

# **INSTRUCTIONS DOCUMENT**

FOR

**APPLICATIONS FOR ADMISSION**

TO

**A DYNAMIC PURCHASING SYSTEM (DPS)**

FOR

**PLANT HIRE**

FOR

**LOCAL AUTHORITIES and the OFFICE OF PUBLIC WORKS (OPW)**

<b>COMPETITION REFERENCE:</b>	<b>DYNAMIC PURCHASING SYSTEM FOR PLANT HIRE</b>
<b>INITIAL CLOSING DAY:</b>	<b>Friday</b>
<b>INITIAL CLOSING DATE:</b>	<b>09<sup>th</sup> of December 2016</b>
<b>INITIAL CLOSING TIME:</b>	<b>15:00 HRS</b>
<b>DATED ISSUED:</b>	<b>07<sup>th</sup> of November 2016</b>

**Requests to Participate must be submitted electronically at: [www.supplygov.ie](http://www.supplygov.ie)**



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## 1.0 INTRODUCTION

### 1.1 General

- 1.1.1 The Local Government Operational Procurement Centre (the LGOPC) acting as a Central Purchasing Body (CPB) under the auspices of Kerry County Council is coordinating the establishment of a Dynamic Purchasing System (DPS) on behalf of the contracting authorities listed in **Schedule 3: Contracting Authorities** (the "Purchasers") to the Standard Terms & Conditions for Dynamic Purchasing System for Plant Hire.
- 1.1.2 The purpose of this procedure is to establish a Dynamic Purchasing System (DPS) for the procurement of **Plant Hire services** to the contracting authorities (the "**Purchasers**").
- 1.1.3 The proposed Plant Hire services include but are not limited to those set out under **Schedule 1** (General Specification) of the Standard Terms & Conditions for Dynamic Purchasing System for Plant Hire.
- 1.1.4 A Dynamic Purchasing System (DPS) is a completely electronic process contracting authorities can use to procure commonly available goods, works or services that meet the requirements of the contracting authorities. The DPS is a computer based system which is used by the Purchasers to request tenders from all suitably qualified Contractors/Suppliers who have been admitted to the system. It involves a two stage process. Firstly, potential Contractors/Suppliers are assessed to see that they satisfy the selection criteria. Contractors/Suppliers that meet the selection criteria are then admitted to the DPS. The second stage involves inviting Contractors/Suppliers to tender for specific procurements from time to time.
- 1.1.5 Interested Contractors/Suppliers can apply to join the DPS at any time (excluding the period where the Initial Evaluation is being conducted) by submitting a Request to Participate. The Dynamic Purchasing System will be open throughout the period of validity of the purchasing system to any applicant that satisfies the minimum selection criteria defined in Section 4.0 of this Instructions Document. Any Applicant that submits a Request to Participate and meets the selection criteria will be invited to tender for supplies & services advertised under the dynamic purchasing system over the defined period of validity.
- 1.1.6 An Applicant ("**Contractors/Suppliers**"), can make only one application per competition.
- 1.1.7 It is anticipated that the DPS will commence in **March 2017** and that the "Period of Validity" of the system will be **two (2) years** from establishment, with the option to extend for a further year. Contracts entered into under this DPS may extend beyond the date of expiry of the DPS.
- 1.1.8 All information relating to this Application for Admission to the Plant Hire DPS, including instructions, selection assessment documents, clarifications and changes is published on the Irish Government's eTenders website ([www.etenders.gov.ie](http://www.etenders.gov.ie)) under the Contract Notice.
- 1.1.9 The LGOPC invites Requests to Participate from Applicants who wish to be included on this DPS ("**Applications**"). **The Requests to Participate must be submitted electronically using [www.supplygov.ie](http://www.supplygov.ie). Applications (including hardcopy submissions) will not be accepted in any other format.**
- 1.1.10 Requests to Participate will be accepted before the Initial Closing Date and subsequently during the period of validity of this DPS, in accordance with the instructions set out in Section 3.0 hereunder.
- 1.1.11 Applicants admitted to the system (the "**Contractors/Suppliers**"), may, at any time during the period of validity, be invited to tender for contracts offered by the DPS Purchasers for the provision of Plant Hire services described herein.
- 1.1.12 Contracts awarded under DPS will be awarded in accordance with the provisions outlined in this Instructions Document. Details are set out hereunder in Section 5.0 of this Instructions Document.
- 1.1.13 **Appendix 2** to these Instructions contains a glossary of terms. Unless the context otherwise requires, capitalised terms in these Instructions have the meaning given in the glossary of terms.

