

**INVITATION TO TENDER**

FOR

**CREATION OF A SKATEPARK FOR WHEELED SPORTS,  
KING GEORGE'S FIELD, WESTERHAM**

FOR

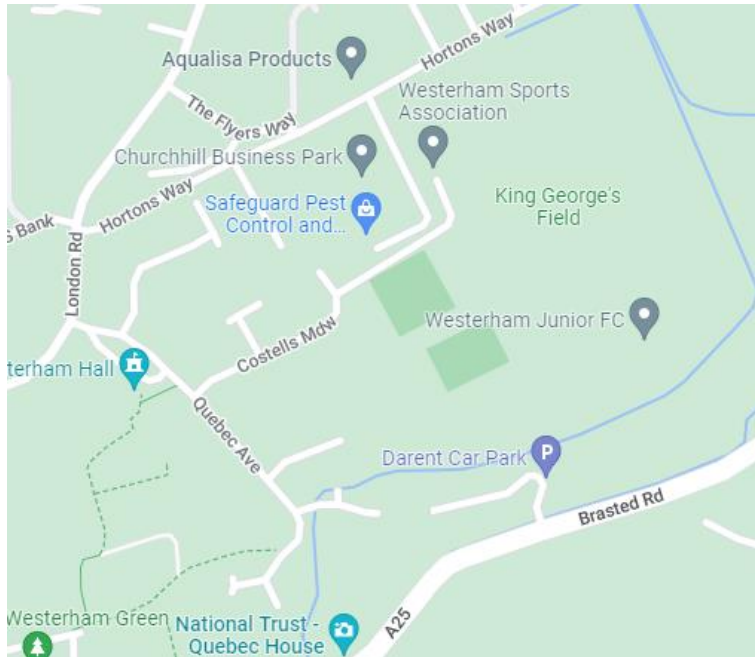
**WESTERHAM TOWN COUNCIL**

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## Section 1 – Project Overview

- 1.1 Westerham Town Council (the 'Council') owns the site known as King George's Field (KGF) and has sole responsibility for the management of the playing field and facilities:



King George's Field  
Off Costells Meadow  
Westerham  
Kent  
TN16 1BN

- 1.2 Following extensive public consultation, the Council created a Master Plan to re-develop the facilities at KGF, including the creation of a new spray concrete skatepark for wheeled sports in the area marked in red below:



1.3 This project seeks to create a spray concrete skatepark for wheeled sports within King George's Field (KGF) to replace the existing metal skatepark, which has come to the end of its life. A grassed area, below the existing site, has been identified for the creation of a new skate park – the area is approximately 40m x 30m, but it is NOT expected that the new skate park will use all of this area, simply to be situated within it. The area is on a slope and we will be looking for a creative design that works with the gradient. We want to re-site an existing youth shelter in the vicinity of the skate park – it would be beneficial if this could be incorporated into the design, but not essential.

Community engagement has been undertaken with local users and their parents, both scooter users and skate boarders to find out what features they regard as being essential/desirable from a good skate park. These findings have been built into this tender document. Our objective is to create a space for wheeled sports that will offer young people access to as wide a range of opportunities as possible. The space should be visually appealing, exciting, challenging and stimulating.

It is planned for the skatepark to be completed and opened by Summer 2023 subject to Environment Agency consent being granted, if required, and funds being in place.

## Budget

1.4 We are now seeking tenders for the design and provision of a new concrete skate park from suitably experienced and qualified contractors. The Council has agreed a budget of **up to £100,000 ex VAT** for the project. All pricing should be exclusive of VAT and in GBP (£). Pricing should be valid for a minimum of 12 months from the date of the tender deadline. Prices will be fixed for the duration of the contract. *It should be noted that all of the necessary funds are not currently in place and it will be necessary for the Council to seek additional funding.*

## Section 2 – Procurement timetable

Action		Date
Issue invitation to tender	The Council will publish on: <ul style="list-style-type: none"> <li>• WTC website</li> <li>• Contract Finder</li> </ul>	w/c 25 <sup>th</sup> July 2022
Notification of intention to bid	Interested parties are asked to notify the Council by email of their intention to submit a tender	22 <sup>nd</sup> August 2022
Site Visits	Site visits will be conducted during the morning of	18 <sup>th</sup> August 2022
Deadline for questions	All questions should be submitted via email to the named contact	31 <sup>st</sup> August 2022
Deadline for submission of tenders	Any tenders received after this time and date will not be accepted	12 noon 14 <sup>th</sup> Sept. '22
Evaluation	User group consultation Panel evaluation	w/c 19 <sup>th</sup> Sept. '22 and w/c 26 <sup>th</sup> Sept. '22
Tender(s) selected and decision notified	The successful contractor(s) will be notified no later than	w/c 17 <sup>th</sup> October '22

