

Ivybridge Town Council

Butterpark

INFORMATION PACK

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BUTTERPARK

Ivybridge Town Council

INFORMATION PACK:

Invitation to submit an expression of interest in relation to Butterpark

Deadline for expressions of interest to be received: *[Insert date and time of deadline]*

SECTION A – INSTRUCTIONS

1 INTRODUCTION AND BACKGROUND

- 1.1 Ivybridge Town Council (the "**Council**") is issuing this invitation to submit expressions of interest ("**Invitation**") in connection with the competitive bidding process for Butterpark described in the marketing particulars attached in section B.

Contract terms

- 1.2 The successful Bidder will be expected to enter into a contract on the Council's terms of contract. A summary of the key terms is set out in section B. The Council will issue a full set of contract terms with the Invitation to Submit Final Tenders

Questions about this Invitation

- 1.3 You may submit, by no later than [*insert time and date*] any queries that you have relating to this Invitation. Queries should be sent by email to nholman@vickeryholman.com
- 1.4 The Council may decline to answer queries received after the above deadline.
- 1.5 Answers to the questions received by the Council may be circulated to all Bidders. Answers will not reveal the identity of the individual Bidder that asked a particular question. The Council may decide not to disclose answers, or parts of answers, which would reveal confidential or commercially sensitive information in relation to a particular Bidder.

2 PROCESS

- 2.1 The Council invites Bidders to submit Expressions of Interest by completing Section E of this Invitation and returning it to the Council before the deadline.
- 2.2 The Council intends to then invite 3 Bidders to negotiate based on the initial Expressions of Interest.
- 2.3 Negotiation will involve one or more meetings with each Bidder.
- 2.4 Following the negotiation meetings, Bidders will be invited to submit a Final Expression of Interest.
- 2.5 The Council intends to conduct the process in accordance with the following timetable:

Event	Date
Invitation	[Insert date]
Deadline for the receipt of clarification questions	[Insert date]
Target date for responses to clarification questions	[Insert date]
Deadline for receipt of Expressions of Interest	The date and time stated on the front cover of this document
Invitation to negotiate	[Insert date]
Negotiation meetings	[Insert date]
Invitation to submit Final Expression of Interests	[Insert date]
Deadline for receipt of Final Expression of Interests	[Insert date]
Contract award	[Insert date]

- 2.6 Whilst the Council does not intend to depart from the timetable, it reserves the right to do so at any stage. It may add or remove stages.

Deadline for receipt of Expression of Interests

- 2.7 Bidders must submit their Expression of Interest in the manner prescribed in section 3 below no later than the date and time specified on the front cover of this Invitation.
- 2.8 Any Expression of Interest received after the deadline or by any method other than the method prescribed in section 3 below may not be considered. The Council may at its discretion extend the deadline and in such circumstances the Council will notify all Bidders of any change.

Site visits

- 2.9 Any Bidder wishing to view the premises should contact the Council by emailing nholman@vickeryholman.com.

Clarification

- 2.10 Before finalising scoring of the Expression of Interest, the Council may (but in no case is it obliged to) invite Bidders to clarify elements of their Expression of Interest.

Invitation to Negotiate

- 2.11 The Council intends to invite three Bidders to negotiate (but it reserves the right to invite more or fewer bidders to negotiate). It will invite those bidders who score the highest marks at Expressions of Interest stage applying the methodology below.
- 2.12 Negotiation will take place in one or more meetings arranged by the Council with each Bidder.
- 2.13 Negotiation will not be scored, but will enable the Bidder to understand the Council's requirements in more detail.

Final Tenders

- 2.14 Following the negotiation meetings, the Council will issue an Invitation to Submit Final Tenders. The Invitation to Submit Final Tenders may refine or vary the Council's requirements in light of its negotiations with Bidders.
- 2.15 The Council will evaluate Final Tenders in accordance with the scoring methodology applied at Expressions of Interest stage, or an updated scoring methodology notified to Bidders in the Invitation to Submit Final Tenders.

