

**STANDARD INSTRUCTIONS AND INFORMATION ON TENDERING
PROCEDURES (THIS DOCUMENT FORMS PART OF THE COUNCILS
INVITATION TO TENDER DOCUMENT) – EXAMPLE ONLY – REQUIRES TO BE
TAILORED TO THE SPECIFICS OF EACH PROCUREMENT**

INSTRUCTIONS AND INFORMATION ON TENDERING PROCEDURES

1. These instructions are designed to ensure that all tenders are given equal and fair consideration. It is important therefore that you provide all the information asked for in the format and order specified. Please contact **[insert contact details]** if you have any doubt as to what is required or will have difficulty in providing the information requested. The Authority will circulate to all tenderers the content of any queries raised and the answers given if it is felt clarification would be of benefit to all tenderers.

2. Please note that references to the "Authority" throughout these documents means Orkney Islands Council.

Alterations

3. You may not alter any of the documents. Should you seek to impose an amendment, it must be detailed separately on the propose amendments form enclosed.

Incomplete Tender

4. Tenders may be rejected if the complete information called for is not given at the time of tendering.

Return of Tenders

[Drafting Note: to be used only where the Tender Submission Post-box facility is used]

5. Tenders submitted in response to this Invitation to Tender (ITT) can be submitted via the Public Contracts Scotland 'Tender Submission Postbox' facility. Further details of this facility are available at:

http://www.publiccontractsscotland.gov.uk/postbox/postbox_explain.aspx?ID=FEB074078

Or

In a sealed envelope, marked – **[INSERT CONTRACT TITLE]** to:

Chief Executive
Orkney Islands Council
Council Offices
School Place
KIRKWALL
Orkney
KW15 1NY

5. It is the responsibility of all Tenderers to ensure that their tender is delivered not later than **[insert date] 2010 at 12:00 (noon)**. The Authority will not consider tenders that are received after this date and time. **Tenders submitted by fax or email will not be**

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considered. The delivery of tender documents to Orkney can take longer than the next-day service claimed by some couriers, adequate time for delivery to Orkney must be allowed.

Acceptance of Tenders

6. By issuing this invitation the Authority is not bound in any way and does not have to accept the lowest or any tender and reserves the right to accept the whole or any specified part of the tender unless the tenderer expressly stipulates otherwise.

Period for which Tenders shall Remain Valid

7. Unless otherwise stated by the tenderer, tenders shall remain valid for ninety days from the closing date for receipt of tenders.

Amendments to the Tender Documents by the Authority

8. The Authority reserves the right to amend the enclosed tender documents at any time prior to the deadline for receipt of tenders. Any such amendment will be numbered, dated and issued by the Authority. Where amendments are significant, the Authority may at its discretion extend the deadline for receipt of tenders.

Inducements

9. Offering an inducement of any kind in relation to obtaining this or any other contract with the Authority will disqualify your tender from being considered and may constitute a criminal offence.

Collusion

10. Please note that these documents contain a "Certificate of Bona Fide Tendering" any breach of the undertakings covered by this document will invalidate your tender.

Costs and Expenses

11. You will not be entitled to claim from the Authority any costs or expenses which you may incur in preparing your tender.

Tender Response Requirements

12. Tenderers must also provide a detailed proposal which must include:

a) A method statement which describes how you propose to meet the mandatory requirements for the meals at home service as described in the Specification Schedule;

b) A method statement which describes how you propose to meet the desirable requirements for the meals at home service as described in the Specification Schedule;

c) A completed the Pricing Schedule set out at Schedule 3. All Prices and Rates must be stated in Pounds sterling and exclusive of VAT.

d) A completed Form of Tender and Certificate of Bona Fide Tendering.

Award Criteria

13. The tender evaluation process will be conducted in a manner which aims to ensure that tenders are evaluated fairly and to ascertain the tender offers the best value to the Authority. The award criteria will be based on criteria which when used collectively, provides evidence that the selected tender is the **[most economically advantageous/lowest price Drafting note: delete as necessary]** to the Authority.