### Section 3 - Instructions to Tenderers

- 3.1 The Contractor shall make themselves fully conversant with the Council's requirements by reading the invitation to tender and visiting and inspecting the site set out in the tender document. The Contractor is required to raise any issues on which they require clarification prior to submission of their tender, as no claims arising from their failure to do so will be entertained by the Council following the submission of tenders. It is the responsibility of the tenderer to obtain for themselves, at their own expense, any additional information necessary for the preparation of their tender.
- 3.2 **Named contact:** all contact should be with the named contact for the project: Debbie Marshall (Project Manager) - [dmarshall@westerhamtowncouncil.gov.uk](mailto:dmarshall@westerhamtowncouncil.gov.uk)
- 3.3 **Questions:** any questions and clarifications should be emailed to [dmarshall@westerhamtowncouncil.gov.uk](mailto:dmarshall@westerhamtowncouncil.gov.uk) using the subject heading 'KGF Skate Park Tender Submission' by Wednesday 31st August 2022. The response will be sent via email.
- 3.4 **Certificate of Collusion:** contractors tendering for this contract must complete a Certificate of Collusion (see attached document). This is in regard to canvassing of the Council or its officers to gain competitive advantage. Any effort to do so will immediately disqualify any tender submitted.
- 3.5 **Site visit:** there will be the opportunity to attend a site meeting, along with other interested suppliers, on the 18<sup>th</sup> August 2022. However, this is not mandatory and suppliers are welcome to visit the site at their own convenience, without a member of staff present. Appointments can be booked via [dmarshall@westerhamtowncouncil.gov.uk](mailto:dmarshall@westerhamtowncouncil.gov.uk)
- 3.6 **Notice of intent to bid:** contractors should inform us of their intent to submit a tender by 22nd August 2022 via [dmarshall@westerhamtowncouncil.gov.uk](mailto:dmarshall@westerhamtowncouncil.gov.uk) Failure to do so could result in your organisation not receiving updates to the Tender Process or any circulated responses to questions.

### Section 4 – Submission of Tender

- 4.1 Tenders are to be sent by post or delivered by hand in an envelope clearly labelled '*Private and Confidential Tender – KGF Skate Park*', addressed to Angela Howells, Town Clerk, Westerham Town Council, Russell House, Market Square, Westerham, Kent, TN16 1RB, so as to be received **no later than 12.00 noon on Wednesday 14<sup>th</sup> September 2022.**
- 4.2 The submission must include 2 hardcopies of the tender document and 2 copies of any designs for the proposed skate park. Electronic copies of the tender should be sent to [dmarshall@westerhamtowncouncil.gov.uk](mailto:dmarshall@westerhamtowncouncil.gov.uk) **in addition** to the hard copies but not in lieu of. Electronic submissions should also be clearly titled 'Private & Confidential Tender – KGF Skate Park'.
- 4.3 Contractors are required to note that it is the Contractor's responsibility to ensure that any tender delivered by hand in response to this invitation is actually received by WTC by the above date and time.
- 4.4 No tender will be considered if it is received after the date and time specified, unless the Council, at its sole discretion, extends the closing date and time specified in writing.



- 4.5 A breakdown of costs must be itemised for each element to allow for accurate comparison between suppliers. Detailed costs of all sundry items should be provided. All prices are to be quoted exclusive of VAT.
- 4.6 **Accuracy:** it is the responsibility of the contractor to check that all unit rates and other information/fees entered in the tender document are accurate. If arithmetical mistakes are found after the contract has been awarded they will not be taken into account. The figure agreed at the time of contract will prevail. If WTC suspects that there has been an error in the pricing of the Tender the Council reserves the right to seek such clarification as it considers necessary from the contractor only.
- 4.7 **Price validity period:** contractors are required to keep prices fixed and tenders valid for acceptance for a period of 12 months from the closing date for receipt of tenders. *It should be noted that all of the necessary funds are not currently in place and it will be necessary for the Council to seek additional funding.*
- 4.8 The Council may reject any tender not complying in any particular matter and their decision in that regard shall be final.
- 4.9 The Council is not bound to accept the lowest tender, nor does the Council guarantee that it will decide to award a contract.
- 4.10 **Award of contract:** the Council will contact all Contractors at the conclusion of the tender selection process advising of our decision and its rationale.
- 4.11 **Confidentiality:** All information supplied by the Council in connection with this invitation to tender shall be regarded as confidential by the Contractor except such information that may be disclosed for the purpose of obtaining sureties and quotations necessary for the preparation of the tender. The Tender documents are and shall remain the property of the Council.
- 4.12 **Freedom of information:** all information submitted to the Council may need to be disclosed and/or published by the Council in compliance with the Freedom of Information Act 2002.
- 4.13 Accordingly, if you consider that any of the information included in your tender response is commercially confidential please identify it and explain (in broad terms) what harm might result from disclosure/publication. It should be remembered though, that, even where you have indicated that information is commercially sensitive, the Council may disclose this information where they see fit.

## Section 5 - Evaluation Criteria

- 5.1 All submissions will be assessed in line with Westerham Town Council financial regulations. The tenderers must be able to answer yes to the following screening questions:
1. Has the contractor confirmed that they have visited the site? YES/NO
  2. Has the contractor provided evidence of similar projects in the past? YES/NO
- 5.2 The Council will evaluate all essential requirements above and disclosed in the business questionnaire (appendix C) on a 'pass' or 'fail' basis. Tenders failing any of the essential criteria will be rejected at this stage of the evaluation.

