

Kent
Highway
Services



WEATHER DAMAGE REPAIRS TO
ROADS IN KENT

INSTRUCTIONS FOR TENDERING

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Instructions for Tendering

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Instructions for Tendering

TENDERS MUST BE SUBMITTED IN ACCORDANCE WITH THE FOLLOWING INSTRUCTIONS. TENDERS NOT COMPLYING WITH THESE INSTRUCTIONS IN ANY PARTICULAR MAY BE REJECTED BY THE EMPLOYER WHOSE DECISION IN THE MATTER SHALL BE FINAL.

1. **Management Functions:** The Employer will be the Kent County Council.
2. **Queries:** any queries arising from the tender documents which may have a bearing on the offer should be raised with the Employer as soon as possible in writing but in any case not later than 5 days prior to the date of return of tenders.
3. **Adjudicator:** in the event of a dispute at any time, an appointment of an adjudicator will be made jointly by the Employer and the Contractor. If tenderers disagree with this proposal they must include their alternative proposals with their tender.
4. **Not Used**
5. **Additional Clauses:** tenderers' attention is drawn to the additional clauses, which the Employer has added to the Contract. These are set out in the Contract Data.
6. **Lump Sums/Unit Rates:** these must be quoted in pounds and pence and shall not include Value Added Tax. All schedules submitted with tenders giving lump sums/unit rates must be written in ink and be the original copy. If such schedules contain pencil entries or are photocopies of documents the tender may be rejected. The terms 'nil', 'n/a' or 'included' are not to be used but should be indicated as '£0.00'. Figures must be inserted against each item or activity – credit values in favour of the Employer must not be used. If necessary, the Employer may contact a tenderer whose tender has required arithmetical adjustment.
7. **Contract briefing:** all tenderers are invited to a meeting at the Lecture Theatre, County Hall on Wednesday 17 March at 9.00 am where a brief explanation of the this contract will be provided.
8. **Not Used**
9. **Not Used**
10. **Not Used**
11. **Confidentiality:** the tender must be treated as private and confidential. Tenderers should not disclose the fact that they have been invited to tender or release details of the tender documents, other than on an "In Confidence" basis to those who have a legitimate need to know or whom they need to consult for the purpose of preparing the tender. Tenderers shall not at any time release information concerning the invitation to tender and/or the tender documents for publication in the Press or on radio, television, screen or any other medium.
12. **Parent Company Guarantee:** Tenderers should note that the Employer may require a Parent Company Guarantee for this project. Due to the often complex structure that exists within a group of companies, tenderers must submit details of their company group structure and identify which of the companies within the group will act as guarantor. The Employer may request submission of audited accounts from that or any other company within the group before the contract is awarded.
13. **Not Used**

14. **Pollution:** tenderers should note any special arrangements in the Specification for disposal of hazardous material. Tenderers should also note the need to comply at their own expense with the duty of care applicable to the carrying, importing, treating, keeping and disposing of waste (including toxic or hazardous waste) as required by the Environmental Protection Act 1990 and any other relevant environmental legislation. If a waste management licence or authorisation is required from the Environment Agency responsibility for obtaining it falls to the Contractor.
15. **Language and Law:** tenderers should note that tenders and supporting documents must be written in English and that any resulting contract, its formation, interpretation and performance will be subject to and in accordance with the law of England.
16. **Insurance:** details of insurance policies held or proposed meeting requirements stated in the Insurance Table within Clause 82 of the Conditions of Contract must be submitted with tenders for the Employer's approval. If an insurance policy contains any excess amount the maximum excess amount shall be £10,000.

An excess sum of more than £10,000 will only be approved subject to suitable alternative arrangements e.g. a bond.
17. **Claims Within Excess:** tenderers must include with their tenders a statement undertaking responsibility for dealing with claims, or parts of such claims, within the excess amount.
18. **Insurance Queries:** should be raised in writing with the Employer at the earliest opportunity but in any event not later than 5 days before return of the tender. Tenderers should note that failure to submit required insurance details will delay consideration of their tender by the Employer. A contract will not be awarded to a tenderer until their existing or proposed insurances have been verified.
19. **Not Used.**
20. **Not Used**
21. **CDM:** the attention of tenderers is drawn to the Construction (Design and Management) Regulations. It is proposed to formally appoint the successful tenderer as Principal Contractor under the Regulations at the time of contract award. Tenderers must therefore be able to satisfy the Employer that they are competent and have made available adequate resources for health and safety. Accordingly, tenderers are required to submit with their tenders a written undertaking that if awarded the contract, they are willing to accept the appointment of Principal Contractor.
22. **Health and Safety Plan:** Pre construction information is provided with the tender documents. The principal contractor shall produce a suitable Construction Phase Health and Safety Plan and submit it to the CDM Co-ordinator at least 7 days before the start of any works on site.
23. **Not Used**
24. **Not Used**
25. **Not Used**
26. **Not Used**