## 2.0 INSTRUCTIONS TO APPLICANTS

### 2.1 General

- 2.1.1 The Applicants should study the contents of these Instructions carefully, including the information and documents contained in the Appendices and the accompanying Terms & Conditions and complete all of the requirements set out therein. Failure to provide all the requested information may result in your Request to Participate being deemed non-compliant and the request may be rejected.
- 2.1.2 The LGOPC's detailed requirements in relation to this competition are set out in the General Specification Document in **Schedule 1** of the **Standard Terms & Conditions for Dynamic Purchasing System for Plant Hire**.
- 2.1.3 The LGOPC will not accept responsibility for information relayed (or not relayed) via third parties.
- 2.1.4 If the Applicant alters or edits these Instructions, that Applicant's Request to Participate may be deemed non-compliant and may be rejected.
- 2.1.5 The LGOPC reserves the right to update, delete, vary, extend or alter this Instructions Document and the information and documents contained herein at any time by notice by email to Applicants.
- 2.1.6 Each Applicant's costs will be their sole liability. The LGOPC has no obligation to reimburse the Applicant in respect of costs incurred by it in the preparation of its application or otherwise as a result of its participation in the process, whatsoever or howsoever arising.
- 2.1.7 Applicants attention is drawn to the fact that they must fully comply with or fully disclose all required information included under Section 6.0- "Conflicts of Interest and Registrable Interest" of this document.
- 2.1.8 Applicants are required to fully comply with these Instructions when preparing their Applications and participating in this process. It is the responsibility of the Applicant to ensure that they fully understand the requirements of these Instructions. Where an Applicant does not fully understand the requirements, the query should be submitted pursuant to paragraph 3.11.2 below.
- 2.1.9 If an Applicant fails to comply in any way with these Instructions, the LGOPC may (but is not obliged to) disqualify the Applicant concerned and reject its Application. Without prejudice to this right, the LGOPC may (but is not obliged to) seek clarification or further information from the Applicant (that does not materially alter its Application) or take any other step permitted by law.

### 2.2 Division into Lots

- 2.2.1 This DPS will be divided into **three (3)** separate lots as follows -:

Lot Reference	Description
<b>1</b>	Plant Hire only ( <u>without</u> Operator/PSCS)
<b>2</b>	Plant Hire <u>with</u> Operator ( <u>without</u> PSCS)
<b>3</b>	Plant Hire <u>with</u> Operator and <u>with</u> PSCS

## **2.3 Contracting Authorities (Purchasers)**

- 2.3.1 The Contracting Authorities participating in this DPS are set out in **Schedule 3** of the **Standard Terms & Conditions for Dynamic Purchasing System for Plant Hire**.
- 2.3.2 Applicants have the option of nominating which Contracting Authority they wish to be considered for by completing the online checklist of Contracting Authorities. Purchasers will then, as needs arise, invite tenders from those Contractors/Suppliers admitted to the DPS for the relevant Contracting Authority.