5.3 **Full evaluation will then be based upon the following criteria and weightings:**

<b>Evaluation Criteria Breakdown</b>	
<b>Sub criteria</b>	
<b>Method Statements</b>	100%
Approach	20%
Quality	50%
Previous Project Experience	15%
Management and Communication	5%
Programme	5%
Budget management	5%

5.4 **Scoring Guidelines**

The questions asked of applicants within this section shall be scored using the marking system described within this section. Applicants should refer to the Council's minimum requirements to ensure that they meet or exceed the minimum requirements wherever possible.

Applicants should be aware that the responses provided to the questions will be evaluated in such a way that the highest scores will be awarded to applicants who show innovation, creativity, further relevant details and information that could potentially enhance the applicant's proposal. It should be noted that to achieve the highest scores available the applicant must not only meet but exceed the Council's minimum requirements, where these are stated.

All scored questions shall be evaluated in accordance with the guidelines overleaf:

<b>Score 1</b>	Extremely Weak	Very poor proposal/response; does not cover the associated requirements, major deficiencies in thinking or detail, significant detail missing, unrealistic or impossible to implement and manage	<b>Weak</b>
<b>Score 2</b>	Very Weak	Poor proposal/response, only partially covers the requirements, deficiencies in thinking or detail apparent, difficult to implement and manage	
<b>Score 3</b>	Weak	Mediocre proposal/response, moderate coverage of the requirements, minor deficiencies either in thinking or detail, problematic to implement and manage	
<b>Score 4</b>	Fair - Below Average	Proposal/response partially satisfies the requirements, with small deficiencies apparent, needs some work to fully understand it	<b>Fair - Good</b>
<b>Score 5</b>	Fair - Average	Satisfactory proposal/response, would work to deliver all of the Council's requirements to the minimum level	
<b>Score 6</b>	Fair - Above Average	Satisfactory proposal/response, would work to deliver the majority of the Council's requirements to the minimum level with some evidence of where the applicant could exceed the minimum requirements	
<b>Score 7</b>	Good	Good proposal/response that convinces the Council of its suitability, response slightly exceeds the minimum requirements with a reasonable level of detail	
<b>Score 8</b>	Strong	Robust proposal/response, exceeds minimum requirements, including a level of detail or evidence of original thinking which adds value to the bid and provides a great deal of detail	<b>Strong - Excellent</b>
<b>Score 9</b>	Very Strong	Proposal/response well in excess of expectations, with a comprehensive level of detail given including a full description of techniques and measurements employed	
<b>Score 10</b>	Outstanding/Excellent	Fully thought through proposal/response, which is innovative and provides the reader with confidence of the suitability of the approach to be adopted due to the complete level of detail provided	



5.5 Award Questions:

Question Number	Question
<b>Approach (20%)</b>	
5.5.1	The Applicant shall provide a method statement detailing how it would plan, manage and deliver the Project
<p><b>Council's minimum requirements:</b> Please detail the Quality Control and Assurance techniques that will be employed to ensure a successful design development phase resulting in a compliant design, supply and installation of all elements, and successful commissioning &amp; handover of the project to fully meet the Council's Requirement. Please note that the Council is looking for evidence of the Applicant's previous experience in relation to managing and delivering projects of a similar nature to that required here, as well as detail of how that experience will be used during the delivery of this Contract. The Council is also looking for evidence of the Applicant's previous experience of working collaboratively with key stakeholders and engaging in consultation with young people and where that experience will be used during the delivery of this Contract.</p>	
<p><b>Response:</b></p>	
Question Number	Question
<b>Quality (50%)</b>	
5.5.2	The Applicant shall provide a method statement detailing how it proposes to deliver a high quality skatepark that delivers the young people's aspirations on time, within budget, within any relevant Environment Agency constraints at competitive construction rates.
<p><b>Council's minimum requirements:</b> Please note that the Council is looking for evidence that the Applicant has an understanding of managing key stakeholder's expectations within a particular budget envelope. Please provide an outline design and proposals for the project that meets the Council's requirements listed in Section 6 – Design Brief and to meet the requirements of BSEN 14974 standards (Safety and Compliance). The Council requires a warranty against the concrete structure of a minimum of 15 years.</p>	
<p><b>Response:</b></p>	

Question Number	Question
<b>Previous Project Experience (15%)</b>	
5.5.3	The quality of project examples provided will be used to assess this question.
<p><b>Council's minimum requirements:</b> The Council is looking for relevant project examples which demonstrate the Applicants' track history of successful delivery. The council is particularly interested in any problems that occurred and how you solved them.</p>	
<p><b>Response:</b></p>	
Question Number	Question
<b>Management and Communication (5%)</b>	
5.5.4	The Applicant shall provide details of the project team that will be involved in the delivery of this Contract.
<p><b>Council's minimum requirements:</b> Please note that the Council is looking for the appropriateness of the project team to meet the requirements of the Project, details of their previous experience of working together as a team, the project management structures that will be in place and the means by which they will communicate with the Council and key stakeholders throughout the life of the Contract.</p>	
<p><b>Response:</b></p>	

