exemptions.

**Decision-maker** - The person who has the authority and the responsibility to take decisions on the council's behalf relating to the procurement, particularly the decision to award the contract and to whom, but also the evaluation criteria and the initial decision to undertake the procurement. Different decision-makers may be involved at different stages in the procurement. The decision-maker will make decisions in accordance with the council's governance policies, and may be required to, or may choose to consult others before making their decision.

**Disclosure and Barring Service** - This service enables organisations in the public, private and third sectors to make safer recruitment decisions by identifying candidates who may be unsuitable for certain jobs, especially where that job involves contact with children or vulnerable adults.

**Evaluation** - Assessment and ranking of tender submissions.

**Evaluation Criteria** - The criteria that tender submissions will be assessed against.

**Firm (Fixed) Price** - A price which is not subject to variation

**Invitation to Tender** - An invitation to organisations to tender for the provision of services; also known as an ITT

**Items to be Submitted** - Schedule containing sections required to be submitted as part of a tender submission

**Lot** – The subdivision of the contract into a number of smaller lots or parcels

**Method Statement** - The provider's statement setting out how the works will be undertaken, the services provided or the goods supplied as applicable. The method statement is submitted by the tenderer in response to the council's invitation to tender, forms part of the tender submission documents, and will be incorporated into and form part of the contract.

**Mobilisation** – The period of time, and the activities undertaken, to assemble and organise the requirements of the project. It usually starts after the contract has been awarded and is usually completed prior to the date that the contract commences. It usually involves joint working between the provider and the council's contact manager. It may also involve working with the existing / previous provider to ensure smooth transition.

**Non-Collusive Tendering** - Tender submissions must be submitted in good faith knowing that no other person, who has a vested interest in the tendered service, has helped the tenderer to compile their offer.

**Offer** - An official written offer in response to an invitation to tender that contains a proposal to perform the works, services or supplies, as required, and is provided in response to an invitation to tender.

**Outcomes** - In social care, the term 'outcome' is often used to refer to the positive results of the social care a person has received. They represent changes or improvements that have taken place during the time someone has been receiving support

**Outcome Based Commissioning** - Commissioning services that are defined by, and paid for, on the basis of a set of agreed outcomes that will achieve better health and wellbeing outcomes and reduce inequalities. Commissioning focuses not on activities, procedures or measuring performance in terms of volume of service provided, but on the results and whether people have achieved the goals and outcomes they wanted to.

**Procurement** - The process of acquiring goods, works or services from third parties. The process spans the whole life cycle from identification of needs, through to the end of the contract and any additional warranty period.

**PPPU/Procurement Unit** - A part of the council which has responsibility to conduct and oversee the full tendering exercise.

**Qualified Tender** - A tender submission that is subject to accompanying statements that contradicts the requirements of the tender documents, for example the specification or the contract terms and conditions. If you state you are not prepared to accept them your tender submission will be classed as a

qualified tender and it will not receive any further attention. If in doubt, seek clarification prior to submission of your tender.

**Quality** - The level of fitness for purpose which is specified for or achieved by any goods, works or services

**Quality Criteria** - Is a defined list of requirements that tenderers must answer to demonstrate their knowledge and understanding of the service requirements.

**Review** - This refers to re-assessment of service user's needs and issues, and consideration of the extent to which services are to meet the stated objectives, achieve the desired outcomes and respond to changes in circumstances or service criteria.

**Safeguarding** - The process of responding to concerns that a vulnerable person (or people) are being, or are at risk of being, abused, neglected or exploited. This will result in an investigation into the alleged behaviour, and often a protection plan to prevent it recurring.

**Specification** - A description of requirements and standards to which the goods, works or services should conform. Also known as a statement of needs, a statement of requirements, an operational requirement, or a brief. At the tender stage its purpose is to present prospective providers with a clear, accurate and full description of the council's needs, to enable them to propose a solution to meet them. Once the contract has been awarded, the specification is usually included in the signed contract to confirm the requirements and standards to which the goods, works or services should conform.

**Stakeholders** - People or organisations that have an interest in a proposed development or idea.

**Terms & Conditions / Ts & Cs** - Terms and conditions under which a contract is offered and which must be complied with during the life of the contract

**Tender Documents** - The documents provided by the council to prospective tenderers when they are invited to tender and which form the basis on which tenders are submitted.

**Tender Submissions** - An official written offer in response to an invitation to tender that contains a cost proposal to perform the works or services or provide the goods required and is provided in response to a tendering exercise. This normally involves the submission of the offer using YORtender or in a sealed envelope to a specified address by a specified time and date; also called 'bid' or 'bid submissions' or 'offer'

**Tenderer** - The organisation submitting a tender; also called 'bidder'

**Tender Evaluation Panel** - A group of people who analyse the tender submissions and make recommendations on the award of the contract

**Third Sector Organisation** - Defined by Cabinet Office as 'voluntary and community groups, social enterprises, charities, cooperatives and mutuals'.



**TUPE Regulations** - The Transfer of Undertakings (Protection of Employment) Regulations. The purpose of TUPE is to preserve continuity of employment and to safeguard employment rights of all employees whose employment transfers to a new employer as a result of a relevant transfer.

**Value for Money** - The provision of the right goods and services from the right source, of the right quality, at the right time, delivered to the right place and at the right price (judged on whole life costs and not simply initial costs)

**Variant Tender** - When an alternative tender is submitted alongside a standard tender. For example the variants could be based on the specification and must be submitted on a separate sheet and clearly marked as a variant tender.

**Workforce Information** - List of the existing providers employees who are eligible to be transferred under Transfer of Undertaking (Protection of Employment) (TUPE)

**YORtender** - The electronic tender and supplier management system used by local government in the Yorkshire and Humber region