## **3.0 ESTABLISHING THE DYNAMIC PURCHASING SYSTEM**

### **3.1 General**

- 3.1.1 This Dynamic Purchasing System (DPS) is being established in accordance with the restricted procedure. The regulatory provisions applicable to the application process comprises Directive 2014/24/EU of the European Parliament and of the Council, on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts, implemented into Irish law by European Union (Award of Public Authority Contracts) Regulations 2016 (SI 284 of 2016).
- 3.1.2 All Applicants submitting a Request to Participate will be assessed in accordance with the minimum selection criteria set out in Section 4.0 of these Instructions.
- 3.1.3 All Applicants satisfying the minimum selection criteria will be notified of their admittance to the system.
- 3.1.4 Applicants can apply for either or all Lots.
- 3.1.5 The terms and conditions that will apply to all contracts awarded pursuant to this DPS (*Standard Terms & Conditions for Dynamic Purchasing System for Plant Hire*) can be viewed at [www.etenders.gov.ie](http://www.etenders.gov.ie) under the Contract Notice. The *Standard Terms & Conditions for Dynamic Purchasing System for Plant Hire* may not be qualified or amended with the submission of an application for selection to this DPS. The *Standard Terms & Conditions for Dynamic Purchasing System for Plant Hire* will be wholly incorporated into any contract awarded under this DPS, unless otherwise amended by a Contracting Authority in a Request for Tender. Additional terms and conditions may be incorporated within the contract awarded by a Contracting Authority under this DPS. It will be a requirement that any tenders submitted are based on the *Standard Terms & Conditions for Dynamic Purchasing System for Plant Hire* and any additional terms and conditions communicated in the Request for Tender. It is NOT a requirement for Applicants to sign or include the *Standard Terms & Conditions for Dynamic Purchasing System for Plant Hire* with their application for selection to this DPS.
- 3.1.6 If an Applicant becomes aware of any ambiguity, discrepancy, error or omission in or between these documents or in the online application process, it must immediately notify the LGOPC through eTenders, even if after the Initial Closing Date has passed.
- 3.1.7 Notification of a modification to this Instructions Document shall be issued at least **six days (6)** prior to the Initial Closing Date indicated on [www.etenders.gov.ie](http://www.etenders.gov.ie) and shall be issued as an addendum to, and shall be deemed to constitute part of, the Instructions Document. If necessary, the LGOPC will amend the Initial Closing Date in order to comply with this requirement.
- 3.1.8 This competition supersedes and replaces all previous documentation, communications and correspondence between the Contracting Authorities and Applicants in relation to the subject matter of this competition, and Applicants should place no reliance on such previous documentation and correspondence.

### **3.2 Requests to Participate – At Establishment of DPS**

- 3.2.1 The Requests to Participate must be completed electronically using [www.supplygov.ie](http://www.supplygov.ie) Applications will not be accepted in any other format. There are six steps involved in the establishment phase of the DPS.
- 3.2.2 **Step One:** Applicants must download and read the tender documents from [www.etenders.gov.ie](http://www.etenders.gov.ie)
- 3.2.3 **Step Two:** Applicants must register as a supplier on [www.supplygov.ie](http://www.supplygov.ie) Where an Applicant is not currently registered on [www.supplygov.ie](http://www.supplygov.ie) the Applicant shall access the site and select 'Register as

a Supplier' which will guide the Applicant through the registration process. Supplier Guides in respect of the use of the [www.supplygov.ie](http://www.supplygov.ie) system and also specifically in the use of the DPS for Plant Hire are available under the "Publication/Guides" tab at the bottom left side of the [www.supplygov.ie](http://www.supplygov.ie) homepage screen.

- 3.2.4 **Step Three:** Once Contractors/Suppliers log in to [www.supplygov.ie](http://www.supplygov.ie) , the Plant Hire Application for Admission to a DPS will appear on their Home Page and they can commence the application process.
- 3.2.5 Applicants will be guided through the online application process at each stage and do not need to complete the entire process at one time. The application process can be updated, edited, completed and saved at any time prior to the Initial Closing Date.
- 3.2.6 The application process for the establishment phase of the DPS will automatically conclude at the Initial Closing Date at which point the Application will be formally accepted by the online system, whether fully complete or not. Accordingly, Applicants must ensure that the application process is fully complete prior to the Initial Closing Date. (Following the establishment of the DPS, the DPS will reopen for applications).
- 3.2.7 The application process includes completing online selections, forms and declarations as well as uploading signed declarations and requested evidence in response to the Minimum Selection Assessment Criteria set out in these Instructions and in the published Notice.
- 3.2.8 All documents to be uploaded are available for downloading from [www.etenders.gov.ie](http://www.etenders.gov.ie) under the advertised Contract Notice.
- 3.2.9 All signed documents to be uploaded must include a clear, **original signature**, and be witnessed where indicated.
- 3.2.10 Applications must be submitted electronically no later than **15:00hrs** Irish Time on the **09<sup>th</sup> of December 2016** (the "**Initial Closing Date**").
- 3.2.11 It is the responsibility of each individual Applicant to ensure that its Application is completed and submitted online by the noted deadline. Applicants should commence this process well in advance of the Initial Closing Deadline to allow sufficient time for completing the application.
- 3.2.12 **Step Four:** Completed Applications for admittance to the DPS will be assessed in accordance with Section 4.0 below.
- 3.2.13 **Step Five:** Following conclusion of the assessment, Applicants will be informed at the earliest opportunity whether or not they have been admitted to the DPS.
- 3.2.14 **Step Six:** Once the DPS is live, approved Applicants admitted to the DPS will be invited to tender for contracts offered by the relevant Contracting Authorities.