Question Number	Question
<b>Programme (5%)</b>	
5.5.5	The Applicant shall provide an outline plan for delivering the requirements of the Project.
<p><b>Council's minimum requirements:</b> Please note that the Council is looking for the submission of a realistic programme and completeness of services offered. Please provide a Gantt chart ( or similar) showing logical links between tasks from contract award to site handover and completion.</p>	
<p><b>Response:</b></p>	
Question Number	Question
<b>Budget Management (5%)</b>	
5.5.6	The Applicant shall describe its proposed approach to managing the budget. The Applicant must be mindful of the fact that the allocated budget for this Project is £100,000 excluding VAT, which must not be exceeded.
<p><b>Council's minimum requirements:</b> Please note that the Council is looking for a Contractor that is willing to work with the Council to manage the costs of the project within the allocated budget.</p>	
<p><b>Response:</b></p>	

**NB:** The Council may reject contractors that score 1 - 3 in any of the criteria, or more than two 4s.

## Section 6 – Design Brief

The outcome of this Tender will be to identify and select a single Contractor to take the Project forward from consultation to a final design and a completed installed concrete skatepark, to suit the needs of the local young people whilst taking into account a range of ages, abilities and wheels, and taking account of the site constraints.

### Initial Concept Design

We have a space of 30m by 40m which will be used for the development of a skate park. Due to the build cost, it is unlikely we will use this entire space. (The budget for this build will be £100,000).

The site is on a gradient and perhaps lends itself to a park in two sections/levels, offering a plaza area for skate boarders/junior riders and disabled access; the other with half pipe and boxes. The site is within the greenbelt and we would like it to blend sympathetically with its surroundings. The image below is merely an example of a design that resembles a skate park that blends with its parkland environment. Whilst we don't particularly want trees, we would like a design that includes some sort of planting that we feel will work well in King George's Field in terms of softening the scheme and blending with the green belt surroundings.



We would like to re-site our youth shelter either as part of the design, or on a concrete base in the vicinity of the skate park.



**After initial consultation with local users, we have gathered a 'wish list' of features that they would like to see form part of the design:**

- The ability to carve around a bowl and/or banks
- The ability to pump at sections of the park. Ideally to travel from one end of the park to the other on a pump track
- A big roll-in to large box leading to quarter pipe. Hip feature to side of box
- Half pipe with spine
- Set of stairs or steps
- Skate space with manual pad / stairs for grinding
- Pyramid feature
- Space for junior riders to use park and not have to cross larger ramps.

Use the image below as a guide only to a design that reflects the type of obstacles and ramps that the children would like to see.



Note: access to the site will necessitate a temporary road.

Note: contractors are required to keep prices fixed and tenders valid for acceptance for a period of **12 months** from the closing date for receipt of tenders. *It should be noted that all of the necessary funds are not currently in place and it will be necessary for the Council to seek additional funding.*

Note: Sevenoaks District Council has confirmed that it will not be necessary to seek planning permission, as the Council is able to install a skate park up to 200m<sup>2</sup> using permitted development rights.

## APPENDIX A – FORM OF TENDER

Contractors are expected to provide full details of their design with pictures/photographs for each feature to be installed (with a visualisation board) as a separate appendix to accompany the answers to the Award Questions in 5.5.

Applicants are required to give a breakdown of the costs that would be allocated to each project task, as against the total project budget below:

Item Number	Description	Price (£)
1	Consultation with local young people (minimum 2 sessions)	
2	Site visits	
3	Creation of 3D visuals	
4	Topographical survey	
5	Any additional services searches	
6	Obtaining Environment Agency consent	
7	Project Management – H&S & CDM Compliance	
8	Provision of JCT Minor Works Contract Documentation	
9	Creation of Detailed Design Engineering Drawings	
10	Preliminaries	
11	Groundworks & Drainage	
12	Steelworks	
13	Concrete	
14	Ancillary items	
15	RoSPA Post installation inspection	
16	Provision of operating and instruction manuals	
17	Launch Event	
	<b>Total of the prices (excluding VAT)</b>	<b>£</b>

Please add items as required at the end of the list above.

## **General Notes and guidance:**

In addition to the Form of Tender (Appendix A), the Contractor is also required to complete the following documentation:

- The Award questions in section 5.5, with an appendix outlining full details of their design with a visualisation board
- Collusive Tendering Certificate (Appendix B)
- Business Questionnaire (Appendix C)

Note: a schedule of works, health and safety policy, risk assessments and copies of insurance documents **should not** be provided at this point.



Having examined the Conditions of Contract and Outline Design Brief for the carrying out of the above-named works, I/we offer to complete the whole of the said Works in conformity with the above for the sum of:

(Amount in words): \_\_\_\_\_

(Amount in figures): \_\_\_\_\_

1. I/We have full authority to enter into the contract and to provide the service.
2. This tender shall be kept open for **12 months from 14<sup>th</sup> September 2022.**
3. The Contract shall become binding upon the Council's written acceptance of the Tender.
4. I/We are able and willing to complete the whole of the works tendered for on or before  
\_\_\_\_\_
5. I/We anticipate that the works will take \_\_\_\_\_ weeks to complete.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Company Name: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Tel no: \_\_\_\_\_

Date: \_\_\_\_\_

**APPENDIX B – COLLUSIVE TENDERING CERTIFICATE**

**King George's Field Skate Park**

In recognition of the principle that the essence of selective tendering is that the Council shall receive bona fide competitive tenders from all those tendering.