Contract award

- 2.16 Contract award is subject to the formal approval process of the Council. Until all necessary approvals are obtained, no contract(s) will be entered into.

3 INSTRUCTIONS TO BIDDERS

General Formalities for submission of Expression of Interests (including the Eligibility Questions)

- 3.1 Where a word count limit is specified, Bidders should state how many words their response contains. The Council reserves the right not to consider any part of a response exceeding the word limit. Words included within diagrams or other graphic representations will count towards the word limit.
- 3.2 The Council reserves the right to mark Bidders down or exclude them from the procurement if their Expression of Interests are ambiguous or lack clarity. Bidders should submit only such information as is necessary to respond effectively to this Invitation. Unless specifically requested, do not include extraneous presentation materials.
- 3.3 Where information or documentation submitted appears to be incomplete or erroneous or specific documents are missing, the Council reserves the right to request the Bidder to submit, supplement, clarify or complete the information or documentation.

Consortia and subcontractors

- 3.4 If the Bidder is a consortium or will rely on sub-contractors to deliver the contract, it must explain in its Expression of Interest precisely which entities will be the supplier.

Warnings and disclaimers

- 3.5 While the information contained in this Invitation is believed to be correct at the time of issue, neither the Council nor its advisors is liable for any inaccuracy, inadequacy or incompleteness, and no implied or express warranty is given. This exclusion extends to liability in relation to any statement, opinion or conclusion contained in or any omission from, this Invitation (including its annexes) and in respect of any other written or oral communication transmitted (or otherwise made available) to any Bidder. This exclusion does not extend to any fraudulent misrepresentation made by or on behalf of the Council.
- 3.6 If a Bidder proposes to enter into a contract with the Council, it must rely on its own enquiries and on the terms and conditions set out in the contract(s) (as and when finally executed), subject to the limitations and restrictions specified in it.
- 3.7 Neither the issue of this Invitation, nor any of the information presented in it, should be regarded as a commitment or representation on the part of the Council (or any other person) to enter into a contractual arrangement.

Freedom of Information Act 2000 and Environmental Information Regulations 2004

- 3.8 As a public body, the Council is subject to, and must comply with, the Freedom of Information Act 2000 ("FOIA") and the Environmental Information Regulations 2004 ("EIR"). The Council may therefore be required to disclose information submitted by the Bidder.

Publicity

- 3.9 No publicity regarding the award of any contract will be permitted unless and until the Council has given express written consent to the relevant communication. For example, no statements may be made to the media regarding the nature of any Expression of Interest, its contents or any proposals relating to it without the prior written consent of the Council.

Conflicts of interest

- 3.10 Bidders are responsible for ensuring that no conflicts of interest exist between the Bidder and its advisers, and the Council and its advisers. Bidders should notify the Council promptly of any possible conflict and the proposed steps that the Bidder believes can be taken to

avoid the conflict. Any Bidder who fails to comply with these requirements may be excluded from the procurement at the discretion of the Council.

Council's rights

- 3.11 Subject to its obligations to act in a transparent, proportionate and non-discriminatory manner, the Council reserves the right to:
- waive or change the requirements of this Invitation from time to time;
 - seek clarification or documents in respect of a Bidder's submission;
 - disqualify any Bidder that does not submit a compliant Expression of Interest in accordance with the instructions in this Invitation;
 - disqualify any Bidder that is guilty of serious misrepresentation in relation to its Expression of Interest or the Expression of Interest process;
 - withdraw this Invitation at any time, or re-invite Expression of Interests on the same or any alternative basis;
 - choose not to award any contract as a result of the current procurement process; and
 - make whatever changes it sees fit to the timetable, structure or content of the procurement process.

Bid costs

- 3.12 The Council will not be liable for any bid costs, expenditure, work or effort incurred by a Bidder in proceeding with or participating in this procurement, including if the procurement process is terminated or amended by the Council.

Language

- 3.13 Expression of Interests, all documents and all correspondence relating to the Expression of Interest must be written in English.

Governing Law and Jurisdiction

- 3.14 This Invitation and any dispute concerning it (including non-contractual disputes or claims) shall be governed by English law and subject to the jurisdiction of the English Courts.

