



London Borough of Tower Hamlets
&
NHS Tower Hamlets

**Procurement Guidance for Third Sector
Organisations**

**To be used in conjunction with East London Network
Commissioning and Procurement Fit for Purpose Toolkit**

Warning

This guidance document does not offer guarantees of success in securing LBTH or NHS TH contracts for delivery of services. It has been developed to aid the Voluntary Community Sector in gaining a clearer understanding of what is required when bidding for contracts with LBTH and NHS TH in order to have a better opportunity to win bids.

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Introduction

This document was prepared as a direct result of the feedback gained from Third Sector Providers at an event held in July 2010. This local guidance has been developed jointly by the London Borough of Tower Hamlets and NHS Tower Hamlets. It aims to clarify and simplify the procurement tendering process. It should be used in conjunction with The East London CVS Network “Commissioning and Procurement Fit for Purpose Toolkit.”

It provides information about the principles and legislation underpinning procurement and provides you with easy steps to completing the tender specification and PQQ documents.

Changes to Health and Social Services

Health

The Coalition Government set out its vision in the White Paper on Health “Equity and Excellence: Liberating the NHS”, published on 12th July 2010. Its intent is to create a patient-centred NHS that is more transparent, with increased autonomy and clear accountability for quality and results at every level. The commissioning power with regards to health services is moving away from Primary Care Trusts (who are abolished from March 2013) to groups (consortia) of GPs.

The majority of the public health function is proposed to go to the Local Council.

Social Care

There is a local transformation of adult and well-being social care services taking place which includes giving personal budgets to people who are eligible and who need long-term social care. Personal budgets are an amount of money from the council for people to spend on support as they wish. For more information visit web-site www.towerhamlets.gov.uk/personalisation

Integrated Care

Health and social care services, such as services for older people are now commissioned and provided together as much as possible to make these services easier to use.

Changes to local government

Coalition Government’s “Big Society”

The Coalition government’s Big Society agenda is about empowering communities, redistributing power and fostering a culture of volunteerism. It was announced as a major policy area of the new Government in July 2010 and aims to reinvigorate civil society. As part of the launch of the Big Society the Prime Minister announced four flagship community projects in Liverpool; Eden Valley, Cumbria; Windsor and Maidenhead; and the London borough of Sutton where local communities were taking the lead in running local services. Some of the related announcements include having a ‘big society bank’ funded through the pooling of dormant bank accounts and developing a national service model for volunteering for young people. The Big Society agenda is strongly linked to the government’s focus on localism and the devolution of power away from government and into the hands of people.

London Borough of Tower Hamlets Total Place

Total Place is a local government initiative that aims to bring together elements of central government and local agencies within the same location to achieve the following objectives:

1. To create service transformations that can improve the experience of local residents and deliver better value
2. To deliver early efficiencies to validate the work
3. To develop a body of knowledge about how more effective cross-agency working delivers the above

LBTH plans to achieve this initiative by building on their strong working relationships with partners and neighbouring boroughs to identify options for 'Total Place' solutions and shared services; piloting a 'Total Place' approach in key areas such as child poverty, vulnerable families and estate improvements and using the pilot programme findings to explore in more detail how savings can be achieved and outcomes with our partners improved.

London Borough of Tower Hamlets Citizen Engagement Strategy

The Council together with its partners has a clear vision for improving the local area, set out in the Community Plan 2020. Consequently a number of cross-cutting initiatives will be used to promote the vision for 'One Tower Hamlets,' this includes developing a new Citizen Engagement strategy. This strategy aims to map and better understand engagement activity across the borough and consider how we develop and build on our relationship with residents as citizens to empower them and provide them with greater control – move towards a powerful public. It will also explore ways to share knowledge from engagement activity and build a coherent approach to developing customer insight. In other words, this strategy will ensure that the energy of citizens is harnessed so that they can influence the service design and share our commitment to change.

Tower Hamlets Strategic Partnership – COMPACT

The Tower Hamlets Compact – 'working together' – is an agreement of shared principles to support effective relationships between statutory and third sector organisations. This document was last reviewed in 2004 so in the Third Sector Strategy which was launched last year, the Council committed to reviewing and refreshing it. This work has just begun with various statutory and third sector colleagues.

The shared vision for the Compact comes from the Tower Hamlets Community Plan: to improve the quality of life for everyone living and working in the borough. The Compact recognizes the distinct, but often shared roles of the third sector and statutory organisations in delivering this vision. The current compact incorporates the following shared principles:

- mutual respect
- quality services
- independence

The focus for the refresh will be on how the Tower Hamlets Compact can make a real difference to the relationships between statutory and third sector organisations.

The following is an outline of what LBTH and NHS TH procurement of goods and services entails. Though the processes may be somewhat varied, the outline shows what generally occurs.

NHS TH Procurement Stages of a Procurement Project

The list below shows the core stages of a Procurement Project. Each of these stages comprise of various activities relevant to that stage and the complexity of the project. Some of these stages are internal and only relate to the Tendering Authority, these include identification of need, preliminary investigations, planning, advertising, evaluation and award. The others – PQQ, tender, presentations, contracts and supplier contract management require the input from the bidders as well as the Tendering Authority.

1. Identification of Need
2. Preliminary Investigation
3. Planning
4. Advertise
5. PQQ
6. Tender
7. Evaluation
8. Presentations
9. Award
10. Contracts
11. Supplier/Contract Management

Getting Started

All Tendered/Commissioned Services are based on a solid foundation and reasoning which is either linked to a strategic objective, national target or the outcome of a health needs or inequality assessment. Often a bidder will not be involved in the process until stage 4 when the scope has been determined and the Tendering Authority is ready to go out to advert. This holds for both NHS TH and LBTH.

Advertising

All Public Sector Bodies are required to demonstrate fairness and transparency and has a duty to ensure that they do not give an unfair advantage to one bidder over another. This was documented in the Court of Justice ruling which applies to all members of the EU, the ruling states;

“The Court of Justice has held that where the Treaty applies, but the Directives do not, there nevertheless has to be an appropriate level of publicity. This applies to low value contracts, Part B services, works and service concessions. In some cases, the OJEU will be the obvious way to meet the requirement. In others it might suffice to advertise in a contract bulletin, in the press or on website – depending on the subject of the contract, its estimated value and the likely level of interest.”

In order to comply with the above, projects are advertised in the medium considered to be the most appropriate advertising route on the basis of the requirements and anticipated

contract value for the entire duration of the contract. For the NHS TH, if the requirement in question is part of a Priority Service (also known as Part A) and the anticipated contract value (value for the entire duration of the contract including any extensions) then the requirement will publish a Contract Notice in the Official Journal of the European Union (OJEU). For Restricted, Negotiated and Competitive Dialogue Procedures, potential bidders will get a minimum of 30 days to express their interest once the Contract notice is published in the OJEU. The timescales for each stage of the procurement process will be in accordance with the relevant EU procurement guidelines. If the requirement is categorised as a Residual Services (also known as Part B) then a contract notices will be published in relevant trade or industry journals, supply2health and supply2gov websites. It is mandatory to advertise Part B clinical and medical tenders as a minimum on the supply2health website. For tenders advertised in Supply2health there should be a minimum of 14 days between the advert going alive and the deadline for expression of interest. For adverts published in trade or industry journals the project team should make their own judgement in developing a reasonable timescale taking into consideration any holiday periods etc. Interested bidders are required to lodge their expressions of Interest (EOI) to the Procurement Lead specified in the advert. The advertising route for LBTH will be described under LBTH procurement.

Pre Qualification Questionnaire

After the EOI deadline, a Pre-Qualification Questionnaire (PQQ) may be issued to all bidders who expressed their interest by the deadline. A PQQ may be issued as part of a tendering process to determine a bidder's suitability for bidding for a particular requirement. It is designed to assess the competence of potential bidders in terms of capability, capacity and financial standing. The assessment is of technical and financial resources, business eligibility and experience necessary to undertake and complete the Project. By using the PQQ stage the Tendering Authority can help to ensure that bidders taking part in the tendering stage have the ability to deliver the requirements and this can reduce the amount of time bidders have to put in to responding to Tenders that they are not successful in securing.

As it is mandatory to publish the evaluation criteria and weighting that will be used to shortlist the suppliers at the PQQ stage in the PQQ document, it is important to understand the evaluation criteria and weighting before starting to complete the PQQ document. Once the bidder has submitted their completed PQQ ensuring that all questions have been responded to fully and concisely the evaluation panel will evaluate the PQQ submissions and determine which bidders will go through to the Invitation to Tender (ITT) stage of the procurement process.

(See Appendix - Document 1 for a general PQQ template.)

A PQQ comprises of some standard elements and some project specific questions, procurement will work with the Trust lead to agree the wording of the specific questions and the structure of the PQQ to help facilitate easy evaluation.

Bidders short-listed at the PQQ stage will be eligible to submit a tender. Bidders not short-listed will be informed of the decision. The regret letter will contain information about the bidder's score and the reason why they are unsuccessful and characteristics and relative

advantage of the short-listed bidders. Bidders have right to request a detailed written feedback or a debrief meeting should they wish so. This also applies to LBTH.

Invitation to Tender (ITT)

An ITT document will be issued to all bidders who are short-listed. A Tender document will normally comprise of the following standard forms, Contract Specification and response format (detailing how we would like the bidder to respond) and evaluation criteria/weightings (these tell the bidder how we are going to evaluate their bid and which are the most important areas). The Evaluation criteria and weighting that will be used to shortlist bidders at the ITT stage has to be published in the ITT document. The ITT document will also contain information about the deadlines for submitting questions and return the tenders.

Document 1	Invitation to Tender
Document 2	Terms of Tender
Document 3	Terms and Conditions of Contract
Document 4	Supplementary Terms and Conditions
Document 5	Contract Specification
Document 6	Offer Schedules
Document 7	Certificate As To Collusive Tendering
Document 8	Certificate As To Canvassing
Document 9	Statement of Acceptance of Trust's Policies
Document 10	Deed of Guarantee
Document 11	Form of Tender
Document 12	Tender Submission Labels
Document 13	Draft Contract

(See Appendix - Document 2 for a general ITT Template)

Questions and Answers period

Bidders can submit their questions to the Procurement Lead. Procurement lead will distribute the questions to Trust Lead or the relevant evaluation panel member for a response. The questions and responses will then be distributed to all bidders. Bidders are able to submit questions up to 3 days before the closing date. It should also be noted that during the period responses will usually be fed back to all bidders at regular intervals, i.e. once a week during the ITT stage.

All Tenders are opened in accordance with the Tender Opening Procedure relevant to the Tendering Authority. Opened tenders will be distributed to the evaluation panel for evaluation and short-listing. The Panel will evaluate the tenders against the published evaluation criteria and shortlist bidders for the presentation stage.

Presentations

Not every Tender will require the bidder presentations. If a bidder presentation is required usually the focus group will assign a theme which they want the bidder to present on. Procurement Lead will organise the presentations. Procurement will invite the bidders who are short-listed to the interview/presentation stage of the procurement. The focus group will

be present at the day and score the presentation as per the pre-agreed scoring guidelines. After the presentation, the evaluation Panel will convene and agree on whom to award contract based on the overall scoring of the ITT and the presentation in line with the criteria and weighting advertised.

Decision Making

An executive summary will be drafted and approved by either the Board or the person with devolved responsibility within the Tendering Authority. Upon receipt of the approval, Procurement will notify the successful and unsuccessful bidders and commence the 10 days standstill period ('Alcatel Period'). The standstill period is given so that any unsatisfied bidder can make an application for an injunction preventing the contracting authority entering into the contract prior to it actually doing so, and therefore giving an effective remedy other than damages. Unsuccessful bidders have the right to request a detailed written feedback or a debrief meeting. The standstill period does not commence until all unsuccessful bidders have been debriefed. Normally this is done in the unsuccessful bidder letters. The length of the standstill period (previously 10 days) now (mainly) takes into account the means of communication used, allowing more time for slower methods of communication. Additionally, the period is extended if it does not conclude on a working day. A contract can be concluded with the successful bidders subject to receiving no challenges/injunction during the standstill period. This is the same for LBTH procurement.

Award

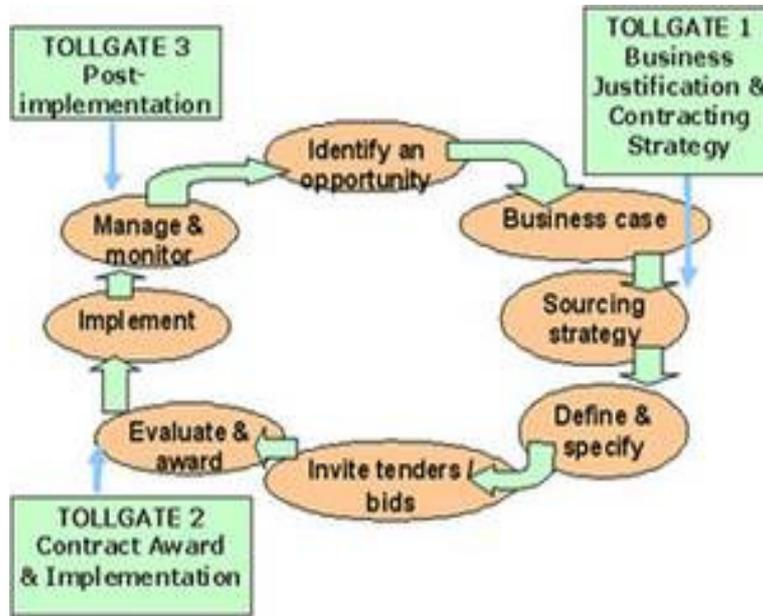
Contracting Authorities are obliged to publish a contract award notice. For OJEU tenders, contract notice will be published in OJEU website. For Part B Clinical or Medical tenders contract notices will be published in the supply2health website. However, if the total contract value for any Part B Services is over £150k then a contract notice also has to be published in the OJEU website.

Procurement Financial Limits

Requirements up to £5,000.00	Requires a single quote.
Requirements between the value of £5,000.01 and £50,000.00	Requires a competitive quotation exercise to be carried out and a minimum of 3 quotes received. Or If there is a legitimate contract for the goods/service from the supplier which has been through a competitive tendering exercise then quotes are not required as long as the contract is current.
Requirements between the value of £50,000.01 and £101,000.00	Requires a competitive tendering exercise to be carried out. Or If there is a legitimate contract for the goods/service from the supplier which has been through a competitive tendering exercise then quotes are not required as long as the contract is current.
(OJEU Threshold) Requirements where the value is over £101,000.00	Requires a competitive tendering exercise to be carried out in accordance with OJEU regulations, meaning that it has to be advertised within Europe. Or If there is a legitimate contract for the goods/service from the supplier which has been through a competitive tendering exercise then quotes are not required as long as the contract is current.

LBTH Procurement General overview

Procurement processes differ from council to council. The following shows a cyclical diagram of the LBTH procurement process for major projects (£250K +):



The tollgate process highlighted in green above is an independent procurement project appraisal process used by LBTH, which effectively follows the contract through its lifecycle thus ensuring the stated objectives of the project are achieved and value for money is met. All contracts totaling £250K and above will go through the tollgate process outlined, however, spend below the £250K threshold will be dealt with as per table below.

Total Value	Procurement Procedure
Up to £5,000	Single Quote (level one)
£5,000 - £25,000 (supplies or services); Up to £125,000 (works)	Competitive Quotations (minimum of 3) (level two)
£25,000 (supplies or services) to EU threshold £156,442	Competitive Quotations (minimum of 4) (level three)
£125,000 (works) to EU threshold £3,927,260	Competitive Quotations (minimum of 4) (level four) or Competitive tender
Over EU threshold (£156,442 for supplies/services) (£3,927,260 for works)	OJEU Tender - EU Procedure must be followed; for Category B Services as >£50K, Contract Award notice must be placed.

The procurement routes outlined in the table above are explained in the FAQs document.

(See Appendix - Document 7, question 3)

Advertising

To support the local economy, all opportunities from £0 to £25K have been ring fenced to local suppliers based in E1, E2, E3 & E14. Consequently the single quote and competitive quotations (min 3) as mentioned in the procurement procedure above are advertised via East London Business Place (ELBP) for opportunities between £0 to 5K and via CompeteFor for opportunities from £5K to £25K.

Competefor is also used to advertise larger contract values. Organizations wishing to view opportunities must first register with both ELBP and Competefor, registration is free.

All other opportunities are advertised via LBTH website, www.towerhamlets.gov.uk/, East End Life and sometimes in magazines and periodicals related to the tender.