WE CERTIFY THAT

1. The tender submitted herewith is a bona fide Tender intended to be competitive.
2. We have not fixed or adjusted the amount of the Tender under or in accordance with any agreement or arrangement with any other person.
3. We have not done, and we undertake that we will not do at any time before the hour and date specified for the return of the tender any of the following acts:
  - (a) communicating to a person other than the person calling for those tenders the amount or approximate amount of the 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 arrangement with any other person that they shall refrain from tendering or as to the amount of any tender to be submitted;
  - (c) directly or indirectly canvassed any member or officer of the Council with a view to gaining more favourable consideration of our tender. Nor offered to pay/agreed to pay or give any sum of money or valuable consideration directly or indirectly to any person in relation to the tender for the said work.

DATED this ..... day of .....20.....

SIGNED (as in Tender) .....

Duly authorised to sign for and on behalf of .....

## APPENDIX C – BUSINESS QUESTIONNAIRE

1. SUPPLIER INFORMATION		
<b>1.1 Supplier Details</b>		
Name of the company		
Registered company address		
Registered company number		
Date of formation		
Registered charity number		
Registered VAT number		
Name of parent/holding company		
Named contact/job title		
Contact telephone number		
Contact email address		
Please mark 'X' in the relevant box to indicate your trading status	i. A public limited company	
	ii. A limited company	
	iii. A limited liability partnership	
	iv. A sole trader	
	v. A charity	
	vi. other (please specify)	
Please mark 'X' in the relevant boxes to indicate whether any of the following classifications apply to you	i. Voluntary, Community and Social Enterprise (VCSE)	
	ii. Small or Medium Enterprise (SME)	
	iii. Other (please specify)	

Are you applying as the lead organization in a consortium of organisations?	
If yes, please state who the member organisations of the consortium are, what their roles will be and when the consortium was formed.	
<b>1.2 Contract details</b>	
<b>Please mark 'X' in the relevant box to indicate whether you are:</b>	
Bidding as the Prime Contractor and will deliver 100% of the key contract deliverables yourself	
<p>Bidding as a Prime Contractor and will use third parties to deliver <u>some</u> of the services</p> <p>If yes, please provide details of the areas/percentage of work being delivered by each sub-contractor and the key contract deliverables each sub-contractor will be responsible for.</p>	
<p>Bidding as a Prime Contractor but will operate as a Managing Agent and will use third parties to deliver <u>all</u> of the services</p> <p>If yes, please provide details of the areas/percentage of work being delivered by each sub-contractor and the key contract deliverables each sub-contractor will be responsible for.</p>	

## 2. GROUNDS FOR MANDATORY EXCLUSION

You will be excluded from the procurement process if there is evidence of convictions relating to specific criminal offences including, but not limited to, bribery, corruption, conspiracy, terrorism, fraud and money laundering, or if you have been the subject of a binding legal decision which found a breach of legal obligations to pay tax or social security obligations (except where this is disproportionate e.g. only minor amounts involved).

<b>2.1 Within the past five years, has your organisation (or any member of your proposed consortium, if applicable), directors or partner, or any other person who has powers of representation, decision or control been convicted of any of the following offences?</b>	<b>Please indicate your answer by marking 'X' in the relevant box.</b>	
	<b>Yes</b>	<b>No</b>
a. conspiracy within the meaning of section 1 or 1A of the Criminal Law Act 1977 or article 9 or 9A of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 where that conspiracy relates to participation in a criminal organisation as defined in Article 2 of Council Framework Decision 2008/841/JHA on the fight against organised crime;		
b. corruption within the meaning of section 1(2) of the Public Bodies Corrupt Practices Act 1889 or section 1 of the Prevention of Corruption Act 1906;		
c. the common law offence of bribery;		
d. bribery within the meaning of sections 1, 2 or 6 of the Bribery Act 2010; or section 113 of the Representation of the People Act 1983;		
e. any of the following offences, where the offence relates to fraud affecting the United Kingdom's financial interests:		
i. the offence of cheating the Revenue;		
ii. the offence of conspiracy to defraud;		
iii. fraud or theft within the meaning of the Theft Act 1968, the Theft Act (Northern Ireland)		

iv. fraudulent trading within the meaning of section 458 of the Companies Act 1985, article 451 of the Companies (Northern Ireland) Order 1986 or section 993 of the Companies Act 2006;		
	<b>Please indicate your answer by marking 'X' in the relevant box.</b>	
	<b>Yes</b>	<b>No</b>
v. fraudulent evasion within the meaning of section 170 of the Customs and Excise Management Act 1979 or section 72 of the Value Added Tax Act 1994;		
vi. an offence in connection with taxation in the UK within the meaning of section 71 of the Criminal Justice Act 1993;		
vii. destroying, defacing or concealing of documents or procuring the execution of a valuable security within the meaning of section 20 of the Theft Act 1968 or section 19 of the Theft Act (Northern Ireland) 1969;		
viii. fraud within the meaning of section 2, 3 or 4 of the Fraud Act 2006; or		
ix. the possession of articles for use in frauds within the meaning of section 6 of the Fraud Act 2006, or the making, adapting, supplying or offering to supply articles for use in frauds within the meaning of section 7 of that Act;		
f. any offence listed:		
i. in section 41 of the Counter Terrorism Act 2008; or		
ii. in Schedule 2 to that Act where the court has determined that there is a terrorist connection;		
g. any offence under sections 44 to 46 of the Serious Crime Act 2007 which relates to an offence covered by subparagraph (f);		
h. money laundering within the meaning of sections 340(11) and 415 of the Proceeds of Crime Act 2002;		