4 EXPRESSIONS OF INTEREST AND EVALUATION

- 4.1 This section of the Invitation sets out the criteria that the Council will use to evaluate Expression of Interests.
- 4.2 Bidders are required to submit an Expression of Interest strictly in accordance with the requirements set out in this Invitation, to ensure the Council has the correct information to make the evaluation.
- 4.3 An Expression of Interest must include responses to the following:
- Response document 1: eligibility questions
 - Response document 2: Price submission
 - Response document 3: Proposals for Council's Units
 - Response document 4: Proposals for Transferring Units
 - Response document 5: Declaration
- 4.4 If an Expression of Interest is equivocal or unclear, the Council may deduct marks when scoring it or it may treat the Expression of Interest as non-compliant and reject it.
- 4.5 The Council intends to invite three Bidders to negotiate (but it reserves the right to invite more or fewer bidders to negotiate). It will invite those bidders who score the highest marks at Expressions of Interest stage applying the methodology below.
- 4.6 Scoring will be carried out as follows:
- The Bidder must pass all eligibility questions in response document 1. See response document 1 for details of how it will mark the eligibility questions.
 - See response document 2 for details of how it will mark the price submission
 - See response document 3 for details of how it will mark the Bidder's proposals for the Council's Units. The maximum score for response document 3 is 10 marks
 - See response document 4 for details of how it will mark Bidders' proposals for the Transferring Units. The maximum score for response document 4 is 20 marks
- 4.7 If it appears to the Council that any Expression of Interest may be financially unsustainable such that the Bidder is not reasonably likely to be able to deliver the project then the Council may ask the Bidder to explain its Expression of Interest and costs. If following the Bidder's explanations the Council is not satisfied with the Bidder's account, the Council may treat the Expression of Interest as non-compliant and reject it.

Ivybridge Town Council

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Invitation to submit an expression of interest in relation to Butterpark

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SECTION E -

TO BE COMPLETED AND RETURNED AS PART OF YOUR EXPRESSION OF INTEREST

**RESPONSE DOCUMENT 1
ELIGIBILITY QUESTIONS**

"You" / "Your" refers to the Bidder completing the Expression of Interest

1	Economic and Financial Standing	
	Question	Response
1.1	Provide a copy of your audited accounts for the last two years	

2	Do you have a parent company? Please provide audited accounts for the last 2 years.	Yes <input type="checkbox"/> No <input type="checkbox"/>
2.1	If yes, would the parent company be willing to provide a guarantee if necessary?	Yes <input type="checkbox"/> No <input type="checkbox"/>
2.2	If no, would you be able to obtain a guarantee elsewhere (e.g. from a bank)?	Yes <input type="checkbox"/> No <input type="checkbox"/>

3	Technical and Professional Ability
3.1	<p>Relevant experience and contract examples</p> <p>Please provide details of up to three contracts, in any combination from either the public or private sector; voluntary, charity or social enterprise (VCSE) that are relevant to our requirement. VCSEs may include samples of grant-funded work. Contracts for supplies or services should have been performed during the past three years. Works contracts may be from the past five years.</p> <p>The named contact provided should be able to provide written evidence to confirm the accuracy of the information provided below.</p> <p>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 is to 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). For each example, you should state the name of the legal entity that delivered the requirements.</p> <p>Examples given should give the Council confidence in the Bidder's ability to deliver a scheme of similar scale on time and budget.</p>

	Contract 1	Contract 2	Contract 3
Name of customer organisation			
Point of contact in the organisation			
Position in the organisation			
E-mail address			
Description of contract			
Contract Start date			
Contract completion date			
Estimated contract value			

3.2	<p>Where you intend to sub-contract a proportion of the contract, please demonstrate how you have previously maintained healthy supply chains with your sub-contractor(s)</p> <p>Evidence should include, but is not limited to, details of your supply chain management tracking systems to ensure performance of the contract and including prompt payment or membership of the UK Prompt Payment Code (or equivalent schemes in other countries)</p>
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4	Insurance
4.1	<p>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:</p> <p>Employer's (Compulsory) Liability Insurance = £x Public Liability Insurance = £x Professional Indemnity Insurance = £x Product Liability Insurance = £x</p> <p>*It is a legal requirement that all companies hold Employer's (Compulsory) Liability Insurance of £5 million as a minimum. Please note this requirement is not applicable to Sole Traders.</p>

[Does the Council intend to check other factors such as past compliance with health and safety, supply chain management, etc? Or will it simply require compliance with these factors as part of the contract?]