### **3.3 Requests to Participate – Following Establishment of DPS (During period of validity)**

- 3.3.1 Following the establishment of the DPS, the system will open to receive new Requests to Participate to be submitted through [www.supplygov.ie](http://www.supplygov.ie) at any time throughout the Period of Validity of the DPS.
- 3.3.2 The re-opening of the application process will appear on the Home Page of registered suppliers on [www.supplygov.ie](http://www.supplygov.ie) only. Suppliers not registered on [www.supplygov.ie](http://www.supplygov.ie) must first register as a new Supplier on [www.supplygov.ie](http://www.supplygov.ie).
- 3.3.3 New or previously unsuccessful Applicants can submit new applications for admission to the DPS.
- 3.3.4 At that stage, all information relating to this competition, including instructions and selection assessment documents, will be available from [www.supplygov.ie](http://www.supplygov.ie) and [www.etenders.gov.ie](http://www.etenders.gov.ie)



- 3.3.5 New Applications will be assessed for selection in accordance with the same Minimum Selection Criteria noted in Section 4.0 of these instructions within 10 working days of their receipt, which period may be extended to 15 working days where justified.
- 3.3.6 At any time during the period of validity of the DPS, the LGOPC will issue requests to participating Contractors/Suppliers to submit renewed and updated self-declarations on the fulfillment of criteria for qualitative selection, within a time limit to be specified in the requests. Contractors/Suppliers may be excluded from the DPS in the event that they fail to meet the criteria for qualitative selection

#### **3.4 Company Registration Details**

- 3.4.1 Where the Contractor/Supplier is registered with the Companies Registration Office ([www.cro.ie](http://www.cro.ie)), the Contractor/Supplier must ensure that the Registered Company name is used in all parts of the application process and in all documents submitted as part of the application process.
- 3.4.2 Where the Contractor/Supplier is currently registered on [www.Supplygov.ie](http://www.Supplygov.ie), the company name included on [www.Supplygov.ie](http://www.Supplygov.ie) must match the registered company name as recorded on [www.cro.ie](http://www.cro.ie).
- 3.4.3 Where the Contractor/Supplier is not registered with the Companies Registration Office ([www.cro.ie](http://www.cro.ie)), the name of the company included in all parts of the application process and in all documents submitted as part of the application process, must match the name of the company as registered on [www.Supplygov.ie](http://www.Supplygov.ie) in line with your VAT Registration Number.
- 3.4.4 It is the responsibility of the Contractor/Supplier to ensure that any errors or inconsistencies in the above information are corrected prior to submitting an application for admittance to the DPS.

#### **3.5 Adding a new Lot - Following Establishment of DPS (During period of validity)**

- 3.5.1 Following the establishment of the DPS, the system will open to receive new Requests to Participate to be submitted through [www.supplygov.ie](http://www.supplygov.ie) at any time throughout the Period of Validity of the DPS.
- 3.5.2 The re-opening of the application process will appear on the Home Page of registered suppliers on [www.supplygov.ie](http://www.supplygov.ie) only.
- 3.5.3 Suppliers admitted to the DPS at the initial application stage may apply/re-apply to participate in an additional Lot under the DPS.
- 3.5.4 The addition of a new Lot will require that the Supplier submits a new complete application for that Lot.
- 3.5.5 Such Applications will be assessed for selection in accordance with the same Minimum Selection Criteria noted in Section 4.0 of these instructions within 10 working days of their receipt, which period may be extended to 15 working days where justified.

#### **3.6 Information to be included in the Request to Participate**

- 3.6.1 Applicants are required to fully comply with these Instructions when preparing their Applications and participating in this process. It is the responsibility of the Applicants to ensure that they fully understand the requirements of these Instructions.
- 3.6.2 Applicants should study the contents of this Instructions Document carefully, including the Appendices, the *Standard Terms & Conditions for Dynamic Purchasing System for Plant Hire*, and the sample Contracts for each of the three Lots, prior to preparing the documentation to be included with their application.