<p>i. an offence in connection with the proceeds of criminal conduct within the meaning of section 93A, 93B or 93C of the Criminal Justice Act 1988 or article 45, 46 or 47 of the Proceeds of Crime (Northern Ireland) Order 1996;</p>		
<p>j. an offence under section 4 of the Asylum and Immigration (Treatment of Claimants etc.) Act 2004; or any offence involving Racial Discrimination</p>		
<p>k. an offence under section 59A of the Sexual Offences Act 2003; or any offence involving Sexual Harassment</p>		
<p>l. an offence under section 71 of the Coroners and Justice Act 2009</p>		
<p>m. an offence in connection with the proceeds of drug trafficking within the meaning of section 49, 50 or 51 of the Drug Trafficking Act 1994; or</p>		
<p>n. any other offence within the meaning of Article 57(1) of the Public Contracts Directive:</p>		
<p>i. as defined by the law of any jurisdiction outside England and Wales and Northern Ireland; or</p>		
<p>ii. created, after the day on which these Regulations were made, in the law of England and Wales or Northern Ireland.</p>		
<p><b>2.2 Non-payment of taxes</b>  <b>Has it been established by a judicial or administrative decision having final and binding effect in accordance with the legal provisions of any part of the United Kingdom or the legal provisions of the country in which your organisation is established (if outside the UK), that your organisation is in breach of obligations related to the payment of tax or social security contributions?</b></p>		



<p>If you have answered <b>Yes</b> to this question, please use a separate appendix to provide further details. Please confirm whether you have paid, or have entered into a binding arrangement with a view to paying, including, where applicable, any accrued interest and/or fines?</p>		
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<b>3. GROUNDS FOR DISCRETIONARY EXCLUSION</b>		
<p>The Council may exclude any Supplier who answers 'Yes' in any of the following situations set out in paragraphs (a) to (j);</p>		
<b>3.1 Within the past five years, please indicate if any of the following situations have applied, or currently apply, to your organisation.</b>	<b>Please indicate your answer by marking 'X' in the relevant box.</b>	
	<b>Yes</b>	<b>No</b>
<p>a. your organisation has violated applicable obligations referred to in regulation 56 (2) of the Public Contract Regulations 2015 in the fields of environmental, social and labour law established by national law, collective agreements or by the international environmental, social and labour law provisions listed in Annex X to the Public Contracts Directive as amended from time to time;</p>		
<p>b. your organisation is bankrupt, the subject of insolvency or winding-up proceedings, where your assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, or where its business activities are suspended;</p>		
<p>c. your organisation is guilty of grave professional misconduct, which renders its integrity questionable;</p>		
<p>d. your organisation has entered into agreements with other economic operators aimed at distorting competition;</p>		

<p>e. your organisation has a conflict of interest within the meaning of regulation 24 of the Public Contract Regulations 2015 that cannot be effectively remedied by other, less intrusive measures;</p>		
<p>f. the prior involvement of your organisation in the preparation of the procurement procedure has resulted in a distortion of competition, as referred to in regulation 41, that cannot be remedied by other, less intrusive, measures;</p>		
<p>g. your organisation has shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity, or a prior concession contract, which led to early termination of that prior contract, damages or other comparable sanctions;</p>		
<p>h. your organisation:</p> <p>i. has been guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria; or</p> <p>ii. has withheld such information or is not able to submit supporting documents required under regulation 59 of the Public Contract Regulations 2015; or</p>		
<p>i. your organisation has undertaken to:</p>		
<p>(i) unduly influence the decision-making process of the contracting authority, or</p>		
<p>(ii) obtain confidential information that may confer upon your organisation undue advantages in the procurement procedure; or</p>		
<p>j. your organisation has negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award.</p>		

### **Conflicts of interest**

In accordance with question 3.1 (e), the Council may exclude an applicant if there is a conflict of interest which cannot be effectively remedied. The concept of a conflict of interest includes any situation where relevant staff members have, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement procedure.

Where there is any indication that a conflict of interest exists or may arise then it is the responsibility of the applicant to inform the Council, detailing the conflict in a separate Appendix. Provided that it has been carried out in a transparent manner, routine pre-market engagement carried out by the Council should not represent a conflict of interest for the Supplier.

Please also state if any director, partner, senior manager or associate of your organisation is a relative or has any type of private or business relationship with either a Councillor, or an officer employed by Westerham Town Council, giving details of the nature of the relationship.

### **Taking Account of Bidders' Past Performance**

In accordance with question (g), the Council may assess the past performance of a Supplier (through a Certificate of Performance provided by a Customer or other means of evidence). The Council may take into account any failure to discharge obligations under the previous principal relevant contracts of the applicant completing this Questionnaire. The Council may also assess whether specified minimum standards for reliability for such contracts are met.

In addition, the Council may re-assess reliability based on past performance at key stages in the procurement process (i.e. supplier selection, tender evaluation, contract award stage etc.). Suppliers may also be asked to update the evidence they provide in this section to reflect more recent performance on new or existing contracts (or to confirm that nothing has changed).