Any opportunity above EU threshold is advertised in the Official Journal of the European Union (OJEU) and on our website. . For Restricted, Negotiated and Competitive Dialogue Procedures, potential bidders will get a minimum of 30 days to express their interest once the Contract notice is published in the OJEU. The timescales for each stage of the procurement process will be in accordance with the relevant EU procurement guidelines

LBTH operates an e-procurement system. This means that suppliers who wish to bid for tenders must register (free) with London Tenders at www.londontenders.org/ and Supply to Gov at www.supply2.gov.uk/ before they can apply.

Pre Qualification Questionnaire

PQQs are not issued for all contract opportunities, however, for EU “Restricted” procurements, a pre-qualification stage is mandatory, and certain timescales are set for receipt of information from potential suppliers.

When questionnaires are issued, the purpose of the questionnaire is to gather information about the technical ability, financial backing and business eligibility of the companies along with some project specific questions, that will assist in deciding which suppliers are able to deliver the good/service/works requirements and should be short-listed and invited to tender. Similar to the NHS TH PQQs, it is important to understand the evaluation criteria and weighting before starting to complete the PQQ document, this will be issued together with the PQQ document. PQQs are done electronically via the e-tendering system and may be done via the competefor or London tenders portal.

(See Appendix - Document 3 for a LBTH sample PQQ Document)

Unsuccessful bidders will be informed of the decision via a letter of regret as is the case with NHS TH. Bidders who have been short-listed at this stage will be eligible to tender for the contract.

Invitation to Tender

The LBTH Invitation to Tender package that is sent out to bidders who have been short-listed would generally have the following documents:

1. Instructions
2. The Service Provider's Form of Tender
3. Appendices to Form of Tender
4. The Council's Service Agreement (draft copy enclosed) including
5. Schedule 1 - Service Specification
6. Schedule 2 - Price
7. Method Statement
8. Variations to Terms of Contract
9. Insurance form to be completed by Insurance Agent/Broker
10. LBTH Celebrating Diversity Publication
11. ODPM Two Tier Workforce access to information sheet
12. Ethical Governance Protocol for Council Contracts
13. Information Release – Pre-tender Confidentiality Agreement

NOTE: Since each contract is different, some documents may be added or deleted as required, however this is what generally obtains.

(See Appendix - Document 4 for a general LBTH ITT Template)

Questions and Answers period

As LBTH operates an e-tendering system all questions and answers are issued via the e-tendering portal, www.londontenders.org/

All Tenders are opened in accordance with the Tender Opening Procedure relevant to the Tendering Authority. Opened tenders will be distributed to the evaluation panel for evaluation and short-listing. The Panel will evaluate the tenders against the published evaluation criteria and shortlist bidders for the presentation stage.

Presentations

Similar to NHS TH procurement, not all tenders will require the bidder presentations; however, if a presentation is required, bidders will be given advanced notice of the topics so they will have sufficient time to prepare. These topics are decided by the evaluating team. Presentations are sometimes only required by bidders who have been short-listed either at the PQQ or Tender stage or sometimes it can be required by all bidders, this is entirely dependent upon the procurement itself and will be clearly stated in the relevant documents. The evaluating team is responsible for scoring the presentation as per the pre-agreed

scoring guidelines. After the presentation, the evaluation Panel will convene and agree on whom to recommend to be awarded the contract based on the overall scoring of the ITT and the presentation in line with the criteria and weighting advertised.

Decision Making

In LBTH decision making can be made by several different groups and is solely dependent upon the procurement value. The table below outlines the decision making body for the various values:

Total Value	Award Procedure	Short-listing	Contract Award Decision
1. Up to £5,000	Single Quote	Officer	Approved officer
2. £5,000 - £25,000 (supplies or services); £125,000 (works)	Competitive Quote (min 3)	Officer	Approved officer
3. £25,000 (supplies or services); £125,000 (works) to EU threshold	Competitive Quote (min 4)	Officer	Approved officer
4. Over EU threshold	EU Procedure must be followed; for Category B Services, as >£50K; Contract Award notice must be placed.	Officer / Procurement	Corporate Director

For numbers 1 to 3 above, notification is given to the successful and unsuccessful bidders by the short-listing officer. For any value above EU threshold, notification is usually given by Procurement or the lead officer. From the time notification is given the Alcatel Period begins. This is a 10 day standstill period given so that any bidder express their dissatisfaction or challenge the award decision prior to contract being entered into. The standstill period does not commence until all unsuccessful bidders have been debriefed, which is done via the unsuccessful bidder letters. The Alcatel period is 10 days, however it is sometimes extended to take into account the means of communication used, allowing more time for slower methods of communication. The period always concludes on a working day. A contract can be concluded with the successful bidders subject to receiving no challenges/injunction during the standstill period.

Debrief under the EU Regulations

There are two stages during the contracting process when we are obliged to give debrief: -

1) Suppliers who are unsuccessful at the Pre-Qualification Stage

Where a supplier submits a Pre-Qualification Questionnaire and they are not successful in being short-listed through to the Invite to Tender Stage, then feedback/debrief must be offered at that stage, it is not the suppliers responsibility to request it.

2) Following the Tender Stage

a) Alcatel Standstill Period

Having completed the tender process and identifying the supplier that provides the organisation with the Most Economically Advantageous Tender (MEAT), a letter is sent to the supplier informing them that it has been decided to recommend their bid to the council, subject to the requirements of the Alcatel Standstill Period (**Appendix Document 5 – OJEU Intent Letter**). At the same time letters are sent to the unsuccessful bidders (**Appendix Document 6 – OJEU Standstill Notice of Decision to Award Unsuccessful Bidders**) informing them that: -

- (i) They have been unsuccessful
- (ii) The score awarded their bid
- (iii) The score for the preferred bidder
- (iv) Details of the person to contact if an additional debrief is required

From the time notification to the bidders is given the Alcatel Period begins. This is a mandatory standstill period given so that any bidder may express their dissatisfaction or challenge the award decision prior to a contract being entered into. The standstill period does not commence until all bidders have been notified/debriefed, which is done via the successful/unsuccessful bidder letters. The Alcatel period is 10 days if the suppliers are notified by electronic means, however if the information is sent other than by electronic means then the timescale is extended to 15 days. The period always concludes on a working day. A contract can be concluded with the successful bidder(s) subject to receiving no challenges/injunction during the standstill period.

b) Debrief – by Written Request of the Supplier

In addition to the above process, unsuccessful suppliers have the right to submit a request in writing, for debrief. We are obliged to provide debrief within 15 days of the request and must provide the following: -

- (i) the reasons for the rejection of his application
- (ii) the reasons for the rejection of his tender, including, for the cases referred to in Article 23, paragraphs 4 and 5, the reasons for its decision of non-equivalence or that the works, supplies or services do not meet the performance or functional requirements,
- (iii) any tenderer who has made an admissible tender of the characteristics and relative advantages of the tender selected as well as the name of the successful tenderer or the parties to a framework agreement.

Award

Contracting Authorities are obliged to publish a contract award notice. For OJEU tenders and for Part B services > £50K, a contract award notice will be published in OJEU website.

Appendix

Document 1	NHS TH PQQ Template
Document 2	NHS TH ITT Template
Document 3	LBTH PQQ Template
Document 4	LBTH ITT Template
Document 5	OJEU Intent Letter
Document 6	OJEU Standstill Notice of Decision to Award Unsuccessful Bidders
Document 7	Frequently Asked Questions (FAQs)
Common Terms & Acronyms	

DOCUMENT 1

NHS TH PQQ Template

NOTE: This document is a template. The provisions will not be appropriate for all procurements and will need to be tailored by adding project specific requirements/questions, revising the scoring guidelines and weights to suit the project in question)

[Insert full name of trust(s)]

[Insert title of tender (if OJEU tender use title stated on OJEU advert)]

Internal Ref: [Insert internal reference]

OJEU ref [Insert OJEU reference if applicable]

PRE-QUALIFICATION QUESTIONNAIRE

INTRODUCTION AND BACKGROUND

Purpose of this document

The Trust(s) [Insert full name of trust(s)] requires the information sought in this questionnaire from suppliers responding to the [Insert tender title] Tender, internal ref: [Insert internal reference], OJEU ref [Insert OJEU reference if applicable].

Responses to the pre-qualification questionnaire will be used in the first step of selecting suppliers to tender. Selected suppliers will be invited to participate further in the procurement.

Organisation of this document

This document contains three sections:

1. introduction, background information and instructions for completion;
2. evaluation approach;
3. the pre-qualification questionnaire.

Background Information

For background information regarding the Trust(s) do refer to their website(s);

- www.chpct.nhs.uk
- www.newhampct.nhs.uk
- www.thpct.nhs.uk
- www.eastlondon.nhs.uk
- www.bdpct.nhs.uk
- www.haveringpct.nhs.uk

[amend above list as deemed appropriate]

The Trusts intends to seek tenders for the following goods/services [delete as appropriate];

[Insert descriptions of goods/services to be tendered for]

Instructions for Completion

Content and format of responses

The completed questionnaires should be submitted in paper and electronically on CD [Insert quantity] paper copy/ies is/are required) and to be submitted using the return label at the end of the document by the due date.

Prospective service providers/suppliers should answer all questions as accurately and concisely as possible. Where a question is not relevant to the responder's organisation, this should be indicated, with an explanation.

Supporting information should be presented in the same order as, and should be referenced to, the relevant question.

The inclusion of an executive summary, general marketing and company literature or any separate statement of reasons for selection is not required and will not be considered in the evaluation of the PQQ. Potential Bidders should not include any information beyond that requested in the PQQ.

Questions should be answered in English.

Responses will be evaluated in accordance with the procedures set out in Section 2. In the event that none of the responses are deemed satisfactory, the Authority reserves the right to consider alternative procurement options.

Failure to furnish the required information, make a satisfactory response to any question, or supply documentation referred to in responses, within the specified timescale, may mean that service providers/suppliers will not be invited to participate further.

In completing their PQQ submissions, potential Bidders should not assume that [Insert PCT Name] has any prior knowledge of the potential Bidder, its practice or reputation or its involvement in existing services, projects or procurements. In evaluating PQQ submissions, [Insert PCT Name] will only consider information provided in response to this PQQ.

Consortia and sub-contracting

Where a consortium or sub-contracting approach is proposed, all information requested should be given in respect of the proposed prime contractor or consortium leader. Relevant information should also be provided in respect of consortium members or sub-contractors who will play a significant role in the delivery of services or products under any ensuing contract. Responses must enable the Authority to assess the overall service proposed.

Where the proposed prime contractor is a special purpose vehicle or holding company, information should be provided of the extent to which it will call upon the resources and expertise of its members.

The Authority recognises that arrangements in relation to consortia and sub-contracting may be subject to future change. Service providers/suppliers should therefore respond in the light of such arrangements as are currently envisaged.

Please provide details of the proportion of any contract awarded under this contract that the prospective partner proposes to subcontract.

The Authority intends seeking independent financial and market advice to validate information declared or to assist in the evaluation. Reference site visits or demonstrations and/or presentations are unlikely to be requested at this stage.

Queries about the procurement

The Authority will not enter into detailed discussion of the requirements at this stage.

Any questions about the procurement should be submitted by e-mail to the contact stated below.

If the Authority considers any question or request for clarification to be of material significance, both the query and the response will be communicated, in a suitably anonymous form, to all service providers/suppliers who have responded.

All responses received and any communication from service providers/suppliers will be treated in confidence.

Supplier contact point

Suppliers have been asked to include a single point of contact in their organisation for their response to the pre-qualification questionnaire. The Authority shall not be responsible for contacting the supplier through any route other than the nominated contact. The supplier must therefore undertake to notify any changes relating to the contact promptly.

Pre-qualification questionnaire return date

Responses must be returned by **12:00 hours on [insert return date in full extended uk format]**
Responses received after this date may be disregarded.

Any questions regarding the PQQ shall not be responded to if received after 12:00 hours on [insert date, this should be 5 working days prior to the return date].

Address for Responses

You are only to use the address label provided at the end of this document.

Project contact details:

[First name] [Family name]

[Title]

Consortium Procurement

1st Floor Block 2

Mile End Hospital

Bancroft Road

London

E1 4DG

Telephone: +44 (0) 20 [XXXX XXXX]

Email: [insert email address]

EVALUATION APPROACH

Supplier Selection

The objective of the selection process is to assess the responses to the Pre-Qualification Questionnaire and select potential service providers to proceed to the next stage of the procurement.

Selection criteria will be a combination of both financial and non-financial factors and will consider:

- a) Supplier Acceptability – status of supplier in relation to criteria listed in Part 4, Section 23 of ‘the Public Contracts Regulations 2006’. A copy of the Public Contracts Regulations 2006 should be able to be viewed by clicking on the following link <http://www.opsi.gov.uk/si/si2006/20060005.htm> should this not work then Google ‘The Public Contracts Regulations 2006’ to obtain a copy of the regulations.
- b) Economic and Financial Standing – the supplier must be in a sound financial position to participate in a procurement of this size as set out in Part 4, Section 24 of ‘the Public Contracts Regulations 2006’ this may entail independent financial checks. A copy of the Public Contracts Regulations 2006 should be able to be viewed by clicking on the following link <http://www.opsi.gov.uk/si/si2006/20060005.htm> should this not work then Google ‘The Public Contracts Regulations 2006’ to obtain a copy of the regulations.
- c) Supplier Track Record - The Service Provider must be able to demonstrate a successful track record of providing similar services to those advertised.
- d) Supplier capacity and capability – Assessment of the totality of resources and core competences available to the supplier(s).

Failure to provide a satisfactory response to any of the questions may result in the Authority not proceeding further with the supplier.

The information supplied will be checked for completeness and compliance before responses are evaluated.

Where in the opinion of the Authority the response is inadequate the supplier may be excluded from further consideration.

The Authority intends to award any contract based on the most economically advantageous offer, full details of the evaluation criteria shall be included in the invitation to tender package.

Note: the criteria, scoring guidelines and weights below are included for example only. Please revise these to suit your tender in question.

RESTRICTED – COMMERCIAL

	Selection Criteria	Weight
1	ORGANISATION IDENTITY	
1.3	Registered offices listed	FI
2	ORGANISATION INFORMATION	FI
3	PRIME CONTRACTOR	FI
4	COMPLIANCE WITH LEGISLATION	IN/OUT
5.1	QUALITY ASSURANCE (ISO 9000 or Equivalent = 2, Acceptable =1, Deficient or None = 0)	2
5.2	Details of any quality assurance certification for which you have applied (Evidence of undergoing quality assurance validation process = 2, no evidence 0)	2
5.3	[Trust Lead please Insert any other quality assurance requirements specific to the tendered requirements] (evidence of practice visit=2 , no evidence =0)	2
6	FINANCIAL STANDING (Finance to evaluate the Audited Financial Statements and decide whether the organisation is financially stable to bid a project of this size)	IN/OUT
7	INSURANCES	FI
8	REFERENCES	IN/OUT
9	DISPUTES (Y=0; N=1)	5
10	BUSINESS CAPABILITY	
10.1	Principle Areas of Business Activity (Comprehensive = 2, Acceptable = 1, Deficient or None = 0)	2
10.3	Permanent Members of Staff (10 or more = 2; 9 or less = 1)	2
10.4	Managerial Staff (3 or more = 2; 2 or less = 1)	2
10.5	Staff Turn over (0 - 5.00% = 2; 5.01%-15% = 1; over 15% = 0)	2
10.6	Previous and Current Experience (Comprehensive = 2, Acceptable = 1, Deficient or None = 0)	5
10.7	Data Protection (Y=1; N=0)	5
10.8	Health & Safety (Y=1; N=0)	5
10.9	IIP (Y=1; N=0)	1
10.11	Include project specific questions (Comprehensive = 2, Acceptable = 1, Deficient or None = 0)	5
10.12	Include project specific questions (Comprehensive = 2, Acceptable = 1, Deficient or None = 0)	5
10.13	Include project specific questions (Comprehensive = 2, Acceptable = 1, Deficient or None = 0)	
10.14	Include project specific questions (Comprehensive = 2, Acceptable = 1, Deficient or None = 0)	

Weighting:	
The following weightings definition applies:	
5	Is perceived as an essential requirement
2	Is perceived as a preferred/minimum requirement
1	Is perceived as a desirable requirement
FI	Is perceived as 'for information' only (i.e. no impact)
IN/OUT	Is perceived as pass or fail.

Scoring Scheme:	
The following scoring definition applies:	
2	Comprehensive – A comprehensive response submitted in terms of detail and relevance.
1	Acceptable – An acceptable response submitted in terms of the level of detail, accuracy and relevance.
0	Deficient – Response to the question (or an implicit requirement) significantly deficient or no response received.