27. **Qualified Tenders:** tenders must not be qualified or accompanied by statements or a covering letter that might be construed as rendering the tender equivocal and/or placing it on different footing from other tenders. Only tenders submitted **strictly in accordance with the tender document as issued (or as subsequently amended by the Employer) will be accepted for consideration.** The Employer's decision on whether a tender is acceptable will be final and the tenderer will not be consulted. Qualified tenders may be excluded from the competition and the tenderer notified.
28. **Tender evaluation:** tenders will be assessed on the basis of both quality and price. The contract is awarded to the tenderer submitting the most economically advantageous offer assessed on the basis of quality, execution and price proposals in accordance with Annex A.
- This tender includes a separate Price List for each of the 12 districts. Tenderers may submit prices for one or more districts. Each district will be awarded as a separate contract, but no tenderer will be awarded more than two contracts.
29. **Not used**
30. **Tender Submission:** tenders must be made on the accompanying form of Contractor's Offer which must be completed in ink and signed by or on behalf of the tenderer and returned together with all the information requested in Paragraph 44. The completed documentation must be submitted to the address and by the date and time stated below. No unauthorised alteration or addition should be made to any component of the tender documents..
31. **Delivery of Tender** tenders should be sent by Registered Post, Recorded Delivery, Red Star Service, Courier, Parcel Force Datapost, (or the nearest equivalent postal service from another member state of the European Union), or delivered by hand in a plain sealed envelope. Whichever method is used, the envelope, or any franking thereon, must not bear any marks, sign or reference which might indicate who the tenderer is. When using Parcel Force Datapost tenderers should ensure that The Post Office allows the requirement for insertion of the sender's name to be waived. The envelope must be returned to the Kent County Council Environment and Regeneration Finance Team using the prescribed label supplied with these Instructions so as to arrive not later than NOON on the date given in the letter of invitation to tender. Tenders must not be sent by any other form of postal service. The tender must remain open and valid for **60** days
32. **Tender Acceptance:** The Employer does not bind himself to accept any tender.
33. **Not used**
34. **Publication:** tenderers must note that the amount of the successful tender and the name of the tenderer will be published.
35. **Not used**
36. **Not Used**
37. **Not Used**
38. **Not Used.**
39. **Not Used**
40. **Not Used**
41. **Not Used**
42. **Not Used**

List of Documents with Invitation to Tender

43. The following is a list of documents included with this invitation:

- a) Instructions for Tendering
- b) Form of Contractor's Offer
- c) Form of Employer's Acceptance
- c) Contract Data
- d) Works Information
- e) Price List
- f) Health and Safety Pre-construction Information

Documents to be returned with tender

44. The following is a summary of information required to be submitted with the tender:

- (i) Completed Contractor's Offer
- (ii) Tendered Price List
- (iii) All the information required under "Quality Statement" in Annex A
- (iv) Details of the tenderer's insurance policies, including a statement undertaking responsibility for dealing with claims, or parts of such claims, within the excess amount.
- (v) Written undertaking to accept the appointment as principal contractor under the CDM Regulation.

ANNEX A – QUALITY/PRICE TENDER ASSESSMENT

Quality Statement

- 1 The Quality Statement must include comprehensive information on items i) to iii) below which will be assessed and scored in the Tender Assessment Model. Please note that information contained in the Quality Statement will become part of the final contract document.

Please provide the following information:

(NB all text shall be typed and have a minimum font size of 11)

- i) A description of the approach to this contract, including what you think the risks are and how you will go about managing/mitigating them. It must include what innovative ideas you have to improve the speed, productivity, quality and cost effectiveness of the works. It must also include an explanation of your approach to incentivising the workforce on this project (maximum 1 side of A4);
- ii) How many gangs you plan to use, how long they will work each day and how long the working week will be.. How you plan to undertake the works safely both for your crews and the travelling public. (maximum 1 side of A4)
- iii) Details of your proposed site management/supervisor(s), their names and CVs. The experience of this type of work of the crew members you intend to use, if they are employees of your company (and if so their names) or if you plan to use subcontracted labour the number of operatives. Emphasis should be placed on practical experience rather than qualifications; (maximum 4 sides of A4);

Financial Assessment:

- 2 An appraisal of the unit rates submitted will be undertaken by the Employer. Any anomalies in individual prices will be drawn to the attention of the tenderer.
- 3 The ranking on a financial basis of compliant tenders will be based on the tendered rates inserted into an assessment model. The lowest acceptable tendered total will be given 100 marks and all other totals will be reduced pro-rata.
- 4 The best four financial scored contractors for each District Contract will then be assessed for quality.

Quality scoring:

- 5 Each tender submission will be assessed by a 'Quality Panel' which may include the Leader of the Council. Marks will be awarded against model answers to the quality aspects shown in the Tender Assessment Model. The highest scored proposal from the table will be awarded 100 marks with all other proposals reduced pro-rata. Please be available for clarification during week commencing 29 March. Please supply telephone contact details for this period.

Final Tender Assessment:

- 6 The tenders will be assessed using a price/quality ratio of 75:25.

Tender Assessment Model)

Tender:

TENDERER:		
ASSESSOR:		
	MAXIMUM AVAILABLE MARKS	MARKS AWARDED
Quality Statement		
i) A description of the approach to this contract, including what you think the risks are and how you will go about managing/mitigating them... It must include what innovative ideas you have to improve the speed, quality and cost effectiveness of the works. It must also include an explanation of your approach to incentivising the workforce on this project	40	
ii) How many gangs you plan to use and how long they will work each day and how long the working week will be. How you plan to undertake the works safely both for your crews and the travelling public.	30	
lii) Details of your proposed site management/supervisor(s), their names and CVs. The names of the crew members, if these are employees of your company or sub-contracted labour and their experience of this type of work. Emphasis should be placed on practical experience rather than qualifications	30	
TOTAL	100	

Date:.....

Name:

Signature)