### **'Self-cleaning'**

Any supplier that answers 'Yes' to questions 2.1, 2.2 and 3.1 should provide sufficient evidence, in a separate Appendix, that provides a summary of the circumstances and any remedial action that has taken place subsequently and effectively "self cleans" the situation referred to in that question. The applicant has to demonstrate it has taken such remedial action, to the satisfaction of the Council in each case.

If such evidence is considered by the Council (whose decision will be final) as sufficient, the economic operator concerned shall be allowed to continue in the procurement process.

In order for the evidence referred to above to be sufficient, the applicant shall, as a minimum, prove that it has;

- paid or undertaken to pay compensation in respect of any damage caused by the criminal offence or misconduct;
- clarified the facts and circumstances in a comprehensive manner by actively collaborating with the investigating authorities; and
- taken concrete technical, organisational and personnel measures that are appropriate to prevent further criminal offences or misconduct.

The measures taken by the applicant shall be evaluated taking into account the gravity and particular circumstances of the criminal offence or misconduct. Where the measures are considered by the Council to be insufficient, the applicant shall be given a statement of the reasons for that decision.

#### 4. FINANCIAL INFORMATION

**Please indicate that you are able to provide one of the following to demonstrate your financial standing – DO NOT PROVIDE THE DOCUMENTS AT THIS STAGE. The Council will request the evidence to be submitted to ensure the any potential contractor has sufficient financial resource to undertake the contract if they are successful at contract award stage.**

<b>4.1</b>	Please indicate your answer with an 'X' in the relevant box.	
	a. A copy of the audited accounts for the most recent two years	
	b. A statement of the turnover, profit & loss account, current liabilities and assets, and cash flow for the most recent year of trading for this organisation	
	c. A statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position.	
	d. Alternative means of demonstrating financial status if any of the above are not available (e.g. Forecast of turnover for the current year and a statement of funding provided by the owners and/or the bank, charity accruals accounts or an alternative means of demonstrating financial status).	
<b>4.2</b>	<b>(a) Are you part of a wider group (e.g. a subsidiary of a holding/parent company)?</b>	
	If yes, please provide the name below:	
	Name of the organisation	
	Relationship to the Supplier completing the Questionnaire	
	If yes, are you able to provide parent company accounts?	

	If yes, would the parent company be willing to provide a guarantee if necessary?	
	If no, would you be able to obtain a guarantee elsewhere (e.g. from a bank?)	

## 5. TECHNICAL AND PROFESSIONAL ABILITY

### Relevant experience and contract examples

Please provide details of up to three contracts, in any combination from either the public or private sector, that are relevant to the Council's requirement. Contracts for supplies or services should have been performed during the past five years. The named customer contact provided should be prepared to provide written evidence to the Council to confirm the accuracy of the information provided below.

Consortia bids should provide relevant examples of where the consortium has delivered similar requirements; if this is not possible (e.g. the consortium is newly formed or a Special Purpose Vehicle will be created for this contract) then three separate examples should be provided between the principal member(s) of the proposed consortium or Special Purpose Vehicle (three examples are not required from each member).

Where the Supplier is a Special Purpose Vehicle, or a managing agent not intending to be the main provider of the supplies or services, the information requested should be provided in respect of the principal intended provider(s) or sub-contractor(s) who will deliver the supplies and services.

		Contract 1	Contract 2	Contract 3
5.1	Name of customer organisation			
5.2	<ul style="list-style-type: none"> <li>• Name of contact in customer organisation</li> <li>• Position in the organisation</li> <li>• E-mail address</li> </ul>			
5.3	<ul style="list-style-type: none"> <li>• Contract start date</li> <li>• Contract completion date</li> <li>• Contract Value</li> </ul>			

5.4	In no more than 500 words, please provide a brief description of the contract delivered including evidence as to your technical capability in this market.
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5.5 If you cannot provide at least one example for questions 5.1 to 5.4, in no more than 500 words please provide an explanation for this e.g. your organisation is a new start-up.

**6. ADDITIONAL INFORMATION**

Suppliers who self-certify that they meet the requirements for these additional modules will be required to provide evidence of this if they are successful at contract award stage.

**a. Project Specific questions to assess Technical and Professional Ability**

Please indicate your answer by marking 'X' in the relevant box.	Yes	No
Does your organisation require your staff and your sub-contractor's staff to undergo a Disclosure and Barring Service (DBS) check to the standard level.		
Please self-certify that your organisation has a Safeguarding Policy or would be willing to ensure that one is in place upon award of the Framework Agreement that complies with current legislative requirements.		