PRE-QUALIFICATION QUESTIONNAIRE FOR “[INSERT TENDER TITLE]”

1 ORGANISATION IDENTITY

1.1	Name of the company (Prime or single contractor) in whose name the tender would be submitted	
1.2	Contact name:	
1.3	Address:	
1.4	Telephone number:	
1.5	Facsimile number:	
1.6	E-mail address:	
1.7	Company Registration number:	
1.8	Date of Registration:	
1.9	Registered address if different from the above:	
1.10	VAT Registration number:	
1.11	Website address (if any)	

2. ORGANISATION INFORMATION

2.1	Is your organisation:	i) a public limited company?	Y/N	iii) a sole trader?	Y/N
		ii) a limited company?	Y/N	iv) a partnership?	Y/N
2.2	Confirmation that an organisation structure chart is enclosed with this completed questionnaire?				Y/N
2.3	Is your company a subsidiary of another company?		Y/N		
The holding or parent company					
The ultimate parent company (if applicable)					
2.4	Executive Directors/ Partners:				
	Name	Responsibility			
2.5	Number and locations of premises from which your organisation provides services similar to those required by the Authority				
2.6	Brief history (not more than 400 words) of your organisation				

3. PRIME CONTRACTOR

3.1 Please tick the box below which applies		
a) Your organisation is bidding to provide the services required		<input type="checkbox"/>
b) Your organisation is bidding in the role of Prime Contractor and intends to use third parties to provide some services		<input type="checkbox"/>
3.2 If your answer to 3.1 is (b) please identify intended subcontractors/ partners for the bid (if currently known) below:		
Organisation name	Organisation address and contact details	Service provision responsibility
3.3 Please give a brief outline on your policy regarding the use of sub-contractors and, if applicable, the extent to which you might envisage using them for this requirement.		

4. COMPLIANCE WITH EU LEGISLATION/ UK PROCUREMENT LEGISLATION

Do any of the circumstances as set out in 'The Public Contracts Regulations 2006', Part 4, Section 23 apply to your company.		Y/N
If yes, please supply details:		
<p>The Authority may seek evidence at a later date, in confirmation of your answer. (A copy of the Public Contracts Regulations 2006 should be able to be viewed by clicking on the following link http://www.opsi.gov.uk/si/si2006/20060005.htm should this not work then Google 'The Public Contracts Regulations 2006' to obtain a copy of the regulations)</p>		

5. QUALITY ASSURANCE

5.1	Please provide details of any quality assurance certification that your company holds e.g. ISO 9000 or equivalent standard. Please include a copy of any certificate. If no accreditation held, please attach an outline of your quality assurance policy.	
5.2	Please provide details of any quality assurance certification for which you have applied	
5.3	[Trust Lead please Insert any other quality assurance requirements specific to the tendered requirements]	

6. FINANCIAL

The following financial information is required to be provided.			
(a) A copy of the most recent audited accounts for your organisation that cover the last [two/three] years of trading or for the period that is available if trading for less than [two/three] years.			
(b) A statement of the organisation's turnover, Profit & Loss and cash flow position for the most recent full year of trading (or part year if full year not applicable) and an end period balance sheet, where this information is not available in an audited form at (a).			
(c) Where (b) cannot be provided, a statement of the organisation's cash flow forecast for the current year and a bank letter outlining the current cash and credit facility position.			
(d) If the organisation is a subsidiary of a group, (a) to (c) are required for both the subsidiary and the ultimate parent. Where a consortium or association is proposed, the information is requested for each member company.			
(e) A separate statement of the organisation's turnover that relates directly to the supply of this service for the past two years, or for the period the organisation has been trading (if less than two years).			
(f) Parent company and/or other guarantees of performance and financial standing may be required if considered appropriate. Confirmation of the organisation's willingness to arrange for a guarantee or a performance bond			
(g) The name and address of your banker			
(h) Annual turnover for your <u>organisation</u> over the last three years, if your organisation is a subsidiary of a group then the annual turnover of the subsidiary is required;			
Annual turnover	£	For Year	20__
Annual turnover	£	For Year	20__
Annual turnover	£	For Year	20__

7. INSURANCE

7.1 Please provide details of your organisation's insurance protection in respect of professional indemnity insurance cover		
Policy Type	Insurer`	Indemnity Value (£)

8. REFERENCES

8.1 Details of three major recent private sector contracts you have been awarded for the provision of services similar to those required by the Authority				
Customer name and address	Contact name and Telephone number and Email Address (must be official work email address)	Date contract awarded	Contract reference and brief description of service undertaken	Names of subcontractors and/ or consortium members and their role
1.				
2.				
3.				
8.2 Details of any major recent contracts you have been awarded by central government departments, agencies, local authorities or NHS trusts for the provision of services similar to those required by the Authority				
Customer name and address	Contact name and Telephone number and Email Address (must be official work email address)	Date contract awarded	Contract reference and brief description of service undertaken	Names of subcontractors and/ or consortium members and their role
1.				
2.				
3.				

NB. The Authority may elect to contact any of the given companies for a reference. Your permission to do so will be assumed unless you explicitly state any objections.

9. DISPUTES

9.1 For the last 3 years, details of contracts over [£value] where there has been a failure to complete the contract on time or at all, or where there have been claims for damages, or where damages have been deducted or recovered, in either case where the damages exceed [£value]. Also details of any contracts terminated.			
Customer name and address	Contract reference and brief description of services provided	Date of claim/ contract termination	Reason for claim/ contract termination
9.2 Are there any court actions and/ or significant employment tribunal hearings outstanding against your organisation?		Y/N	If Yes, please provide details:
9.3 Has your organisation been involved in any court action and/ or significant employment tribunal over the last 3 years?		Y/N	If Yes, please provide details below:

10. BUSINESS CAPABILITY

10.1	State below the principal areas of business activity		
10.2	State below which professional or trade bodies your organisation belongs		
10.3	The number of staff currently involved directly in the provision of services similar to those required by the Authority:		
	Permanent staff numbers		Casual
10.4	Of the above staff, please identify the numbers which hold the following skills		
	Skill	Permanent	Casual
	Management Supervision		
	Clerical / Support		
	Operational		
	Sales / Marketing		
	Servicing		
10.5	Details of staff turnover as percentage of your workforce for the last 3 years		
10.6	Please describe in the box below (maximum 800 words), your organisations previous (no older than 3 years) and current experience of providing services similar to those required by the Authority		
10.7	Is your organisation registered under the Data Protection Act 1998?	Y/N	If Yes, please provide your registration number:
10.8	Please submit details of your organisation's Health and Safety at Work Policy		Provided Y/N
10.9	Is your organisation currently 'Investors in People' accredited (or similar)?		Y/N
10.10	If you responded 'Y' to 10.9, when did your organisation achieve this status		
10.11	[insert any project/tender specific questions here; do note the following - any additional questions inserted or information sought must ONLY be used to assess the four criteria stated in the 'Evaluation Approach' paragraph. Should no additional questions be required delete this cell]		
10.12	[insert any project/tender specific questions here; do note the following - any additional questions inserted or information sought must ONLY be used to assess the four criteria stated in the 'Evaluation Approach' paragraph. Should no additional questions be required delete this cell]		
10.13	[insert any project/tender specific questions here; do note the following - any additional questions inserted or information sought must ONLY be used to assess the four criteria stated in the 'Evaluation Approach' paragraph. Should no additional questions be required delete this cell]		

11. COMMENTS

11.1 Any general comments you wish to make

12. FORM COMPLETED BY:

Signature	
Name	
Position	
Date	
Telephone number	
E-mail address	

Mandatory Attachments Checklist

- Organisation chart (Q2.2)
- Quality Certificate (Q5.1)
- QA Policy (Q5.1) if not accredited
- Audited accounts (Q6) for last 3 years for company and parent
- Financial information for organisation and group requested in (Q6)

The information contained in this questionnaire will be held in confidence by the Authority and used for the purpose of determining your suitability for meeting our general requirements for the provision of the Services. Further assessment and selection may be required before any indication can be given on the success of your application for inclusion on our tender list.

PQQ RETURN LABEL

Ensure that your PQQ is returned in an unmarked envelope/package using the address label below. Ensure **[insert quantity]** hard copy/ies and an electronic copy on CDR is enclosed.



RESTRICTED – COMMERCIAL
PQQ Ref; [insert internal reference]

[First name] [Family name]

[Title]

Consortium Procurement

1st Floor Block 2

Mile End Hospital

Bancroft Road

London

E1 4DG

To reach the recipient no later than;
12:00 hours on [insert return date]

Please make as many copies of the label as deemed necessary in order to ensure all your envelopes/packages are sufficiently labelled with THIS address label for your PQQ return

DOCUMENT 2

NHS TH ITT Template

TENDER FOR [insert tender title]

FOR

[Insert trusts involved in alphabetical order]

OJEU Ref; [insert OJEU reference, if applicable]

Internal Ref; [insert internal reference]

**[If OJEU or national tender leave statement below otherwise
remove]**

**(It should be noted that any of the Trusts in the
London Strategic Health Authority
may take advantage of any contract(s) awarded
as a result of this tender)**

Contents

Document 1

Invitation to Tender

Dear Sir/Madam

Re: **Invitation to tender for [insert name of services or goods] for [insert trust name(s), if more than one then in alphabetical order]**

Offer reference number: **[insert internal reference]**

Official Journal of the European Union reference: **[insert OJEU reference, if applicable, if not delete this line]**

Tenders are invited subject to the terms of this section; Invitation to Tender (Document 1), the Terms of Tender (Document 2) and in accordance with the NHS Terms and Conditions of Contract (Document 3) and Supplementary Terms and Conditions of Contract (Document 4) and the services detailed in the Contract Specification (Document 5). **[Ensure the referencing in this paragraph is correct]**

[Insert trust name(s), if more than one then in alphabetical order] (hereafter known as the Trust) do not bind themselves to accept the lowest offer or any tender and reserves the right to accept a tender either in whole or in part, each item being for this purpose treated as offered separately. The Trust reserves the right to award contracts for the provision of the Supply of **[insert name of services of goods being procured]** described above and arising out of this procurement process to more than one supplier.

This Invitation to Tender package comprises the following documents (if any of these documents are missing please contact me immediately):

- Document 1 Invitation to Tender
- Document 2 Terms of Tender
- Document 3 The NHS Terms and Conditions of Contract
- Document 4 Supplementary Terms and Conditions
- Document 5 Contract Specification
- Document 6 Offer Schedules
- Document 7 Certificate As To Collusive Tendering
- Document 8 Certificate As To Canvassing
- Document 9 Statement Of Acceptance Of Trust's Policies
- Document 10 Deed Of Guarantee
- Document 11 Form of Tender
- Document 12 Tender Submission Labels
- Document 13 Draft Contract

[Ensure the referencing in list above is correct]

I would like to draw your attention to the following important points when completing and submitting your offer:

1. All tenders must be written in English and submitted electronically (i.e. CD-ROM in Microsoft Word Format, do not lock or password protect any electronic files, also, should you submit multiple files rather than 1 file, ensure that the files are logically named so that it will be easy for the trust to understand the order of the files to mirror the structure of your hard copy submission) as well as **[insert number of hard copies required] hard copies**
2. All tenders must be submitted in accordance with the documentation provided herein. **This must not be amended in any way.**
3. All tenders must be submitted in a sealed envelope/package using the submission labels provided in Document 12 **[ensure referencing is correct]**. **The envelope/package must not identify the name of your company.**
4. The envelope/package containing your tender must be returned no later than **12:00hrs** on **[insert closing date in full extended UK format]** **[note ensure return date in not a bank holiday or a week end]**.

I must also draw your attention to the enclosed Terms of Tender where all the requirements for completing and submitting a tender can be found. **Failure to comply with these instructions may result in your tender being rejected.**

I hope that this clarifies matters, but please contact me if there is anything you wish to discuss.

Yours faithfully

[Name]

[Title]

Tel; +44 (0)20 8223 **[XXXX]**

Email; **[insert work email address]**

c/o Consortium Procurement Department
1st Floor Block 2
Mile End Hospital
Bancroft Road
London
E1 4DG

Document 2

Terms of Tender

1. Information and Confidentiality

- 1.1. Information that is supplied to tenderers as part of the procurement exercise is supplied in good faith. However, tenderers must satisfy themselves as to the accuracy of such information and no responsibility is accepted for any loss or damage of whatever kind or howsoever caused arising from the use by the tenderers of such information, unless such information has been supplied fraudulently by the Trust.
- 1.2. All information supplied to tenderers by the Trust in connection with this procurement exercise shall be regarded as confidential. By submitting a tender the tenderer agrees to be bound by the obligation to preserve the confidentiality of all such information.
- 1.3. This invitation and its accompanying documents shall remain the property of the Trust and must be returned on demand.

2. Freedom of Information Act 2000

- 2.1. The Freedom of Information Act 2000 (FOIA) applies to the Trust.
- 2.2. Tenderers should be aware of the Trust obligations and responsibilities under the FOIA to disclose, on request, recorded information held by the Trust. Information provided by tenderers in connection with this procurement exercise, or with any Contract that may be awarded as a result of this exercise, may therefore have to be disclosed by the Trust in response to such a request, unless the Trust decide that one of the statutory exemptions under the FOIA applies. The Trust may also include certain information in the publication scheme, which it maintains under the FOIA.
- 2.3. In certain circumstances, and in accordance with the Code of Practice issued under section 45 of the FOIA or the Environmental Information Regulations 2004, the Trust may consider it appropriate to ask tenderers for their views as to the release of any information before a decision on how to respond to a request is made. In dealing with requests for information under the FOIA, the Trust must comply with a strict timetable and the Trust would, therefore, expect a timely response to any such consultation within five working days.
- 2.4. If tenderers provide any information to the Trust in connection with this procurement exercise, or with any Contract that may be awarded as a result of this exercise, which is confidential in nature and which an tenderer wishes to be held in confidence, then tenderers must clearly identify in their offer documentation the information to which tenderers consider a duty of confidentiality applies. Tenderers must give a clear indication which material is to be considered confidential and why you consider it to be so, along with the time period for which it will remain confidential in nature. The use of blanket protective markings such as “commercial in confidence” will no longer be appropriate. In addition, marking any material as “confidential” or equivalent should not be taken to mean that the Trust accepts any duty of confidentiality by virtue of such marking. Please note that even where an offeror has indicated that information is confidential, the Trust may be required to disclose it under the FOIA if a request is received.

-
- 2.5. The Trust cannot accept that trivial information or information which by its very nature cannot be regarded as confidential should be subject to any obligation of confidence.
 - 2.6. In certain circumstances where information has not been provided in confidence, the Trust may still wish to consult with tenderers about the application of any other exemption such as that relating to disclosure that will prejudice the commercial interests of any party.
 - 2.7. The decision as to which information will be disclosed is reserved to the Trust, notwithstanding any consultation with you.

3. Prices

- 3.1. Prices must be stated in the Offer Schedule (Document 6) [ensure referencing is correct] and must remain open for acceptance for a period of 120 days from the closing date for the receipt of tenders.
- 3.2. Prices must be firm (i.e. not subject to variation) for the period of the contract subject only to any variation provisions contained in the contract documents.

4. Tender Documentation and Submission

- 4.1. Tenders must be submitted for,
 - 4.1.1. [Insert goods or services being tendered for].
- 4.2. The services/goods [delete accordingly] tendered should be strictly in accordance with the Tender Specification (Document 5) [ensure referencing is correct]. Tenderers may additionally submit an Alternative Offer but must clearly state within this document all differences between such offer and the specified services.
- 4.3. Tenders must include:
 - 4.3.1. **The Form of Tender (Document 11)** [ensure referencing is correct];
 - 4.3.2. **The Offer Schedule (Document 6)** [ensure referencing is correct];
 - 4.3.3. **Where the tenderer is a subsidiary company the Trust may require the parent Company to execute a Deed of Guarantee (Document 10)** [ensure referencing is correct];
 - 4.3.4. **Certificate As To Collusive Tendering (Document 7)** [ensure referencing is correct];
 - 4.3.5. **Certificate As To Canvassing (Document 8)** [ensure referencing is correct];
 - 4.3.6. **Statement Of Acceptance Of Trust's Policies (Document 9);** [ensure referencing is correct]
 - 4.3.7. **Actual references from satisfied previous commissioning organisations in the same or related business to this tender; [if this point is not required remove this point]**
 - 4.3.8. **Confirmation that any information previously supplied to the Trust in connection with the offer is still accurate and is incorporated by reference into the offer.**
 - 4.3.9. **Point by point response to Contract Specification (Document 5)** [ensure referencing is correct], using the template provided below [if this point is not required remove this point, if required do create and insert a template based on one below].



Point by Point
ResponseTemplate

4.3.10. [Specify/list any other specific requirements here. If none delete this point]

4.3.11. Any other information requested within the invitation to tender package/documentation.

4.4. The Form of Tender must be signed by an authorised signatory: in the case of a partnership, by a partner for and on behalf of the firm; in the case of a limited company, by an officer duly authorised, the designation of the officer being stated.