14. The award criteria will be weighted as follows:

a) Service Delivery Issues which will account for **XX%** of the evaluation criteria as evidenced within your provisional method statement

b) The overall contract price **XX%**

15. Each tender will be scored and **ranked** (out of 100) using the following marking scheme:

Score	Classification
5	Meets the requirement exactly as specified
4	Meets the requirement well but not exactly
3	Meets the requirement in most aspects, fails in some
2	Fails in most aspects, meets in some
1	Significantly fails to meet the requirements
0	Completely fails to meet the requirements

16. The tender with the lowest estimated contract price will be given the maximum weighted score of **XX%**. The other tenders scores will then be calculated pro rata to the highest price score in accordance with the following calculation:

$$\frac{\text{Lowest price}}{\text{Other tenderers' price}} \times \text{Price weighting} = \text{Weighted price score}$$

Tender Documents

17. The tender comprising of all the information requested must be returned in its entirety securely bound. Please provide one original clearly marked as such and one copy.

Debriefing

18. Following the award of Contract, debriefing is offered to all unsuccessful tenderers. Tenderers requiring such debriefing must notify the Authority at the time.

TUPE

18. The Transfer of Undertakings (Protection of Employment) Regulations 2007 give effect to the EC Acquired Rights Directive 1977. Each Tenderer must ensure that they comply fully with their responsibilities under TUPE.

19. Tenderers should note that TUPE may or may not apply to some or all of the personnel currently performing part or all of the duties described in the Specification Schedule. Tenderers should, prior to submitting their tender, take their own specific legal

advice to ascertain whether TUPE could be held to apply, and if so, how that would impact on their tender.

20. Tenderers must clearly state whether they have bid on the basis of TUPE applying.

Confidentiality

21. All information supplied by the Authority to you must be treated in confidence and not disclosed to third parties except insofar as this is necessary to obtain sureties or quotations for the purposes of submitting the tender. All information supplied by you to the Authority will similarly be treated in confidence except that references may be sought from banks, existing or past clients, or other referees submitted by you

Freedom of Information

22. Tenderers should note that as a Scottish Public Authority, the Authority is bound by the provisions of the Freedom of Information (Scotland) Act 2002. All information submitted to the Authority may therefore need to be disclosed and/or published by the Authority in compliance with the Act (the decisions of the Authority in the interpretation thereof shall be final and conclusive in any dispute, difference or question arising in respect of disclosure under its terms), any other law, or, as a consequence of judicial order, or order by any court, tribunal or body with the authority to order disclosure (including the Scottish Information Commissioner).

23. Accordingly, if the Tenderer considers that any of the information included in his Tender should not be disclosed by the Authority please identify it and explain (in broad terms) why the information should not be disclosed. Please also indicate the period of time during which it is considered that the information should be covered by a non-disclosure provision.

24. In terms of the Freedom of Information (Scotland) Act 2002, information may be exempt from disclosure if it is

- a trade secret
- information which is likely to substantially prejudice someone's commercial interests if disclosed (this could be the tenderer's interests or the Authority's)
- personal data where disclosure cannot be justified in terms of the Data Protection Act 1998.
- subject to an enforceable obligation of confidentiality. (This means that the information should be recognisable as confidential in nature and must not be in the public domain already; it must have been received in circumstances which impose an obligation to maintain confidentiality on the person receiving it; and any unauthorised disclosure would cause harm to the confider.)

25. Tenderers should therefore seek to ensure that those parts of the Tender which they would prefer not to be disclosed fall into those broad categories. The Authority is more likely to resist disclosure and be able to justify non-disclosure of information in response to an FOI request if the suggested "non-disclosure" items are restricted to these categories. Please note that the Authority reserves the right to disclose even agreed Non-Disclosure Items if it is satisfied (acting reasonably) that it is in the public interest for the information to be disclosed (the decisions of the Authority in the interpretation thereof shall be final and conclusive).

26. It should be remembered however, that, even where the tenderer indicates that he would prefer for certain information not to be disclosed, the Authority reserves the right to

disagree with this classification. Even when the Authority agrees that the information has been correctly identified, it may nonetheless be required to disclose it or elect to do so in the public interest. Receipt by the Authority of any material marked 'confidential' or equivalent should not be taken to mean that the Authority accepts any duty of confidence by virtue of that marking.

27. The Authority may publish, on the Public Contracts Scotland Portal at www.publiccontractsscotland.gov.uk, the names and the contact details of the companies who have been issued with an Invitation to Tender.