- 3.6.3 Where an Applicant does not fully understand the requirements, the query should be submitted online through [www.etenders.gov.ie](http://www.etenders.gov.ie), pursuant to the provisions of part 3.11 of these Instructions.
- 3.6.4 Failure to provide all of the specified information may result in the Request to Participate being deemed non-compliant and the Application may be rejected.
- 3.6.5 The LGOPC's detailed technical requirements in relation to this competition are set out in the General Specification Document included at **Schedule 1** of the Standard Terms & Conditions for Dynamic Purchasing System for Plant Hire.

### **3.7 Reliance on the Capacities of other Entities**

- 3.7.1 In order to demonstrate compliance with the requirements of this competition or any Request for Tender, an Applicant may rely on the capacities of other entities, regardless of the legal nature of the links between the Applicant and those other entities.
- 3.7.2 An Applicant may only rely on the capacities of other entities where those entities will perform the works, supplies or services for which these capacities are required.
- 3.7.3 Where an Applicant wants to rely on the capacities of other entities, it shall prove to the Contracting Authority at tender stage that it will have at its disposal the resources necessary, including by producing a commitment by those entities to that effect.
- 3.7.4 If applicable, the provisions of this, part 3.7, will be enforced at Request for Tender stage.

### **3.8 Subcontracting**

- 3.8.1 Contractors/Suppliers must indicate at tender stage, any share of the contract that it may intend to subcontract to third parties and any proposed subcontractors.
- 3.8.2 At contract stage, when responding to a Request for Tender, the Contractor/Supplier shall indicate to the Contracting Authority the qualifications and experience of staff it proposes for completion of the supplies and/or services defined in the Request for Tender.
- 3.8.3 Where subcontractors are proposed for completion of the supplies and/or services, the Contractor/Supplier shall indicate to the Contracting Authority the name, contact details and legal representatives of the subcontractors.
- 3.8.4 The Contracting Authority may take appropriate measures by, amongst other things, verifying in accordance with the provisions in the Regulations, whether there are grounds for exclusion of subcontractors under Regulation 57 of the 2016 Regulations (SI 284 of 2016).
- 3.8.5 If applicable, the provisions of this, part 3.8, will be enforced at Request for Tender stage, whereby Contractors/Suppliers responding to a Request for Tender must provide the necessary details and proof required, as set out in Contract Award & Evaluation Criteria.

### **3.9 Consortium/Joint Venture**

- 3.9.1 A consortium/joint venture will not be required to convert into a specific legal form in order to submit an Application, but may be required to do so prior to formal execution of any contract awarded under this DPS. A Contracting Authority may:
- contract with one economic operator who will act as the agreed prime Contractor/Supplier;
  - contract with each member of the consortium/joint venture on the basis of joint and several liabilities;
  - contract with one member of the consortium/joint venture as prime Contractor/Supplier to whom the other members will be subcontractors; or

- at its discretion, require the consortium/joint venture to enter into any other contracting arrangement.

### 3.10 European Single Procurement Document (ESPD)

- 3.10.1 Submission of an ESPD for this competition is optional – if an Applicant intends to submit an ESPD, it should adhere to the instructions below.
- 3.10.2 In accordance with Regulation 59 of the European Union (Award of Public Authority Contracts) Regulations 2016, LGOPC must accept a European Single Procurement Document (ESPD) as preliminary evidence confirming that the Applicant fulfils the following conditions:-
- it is not in one or more of the situations referred to in Regulation 57 in which an economic operator shall or may be excluded; and
  - it meets the relevant criteria for qualitative selection as defined more explicitly in the Minimum Selection Criteria for each Lot for which it is seeking admission to the DPS.
- 3.10.3 The information that Applicants must include in the ESPD is set out in the Tender Documents. Potential Applicants must examine this information carefully in view of their participation and possible submission of an ESPD. If an Applicant proposes to submit an ESPD and it is relying on the capacities of one or more other entities, those entities must also each submit an ESPD setting out the relevant information for the respective entity. In addition, where a group of economic operators, including temporary associations, participate together in this competition and they intend to submit an ESPD, a separate ESPD setting out the information required under Parts II to V of the ESPD form must be submitted for each of the participating economic operators.