RESPONSE DOCUMENT 2

Financial Submission

- 1 Your Expression of Interest must set out your financial submission. This must include the following elements:
- (a) The consideration you propose to pay for the transfer to you of the remainder of the site ("**Land Acquisition Sum**")
 - (b) The proposed cost of constructing the independent living accommodation and the 3-bed learning / training house for the Council. This cost must be fully inclusive of all costs and expenses that you intend to charge to the Council (but exclusive of value added tax) ("**Construction Sum**")
 - (c) The nett price that you will pay to the Council (or that you will require the Council to pay to you), being (a) – (b) ("**Net Sum**"). Where you require the Council to pay a sum to you, the Net Sum will be a negative number.
- 2 The Council will score for your financial submission, which shall be calculated as follows:
- Financial Score = Net Sum / 10,000
- 3 To be completed by Bidder:

	£
(a) Land Acquisition Sum	
(b) Construction Sum	
(c) Net Sum (= (1) – (2))	

RESPONSE DOCUMENT 3

Outline proposal for the council's retained land

- 1 As set out in the marketing particulars, the Council requires Bidders to provide the following on the Retainer Land ("**Council Units**"):
- (a) The delivery to the Council of 6 units of "independent living" accommodation for people with moderate learning disabilities and a 3-bed learning/training house in order for the Town Council to meet the commitments for purchasing the land from Devon County Council.
 - (b) Of the independent living units, at least 3 should be fully accessible for people in wheelchairs and the design should reflect appropriate standards for disabled access.
 - (c) The independent living units should be one bedroom and be ready to receive suitable technology to enable them to be future proofed.
 - (d) The 3-bedroom learning/training house should comprise:-
 - (i) En-suite facilities to each bedroom
 - (ii) A kitchen which is to be of a size to enable up to three people to receive training from a support worker to learn skills, such as cooking and domestic science
 - (iii) A ground floor reception room able to seat comfortably up to 6 people in an informal setting
 - (iv) A second reception room which could be utilised as a bedsit room in case of need
 - (e) A garden area associated with the independent living units and the learning/training house.
- 2 When considering Expressions of Interest, the Council will take account of all factors that it considers relevant. An indicative list of relevant factors is set out below (note that marks may be awarded for factors not specifically listed below):
- (a) Does the proposal meet the Council's intended date for practical completion of the Council Units ([insert date])?
 - (b) Is the design of the Council Units distinctive and appropriate? Does it have architectural quality?
 - (c) Do internal spaces and layout within the Council Units allow for adaptation, conversion or extension?
 - (d) Does the design exploit existing buildings, landscape and topography?
 - (e) Does the design of the Council Units (including associated garden area) contribute to a sense of well-being with good use of green space and trees?
 - (f) Does the design of the Council Units (including associated garden area) have well-structured layout?
 - (g) Will the Council Units feel spacious?

- (h) Does the proposal for the Council Units incorporate good quality materials and finishes?
- (i) Do the Council Units lay-out and associated green spaces take priority over car parking so that the tarmac / hard spaces do not dominate?
- (j) Is the car parking allocated to the Council Units appropriate and well integrated?
- (k) Are the associated garden area and paths well integrated and safe?
- (l) Does the design of the Council Units make advantageous use of advances in construction or technology that enhances its performance, quality and attractiveness?
- (m) Do the Council Units outperform statutory minimum standards such as building regulations?
- (n) Is the proposal credible and deliverable?