4.5. The Form of Tender and accompanying documents must be completed in full. Any tender may be rejected at the trusts sole discretion which:

4.5.1. Contains gaps, omissions or obvious errors; or

4.5.2. Contains amendments which have not been initialled by the authorised signatory; or

4.5.3. Is received after the closing time; or

4.5.4. Is received with any company markings on the tender envelope

4.5.5. Is Non-compliant

5. For help in completing the Form of Tender please contact

[Name]

[Title]

[Email address]

+44 (0) 20 [full telephone number i.e. XXXX XXXX]

Consortium Procurement Department

1st Floor Block 2

Mile End Hospital

Bancroft Road

London E1 4DG

5.1. Please note, questions may only be submitted up to 1200hrs [insert date in fully extended UK format] [note if this is a ojeu tender this date must not be any more than four working day prior to the submission date].

5.2. All questions must be submitted via email to [insert email address where questions are to be submitted]

6. Tenders must be written in English and submitted in a plain sealed envelope/package, which does not identify the tenderer. The envelope/package should bear the address label provided in Document 12 [ensure referencing is correct] and arrive at that address stated on the tender return label no later than 12:00hrs on [insert closing date in fully extended uk format].

7. Contract award criteria

7.1. The contract will be awarded on the basis of the most economically advantageous tender judged on the following criteria:

	Area	Weighting
1	[insert criteria]	[insert

		weighting]
2	[delete rows not required]	
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19	References	IN/OUT
	TOTAL	[insert total]

7.2. It should be noted that should you score less than 50% on ANY of the above areas (1 to 19) [ensure referencing is correct] it may exclude your organisation from being awarded a contract; this shall be at the sole discretion of the Trust.

7.3. The following scoring schema shall be used

0.00	V.High Risk	Supplier demonstrates no compliance with stated requirements and no understanding of needs - no confidence
1.00	High Risk	Supplier shows little compliance with stated requirements and some misunderstanding of needs - little confidence
2.00	Some Risk	Supplier shows some compliance with stated requirements but demonstrates some doubt - some confidence
3.00	No Risk	Adequate Supplier response, meets stated requirements and shows understanding - confident of compliance
4.00	No Risk	Good Supplier response, demonstrates understanding and proven capability - confident of compliance
5.00	No Risk	Supplier exceeds stated requirements shows good understanding with examples - high confidence of supplier compliance
6.00	No Risk	Excellent response, demonstrates total understanding with well worked examples - Total confidence of compliance

7.4. Unsuccessful tenderers will be given the opportunity to be debriefed on their submission.

8. Contract monitoring

8.1. The Trust is committed to helping improve the efficiency of contracted suppliers through sharing information on performance measurement. The criteria for measuring performance shall be agreed with the supplier/s and formally documented. It is possible that measurement criteria will develop during the term of the contract - this will also be documented following agreement with the supplier/s.

9. TUPE

9.1. The Trust makes no representations regarding TUPE.

9.2. Offerors are advised to form their own view on whether TUPE applies, obtaining their own legal advice as necessary.

10. Contract Term

10.1. The Contract Term shall be [insert number of months] months from the commencement of the service to that Authority by the Contractor under the terms and conditions of this contract.

10.2. This contract is for an initial period of [insert number of months] months. The contract term may be extended annually up to a maximum of 60 [reduce this figure if required, however, do note this figure can not be any greater than 60 unless formally authorized by the DoF of the concerned trust(s)] months from the commencement of service subject to Invitation by the Authority and confirmation in writing of the extension of the Contract Term signed by the Authority and Contractor.

Document 3

The Terms and Condition of Contract

Any contract(s) awarded as result of this tender process shall be bound by the [insert the full name of the appropriate NHS T&C's including date, a full set of NHS T&C's can found on the PASA website. Should you be tendering on behalf of Commissioning for a service that shall be directly provided to the public by the winning tenderer(s) ensure that the correct DoH PCT contract name and reference is inserted here, Commissioning must state which DoH PCT contract should be named and referenced here] [ensure the most recent version is stated]

[Delete one of the following two paragraphs to reflect the above]

Copies of the above document are available from the NHS Purchasing and Supply Agency website (www.pasa.nhs.uk) or on request from Chester, Tel: 0118 980 8841.

Copies of the above document are available from the Department of Health website (www.dh.gov.uk) or on request from London, Tel: 020 7210 4850.

Document 4

Supplementary Conditions of Contract

[If any contract to be awarded is to be for the benefit of two or more trusts ensure clauses 1 to 3 remain, if the contract is solely for the benefit of one trust then clauses 1 to 3 can be omitted]

The Supplementary Conditions of Contract are to take precedence over the NHS Terms and Conditions stated in Document 3. [Ensure referencing is correct]

1. For the avoidance of doubt Trusts covered by this contract may terminate or extend the contract term as described above, for their own Trust, any such termination or extension shall apply to that Trust only and will not affect any contract between the other Trusts and the Contractor.
2. It is agreed a Trust will only be held liable for valid Invoices submitted by the Contractor to the Trust for services/goods directly procured by the Trust and supplied to them by the Contractor. For the avoidance of doubt a Trust shall not be liable in anyway for invoices or other such bad debts procured or accrued under this contract relating to other Trusts or third parties.
3. Any dispute between a Trust and the Contractor shall not effect the provision of service in anyway to any other Trust whom the Contractor may also be providing a service to under this Contract.
4. [insert any other supplementary clauses i.e. early termination/break clause a price review clause]

Document 5

Contract Specification

[Insert title of goods/services being tendered for]
[Insert start date] to [insert end date, not including any extension options]

For

[INSERT TRUST NAME(S) IN FULL]

[Insert client's specification here and note the following;

The service specification is the core of the 'offer process' and holds precedence over all the other elements of the ITO. As a general principle, the service specification should focus on what should be achieved rather than how to achieve it (i.e. output based specification), in order to encourage innovation and maximise cost effectiveness. The Trust may prefer to divide the total service requirement into those sections relating to a particular client group (e.g. elderly, children) or indeed by site or service type, though this may make comparison with other providers more difficult. Service specifications must include requirements across all dimensions of performance and incorporate any expected changes in activity levels over the contract term.

Where there are legislative requirements or other technical and environmental standards and national policy standards, which must apply to the service, then these should be specified as a minimum standard in the specification.

It is essential to involve all interested parties, including staff and their representatives, when writing the service specification requirements. Where the service impacts upon the delivery of clinical services or on health, then clinicians need to be consulted and their 'sign-off' obtained.

Care must be taken to ensure that current process does not become enshrined in the specification rather than desired service requirements and outcomes, as this could lead to accusations of unfair competition in favour of the incumbent contractor.

Other stakeholders should include patients accessing services that operate on wards and in public areas. This could be through surveys or direct contact or, for example, in focus groups.

Service specifications should also include details of what data will be required from the service provider and what performance standards will be applied to the service. Standards should be output based and set challenging but realistic targets which can be evaluated over the full contract term. These should be across all performance dimensions.

Clearly the Trust must guard against the specification simply becoming an unachievable 'wish list'. Undertaking the consultation exercise within the overall objectives set by the Trust board will help. Trusts should set a resource envelope that is the expected budget available for that service, and transmit this to the stakeholders where this would be helpful.

Without a budget it becomes virtually impossible to evaluate responses to the specification; either the desired quality standards are too costly in which case it becomes impossible to decide on what the trade-off between cost and quality should be, or the minimum standard only is delivered at lowest cost, which may not meet the Trust or stakeholders objectives.

Sample specifications (where available) which have been developed from previous market testing exercises will be included with each of the market guides for Trusts as a starting point. Technical and/or legal advice may need to be sought to assist with completion of this exercise to meet the specification requirements of the particular procurement.

Also

Ensure the specification is clear, logical and is number bulleted for ease of reference and is compliant with EU procurement law.]

Document 6

Offer Schedule

(The Offer Schedule must contain, where appropriate, a main schedule of items (goods and/or services) and estimated/fixed requirements, with space in which the offered prices and other terms can be stated by the offeror)

Document 7

Certificate as To Collusive Tendering

TO: [insert trust(s) name in full]

(Hereinafter called 'Trust')

The essence of selective tendering is that the Trust shall receive bona fide competitive tenders from all persons tendering.

In recognition of this principle:

I/We certify that this is a bona fide tender, intended to be competitive and that I/we have not fixed or adjusted the amount of the tender or the rates and prices quoted by or under or in accordance with any agreement or arrangement with any other person.

I/We also certify that I/we have not done and undertake that I/we will not do so at any time any of the following acts.

1. Communicating to a person other than the Trust the amount or approximate amount of my/our proposed Tender (other than in confidence in order to obtain quotations necessary for the preparation of the Tender for any insurance purposes); or
2. Entering into any agreement or arrangement with any other person that he/she shall refrain from tendering or as to the amount of any tender to be submitted;
3. Offering or agreeing to pay or give or paying or giving any sum of money, inducement or valuable consideration directly or indirectly to any person for doing or having done or causing or having caused to be done in relation to any other Tender or proposed Tender for the Services any act or omission.

Signed

(1) _____ status: _____

(2) _____ status: _____

for and on behalf of _____

Date _____/_____/_____

Document 8

Certificate as To Canvassing

TO: [insert trust(s) name in full]

(Hereinafter called 'the Trust')

I/We hereby certify that I/we have not canvassed or solicited any Member, Officer, Employee or Agent of the Trust in connection with the award of this Tender or any other Tender or proposed Tender for the Services and that no person employed by me/us or acting on my/our behalf has done any such act.

I/We further hereby undertake that I/we will not in the future canvass or solicit any Member, Officer, Employee or Agent of the Trust in connection with the award of this Tender or any other Tender or proposed Tender for the Services and that no person employed by me/us or acting on my/our behalf will do any such act.

Signed

(1) _____ status: _____

(2) _____ status: _____

for and on behalf of _____

Date _____/_____/_____.

Document 9

Statement of Acceptance of Trust's Policies

TO: [insert trust(s) name in full]

I/We certify that I/we undertake to meet all the provisions of the Trust's policies and rules.

These may be amended from time to time as required to meet changes in statutes or regulations with which the Trust will comply.

I/We certify that I/we will not in pursuance of compliance with the provisions of this statement, raise any charge against the Trust outside the agreed contract price for any measures taken unless this has been agreed formally with the authorised officer.

Signed

(1) _____ status: _____

(2) _____ status: _____

for and on behalf of _____

Date ____/____/____.

Document 10

Deed of Guarantee

THIS Deed of Guarantee is made the: _____

BETWEEN _____.

(hereinafter called 'the Guarantor') whose registered office is situated at

of the one part and

[Insert name of trust(s) in full] (hereinafter called 'the Trust') of the other part.

WHEREAS

1. _____, whose registered office is situated at _____
(hereinafter called 'the Contractor') has submitted to the Trust a Tender dated _____
for the provision of [insert name of goods/services being
procured] at _____ (locations),
which Tender has been accepted by the Trust.
2. By the Conditions of Tender the said Tender and the Trust's acceptance thereof constitute a binding Agreement for the provision of the said services upon the terms and conditions of the Draft Contract attached to the Trust's Invitation to Tender.
3. By the Conditions of Tender the Contractor is bound hereafter to enter into a written Agreement for the provision of the said services in the terms of the said Contract.

or, as appropriate:

WHEREAS by a written Agreement dated _____ and made between the Trust of the one part and _____, whose registered office is situated at _____
_____ (hereinafter called 'the Contractor') of the other part the Contractor has agreed to provide certain services as therein specified in conformity with the provisions of the said Agreement).

Now therefore by this Deed the Guarantor agrees with the Trust as follows:-

1. If the Contractor (unless relieved from the performance by any terms of the said Agreement (s or of either of them) or by statute or by the decision of a tribunal of competent jurisdiction) shall in any respect fail to execute the said Agreement (s or either of them) or shall commit any breach of any of the Contractors obligations thereunder the Guarantor will upon demand indemnify the Trust against all losses, damages, costs and expenses which may be incurred by the Trust by reason of any default on the part of the Contractor in performing and observing the provisions of the said Agreements (s or if either of them).
2. The Guarantor shall not be discharged or released from this Guarantee by any arrangement made between the Contractor and the Trust without the assent of the

Guarantor or by any alteration in the obligations undertaken by the Contractor or by any forbearance whether as to payment, time, performance or otherwise.

In WITNESS whereof _____

In WITNESS whereof _____

the Common Seal of _____ was hereunder affixed
in the presence of:

Document 11

Form of Tender

For the Supply of [insert name of goods/service being procured] to [insert full name of trust(s)]

_____ ('the Offeror') of

_____ (Insert address of offeror)

Agrees:

1. That this tender and any contracts arising from it shall be subject to the Invitation to Tender, Terms of Tender, the NHS Terms and Conditions of Contract and Supplementary Conditions of Contract and all other terms (if any) issued with the Invitation to Tender; and
2. To supply the services in respect of which its tender is accepted (if any) to the exact quality, sort and price specified in the Tender Schedule in such quantities, to such extent and at such times and locations as ordered; and
3. That this tender is made in good faith and that the Tenderer has not fixed or adjusted the amount of the tender by or in accordance with any agreement or arrangement with any other person. The Tenderer certifies that it has not and undertakes that it will not:
 - a. communicate to any person other than the person inviting these tenders the amount or approximate amount of the tender, except where the disclosure, in confidence, of the approximate amount of the tender was necessary to obtain quotations required for the preparation of the tender, for insurance purposes or for a contract guarantee bond;
 - b. enter into any arrangement or agreement with any other person that he or the other person(s) shall refrain from making a tender or as to the amount of any tender to be submitted.
4. In respect of an award being made to the successful tenderer, tenderers are encouraged to explore any areas of cost or added value where the partnership can work together more efficiently.
5. The trust is not liable for any fees the tenderer has incurred whilst compiling the tender.
6. Tenderers are reminded that any correspondence between the [insert Trust(s) names in full] and the successful tenderer(s) is to remain confidential. Any requests for information will be submitted in writing to the [insert Trust(s) names in full authorised officer(s)]

Dated this _____ day of _____ [insert month and year]

Name (print) _____

Signature _____

Title _____

The Form of Tender must be signed by an authorised signatory: in the case of a partnership, by a partner for and on behalf of the firm; in the case of a limited company, by an officer duly authorised, the designation of the officer being stated.

Document 12

Tender Submission Labels

Submission Labels – For Return of Tender Documents



The Chief Executive
NHS Newham
Warehouse K
2 Western Gateway
London
E16 1DR

Tender Ref: [insert internal tender reference]

**To reach recipient no later than:
1200hrs on [insert return date in full uk format]**



The Chief Executive
NHS Newham
Warehouse K
2 Western Gateway
London
E16 1DR

Tender Ref: [insert internal tender reference]

**To reach recipient no later than:
1200hrs on [insert return date in full uk format]**

Do make as many copies of these labels as deemed necessary in order to ensure all your envelopes/packages are sufficiently labelled with THIS and ONLY THIS address label for your tender return.

Document 13

Draft Contract

Contract Reference; [insert contract reference]
Tender Reference; [insert internal tender reference]
Official OJEU Reference [insert OJEU reference if applicable]
Date Produced; [insert date contract produced]
Document reference/version; [insert document reference and version]

[Insert full trust name or lead trust] Contract for the Supply of [insert name of goods/services to contracted for].

This Contract is between [insert full trust name or lead trust] whose office is at: [insert trust or lead trust registered address] and [registered contractors name] whose registered office is at [contractors registered address], Company Number; [contractors registered number].

[If more than one trust can take advantage of contract directly list their full names below otherwise delete paragraph below]

Organisations covered by this contract;

- [list all trusts]

[if tender is a OJEU or national tender leave next paragraph in otherwise remove it]

This contract may also be extended to cover;

- Any other Trust within the London Strategic Health Authority

This contract is effective from _____ day of _____ 20xx (insert month and date) and is valid until _____ day of _____ 20xx. (Insert day and month)

The Contract Term for each Authority shall be _____ (insert the duration in months) months from the commencement of the service to that Authority by the Contractor under the terms and conditions of this contract. The contract term may be extended annually up to a maximum of _____ (insert the duration in months) months from the commencement of service subject to Invitation by the Authority and confirmation in writing of the extension of the Contract Term signed by the Authority and Contractor.

Terms and conditions of Contract (Order of Precedence) – the tender return shall take precedence over any [registered contractors name] terms and conditions, the NHS Conditions of Contract for [insert full title and date reference of the applicable NHS T&C's] shall take precedence over the tender return, this contract and the special terms and conditions stated below shall take precedence over the NHS Conditions of Contract for [insert full title and date reference of the applicable NHS T&C's]. For the avoidance of doubt any conflict or inconsistency between the terms and conditions this contract and the special terms and conditions stated below shall take precedence over all other terms and conditions.