### 3.11 Communications and Clarifications

- 3.11.1 All communications shall only be made electronically. It is mandatory that all Applicants provide an email address for receiving correspondence in relation to this DPS. This e-mail address must be provided as part of the Contractor/Supplier registration process on [www.supplygov.ie](http://www.supplygov.ie).
- 3.11.2 Any and all queries from Applicants in relation to the requirements of this Instructions Document shall be submitted online only at [www.etenders.gov.ie](http://www.etenders.gov.ie).
- 3.11.3 At the initial establishment stage of the DPS, such queries shall be submitted no later than **10 days** prior to the Initial Closing Date for the receipt of Applications.
- 3.11.4 The LGOPC will endeavor to respond to all reasonable queries received without delay but, in any case, no later than **6 days** prior to the Initial Closing Date for the receipt of initial Applications, but does not undertake to respond to all queries received.
- 3.11.5 Following the conclusion of the establishment of this DPS, no time limits will apply to the submission of queries thereafter from new Applicants.
- 3.11.6 Subject to Paragraph 3.11.7, the query and the LGOPC's response will, where appropriate, be communicated to all Applicants, without disclosing the name of the Applicant who initiated the query.
- 3.11.7 If an Applicant believes a query and/or its response relates to a confidential or commercially sensitive aspect of its Application, it must mark the query as "Confidential" and state the reason(s) why. If the LGOPC, in its absolute discretion, is satisfied that the query and/or its response should be properly regarded as confidential or commercially sensitive, the nature of the query and its response shall be kept confidential, subject to any obligations under law.
- 3.11.8 During the assessment of Applications, clarification of submitted content may be sought via e-mail from Applicants. Response to requests for clarification may not materially change any of the elements of the submitted Application.

- 3.11.9 Where the LGOPC request clarification or further information on any matters relating to the Application or supporting documentation, such information shall be submitted no later than the date specified in the request.
- 3.11.10 Following the assessment of Applications for Admission, Applicants will be informed at the earliest possible opportunity of whether or not they have been admitted to the DPS. This communication will be by electronic means only.

## 4.0 THE SETTING UP AND OPERATION OF THE DYNAMIC PURCHASING SYSTEM

### 4.1 General

- 4.1.1 Applications for admittance to the DPS received by the Initial Closing Date will be evaluated separately for each Lot.
- 4.1.2 The evaluation will be completed for each Lot in the following order -:

No.	Stage
1	<b><u>Compliance Check</u></b> Examine completeness of all submissions received prior to the Closing Date
2	<b><u>Selection Assessment</u></b> Applicants must pass the specific requirements listed in the Selection Criteria outlined in this Instructions Document and in the online application process, including any additional requested information

### 4.2 Compliance Check (Stage 1)

- 4.2.1 In the first instance, Applications will be checked to determine whether they are fully complete and include all information required.
- 4.2.2 Applications passing the Compliance Check will then proceed to Selection Assessment in accordance with the Minimum Selection Criteria set out hereunder for admittance to the DPS for each Lot.

### 4.3 Minimum Selection Criteria (Stage 2)

#### 4.3.1 LOT 1 - Minimum Selection Criteria

Applications must include all the information set out in the table:

<b>LOT 1: PLANT HIRE ONLY (<u>without</u> Operator/PSCS) – <u>Minimum Selection Criteria</u></b>	<b>Weighting</b>
<b>Online Declarations/Questions (For Information Only)</b> Applicants must complete all of the following declarations/questions on <a href="http://www.supplygov.ie">www.supplygov.ie</a> : <ul style="list-style-type: none"> <li>Employee Status</li> <li>3 or Less Employees Status</li> <li>Statutory Compliance Declaration</li> <li>Does the Contractor/Supplier intend to submit an ESPD? (Not Mandatory)</li> </ul>	<b>N/A</b>
<b>Online Input onto <a href="http://www.supplygov.ie">www.supplygov.ie</a> system (For Information Only)</b> Applicants must input the following information onto <a href="http://www.supplygov.ie">www.supplygov.ie</a> : Safe Pass Card (minimum of one safe pass card information to be entered online)	<b>N/A</b>