3 The Council will require the successful Bidder to enter into a contract incorporating the terms set out in Section C.

4 The Expression of Interest will be scored using the following methodology:

Score	Description
0	The proposal does not fully meet the Council's requirements set out in paragraph 1 above
1	The proposal fully meets the Council's requirements set out in paragraph 1 above. Taking account of all other the factors, including those set out in paragraph 2 above, the proposal for the Council Units is poor
2	The proposal fully meets the Council's requirements set out in paragraph 1 above. Taking account of all other the factors, including those set out in paragraph 2 above, the proposal for the Council Units is adequate.
3	The proposal fully meets the Council's requirements set out in paragraph 1 above. Taking account of all other the factors, including those set out in paragraph 2 above, the proposal for the Council Units is good.
4	The proposal fully meets the Council's requirements set out in paragraph 1 above. Taking account of all other the factors, including those set out in paragraph 2 above, the proposal for the Council Units is very good.

5 The score will be multiplied by 2.5 to give a final score out of 10

6 Please provide a concise summary of your proposals. This should:

- (a) Confirm that you will meet the above minimum requirements in paragraph 1 above.
- (b) Give details of any relevant information, including details of any relevant factors referred to in paragraph 2.
- (c) Provide concept design drawings and elevations
- (d) Explain how you will deliver Council Units, including the resource that you intend to commit to delivery and an outline programme. Give details of key contingencies and what steps you will take to ensure they do not adversely affect on time delivery.

Response (maximum [2,000] words excluding drawings)

RESPONSE DOCUMENT 4

Outline proposal for the overall scheme (excluding the Council Units)

RESPONSE DOCUMENT 5

Declaration

TO: Ivybridge Town Council

PROPOSAL RELATING TO BUTTERPARK

Expression of interest including outline proposals

We have examined the Invitation to Express Interest ("**Invitation**") dated [*insert date of Invitation*] and all accompanying documents. Our Expression of Interest is made subject to the terms of the Invitation, including but not limited to the instructions to Bidders.

We declare that to the best of our knowledge the answers submitted in response to the Eligibility Questions (including the self-declaration) are correct.

We offer to negotiate in good faith with Ivybridge Town Council on the basis of our outline proposals as set out in Documents 2, 3 and 4 of our Expression of Interest, with a view to submitting a final tender that further develops our offer. We acknowledge that Ivybridge Town Council may reject our final tender as non-compliant if we seek to materially vary our offer to the Council at Final Tender stage compared with the Expression of Interest.

Non-collusive tendering

In recognition of the principle that the essence of tendering is that the Council, shall receive bona fide competitive Tenders from all those tendering, we certify that this Tender is a bona fide Tender that is intended to be competitive.

We have not fixed or adjusted the amount of this Tender under, or in accordance with, any agreement or arrangement with any other person.

We have not done, and we undertake that, we will not do at any time before the hour specified for the return of the Tender any of the following acts:

- communicate to a person other than the Council the amount or approximate amount of the proposed Tender (except where the disclosure, in confidence, of the approximate amount of the Tender was essential to obtain insurance premium quotations required for the preparation of the Tender);
- agree with any person that they shall refrain from tendering or as to the amount of any Tender to be submitted; and
- 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 any act or thing of the sort described above.

Conflicts of interest

We acknowledge that we are responsible for ensuring that no conflicts of interest exist between us (and our advisers) and the Council.

So far as any possible conflict of interest has arisen, we have notified the Council promptly in writing of that potential conflict of interest and have taken any steps agreed with the Council to avoid the conflict.

We acknowledge that if we fail to comply with this requirement, we may be disqualified from the procurement at the discretion of the Council.

Anti-canvassing confirmation

We have not canvassed or solicited any member, officer or employee of the Council, in connection with the proposed contract award and to the best of our knowledge and belief nor has any person employed by us or acting on our behalf done any such act.

We further undertake that we will not in the future canvass or solicit any member, officer or employee of the Council, in connection with the proposed contract and that no person employed by us or acting on our behalf will do any such act.

Name of person duly authorised to sign tenders:

Date:

Name:

in the capacity of:

duly authorised to sign tenders for and on behalf of:

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