SIGNATORIES

Contractor

Trust

Date: _____

Date: _____

Special Terms and Conditions

1. [to be populated if required]

DOCUMENT 3

LBTH PQQ Template



LONDON BOROUGH OF TOWER HAMLETS

PRE-QUALIFICATION QUESTIONNAIRE

OJEU NOTICE NUMBERED xxxxxxxx. PUBLISHED

ON xxxx

TO BE RETURNED NO LATER THAN XXXXX 2010

Contents

- 1. INSTRUCTIONS**
- A. COMPANY DETAILS AND FINANCIAL INFORMATION**
- B. INFORMATION ABOUT YOUR ORGANISATION**
- C. EQUAL OPPORTUNITIES AND EQUALITIES**
- D. QUALITY / ENVIRONMENTAL STANDARD**
- E. HEALTH AND SAFETY**
- F. TECHNICAL ABILITY**

PRE QUALIFICATION QUESTIONNAIRE

Summary of Requirement

The Council intends letting a contract for the provision of xxxxxxxx.

INSTRUCTIONS FOR COMPLETING THE QUESTIONNAIRE

The content, layout or wording of the PQQ must not be altered in any way. Any changes will not be recognised and may result in your application being rejected. You must submit your response in the order set out below and answer the question as requested.

- 1** *The Council requires the information sought in this questionnaire from providers responding to OJEU xxxxxx dated xxxx or the advertisement in the xxxxxxxx, Supply2.gov.uk and Tower Hamlets website.*
- 2** Please answer all questions and present the information as requested with any documentary evidence required. **Excess information such as corporate brochures, pictures must not be submitted / inserted in your completed PQQ. This may result in your application being rejected.** If a question is not applicable to your organisation, tick the appropriate box or type **N/A** in the space provided. Please be aware - Incomplete or non compliant questionnaires will NOT be considered. Please also be aware, this questionnaire has been separated into different parts and will be evaluated by different sections of the council. As such, you should not respond in one section with references to another section.
- 3** Please complete the questionnaire specifically for your organisation not for the group if you are part of a group of companies.
- 4** Please include, where appropriate, any supporting documents, marking clearly on all enclosures the name of your organisation and the number of the question to which they refer.
- 5** Please return this PQQ using the Council's e-tendering system – hard copies are **will not be accepted**. **All submissions must be returned in exactly the same format as issued. Please do not attach any reports, statements or certificates with this document. These may be requested at the tender stage of the process.**

- 6 In some instances project funding dictates specific previous experience and/ or qualifications, if you can not provide evidence of said requirement, we will **NOT** be able to consider your application. This requirement will be highlighted where applicable, in the project brief
- 7 Responses to this questionnaire will be used in the first step of selecting bidders to tender. Selected bidders will be invited to participate further in the procurement process. However, any invitation to tender based on this questionnaire does not imply any representation by the Council as to your financial stability, technical competence or ability in any way to carry out the services. The right to return to these matters as part of the formal tender/supplier evaluation process is hereby reserved to the Council.
- 8 For the purposes of this questionnaire the term “Organisation” covers Sole Traders, Partnerships, Co-operatives, Public Limited Companies, Private Limited Companies and Voluntary Organisations
- 9 **Consortia**
- 9.1 Where a consortium is proposed, all information should be given in respect of the proposed prime bidder or consortium leader. Relevant information should also be provided in respect of consortium members or sub-contractors who will play a significant role in the delivery of the ensuing contract. Responses must enable the Council to assess the overall provision proposed.
- 9.2 Where the proposed prime bidders are a special purpose vehicle or holding company, the information should be provided of the extent to which it will call upon the resources and expertise of its members.
- 9.3 The Council recognises that arrangements in relation to consortia may be subject to future change(s). Applicants should therefore respond in light of such arrangements as currently envisaged.
- 10 **Communications**
- 10.1 All questions and queries about the procurement procedure must be submitted by via the **question and answer facility on the Councils e-tendering system** – https://www.londontenders.org/procontract/supplier.nsf/frm_home?openForm
- 11 **Indicative Timetable**

Procurement Stage	Date
Issue PQQ by	
Return Completed PQQ	

Completion of PQQ Evaluation by	
Notify tenderers of evaluation outcome by	
Issue Tender	

11.1 These dates are indicative and are subject to change.

12 RETURN OF PRE QUALIFICATION QUESTIONNAIRE

12.1 Completed questionnaire with all supporting documentation must be uploaded by 14:00 hrs xxxxx 2010 to https://www.londontenders.org/procontract/supplier.nsf/frm_home?openForm

Please return the questionnaire ON TIME; it is your responsibility to ensure the submission is received on time. Any response received after the deadline will not be considered.

13

If you are tendering for a contract with more than one Lot, please state which Lots you wish to apply for		
Lots	Lots or category of service	tick
Lot 1		<input type="checkbox"/>
Lot 2		<input type="checkbox"/>

14 Evaluation and Selection

14.1 The objective of the selection process is to assess the responses to this questionnaire and select potential organisations to proceed to the next stage of the procurement process.

14.2 Selection criteria will be a combination of both financial and non-financial factors and will consider:

- 14.2.1 **Economic and financial standing** (sections A of the questionnaire). The Council will use the information provided to carry out an appraisal of the Applicant's financial position and therefore determine the level of risk that it would represent to the Council. This will involve independent financial checks. This section will be assessed as a PASS / FAIL. Bidders who fail this section will be excluded from further consideration in the procurement process.
- 14.2.2 The organisation's legal capability to trade **Sections B = PASS / FAIL**
- 14.2.3 Equality & Diversity **section C = 10%**
- 14.2.4 Quality / Environmental Standards **section D = 10%**
- 14.2.5 Health & Safety **Section E = 10%**
- 14.2.6 Organisation's ability and capacity – assessment of the totality of resources, core competencies available to the contractor **section F = 70%**

A. COMPANY DETAILS / FINANCIAL INFORMATION

A1	Trading name of organisation making application.	[insert relevant info]
	Registered name of organisation (if any) if different from above.	[insert relevant info]
	Main address for correspondence.	[insert relevant info]
	Registered Office (if different from above).	[insert relevant info]
	Name of the person applying on behalf of organisation	[insert relevant info]
	Position or title in organisation.	[insert relevant info]
	Contacts Tel:	[insert relevant info]
	Please Include (STD) Code Fax:	[insert relevant info]
	Preferred Email:	[insert relevant info]

A2.	Do any of the following apply to your organisation-;	YES	NO
------------	------------------------------------------------------	-----	----

(a).	Is your organisation in a state of bankruptcy, insolvency, compulsory winding up, receivership, composition with creditors, or subject to relevant proceedings;	<input type="checkbox"/>	<input type="checkbox"/>
(b).	Has any of the directors, partners or proprietors been convicted of a criminal offence related to business or professional conduct; If yes, please give details.	<input type="checkbox"/>	<input type="checkbox"/>
(c).	Has any of the directors, partners or proprietors committed an act of grave misconduct in the course of business; If yes, please give details.	<input type="checkbox"/>	<input type="checkbox"/>
(d).	Has any of the directors, partners or proprietors been convicted of an act of fraud in the last five years; If yes, please give details.	<input type="checkbox"/>	<input type="checkbox"/>
(e).	Are any of the directors, partners or proprietors guilty of serious misrepresentation in supplying information; If yes, please give details.	<input type="checkbox"/>	<input type="checkbox"/>
A3.	Has your organisation or any member of staff within the organisation who would be performing these works, ever been charged, had litigation brought against, or been convicted of a criminal offence relating to the conduct of your business or profession; If yes, please give details.	<input type="checkbox"/>	<input type="checkbox"/>
A4	In the case of any individuals within your organisation, are any bankrupt, or had a receiving order or administration order made against them, or made a composition or arrangement or trust deed with or for the	<input type="checkbox"/>	<input type="checkbox"/>

	benefit of their creditors? If yes, please give details.		

	Financial Information- If the organisation is a subsidiary of a group, the information in A5 is required for both the subsidiary and the ultimate parent company. Where a consortium or association is proposed, the information in A5 is required for each member company.				
A5	Please enclose copies of your company's audited accounts and annual reports for the last three most recent years. To include: Balance Sheet, Profit and Loss Account, Full Notes to the Accounts, Director's Report/Auditor's Report. Please clearly label the files; Accounts			Enclosed? <input type="checkbox"/>	
A6.	Please state your organisation's financial turnover (from audited accounts) for the last three years beginning with the most recent figures. If your business has not been in operation for 3 years, please provide this information since creation of the business:				
	• Year:	to		£	
	• Year:	to		£	
	• Year:	to		£	
	Please advise any other comments about your turnover that you believe important to your application				
A7.	Please indicate your organisation's net profit (or loss) for the last three years beginning with the most recent figures; If the latest and/or two out of three of the years detailed below demonstrate a loss, we will not be able to consider your application.				
	• Year:	to	: Profit	£	: Loss £

	• Year: to	: Profit	£	: Loss	£		
	• Year: to	: Profit	£	: Loss	£		
A8.	Please state your organisation's assets and liabilities for the last three years, starting with the most recent balance sheet:						
	• Year: to	: Assets	£	: Liabilities	£		
	• Year: to	: Assets	£	: Liabilities	£		
	• Year: to	: Assets	£	: Liabilities	£		
	If your assets are less than your liabilities, please provide explanation/ confirmation of financial stability.						
A9.	Has your organisation met the terms of its banking facilities and loan agreements (if any) during the past year?					Yes	No
	If no, what were the reasons, and what has been done to put things right?					<input type="checkbox"/>	<input type="checkbox"/>
A10.	Has your organisation met all of its obligations to pay its creditors and staff during the past year?					Yes	No
	If no, please explain why.					<input type="checkbox"/>	<input type="checkbox"/>

B. INFORMATION ABOUT YOUR ORGANISATION

B1.	Are you able to provide a parent company guarantee and/or performance bond where it is required? If No please give reasons	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>

B2	Has your organisation met all obligations relating to payment of taxes and social security ; under the law of any part of the United Kingdom or countries in which the organisation is established been fulfilled. If No, please give details. Including when they will be up to date before the contract start date.	<input type="checkbox"/>	<input type="checkbox"/>
B3	Has any Director, Partner, Trustee Associate or employee been employed by this Council in the last three years? (If yes, give names, dates of employment and job titles)	<input type="checkbox"/>	<input type="checkbox"/>
B4	Does any of the Director, Partner or Associate have a relative(s) who is employed by the Council at a Senior level or who is a Councillor? (If yes, give names, dates of employment and job titles)	<input type="checkbox"/>	<input type="checkbox"/>
B5	Please state the names of Directors, Partners, Trustees or Associates of your organisation who have any involvement in other organisations who provide services to the Council.	<input type="checkbox"/>	<input type="checkbox"/>
B6	Do any of the circumstances (as set in the summary below), of The Public Contracts Regulation 2006, Regulation 23, apply to your company? The council may seek evidence at a later date in confirmation of your answer. (If yes, please provide details)	<input type="checkbox"/>	<input type="checkbox"/>

Summary of Regulation 23 of the Public Contract Regulations 2006

This summary is offered only as an indication for the convenience of bidders. Bidders should refer to the Regulations and satisfy themselves that they are not ineligible.

There are a number of grounds on which a service provider may be deemed ineligible to tender for, or be awarded a public service contract. Rejection is permissible when a service provider is in a state of bankruptcy, insolvency, compulsory winding up, administration, receivership, composition with creditors or any other analogous state or subject to relevant proceedings

In addition, Regulation 23 of the Public Contracts Regulation 2006 permits rejection of a tender if the Service Provider, its directors or any other person who has powers of representation, decision or control of the service has been convicted of any of the following offences:

- (a) conspiracy within the meaning of section 1 of the Criminal Law Act 1977 where that conspiracy relates to participation in a criminal organisation as defined in Article 2(1) of the Council Joint Action 98/733/JHA;
- (b) Corruption within the meaning of section 1 of the Public Bodies Corrupt Practices Act 1889 or section 1 of the Prevention of Corruption Act 1906;
- (c) The offence of bribery;
- (d) fraud, where the offence relates to fraud affecting the financial interests of the European Communities as defined in Article 1 of the Convention relating to the protection of the financial interests of the European Union, within the meaning of-
 - (i) The offence of cheating Revenue;
 - (ii) The offence of conspiracy to defraud;
 - (iii) Fraud or theft within the meaning of the Theft Act 1968 and the Theft Act 1978;
 - (iv) Fraudulent trading within the meaning of section 458 of the Companies Act 1985;
 - (v) Defrauding the Customs within the meaning of the Customs and Excise Management Act 1979 and the Value Added Tax Act 1994;
 - (vi) An offence in connection with the taxation in the European Community within the meaning of section 71 of the Criminal Justice Act 1993; or
 - (vii) Destroying, defacing or concealing of documents or procuring the extension of a valuable security within the meaning of section 20 of the Theft Act 1968;
- (e) money laundering within the meaning of the Money Laundering Regulation 2003; or
- (f) any other offence within the meaning of Article 45(1) of the Public Sector Directive
As defined by the national law of any relevant state.

B7.	Are you a sole trader, partnership, private limited company, public limited company, co-operative, voluntary organisation or other? (Please specify).	[insert relevant info]
	Please state the date that you started trading	[insert relevant info]
	Please state VAT registration number	[insert relevant info]

B8	Please state the organisation's date of registration and registration number under the Companies Act 1985.	Date of Registration	Registration No
B9	Date of registration and registration number under Industrial and Provident Societies Act 1965 to 1978.	Date of Registration	Registration No
B10	If the organisation is a member of a group of companies, give the names, addresses and nationality of the ultimate holding company and all other subsidiaries.		
B11	Date of registration and registration number if your organisation is a registered charity?	Date of Registration	Registration No

B12.	Has your organisation ever had fees or other payments withheld as a consequence of failure to perform/negligence for services or suffered a deduction for liquidated and/or ascertained damages in respect of any contract within the last three years? If yes, please give details.	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
B13.	Has your organisation ever had a contract terminated under the terms of a contract or withdrawn from a contract before the end of the contract period? If yes, please give details.	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>

B14.	Has your organisation ever suffered the non-renewal of a contract due to a failure to perform to the terms of that contract? If yes, please give details.	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
B15.	Has your organisation ever been subjected to Court/Legal/Arbitration action as a result of any works/services by or on behalf of your organisation? If yes, please give details.	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>

B16	Please provide details of your Company's Insurance cover. At tender stage we will require copies of the following insurance certificates: Please do NOT attach now		
	Employer Liability Insurance held Minimum requirement £10 million	Public Liability (Third Party) Insurance held Minimum requirement £10 million	Professional Indemnity Insurance held. Minimum requirement £2 million
Expiry Date			
Policy Number			
Extent of cover			
Insurer			
If your organisation does not have the minimum requirement as stated above, is your organisation willing to increase its insurance cover?		Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>

B17.	it is mandatory for all contractors intending to do business with the Council to comply with its Ethical Governance Protocol. A copy of the Council's ethical policy can be found on /www.towerhamlets.gov.uk/lgs/351-400/369_approved_supplie.aspx . Can you confirm if your organisation will comply with this protocol. If not, what plans does your organisation have to achieve compliance	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>

C. EQUAL OPPORTUNITIES AND EQUALITIES - Please note that you will be required to provide copies of the policies and procedures listed below as part of the tender submission. Should it be that you cannot provide these documents, the council reserves the right to dismiss your submission

C1.	Please enclose a method statement setting out how your organisation complies with UK and European equalities legislation relating to service delivery and employment, including the Race Regulations Act 1976 as amended by Race Relations (Amendment Act) 2000, Sex Discrimination Act 1975 and 1986 (as amended), the Equal Pay Act 1984, Disability Discrimination Act 1995, Human Rights Act 1998, Employment regulations for Religious Belief and Sexual Orientation, The Employment Equality (Age) Regulations 2006.	Method Statement Enclosed	None
	<p>The method statement should include details of:</p> <ul style="list-style-type: none"> • Your organisation's equal opportunities policy. • Your approach to setting priorities and targets, and developing an action plan • The seniority of the person who oversees effective implementation • Details of how this policy is communicated to staff • Details of procedures that you have to protect your staff from unlawful discrimination • Training on equalities provided to staff • Your monitoring arrangements for tracking progress 	<input type="checkbox"/>	<input type="checkbox"/>
C2.	Do you have arrangements in place to ensure equal opportunities in relation to all aspects of employment in your company?	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
C3.	Do you have a policy and procedure for dealing with Harassment in the workplace?	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>