<p><b>Online Declarations (Pass/Fail)</b></p> <p>Applicants must complete all of the following declarations on <a href="http://www.supplygov.ie">www.supplygov.ie</a>:</p> <ul style="list-style-type: none"> <li>• Health &amp; Safety Legislation Declaration</li> <li>• Safe Pass Card and CSCS Card Compliance Declaration</li> <li>• Complying with Schedule 1 - General Specification Declaration</li> <li>• Conflict of Interest Declaration</li> <li>• Insurance Declaration</li> </ul>	<b>Pass/Fail</b>
<p><b>Documents to be uploaded online at <a href="http://www.supplygov.ie">www.supplygov.ie</a>.</b></p> <p>These documents are listed under the Terms &amp; Conditions tab on <a href="http://www.supplygov.ie">www.supplygov.ie</a> and are available under the contract notice on <a href="http://www.etenders.gov.ie">www.etenders.gov.ie</a></p> <ul style="list-style-type: none"> <li>• Personal Situation Declaration Form (PSDF) – <u>unless an ESPD is being completed</u> (Please note this Declaration is valid for 12 months only and Suppliers/Contractors will be requested to renew it annually. Failure to resubmit this Declaration may result in the Supplier/Contractor being de-activated from the DPS).</li> <li>• Contractor/Supplier Registration Details Form</li> <li>• Current Safety Statement (Signed, Dated and Company Registrations Office Company Name referenced where applicable)</li> <li>• Relevant Experience Form Lot 1</li> <li>• European Single Procurement Document (ESPD) (Not Mandatory) (if answered yes to online declaration only)</li> </ul>	<b>Pass/Fail</b>

#### 4.3.2 LOT 2 - Minimum Selection Criteria

<b>LOT 2: PLANT HIRE <u>with</u> OPERATOR (<u>without</u> PSCS) – Minimum Selection Criteria</b>	<b>Weighting</b>
<p><b>Online Declarations/Questions (For Information Only)</b></p> <p>Applicants must complete all of the following declarations/questions on <a href="http://www.supplygov.ie">www.supplygov.ie</a>:</p> <ul style="list-style-type: none"> <li>• Employee Status</li> <li>• 3 or Less Employees Status</li> <li>• Statutory Compliance Declaration</li> <li>• Does the Contractor/Supplier intend to submit an ESPD? (Not Mandatory)</li> </ul>	<b>N/A</b>
<p><b>Online Input onto <a href="http://www.supplygov.ie">www.supplygov.ie</a> system (For Information Only)</b></p> <p>Applicants must input the following information onto <a href="http://www.supplygov.ie">www.supplygov.ie</a>: Safe Pass Card (minimum of one safe pass card information to be entered online)</p>	<b>N/A</b>
<p><b>Online Declarations (Pass/Fail)</b></p> <p>Applicants must complete all of the following declarations on <a href="http://www.supplygov.ie">www.supplygov.ie</a>:</p> <ul style="list-style-type: none"> <li>• Health &amp; Safety Legislation Declaration</li> <li>• Safe Pass Card and CSCS Card Compliance Declaration</li> </ul>	<b>Pass/Fail</b>

<ul style="list-style-type: none"> <li>• Complying with Schedule 1 - General Specification Declaration</li> <li>• Conflict of Interest Declaration</li> <li>• Insurance Declaration</li> <li>• H&amp;S Standards-Educational &amp; Professional Qualifications Declaration</li> <li>• Technicians or Technical Bodies responsible for Quality Control Declaration</li> </ul>	
<p><b>Documents to be uploaded online at <a href="http://www.supplygov.ie">www.supplygov.ie</a>.</b></p> <p>These documents are listed under the Terms &amp; Conditions tab on <a href="http://www.supplygov.ie">www.supplygov.ie</a> and are available under the contract notice on <a href="http://www.etenders.gov.ie">www.etenders.gov.ie</a></p> <ul style="list-style-type: none"> <li>• Personal Situation Declaration Form – PSDF - unless an ESPD is being completed. <i>(Please note this Declaration is valid for 12 months only and Suppliers/Contractors will be requested to renew it annually. Failure to resubmit this Declaration may result in the Supplier/Contractor being de-activated from the DPS).</i></li> <li>• Contractor/Supplier Registration Details Form</li> <li>• Current Safety Statement (Signed, Dated and Company Registrations Office Company Name referenced where applicable)</li> <li>• Relevant Experience Form Lot 2</li> <li>• Declaration C1: HEALTH AND SAFETY – CONTRACTOR OR PSCS APPOINTMENTS, or equivalent third party certification (e.g. Safe-T Cert or OHSAS 18001)</li> <li>• Declaration C3: HEALTH AND SAFETY COMPLIANCE – CONTRACTOR, or equivalent third party certification (e.g. Safe-T Cert or OHSAS 18001)</li> <li>• European Single Procurement Document (ESPD) (Not Mandatory) (if answered yes to online declaration only)</li> </ul>	<b>Pass/Fail</b>

