

Invitation to Tender

Part B

Restricted procedure

This Part B to be submitted

[Project Title]

Reference: BMDC/**[No.]**

ORGANISATIONS DETAILS

Company:

Address:

Contact Name:

Position:

Telephone:

Email:

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[Instructions to update contents page – right click on one of the page names, click on update field, click on update entire table, click ok](#)

DECLINING TO TENDER

If your organisation is declining to tender please complete and return this page before the tender return deadline to the email address below stating your reason(s) why.

Reference: **[Project Title]** BMDC/**[No.]**

Company:

.....

Address:

.....

.....

.....

Contact Name:

.....

Position:

.....

Telephone:

.....

Email:

.....

I will not be returning the above ITT for the following reasons:-

.....

.....

.....

.....

.....

.....

Add further rows as necessary

RETURN TO:-

"[Insert Email Address]"@bradford.gov.uk

TENDER QUESTIONS

Please answer each the following questions as fully as possible **in no more than [] words per individual question** (unless instructed otherwise) in the boxes provided – please enlarge the boxes as necessary but do not attach any additional sheets – all answers to the section must be provided in this document. Please do not merge any of your answers to the questions together – answer them all separate even if it means repeating yourself.

All questions in this section will be scored in accordance with the weighting set out against each question.

Add quality questions using the format below. This format should be copied for each individual question as many times as required.

[SECTION TITLE]

A weighting of [] applies to this question. The maximum marks achievable for this question are []

[Insert Question]

FREEDOM OF INFORMATION ACT 2000 CONTRACTORS OBLIGATIONS

1. The Freedom of Information Act (FOIA) 2000 (the Act) was implemented on 1 January 2005. The Act provides rights of access by both individuals and organisations to information retained by public authorities. This also includes anyone holding information on behalf of public authorities, including contractors. The Act will have retrospective effect and the right of access will apply to information supplied before January 2005 as well as afterwards.
2. The Act provides for information to be exempt to a qualified degree from release under a number of headings, for example to avoid prejudice to a commercial interest or where there is an obligation of confidentiality.

Guidance relating to the application of exemptions can be found on the following websites:

- Information Commissioner's: Office <http://www.ico.gov.uk>
- Ministry of Justice <http://www.justice.gov.uk>

3. The tenderer must complete the Information Disclosure Form to indicate what information you consider is exempt from the Act, providing clear and substantive justification together with a time limit for when the information may be disclosed. . If the tenderer does not indicate what they consider to be commercially confidential then the Council cannot be held liable for any disclosure of information which was not marked as confidential.
4. If the information is requested, through a FOI the Council may have to disclose such documentation/information, irrespective of a tenderers wishes. This is because the availability of this exemption will ultimately be subject to a test of whether the public interest lies in disclosing the information or keeping it confidential.
5. The Council has a legal obligation to respond within 20 working days from receipt of a request for information under the Act. Following such a request the Council will give prompt notice to the contractor for requests for information.
6. By submitting a tender in accordance with these instructions, you agree to the following obligations during the term of the contract, should you be successful:
 - The contractor should respond to the Council promptly bearing in mind that the Council has 20 working days to make a decision on, and provide a proper reply to, the requester. Apart from exceptional circumstances the provision of such information shall be at no cost to the Council.
 - The contractor will ensure that adequate records/information management systems are in place to assist in responding to requests from the Council.
 - The contractor should understand that any information they create and retain on behalf of the Council may be subject to disclosure within the public realm. Attention should be taken as to the style and content of such records and should be able to be disclosed without alteration.
 - The contractor should inform the Council of who will be responsible for providing information under the Act.
 - The contractor must inform the Council in writing of information that is deemed to be exempt under the Act.
 - The contractor should ensure that information it considers commercially confidential is clearly marked as such, preferably by watermarking each relevant page of the document "commercial in confidence".

- By submitting a tender, you undertake to indemnify the Council against any loss it suffers due to a breach of the Act which is caused by any act or failure to act on your part once you have been notified of a request under the Act.

Please complete the pro-forma below and return with your tender response.

FREEDOM OF INFORMATION ACT 2000

Reference: [Project Title] BMDC/[No.]

INFORMATION DISCLOSURE FORM

Please indicate that you have read “Freedom of Information Act 2000, Contractors Obligations” and that you accept and fully understand what is required: * *delete as applicable*

* Yes / No

If No, please give details:

.....
.....
.....
.....

Please provide information on who will be responsible for responding to requests for information from the Council:

Contact:

.....

Position:

.....

Telephone No.:

.....

E-Mail Address:

.....

Address:

.....

.....

.....

Please provide information, if different from above, of the person who can be contacted for Freedom of Information related discussions within your organisation:

Contact:

.....

Position:

.....

Telephone No.:

.....

E-Mail Address:

Address:

What information do you consider is exempt from the Act? Provide clear and substantive justification together with a time limit after which information may be disclosed:

Information considered exempt:

Reasons:

Time Limit:

- If information is provided in the future that you consider exempt from the Act, you must inform the Council.
- Please note that the Council may be forced to disclose information you consider exempt, if this is challenged and tested that the public's interest lies in disclosing the information.