C4.	Do you have a policy and procedure for making Reasonable Adjustment to ensure equality for staff and/or service users?	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
C5.	Does your company operate equality monitoring of the workforce i.e. do you monitor the ethnic origin, gender and disability status of your staff? If yes please provide a copy of the monitoring form you issue to employees.	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
C6.	Is it your policy as an employer to comply with your statutory obligations under the Race Relations Act 1976 as amended by the Race Regulations Act 1976 as amended by Race Relations (Amendment Act) 2000, Sex Discrimination Act 1975 and 1986 (as amended), the Equal Pay Act 1984, Disability Discrimination Act 1995, Human Rights Act 1998, Employment regulations for Religious Belief and Sexual Orientation, The Employment Equality (Age) Regulations 2006 and accordingly, your practice not to treat one group of people less favourably than others because of their colour, race, nationality, ethnic origin, gender, disability status, religion/belief, sexual orientation or age in relation to decisions to recruit, train or promote employees?	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
C7.	In the last three years has any finding of unlawful discrimination been made against your organisation by any court or industrial tribunal including comparable proceedings in any other jurisdiction?	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
C8.	In the last three years has your organisation been the subject of formal investigation by the Commission for Racial Equality, or other Equalities Commission, on the grounds of alleged unlawful discrimination?	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>

C9.	If the answer to Question C8 or C9 above is yes, then what steps did you take in consequence of any findings? (Please summarise here and provide full details as an attachment)

C10. Is your policy on promoting equality set out:			
a)	In instructions to those concerned with recruitment, training and promotion?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
b)	In documents available to employees, recognised trade unions or other representative groups of employees?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
c)	In recruitment advertisements or other literature?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Please supply relevant examples of the above instructions, documents, recruitment advertisements or other literature.	Enclosed?	<input type="checkbox"/>
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C11	Do you observe, as far as possible, the Commission for Racial Equality's Code of Practice for Employment, as approved by Parliament in 1983, which gives practical guidance to employers and others on the elimination of racial discrimination and the promotion of equality of opportunity in employment, including the steps that can be taken to encourage members of the ethnic minorities to apply for jobs or take up training opportunities?	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>

C12.	If your organisation is not currently subject to UK legislation, please supply details of your experience in working under equivalent material legislation which in your country is designed to eliminate discrimination and promote equality of opportunity?
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[provide answer]

D. Quality / Environmental Standards –

D1.	Does your organisation have a written Sustainability/ Environmental Policy, which is implemented and communicated across the organisation? <u>Please do NOT attach. Copies will be requested at the tender stage</u>	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
D2.	Is your organisation accredited to ISO14001, or equivalent, environmental management system? Please state what the equivalent system is. If no, does your organisation operate an effective, auditable, documented system <u>Please do NOT attach any certificates. Copies will be requested at the tender stage</u>	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
D3.	Does your organisation hold a recognised quality management accreditation, for example BS EN 15029000 (ISO 9000 or BS5750) or equivalent? Please state what the equivalent system is. If no, does your organisation operate an effective, auditable, documented quality assurance system <u>Please do NOT attach any certificates. Copies will be requested at the tender stage</u>	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>

E. Health & Safety

		Yes	No
E1	Does your organisation have a written Health & Safety policy? (covering General Policy, Organisation and Arrangements) as required by Section 2(3) of the Health and Safety at Work Act 1974 and any codes of safe work practices.	<input type="checkbox"/>	<input type="checkbox"/>
E2	Do employees receive an induction and safety training in accordance with your H&S Policy before actually undertaking work tasks relevant to each Contract?	<input type="checkbox"/>	<input type="checkbox"/>
E3	Name of Director, Partner or other person responsible for the implementation of this organisation's safety policy.		

E4	Please state the total number of people employed by your organisation.		
E5	Do you employ a full-time/part-time or consultant Safety Officer?	Full-time	<input type="checkbox"/>
		Part-time	<input type="checkbox"/>
		consultant	<input type="checkbox"/>
E6	Name of Safety Officer.		
	Indicate where the Safety Officer may be contacted.		
E7	Please state qualifications, training and experience of Safety Officer.		
E8	How are your health and safety policies and procedures conveyed to the workforce?		
E9	Are you registered with the Contractors Health & Safety Scheme (CHAS)? Please do NOT attach any certificates now	Yes <input type="checkbox"/>	No <input type="checkbox"/>
E10	Do you check all subcontractors H&S records?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

E11.	Has your organisation been the subject of any prosecutions with or without charge for contravening the Health & Safety at Work Act 1974, or equivalent national legislation, and /or any formal investigation by the Health & Safety Executive or similar national body charged with supervision of health and safety standards. (10)? If yes, please give details.	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>

E12.	Has your organisation, or a subcontractor working for you, or any of your employees, been subject to prosecution or prohibition notices by the Health and Safety Executive, or other enforcing agencies?(10? If yes, please give details.	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>

If you have less than five employees;

E13	If you have less than five employees, please confirm that you have WRITTEN procedures for the following. You may be asked to provide a copy of this document at a later date.	Yes	No
a.	Procedures to be followed in cases of emergency.	<input type="checkbox"/>	<input type="checkbox"/>
b.	Procedures for the reporting and recording of accidents and dangerous occurrences.	<input type="checkbox"/>	<input type="checkbox"/>
c.	Procedures relating to display screen work	<input type="checkbox"/>	<input type="checkbox"/>
d.	First aid and welfare provisions.	<input type="checkbox"/>	<input type="checkbox"/>
e.	Provision of appropriate clothing and equipment	<input type="checkbox"/>	<input type="checkbox"/>

F. Technical Ability

F1	How does your organisation assess the suitability and competence of potential employees? (Please indicate as appropriate)		
Job Description	<input type="checkbox"/>	Inspection of Previous Work	<input type="checkbox"/>
Application Forms	<input type="checkbox"/>	Security Clearance	<input type="checkbox"/>
References	<input type="checkbox"/>	Trial Period before Confirmation of Employment	<input type="checkbox"/>
Qualifications	<input type="checkbox"/>	Personal Recommendation	<input type="checkbox"/>
Other (please specify):			

F2.	What is the main nature of your company's business? Please provide specifics that may support your application for this contract.	[provide answer]
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F3.	Please give details of Membership of Professional Institutes/Bodies/Trade Associations and/ or Regulatory Bodies, UK or EU known that is relevant to this contract	[provide answer]	
F4.	State the approximate total number of partners and employees engaged in a similar type of work for which you are applying over the last 3 years or 12 months .	Management	
		Professional/technical	
		Admin/clerical	
		Supervisor	
		Others (Please state)	
F5.	Please Summarise your organisational structure, and detail which aspect/ department is applicable to this project. <u>Please do NOT attach anything</u> in response to this question.	[insert details]	
F6.	Please indicate the staff turnover as a percentage, for all staff identified in question F4.	DESIGNATION	% TURNOVER
		Management	[insert details]
		Professional/technical	[insert details]
		Admin/clerical	[insert details]
		Supervisor	[insert details]
		Others (Please state)	[insert details]

F7.	Please detail the reason for the staff turnover/ stability? Please explain how you manage this, in particular with respect in maintaining staffing levels and quality control for this project.	[provide answer]
F8.	Do you have a business continuity Plan. Please summarise what you believe to be the key points.	[provide answer]
F9	Please detail any proposal your organisation may have for sub contracting any aspect of the service, naming the sub-contractor(s) and the area of service they would provide	[provide answer]

CATEGORY SPECIFIC QUESTIONS

F10.	[provide answer]
F11.	[provide answer]
F12.	[provide answer]
F13.	[provide answer]
F14.	[provide answer]
F15.	[provide answer]

F16. REFERENCES - (The Council will seek references, in the strictest confidence, from organisations listed).

Please provide details of 4–6 projects, as similar as possible to the services to be provided under this contract - carried out during the past 3 years (projects for LBTH to be listed separately – see below) Listing the most recent first - to include full contact details (**including an email address**) so we can obtain references, contract start/finish dates and contract values.

	NAME AND ADDRESS OF ORGANISATION (relevant branch/ office)	CONTACT NAME, TELEPHONE NUMBER & EMAIL ADDRESS	TYPE OF WORK	TENDER PRICE £	VALUE TO DATE £	SUMMARISED SCOPE OF CONTRACT	DATE OF CONTRACT (start and finish date)
1	[insert relevant info]	[insert relevant info]	[insert relevant info]	[insert details]		[insert relevant info]	[insert details]
2							
3							
4							
5							
6							

Also, Please list **ALL** CURRENT & PREVIOUS works/ Services provided to and completed for the **London Borough of Tower Hamlets**.

	PROJECT NAME, REFERENCE	CONTACT NAME & NUMBER	TYPE OF WORK	TENDER PRICE £	SUMMARISED SCOPE OF CONTRACT	START/ END DATE
1						
2						
3						
4						
5						

6					
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Please note that in addition to those referees listed the Council reserves the right to seek references from other organisations for which your organisation undertakes work. Should your organisation be invited to tender and subsequently submit a bid, further references may be obtained during the tender evaluation process.

WHEN YOU HAVE COMPLETED THE QUESTIONNAIRE, PLEASE READ AND SIGN THE SECTION BELOW.

I/We certify that the information supplied is accurate to the best of my/our knowledge and that I/we accept the conditions and undertakings requested in the questionnaire. I/we confirm that we are willing and able to provide copies of all policies, statements and other documents referred to above, should the London Borough of Tower Hamlets/ Tower Hamlets Homes request to see them

I/We understand that false information could result in my/our exclusion from the selected list of Invitees.

I/We also understand that it is a criminal offence, punishable by imprisonment, to give or offer any gift or consideration whatsoever as an inducement or reward to any servant of a public body and that any such action will empower the Council to cancel any contract currently in force and will result in my/our exclusion from the Select List of Tenderers.

Name	[insert relevant info]
Post	[insert relevant info]
For and on behalf of	[insert relevant info]
Date	[insert relevant info]

Please note the term "organisation" refers to: Sole Traders, Partnerships, Co-operatives, Public Limited Companies, Private Limited Companies and Voluntary Organisations as appropriate. The undertaking should be signed by the applicant, a partner or authorised representative in her/his own name and on behalf of the organisation.

BEFORE RETURNING THIS APPLICATION FORM, PLEASE ENSURE THAT YOU HAVE:

- Answered all questions appropriate to your application
- Attached relevant documents

DOCUMENT 4

LBTH ITT Template



INVITATION TO TENDER

CONTRACT TITLE

ISSUE DATE

Issued by London Borough of Tower Hamlets

**LONDON BOROUGH OF TOWER HAMLETS
RESOURCES DIRECTORATE**

CONTRACT No. AND TITLE

INSTRUCTIONS TO FIRMS TENDERING

1. DOCUMENTS

Apart from the formal agreement between the Council and the successful Service Provider arising from the Council's written acceptance of the Tender, the incorporated documents for the purpose of the Contract will comprise:

- a) These Instructions
- b) The Service Provider's Form of Tender
- c) Appendices to Form of Tender
- d) The Council's Service Agreement (draft copy enclosed) including
- e) Schedule 1 - Service Specification
- f) Schedule 2 - Price
- g) Method Statement
- h) Variations to Terms of Contract
- i) Insurance form to be completed by Insurance Agent/Broker
- j) LBTH Celebrating Diversity Publication
- k) ODPM Two Tier Workforce access to information sheet
- l) Ethical Governance Protocol for Council Contracts
- m) Information Release – Pre-tender Confidentiality Agreement

2. DOCUMENTS TO BE RETURNED

- Service Providers Form of Tender and Appendices
- Schedule 2 - Price
- Method Statement
- Variations to Terms of Contract
- Qualification questionnaire and all supporting documents
- Insurance form to be completed by Insurance Agent/Broker
- Information Release – Pre-tender Confidentiality Agreement

3. DELIVERY OF DOCUMENTS

Three hard copies of the Tender, one electronic copy of the Tender (CD or DVD) with one copy each of the remaining documents be returned in an unmarked sealed envelope with the address label included in this tender pack clearly visible.

TO BE DELIVERED NOT LATER THAN 12.00 HOURS ON MONDAY 15th DECEMBER 2008.

Any Tender received after this date and time **WILL NOT BE CONSIDERED.**

Tenderers are advised to retain for themselves details of their submission. The Council reserves the right to make a charge to subsequently provide a copy of the submitted Tender.

4. UNSUBMITTED TENDERS

It must be clearly understood that this invitation must not be passed or transferred to any other firm or third party. Should the specified invitee be unable to submit a Tender **all documents must be returned immediately.**

5. FIXED PRICE

Invitees should Tender on a "Fixed Price" Basis. If the Tender is accepted the Service Provider will not be entitled to claim and the Council will not allow any increase in the price of the materials and/or cost of or incidental to, the employment of labour, and the prices included in the Tender shall be the maximum payable by the Council.

6. TENDER FORM TO BE PROPERLY FILLED UP

Any Tender which is not upon the Form of Tender supplied by the Council, or which is not together with its Appendix, properly filled up, or which is not delivered in the manner or within the time provided will not be considered.

7. ACCEPTANCE OF TENDER

A Contract will only come into existence upon communication, in writing, to the Tenderer by the Council's Chief Executive, via the Procurement and Corporate Programmes Office (PCP), of the Council's acceptance. No other mode will be considered binding upon the Council. The Letter of Acceptance will constitute a binding agreement between the parties and,

which subsequently the appointed Service Provider may be asked to execute a deed in a form prepared by the Council. The successful Service Provider will be informed of this requirement upon acceptance.

8. VALUE ADDED TAX

The Tender must be based on rates/prices which exclude Value Added Tax. This tax, if applicable, will be paid by the Council as an addition at the appropriate rate on the invoices when submitted.

9. ACCURACY OF PRICES

Owing to an increasing number of instances where Tenders have been found to contain inaccuracies and where forms have not been properly completed, Tenderers are strongly advised that before submitting this Tender all arithmetical calculations be checked for accuracy. Also at the same time ascertaining that forms have been fully completed and signed (by an authorised Officer) and all necessary information supplied. The Tenderer will not be allowed to adjust their offer set out on the Form of Tender (or Schedule of Rates/Prices if applicable) if that means an increase in the rates/price offered in this Tender including prices offered during the electronic reverse auction.

10. NO TENDER NEED BE ACCEPTED & NON-EXCLUSIVE CONTRACTS

The Council does not bind itself to accept the lowest or any Tender and will not accept the Tender of any person or firm who on any previous occasion has withdrawn a Tender after it has been opened unless the reasons for withdrawal were at the time accepted by the Council as satisfactory.

The Council also reserves to itself the entitlement to appoint more than one firm, at anytime, for the best performance of the service under this Contract. This will be termed as a 'Non Exclusive Contract' and the Contract endorsed to that effect.

The Council will consider in-house options if tenders do not represent value for money and/or exceed the costs of delivery of the service by the Council.

Tenders are to be prepared and submitted at the cost of the Tenderer. The Council will not be liable for any costs incurred by the Tenderer in the preparation and submission of the tender.

11 POST-TENDER CLARIFICATION / NEGOTIATION

Whilst it is intended that the contract will be awarded on the basis of the Tenders submitted, we may need to hold discussions with you to for the purposes of clarification

of any areas of doubt.

In certain circumstances, we may wish to enter into post-tender negotiations with one or more Tenderers with a view to reaching a mutually acceptable position to enter into a contract – for example in the event that none of the Tenders submitted are affordable to us. Such negotiations would take place after the initial Tender evaluation and would be conducted in a fair and non-discriminatory manner.

12. BUSINESS CONTINUITY CLAUSE

The Contractor shall comply with the provisions of a Business Continuity Plan and shall ensure that it is able to implement the Business Continuity Plan at any time in accordance with its terms.

The Contractor shall test the Business Continuity Plan on a regular basis (and in any event not less than once in every 12 month period). Subject to clause the Authority may require the Contractor to conduct additional tests of the Business Continuity Plan where the Authority considers it necessary, including where there has been any change to the Services or any underlying business processes, or on the occurrence of any event which may increase the likelihood of the need to implement the Business Continuity Plan. The Authority reserves the right to attend any Business Continuity Plan test undertaken by the Contractor.

If the Authority requires an additional test of the Business Continuity Plan it shall give the Contractor written notice and the Contractor shall conduct the test in accordance with the Authority's requirements and the relevant provisions of the Business Continuity Plan. The Contractor's costs of the additional test shall be borne by the Authority unless the Business Continuity Plan fails the additional test in which case the Contractor's costs of that failed test shall be borne by the Contractor.

Following each test, the Contractor shall send to the Authority a written report summarising the results of the test and shall promptly implement any actions or remedial measures which the Authority considers to be necessary as a result of those tests.