**b. Insurance**

Please self-certify whether you already have, or can commit to obtain, prior to the commencement of the contract, the levels of insurance cover indicated below Please indicate your answer by marking 'X' in the relevant box.	Yes	No
Employer's (Compulsory) Liability Insurance = min. £5,000,000		
Public Liability Insurance = min. £5,000,000		

Product Liability Insurance = min. £5,000,000		
Professional Indemnity Insurance = min. £1,000,000		
<b>c. Compliance with Equality Legislation</b>		
For organisations working outside of the UK please refer to equivalent legislation in the country that you are located.		
(Please indicate your answer by marking 'X' in the relevant box):	<b>Yes</b>	<b>No</b>
In the last five years, has any finding of unlawful discrimination been made against anyone within your organisation by an Employment Tribunal, an Employment Appeal Tribunal or any other court (or in comparable proceedings in any jurisdiction other than the UK)?		
In the last five years, has your organisation had a complaint upheld following an investigation by the Equality and Human Rights Commission or its predecessors (or a comparable body in any jurisdiction other than the UK), on grounds or alleged unlawful discrimination?		
If you have answered "yes" to one or both of the questions above, please provide, as a separate Appendix, a summary of the nature of the investigation and an explanation of the outcome of the investigation to date.		
If the investigation upheld the complaint against your organisation, please use the Appendix to explain what action (if any) you have taken to prevent unlawful discrimination from reoccurring.		
You may be excluded if you are unable to demonstrate to the Council's satisfaction that appropriate remedial action has been taken to prevent similar unlawful discrimination reoccurring.		
If you use sub-contractors, do you have processes in place to check whether any of the above circumstances apply to these other organisations?		
<b>d. Health and Safety</b>		
Please indicate your answer by marking 'X' in the relevant box.	<b>Yes</b>	<b>No</b>



<p>Please self-certify that your organisation has a Health and Safety Policy that complies with current legislative requirements. The successful tenderer will need to provide a copy of your organisation's Health and Safety policy, together with a schedule of works, a risk assessment and method statement, before the contract commences.</p>		
<p>All persons operating machinery and equipment must be appropriately trained. The Contractor shall provide, if asked, adequate proof that all operatives are well trained and conversant with Health &amp; Safety legislation.</p>		
<p>The Contractor is required to notify the Council immediately of any accidents, near misses or environmental incidents.</p>		
<p>Has your organisation or any of its Directors or Executive Officers been in receipt of enforcement/remedial orders in relation to the Health and Safety Executive (or equivalent body) in the last 5 years?</p> <p>If your answer to this question was "Yes", please provide details in a separate Appendix of any enforcement/remedial orders served and give details of any remedial action or changes to procedures you have made as a result.</p> <p>The Council will exclude bidder(s) that have been in receipt of enforcement/remedial action orders unless the bidder(s) can demonstrate to the Council's satisfaction that appropriate remedial action has been taken to prevent future occurrences or breaches.</p>		
<p>If you use sub-contractors, do you have processes in place to check whether any of the above circumstances apply to these organisations?</p>		
<p><b>e. Environmental Management</b></p>		
<p>Please indicate your answer by marking 'X' in the relevant box.</p>	<p><b>Yes</b></p>	<p><b>No</b></p>
<p>Please indicate your agreement to removing from site all waste materials, including, but not restricted to: grass, wood, bark, paper, metals, plastics, glass. Tenderers may be asked to indicate how they separate and dispose of the materials described in this clause.</p>		

<p>Has your organisation been convicted of breaching environmental legislation, or had any notice served upon it, in the last five years by any environmental regulator or authority (including local authority)?</p> <p>If your answer to this question is "Yes", please provide details in a separate Appendix of the conviction or notice and details of any remedial action or changes you have made as a result of conviction or notices served.</p>		
<p>The Council will not select bidder(s) that have been prosecuted or served notice under environmental legislation in the last 5 years, unless the Council is satisfied that appropriate remedial action has been taken to prevent future occurrences/breaches.</p>		
<p>If you use sub-contractors, do you have processes in place to check whether any of these organisations have been convicted or had a notice served upon them for infringement of environmental legislation?</p>		
<b>f. Quality</b>		
<p>Please indicate your answer by marking 'X' in the relevant box.</p>	<b>Yes</b>	<b>No</b>
<p>Please self-certify that your organisation holds a quality certificate such as ISO9001 (or equivalent) or a policy that attests to your organisations' approach to quality management.</p>		
<p>If you use sub-contractors, do you have processes in place to check whether any of the above circumstances apply to these organisations?</p>		
<b>g. Payment Terms</b>		
<p>Please indicate your answer by marking 'X' in the relevant box.</p>	<b>Yes</b>	<b>No</b>

<p>Please indicate your agreement to the Council's standard payment terms:</p> <ul style="list-style-type: none"> <li>• The Council will only make payment against itemised supplier invoices</li> <li>• Payment will be made within 30 days of receipt of invoice, by electronic transfer, unless an alternative schedule is agreed;</li> <li>• Invoices received for work that has not been authorised by the Council will be rejected.</li> <li>• If the supplier is declared bankrupt, is liquidated or placed into administration, the contract will immediately become nul and void.</li> <li>• If the supplier is found guilty of committing fraudulent acts (whether or not associated with this contract), the Council will have the right to terminate the contract without prior notice.</li> </ul>		
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<b>6. Declaration</b>	
<p>I declare that to the best of my knowledge the answers submitted to these questions are correct. I understand that the information will be used in the selection process to assess my organisation's suitability to be invited to participate further in this procurement, and I am signing on behalf</p> <p>of..... <b>Insert name of contractor</b></p> <p>..... <b>Name</b></p> <p>..... <b>Position</b></p> <p>I understand that the Council may reject my submission if there is a failure to answer all relevant questions fully or if I provide false/misleading information. I have provided a full list of any Appendices used to provide additional information in response to questions.</p>	