Signed:

Name:

Organisation:

Date:

DECLARATION OF NON-COLLUSIVE TENDERING

Reference: [Project Title] BMDC/[No.]

Please complete this form and return with your tender response.

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 I/We certify that:

1. The tender submitted herewith is a bona fide tender, intended to be competitive.
2. I/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. I/We have not done, and undertake that we will not do at any time before the hour specified for the return of the tender, any of the following acts :
 - a. communicate with a person, other than the person calling for this tender, 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);
 - b. enter into any agreement with any other person that he/she shall refrain from tendering or as to the amount of any tender to be submitted; and
 - c. offer, pay, give or agree to give any sum of money or valuable consideration directly or indirectly to any person for doing, having done, causing or having caused to be done in relation to any other tender or proposed tender any act or thing of the sort described above.
 - d. Had informal contact or canvassed any council officer; offered any form of hospitality to any Council officer or received any support from any Council officer in the preparation of this ITT.
4. I/we agree that the terms of the above declaration will form part of any contract with the Council its servant or agent resulting from the acceptance of my/our tender and that any breach of this declaration and undertaking will be deemed to be a breach of that contract entitling the Council its servant or agent to determine the contract forthwith and claim any consequential loss.

Signed (tenderers signature): _____

Name (print tenderers name) : _____

For and on behalf of : _____

Date: _____

In this declaration :

- 'person' indicates any person, body, or association corporate or incorporate.
- 'any agreement or arrangement' includes any transaction of the sort described above, formal or informal and whether legally binding or not.

NOTE: REFUSAL TO GIVE THIS DELCARATION AND UNDERTAKING MEANS THAT YOUR TENDER WILL NOT BE CONSIDERED.

PRE QUALIFICATION QUESTIONNAIRE DECLARATION

Reference: [Project Title] BMDC/[No.]

I/We confirm that the answers to the Pre Qualification Questionnaire previously returned to the Council in connection with this Tender remain accurate with the exceptions detailed below.

Signed (tenderers signature): _____

Name (print tenderers name) : _____

For and on behalf of : _____

Date: _____

FORM OF TENDER

Reference: **[Project Title]** BMDC/**[No.]**

To: City of Bradford Metropolitan District Council

I/We:

of:

having examined and understood your Invitation to Tender (ITT) hereby submit a tender for the above

I/We further undertake that this tender shall not be withdrawn or modified for a period of 90 days from the tender return deadline.

I/We understand that in order to consider this tender the Council may require to discuss with me/us to ascertain how I/we can best achieve the exact needs of the Council, as well as agreeing other matters not referred to in the ITT such as deadlines, damages for non compliance, etc. I/We agree that such negotiations may result in the ITT being amended, deleted or added to. I/We understand that if we cannot agree on matters raised during such negotiations then the Council shall be under no obligation to enter into a contract with me/us.

Once such an agreement is reached the Council will send a letter of acceptance detailing any terms and conditions, which have been amended, deleted or added to the ITT. Unless a formal legal agreement is prepared and executed, this tender, together with your acceptance in writing, shall constitute a binding contract between us. I/we shall execute on request a formal legal Agreement to be prepared by the Council and comprising the terms which have been agreed.

I/We have full power and authority to enter into the contract and to provide the services.

The Council may accept a tender which is other than the lowest or may accept a tender or tenders in whole or in part, or may not accept any tender whatsoever. No tenderer will be reimbursed any costs incurred in preparing or submitting a tender.

I/We hereby declare that I/We am/are not a party to any arrangement where: -

- the amount of my/our tender has been or will be communicated to any other party before the tender is considered by you;
- any other tenderer for the same work has been or will be reimbursed any part of his costs of tendering; or
- my/our tender price has been adjusted by reference directly or indirectly to the price of any other tenderer.

I/We certify that as far as we are aware the information supplied in this document is accurate.

SIGNED:

Signatures are not required if submitting an **electronic** copy, however it would be helpful if you could print the Tenderers name in the Signature area

(Full name of signatory in capitals)

for and on behalf of

of (full address)

Registered No. and Registered Office if a Company

Telephone No.

Witness

Address of Witness

Date

TENDER SUBMISSION CHECKLIST

To assist in ensuring that all information has been submitted, questions have been answered and additional information included, please use and complete this checklist and return a copy with your tender response.

It is important that you also retain a copy of this checklist for your own records.

Mandatory Documents	Enclosed (Please tick)
Award Criteria and Tender Questions	
Freedom of Information Act 2000 Contractors Obligations	
Declaration of Non-Collusive Tendering	
Pre Qualification Questionnaire Declaration	
Form of Tender	
Tender Part C - Pricing Schedule	

Supporting Documents	Enclosed (Please tick)
<i>Add other documents if specified in the tender questions</i>	

TENDER FOR: "[Project Title]" BMDC/[No]

CLOSING DATE: Wednesday [DATE] 201[0] at 14.00 hours

TENDER RETURN LABEL

If under £75,000 change address – delete this text before issuing

ASSISTANT DIRECTOR CORPORATE SERVICES (CITY SOLICITOR)

ROOM 112

CITY HALL

BRADFORD

WEST YORKSHIRE

BD1 1HY