The Contractor shall undertake regular risk assessments and/or business impact analysis in relation to the provision of the Services not less than once every six months and shall provide the results of, and any recommendations in relation to those risk assessments or business impact analysis to the Authority promptly in writing following each review.

Definitions

Business Continuity Plan means any plan set out in Schedule [] as may be amended from time to time;

Schedule

The Business Continuity Plan should set out the detailed procedures and processes to be followed and actions to be taken if there is a failure or disruption

of the Services.

13. COUNCIL'S COMPLAINTS HANDLING

The Council wishes to have open communication with all of its customers and values the feedback it receives through complaints. Anyone wishing to or receiving a service from the Council can make a complaint if they feel that they have not been treated fairly or properly or if the Council has not done what it promised, within the right time and to the right standard. The same principle should therefore apply to contracted Works, Services and Supplies.

The Service Provider shall observe and comply with the Council's Corporate Complaints procedure during the operational life of the Contract. Full details of the Council's Complaints procedure and standards may be obtained from :- LBTH Corporate Complaints Unit, Town Hall, Mulberry Place, 5 Clove Crescent, London E14 2BG - Telephone No. 020 7364 4161 (English/Bengali/Sylheti) - 020 7364 4853 minicom, Complaints@towerhamlets.gov.uk

14. CONTRACTS RIGHTS OF THIRD PARTIES ACT 1999

The Tenderers attention is drawn to the provisions of the Contract (Rights of Third Parties) Act 1999 (the Act) and to how it affects the exclusivity of the conditions of Contract between the Council and the successful Tenderer.

Unless otherwise stated in any of the documents referred to in Paragraph 1, The Provisions of the Act are expressly excluded in respect of third parties enforcing the Contract.

If a Third Party is to be given rights under the Contract the Council will agree with the Tenderer who is to benefit and which terms are applicable. The extent of third party rights will be subject to a memorandum of agreement between the successful Tenderer and the Council which will then be incorporated into the Contract if no discussion takes place or it is subsequently agreed a third party will not acquire third party rights the Act will be excluded and confirmed in writing prior to the award of a Contract.

15. CONFIDENTIALITY

All information provided by the Council in relation to this tender should be treated as private and confidential except where the Council has given prior agreement that such information may be disclosed for the purpose of obtaining sureties and quotations necessary for the preparation of the Tender.

The Service Provider, its employees and agents at all times shall keep

confidential and secret and shall not disclose to any person other than a person authorised by the Council all information and other matters acquired or produced in whatever medium by the Service Provider in connection with the Contract. The Council may require the Service Provider to enter into its standard form of Confidentiality Agreement before commencing the Services.

16. CONTROLLED PARKING ZONES

The Council has in operation Controlled Parking Zones in most parts of the Borough. Service Providers must include all costs associated with its and their employees parking in the operation of this Contract. Certain exclusions may apply, it is the Tenderers responsibility to obtain/ clarify details of the area concerned and the charges involved from the Highways Parking Control Section - The Parking Shop - at 333 Bethnal Green Road, London E2 6LG Tel. 020 7364 3788.

Vehicle Emissions

The Council has a fleet strategy that requires all vehicles to be at least compliant with London Low Emission Zone proposals by March 2007 and Euro 4 emissions compliant by March 2012. Service Providers delivering services to the Council will be required to assist the Council in reducing vehicle emissions within the Borough in line with this strategy.

The Council is aware that vehicle replacement programmes vary and that some vehicles provided by the contractor will not be compliant at the commencement of the Contract. However, it is a requirement of the Service Provider that **all** vehicles provided under this Contract will be Euro 3 compliant or better by August 2008 at the latest and will be compliant with Euro 4 or better by March 2012.

The Council will accept vehicles that have either Energy Saving Trust (EST) approved emissions reduction equipment fitted or an approved conversion to run on alternative fuels such that they meet Euro 3 or Euro 4 emission standards. If such adaptations have taken place, demonstration of compliance will be through the production of a valid/current Reduced Pollution Certificate (RPC) or Low Emission Certificate (LEC) issued by the Vehicle Operators Standards Agency (VOSA), or subsequent certificates of conformity.

Service Providers will be required to provide to the Council a cost-effective programme of vehicle replacement to comply with the Council's fleet strategy as part of their tender submission. This programme will then form the basis of routine monitoring of the contract by the Council.

Failure to make these programmed changes within the timescales notified in the tender submission will be viewed as a failure of performance by the Service Provider under the Contract.

17. HEALTH AND SAFETY

Tenderers are advised that they are to ensure that they comply in all respects with the provisions of the Health and Safety at Work etc Act 1974 together with Regulations, Orders, Codes of Practice etc arising therefrom. Regular, or a Flagrant, breach of Health and Safety Requirements could result in the suspension of the operation of the works which will be at the Tenderers sole risk or the awarded Contract being determined forthwith by the Council.

18. SUB-CONTRACTING AND CONSORTIUMS

Tenderers are informed that they shall not appoint sub-contractors (Sub-Service Providers) without the prior written consent of the Council via the Authorised Officer. Permission may be refused if the proposed Sub-Service Provider, has been dismissed from a Council Contract that they have been employed on either directly, or indirectly, by reason of their failure to perform the works, or have caused death or injury to any person whilst carrying out works for the Council, are deemed unqualified for the works or have been found guilty of corrupt practices.

If a consortium of firms are tendering for the Services, the lead partner will be required to tender as the Service Provider, and is therefore responsible for submitting the tender. The lead partner will be required to submit all documents to be returned (paragraph 2) and propose other firms as Sub-Service Providers as part of the method statement. The Council reserves the right to request any of the documents listed in paragraph 2 from the proposed Sub-Service Providers. **Sub-Service Providers may only belong to one consortium.**

The Council holds the successful Tenderer solely responsible for the works carried out by a Domestic Sub-Service Provider and their compliance with all Statutes, together with all Regulations, Orders, Bye-Laws, Codes of Practice etc arising therefrom.

19. AGENCY

The Service Provider is not and shall in no circumstances hold himself/herself out as being, the servant or agent of the Council, otherwise than in circumstances expressly permitted by these conditions.

The Service Provider is not and shall in no circumstances hold himself/herself out as being, authorised to enter into any contract on behalf of the Council, or in any other way to bind the Council to the performance, variation, release or discharge of any obligation.

The Service Provider has not and shall in no circumstances hold himself/herself out as having the power to make, vary, discharge or waive any bye-law or regulation of any kind.

The employees of the Service Provider are not, shall not hold themselves out to be and shall not be held out by the Service Provider as being servants or agents of the Council for any purposes whatsoever.

20. ODPM GUIDANCE ON BEST VALUE

Tenderers should note that the Council intends to apply the provisions of the statutory guidance relating to the Handling of Workforce Matters in Contracting (Annex C) and the Code of Practice on Workforce Matters in Local Authority Service Contracts (Annex D) both of which are contained in ODPM Circular 03/2003.

In accordance with that statutory guidance the Council will apply the principles set out in the Cabinet Office Statement of Practice on Staff Transfers in the Public sector and the annex to it, A Fair Deal for Staff Pensions. The Contract will contain conditions which obligate the Service Provider to adhere to the above guidance and no amendments to such conditions will be permitted.

Tenderers are required to submit a tender price based on the Workforce Code of Practice applying.

21. ANTI FRAUD AND CORRUPTION STRATEGY

The Council has a duty to protect the public funds it administers. In order to properly discharge this duty the Council has an approved Anti Fraud and Corruption Strategy which can be found on the Intranet and our website under:

<http://www.towerhamlets.gov.uk/data/your-council/data/strategy/data/anti-fraud/index.cfm>

As a potential stakeholder engaged in the provision of services with the Council you are expected to be aware of the details of the policy and processes and make use of it if necessary.

22. TERMS OF CONTRACT

The Contract will be awarded on the basis of the Council's Terms and Conditions of Contract. Please do not submit your own standard terms with your Tender. If you are unable to comply with any of our terms, please indicate in the Variation From Contract Terms Form, stating your proposed alternative clauses. Please note, however, that the Council reserve the right to not accept any proposed terms which we find unacceptable.

23. PROPERTY LEASE

The Services will be delivered from 35-37 Bow Road, London E3 EAD. The Lease Agreement will be forwarded to Tenderers in due course and

it is a condition of the award of this contract that the Lease Agreement is to be signed and in place prior to the formal commencement of the contract. Once Tenderers receive the Lease Agreement and have any concerns relating to the inclusions within this Agreement, please advise the officer below, in writing and the matter will be addressed.

24. LONDON LIVING WAGE

The Council is supportive of the London Living Wage as an effective means of combating poverty and improving recruitment and retention of high quality staff. The Council would like Tenderers to consider the implications of the London Living Wage and apply to their tender response.

25. WORKFORCE TO REFLECT THE COMMUNITY

The Council is committed to promoting a workforce to reflect the community. The quality of people that deliver and manage our services is of paramount importance, whether they are employed directly by the Council or by other organisations on our behalf. Our aim is to provide services that offer equal access to every person in the borough reflecting the diversity of the population that are overwhelmingly staffed by people whose profile reflects the local community. This is closely allied to the objective of ensuring that career opportunities in local public services are accessible and attractive to suitably skilled local people. We would like Tenderers to address these objectives and aims in their tender response.

26. TRANSFER OF UNDERTAKINGS (Protection of Employment) Regulations 2006

In the Council's opinion the Transfer of Undertakings (Protection of Employment) Regulations 2006 and the Acquired Rights Directive 1977 are likely to apply to this contract. Tenderers should seek their own legal advice on the applicability of the legislation to their proposals. Requests for information about personnel should be made, in writing, to the procurement contact given in paragraph 28 and include the signed confidentiality agreement. Tenderers should state clearly, the name and address of the person it must be sent to.

27. TENDER TIMETABLE

The tender timetable is as follows:

Tender documents issued	[relevant info will be here]
Service providers event	[relevant info will be here]
Deadline for tenderer questions	[relevant info will be here]
Tender return deadline	[relevant info will be here]
Tender evaluation	[relevant info will be here]
Tender interviews (tenderers	[relevant info will be here]

may be required to attend interviews during this period. Dates will be confirmed prior to the return of the tender)

Contract award [relevant info will be here]

Contract start date [relevant info will be here]

This is an indicative timetable and may be subject to change.

28. AWARD CRITERIA

The Contract Award will be based on the Most Economically Advantageous Tender (MEAT).

Tenderers will be required to meet minimum standards in order for the Tender to be considered. You will be evaluated against the following criteria in a qualification questionnaire:

- Organisation conduct
- Economic and Financial Standing
- Insurance
- Technical Capacity
- Environmental sustainability
- Quality measures
- Health and Safety
- Child protection
- Requirement specific questions – experience and capacity

You will be evaluated on a pass/fail basis as described in the qualification questionnaire.

Although value for money is a crucial factor in determining the outcome of the tender process, evaluating the most economically advantageous bid will take into consideration the following weighted criteria before a final decision is made: -

Weighting	Criterion
%	
%	
%	
%	
%	
%	
%	

[Award Criteria Guidance](#) [will be a link on e-tendering portal, see attachment under same heading for details]

29. CONTACTS

Any questions or correspondence relating to the tender or the submission of bids should be submitted in writing, email or fax, quoting the tender reference number, to:

[name of officer]

[title of officer]

Procurement & Corporate Programmes Office
London Borough of Tower Hamlets
4th Floor
Mulberry Place
5 Clove Crescent
London
E14 2BG

Telephone - 020 7364 xxxx

Fax – 020 7364 xxxx

Email – procurement@towerhamlets.gov.uk

Tenderers should be aware that the Council has a policy of equality of information in the bidding process. This means that questions posed and the answers given will be distributed to all bidders before the closing date; the source of the questions will not be identified.

SERVICE PROVIDERS FORM OF TENDER

TO: LONDON BOROUGH OF TOWER HAMLETS

MULBERRY PLACE

5 CLOVE CRESCENT

LONDON E14 2BG

Sir/Madam,

I/We the undersigned hereby agree to Supply all materials required to perform the whole of the services as set out in the Specification and in accordance with the other incorporated documents referred to in Paragraph 1 of the Instructions to Firms Tendering for provision of Career Education Information, Advice and Guidance Services for the contract period.

We are willing to Supply the Goods and Perform the services at a fixed rates/price of ...£ **[insert price]**...per annum.

These rates/prices are exclusive of VAT and any other incidental expenses.

I/We hereby agree that our Fixed Price Tender will remain open for acceptance for a period of 90 days from the date hereof.

I/We agree within 60 calendar days of the Council's official notification to commence the Service/Supply.

Date

Signature on behalf of Tendering Firm

Full Name of Tendering Firm

Principal Business

Address

.....

Telephone No.

Registered Office

(if different from above)

Status in Firm of Signatory

APPENDIX TO FORM OF TENDER**ANTI COLLUSION CERTIFICATE**

I/We certify that this Tender is made in good faith and that we have not fixed or adjusted the amount of the Tender by or under or in accordance with any agreement or arrangement with any other person. We also certify that we have not done and we undertake that we will not do at any time before the award of any Contract Supply of Goods and/or Materials, any of the following acts:-

- a) communicate to any person other than the Manager, or a person duly authorised by him on his behalf the amount or the approximate amount, of the Tender, or proposed Tender, except where the disclosure, in confidence, of the approximate amount of the Tender was necessary to obtain insurance premium quotations required for the preparation of the Tender;
- b) entering into any agreement or arrangements with any other person that I/We shall refrain from Tendering that they shall withdraw any Tender once offered or vary the amount of any Tender to be submitted;
- c) pay, give or offer to pay or give any sum of money or valuable consideration directly or indirectly to any person for doing or having done or causing or having caused to be done in relation to any other Tender or proposed Tender for the said Supply any act or thing of the sort described in (a) or (b) above;
- d) obtained or received by; whatever means prior to the submission of this Tender any information concerning the Supply of the Goods and/or Materials, referred to in the Contractual documents, by the Council which is in the Council's opinion confidential.
- e) I/We hereby certify that I/We have not canvassed or solicited and will not in the future canvas or solicit any Member, Officer or Employee of the Council in connection with the award of this Tender or any other tender or proposed tender for the Council and that no person employed by Me/Us or acting on My/Our behalf has done or will do any such act

I/We further certify that the principles described in paragraph (a) - (e) above have been, or will be, brought to the attention of all Sub-Contractors, Suppliers and associated companies providing services or materials connected with the Tender and Contract entered into with such Sub-Contractors, Suppliers or associated companies will be made on the basis of compliance with the above principles by all parties

In this certificate, the word "person" includes any persons or any body or association, corporate or unincorporate; and "any agreement or arrangement",

includes any such transaction, formal or informal, and whether legally binding or not.

Signed:..... Name

Date

in the capacity

of.....

duly authorised to sign Tenders and acknowledge the contents of this Anti-Collusion certificate for and on behalf of

.....(in BLOCK CAPITALS)

Postal Address.....

.....

Tel. No.....

Facsimile No.....

APPENDIX TO FORM OF TENDER continued

WE HEREBY DECLARE as follows:-

1. That we have completed the Anti Collusion Certificate
2. That I/We will enter into a Formal Contract Agreement in a form prepared by the Council

London Boroughs of Tower Hamlets

**OFFICE OF THE DEPUTY PRIME MINISTER
DIRECTIVE ON
2 TIER WORKFORCE**

Your attention is drawn to the above-mentioned directive, the recommendations and guidance contained therein.

This Directive is published by TSO (The Stationary Office) and available from:-

Online

www.tso.co.uk/bookshop

Mail, Telephone Fax and email

T S O

P O Box 29 Norwich, NR3 1GN

Telephone: 0870 2403701

Telephone orders/general enquiries: 0870 600 5522

Fax Orders: 0870 600 5533

Email: book.orders@tso.co.uk



Celebrating diversity

Our policy statement on equality and diversity

Why do we need a policy?

We take pride in being one of the most culturally rich and diverse (varied) boroughs in the United Kingdom. This policy document sets out our commitment to creating an environment in which everyone in Tower Hamlets can take a full part in the social, cultural and economic wealth of the borough. It also sets out our commitment to promoting equality and diversity among our residents and staff. Our equality and diversity policy links directly to some of our strategies and plans, in particular our strategic plan which sets out our priorities for action to improve the quality of life for everyone living and working in Tower Hamlets.

What are our aims?

We want to see a strong spirit of community and good race relations in Tower Hamlets. We will put in place a range of actions to get rid of prejudice, discrimination and victimisation within the communities we serve and our workforce. We will develop and promote policies and systems which make sure that the borough's communities and our workforce are not discriminated against or bullied for any reason.

How will we deliver our commitment?

In looking to the future we have formally adopted the Equality Standard for Local Government. This is a nationally-recognised framework which we will use to measure our progress in achieving equality and diversity on behalf of our community and workforce. We have set ourselves the aim of reaching Level 3 in during 2003 working towards attaining the highest level of achievement possible (level 5) by 2006.

We have called this policy 'Celebrating diversity' in recognition of the value that people bring to our communities with their different ideas and contributions. It means making an ongoing commitment to make sure that our services meet the varied and complicated individual needs of people living and working in the borough. We will make sure that our employment practices (including recruiting, holding onto, training, developing, appraising, promoting staff, and retirement) are accessible to everyone and that we actively value and celebrate the wide variety of lifestyles and cultures within our borough.

We welcome:

the Race relations Act 1976, as amended by the Race Relations (Amendment) Act 2000;
the Race Relations Code of Practice for the elimination of racial discrimination and the promotion of equality of opportunity in employment, as approved by Parliament in 1983;

Race Relations Act (Amendment) Regulations 2003;
Employment Equality (Religion or Belief) (Amendment) Regulations 2003;
Disability Discrimination Act 1995;
Equal Pay Act 1970 (Amendment) Regulations 2003;
Sex Discrimination Act 1975 (Amendment) Regulations 2003;
Employment Equality (Sexual Orientation) Regulations 2003;
Age discrimination (October 2006); and
their contributions to provide equal opportunities for everybody.

Our commitment is supported by a legal duty to provide all services and employment opportunities fairly, without discrimination, and to keep to all relevant codes of practice. We believe we have a strong moral and social duty to recognise that discrimination takes place and to do everything we can to challenge prejudice and discrimination and promote equality.

We are committed to providing high-quality services which everyone can get access to. Where appropriate, we will work through the Tower Hamlets Partnership, with other organisations, to provide services which promote equal opportunities to all by:

- building on our good practice;
- consulting with and involving all sectors of our community on using this policy;
- providing accessible information and ways people can comment on all our services;
- carrying out equality impact assessments of new and existing policies and practices to make sure that they will not discriminate against anyone;
- delivering services which are appropriate to the needs of the community;
- removing barriers which deny people access to our services;
using our powers to make sure that organisations providing services on our behalf work in line with this policy; and
- promoting an environment which gives all residents an equal chance to learn, work and live free of discrimination and prejudice.
- We will put in place a range of actions in our Integrated Equalities Action Plan and Race Equality Scheme. These are aimed at tackling prejudice and celebrating diversity within our workforce by:
 - developing a workforce which reflects the community at all levels;
 - making sure that all employees and councillors know the effects of this policy and provide appropriate training;
 - making sure that all employees (and the resident communities) know about their rights of protection from discrimination, harassment or bullying;
 - developing and promoting policies which give everyone equal access to employment and opportunities; and
 - setting performance targets so we can measure our progress.

With the help of feedback from our community groups, service users and employees, each year we will monitor, review and evaluate the effectiveness of our employment and service-

delivery policies and our Equalities Action Plan. If our monitoring reveals any gaps in our policies, we will take action to deal with this.

Form for use in obtaining details of a Tenderer's insurance. The following information is required by the Council prior to commencement of any Works and/or Services

The Tenderer is required to either:-

- ✓ **Forward this Insurance Form to their Insurance Agents/Broker for completion and verification/stamp**
- ✓ **Forward a proforma declaration from their Insurance Agents/Broker detailing insurance's held for Council's due consideration.**

I/We (enter name of Tenderer) _____
hereby authorise (enter below name and address of Insurance Agent/Broker)

to provide the London Borough of Tower Hamlets with details of my/our insurance provisions.

Signed: _____

Date: _____

This Section is to be completed by Insurance Agents/Brokers

TENDERER'S ALL RISKS INSURANCE

Insurer:

Policy No:

Expiry Date:

Cover (Perils insured):

Limit any one Loss: £

Cover includes indemnity to Principals: YES/NO

Cover includes sub-Tenderers works : YES/NO

Are there any special terms or conditions relevant to this Tenderer: YES/NO, (if Yes, please give details).

THIRD PARTY LIABILITY/PUBLIC LIABILITY

Insurer:

Policy No:

Expiry Date:

Indemnity Limit: £_____ (any one claim). £_____ (in all)

Deductible (excess) each claim: £

Cover includes:	Indemnity to Principals	YES/NO
	Products Liability	YES/NO
	(Indemnity Limit: £_____)	
	Tool of Trade Risk	YES/NO
	Contractual Liability	YES/NO
	Sub-Tenderers Liability	YES/NO

Are there any special terms or conditions relevant to this Tenderer: YES/NO (if Yes, please give details).

EMPLOYERS LIABILITY

Insurer:

Policy No:

Expiry Date:

Unlimited Indemnity YES/NO

Deductible (Excess) any one claim: £

Cover Includes Indemnity to Principals: YES/NO

Contractual Liability : YES/NO

PRODUCT LIABILITY

Insurer:

Policy No:

Expiry Date:

Unlimited Indemnity YES/NO

Deductible (Excess) any one claim: £

Cover Includes Indemnity to Principals: YES/NO

Contractual Liability : YES/NO

We confirm that copies of policy documents / renewal receipts will be supplied to the Council upon request, if so required.

Completed By:

Position:

Name of Insurance Company/Advisor:

Company Stamp:

Please return completed form to

**London Borough of Tower Hamlets – Resources Directorate
Procurement & Corporate Programmes Office
4th Floor Mulberry Place
5 Clove Crescent
London
E14 2BG**

Contract No. AND TITLE

LBTH

Award Criteria

Guidance

Contracting Toolkit

2.3 Contract Award Criteria

1. The table below suggests some possible “headline” award criteria which could be used for evaluating tenders. The criteria will need to be precisely defined, with weightings calculated, and a clear method of assessing tenders.
2. It is essential that selection criteria (the measures by which firms are selected to tender) are not confused with award criteria, which provide the basis for evaluating tenders.

Capabilities	COST	RISK	PARTNERSHIP POTENTIAL
Production capabilities <ul style="list-style-type: none"> • Products • Capacity • Product quality assurance • Delivery lead time • Flexibility for volume and mix changes 	Pricing <ul style="list-style-type: none"> • Base pricing • Whole life costing calculation • Volume discounting • Year-on-year reduction commitments / restrictions on uplifts • Contract length 	<ul style="list-style-type: none"> • Overall approach to risk management • Business continuity arrangements 	Fit of proposed process and infrastructure <ul style="list-style-type: none"> • Process integration with Council • Implementation of Council's vision
Service capabilities <ul style="list-style-type: none"> • Purchasing • Transportation & warehousing • Product development • Specification & design change accommodation • Financial & operational reporting • Information systems & e-procurement capability • After-sales service 	<ul style="list-style-type: none"> • Added or eliminated Council costs based on services provided by the supplier • Overall costs and benefits based on business plan • Payback 	Quality of transition plan <ul style="list-style-type: none"> • Timing • Takeover of equipment & workforce • Financing • Subcontracting required • Contingency plans • Quality & experience of implementation team • Linking the supply chain 	Compatibility <ul style="list-style-type: none"> • Strategic direction • Proposed kind of contract • Cultural fit • Management stability • Willingness to share information
Service quality and reputation <ul style="list-style-type: none"> • Delivery history • References • ISO9000 (or other relevant certifications) • Regulatory compliance 	Initial investments and transition costs based on the transition plan		Innovation <ul style="list-style-type: none"> • Track record of innovative approach • Demonstration of innovation relevant to specific requirement

Adapted from “Balanced Sourcing” by Timothy M Laseter

Document 5

OJEU Intent Letter

Company name of winning bidder
Address of winning bidder
Date in day; date; month; year order

Resources Directorate
Procurement & Corporate
Programmes
4th Floor
Town Hall
Mulberry Place
5 Clowes Crescent
LONDON E14 2BG
Tel 020 7364 4013
Fax 020 7364 4973
Email
procurement@towerhamlets.gov.uk
www.towerhamlets.gov.uk

RE: CONTRACT NO. insert contract number and title

Dear Sir/Madam,

I refer to your firm's tender for the above contract and I am pleased to inform you that it has been decided to recommend your bid to the Council as the preferred bid for acceptance. A mandatory cooling off period of 10 days to enable unsuccessful bidders the opportunity to challenge this decision applies and accordingly, unless there is a challenge to this decision, I will be contacting you as soon as possible after (insert date) to confirm whether or not you have in fact been awarded the contract. Should there be any challenge to this decision, I will keep you informed. Please note that no contract between us shall come into effect as a result of this letter.

Yours faithfully

Insert Name of officer
Insert Job Title

Document 6

OJEU Standstill Notice of Decision to Award Unsuccessful Bidders

DRAFT LETTER TO UNSUCCESSFUL BIDDERS

Address of
Unsuccessful
Bidder

Dear

TENDER FOR [INSERT TITLE OF TENDER HERE]

May I thank you on behalf of the Council for submitting a bid for the above contract.

The Council's evaluation panel has completed the evaluation process in accordance with the tender document. Regrettably, on this occasion your firm has not been successful.

Our evaluation resulted in your bid receiving a score of [insert company's score], compared with the preferred bidder, *[insert name of winning tenderer]*, which scored *[insert winning tenderer's score]*.¹ The award criteria are as set out in the tender document.

If your firm requires an opportunity for an additional debrief I would be grateful if you could please contact *[enter contact name]* by email to *[enter email address]* or alternatively in writing to the following address *[enter postal address]*

I would like to thank you again for your firm's interest and participation in this tender.

Yours sincerely,

¹ If the scoring system was not used in the evaluations, the contract officer should provide adequate auditable reasons why the tender was unsuccessful; E.g "your tender was the second lowest tender."

Document 7

Frequently Asked Questions (FAQs)

Public Sector Procurement Introduction.

Frequently Asked Questions.

This briefing is aimed at providing 3rd Sector providers and SME's an overview of Procurement within the Public Sector. There are areas that may vary between Public Sector Bodies but the principles relate to all Public Sector Bodies.

Question?

1. What determines when organisations request quotations and/or issue Tenders?

Answer.

All public sector bodies have access to Contractual arrangements which have already been through a competitive Tendering process and where appropriate these can be used without the need for further competition. These contracts may be pan public sector contracts such as those tendered by OGC Buying Solutions, They may be specific to 1 or more organisations or they could represent collaboration across multiple organisations.

Where such Contractual arrangements are all ready in place and the Contractual agreement covers the requirements of a particular need, public sector organisations will generally use them in preference to Tendering.

Where there are not existing Contractual arrangements in place the organisations specific Standing Financial Instructions will determine when Quotations or Tenders need to apply.

Question?

2. What are Standing Financial Instructions?

Answer.

Standing Financial Instructions (SFI's) are the rules under which the members of that organisation have to abide. They are approved by the organisations Audit Committees and determine the financial limits when quotations and Tenders have to be obtained.

There are 4 key financial limits as follows;

Single Quote

Competitive Quotations (usually a minimum of 3)

Competitive Tender

OJEU Tender (Official Journal of the EU), this has predetermined values for the NHS and the Boroughs and is mandatory.

For further details of the financial limits for NHS Tower Hamlets and the London Borough of Tower Hamlets please see their respective web sites.

3. Question?

What does each of these limits actually mean?

Answer.

Single Quote

This is where the person requesting either goods or services only needs to obtain one quote for the said requirement. The limit for this is usually low however the person requesting the goods or service still needs to ensure that it represents value for money.

Competitive Quotations (usually a minimum of 3)

This is where a specification of the requirement will have been drafted by the organisation and sent out to a number of suppliers who have either lodged their interest in quoting to the organisation or suppliers whom are already known to the organisation.

Competitive Tender

This is where the organisation will follow a formal Tendering Process to advertise the requirements, obtain formal Tender bids, evaluate and award.

OJEU Tender (Official Journal of the EU)

This is where the organisation will follow the formal Tendering process as determined by OJEU including advertising the requirements in the European Journal and opening it up to any interested party.

Question?

4. How does an organisation determine which limit should apply?

Answer.

The Organisation looks at the total value of the goods and/or service, if it is a multi year service then the value is for the full period of the contract not the annual amount. This will then determine which process has to be followed.

Question?

5. What are the stages that make up a Competitive Tendering process?

Answer.

There are 11 core stages to any Tendering activity, these are detailed below. Each organisation will determine if all stages apply to a particular Tendering activity and will adapt accordingly.

The stages are;

1. Identification of Need
2. Preliminary Investigation
3. Planning
4. Advertise
5. PQQ

6. Tender
7. Evaluation
8. Presentations
9. Award
10. Contracts
11. Supplier/Contract Management

Question?

6. Why does the Organisation have to advertise the requirement when running a competitive Tender why can't they issue it to a set number of bidders?

Answer.

All Public Sector Bodies are required to demonstrate fairness and transparency and has a duty to ensure that they do not give an unfair advantage to one bidder over another. This was documented in the Court of Justice ruling which applies to all members of the EU, the ruling states;
“The Court of Justice has held that where the Treaty applies, but the Directives do not, there nevertheless has to be an appropriate level of publicity. This applies to low value contracts, Part B services, works and service concessions. In some cases, the OJEU will be the obvious way to meet the requirement. In others it might suffice to advertise in a contract bulletin, in the press or on website – depending on the subject of the contract, its estimated value and the likely level of interest.”

Question?

7. What is a PQQ?

Answer.

A PQQ is a Pre Qualification Questionnaire. It is a document which may be issued as part of a Tendering process to determine a bidder's suitability for bidding for a particular requirement. It is designed to assess the competence of potential bidders in terms of capability, capacity and financial standing. The assessment is of technical and financial resources, business eligibility and experience necessary to undertake and complete the Project.

By using the PQQ stage the organisation can help to ensure that bidders taking part in the tendering stage, have the ability to deliver the requirements and this can reduce the amount of time bidders have to put in to responding to Tenders that they are not successful in securing.

Question?

8. What does a Tender document include and why is it so complicated?

Answer.

A Tender document will comprise of a number of standard forms which have to be completed by all bidders, it will also include a Specification of the requirements, a response format (detailing how we would like the bidder to respond) and evaluation criteria/weightings (these tell the bidder how we are going to evaluate their bid and which are the most important areas), it is very important that all bidders respond to all areas as failure to do so may result in their bid being rejected.

Question?

9. What is a Specification?

Answer.

- ✓ Detailed summary of what is required
- ✓ Include Objectives of the Procurement
- ✓ Accurate Detailed Deliverables
- ✓ Specify a Timeline for Delivery
- ✓ May include Key Performance Indicators
- ✓ Include Benefit Tracking Model
- ✓

Question?

10. What are Evaluation Criteria and Weightings?

Answer.

Evaluation Criteria and Weightings tell the bidder how an evaluation panel will assess their bid, it will tell the bidder which areas will be assessed and also which areas are the most important (the higher the weighting the more important).

A bidder should Read the Specification carefully, respond fully and in a concise manner, always consider the Evaluation Criteria and the Weightings to be applied.

Question?

11. What does it mean if I am asked to do a presentation and what is expected of me?

Answer.

Not every Tender will require the bidder to give a presentation. If however you are then it will usually mean that your Tender bid is of interest to the evaluation panel and that they would like to find out more about your bid. Usually the Organisation will assign a Theme which they want you to present on.

What you need to do is read the Theme carefully, plan the presentation ensuring you cover all salient points fully and in a clear and concise manner. Be factual and have supporting evidence to substantiate any points if asked for further clarification or examples.

Presentations do not have to be “Flash” the evaluation panel are interested in the content of your presentation not the method of delivery.

Common Terms/Acronyms

DoH – Department of Health
ELBP – East London Business Place
EOI – Expression of Interest
EU – European Union
ITT – Invitation to Tender
LBTH - London Borough of Tower Hamlets
OJEU – Official Journal of the European Union
PASA – Purchasing and Supply Agency
PQQ – Pre Qualification Questionnaire
R2P – Requisition to Pay
T&C – Terms and Conditions
TSO – Third Sector Organisation
VFM – Value for Money
NHS TH – NHS Tower Hamlets

Bidder – Contractor, supplier or vendor who responds to an invitation to bid (ITT), also called 'offeror'.

Commission - the act of a granting authority to undertake certain functions

Evaluation criteria – this details how your tender response will be appraised.

PQQ - A questionnaire designed to assess the competence of potential bidders from the expressions of interest submitted in response to an advert.

Response format - How you are required to respond to the Specification.

Specification - Detailed description of the requirements for a tender.

Tender – a written or formal offer to supply goods, services or do a job at an agreed price.

Tendering Authority – the organisation that is offering the tender opportunity

Transparent – an activity is transparent if all information about it is open and freely available.

Unfair Advantage – this occurs when there is compromise in the procurement process e.g. if a bidder receives more information than the others

Weightings – this describes which of the evaluation criteria are most important.