#### 4.3.3 LOT 3- Minimum Selection Criteria

<b>LOT 3: PLANT HIRE <u>with</u> OPERATOR and <u>with</u> PSCS – Minimum Selection Criteria</b>	<b>Weighting</b>
<p><b>Online Declarations/Questions (For Information Only)</b></p> <p>Applicants must complete all of the following declarations/questions on <a href="http://www.supplygov.ie">www.supplygov.ie</a>:</p> <ul style="list-style-type: none"> <li>• Employee Status</li> <li>• 3 or Less Employees Status</li> <li>• Statutory Compliance Declaration</li> <li>• Does the Contractor/Supplier intend to submit an ESPD? (Not Mandatory)</li> </ul>	<b>N/A</b>
<p><b>Online Input onto <a href="http://www.supplygov.ie">www.supplygov.ie</a> system (For Information Only)</b></p> <p>Applicants must input the following information onto <a href="http://www.supplygov.ie">www.supplygov.ie</a>:</p> <p>Safe Pass Card (minimum of one safe pass card information to be entered online)</p>	<b>N/A</b>

<p><b>Online Declarations (Pass/Fail)</b></p> <p>Applicants must complete all of the following declarations on <a href="http://www.supplygov.ie">www.supplygov.ie</a>:</p> <ul style="list-style-type: none"> <li>• Health &amp; Safety Legislation Declaration</li> <li>• Safe Pass Card and CSCS Card Compliance Declaration</li> <li>• Complying with Schedule 1 - General Specification Declaration</li> <li>• Conflict of Interest Declaration</li> <li>• Insurance Declaration</li> <li>• H&amp;S Standards-Educational &amp; Professional Qualifications Declaration</li> <li>• Technicians or Technical Bodies responsible for Quality Control Declaration</li> <li>• Minimum Health and Safety Standards in regard to PSCS function Declaration</li> </ul>	<b>Pass/Fail</b>
<p><b>Documents to be uploaded online at <a href="http://www.supplygov.ie">www.supplygov.ie</a>.</b></p> <p>These documents are listed under the Terms &amp; Conditions tab on <a href="http://www.supplygov.ie">www.supplygov.ie</a> and are available under the contract notice on <a href="http://www.etenders.gov.ie">www.etenders.gov.ie</a></p> <ul style="list-style-type: none"> <li>• Personal Situation Declaration Form – PSDF - unless an ESPD is being completed Contractor/Supplier Registration Details Form. <i>(Please note this Declaration is valid for 12 months only and Suppliers/Contractors will be requested to renew it annually. Failure to resubmit this Declaration may result in the Supplier/Contractor being de-activated from the DPS).</i></li> <li>• Current Safety Statement (Signed, Dated and Company Registrations Office Company Name referenced where applicable)</li> <li>• Relevant Experience Form Lot 3</li> <li>• Declaration C1: HEALTH AND SAFETY – CONTRACTOR OR PSCS APPOINTMENTS, or equivalent third party certification (e.g. Safe-T Cert or OHSAS 18001)</li> <li>• Declaration C3: HEALTH AND SAFETY COMPLIANCE – CONTRACTOR, or equivalent third party certification (e.g. Safe-T Cert or OHSAS 18001)</li> <li>• Declaration C4: HEALTH AND SAFETY COMPLIANCE – PROJECT SUPERVISOR FOR THE CONSTRUCTION STAGE, or equivalent third party certification (e.g. Safe-T Cert or OHSAS 18001)</li> <li>• European Single Procurement Document (ESPD) (Not Mandatory) (if answered yes to online declaration only)</li> </ul>	<b>Pass/Fail</b>

#### 4.4 Minimum Standards in Support of Declarations in Section 4.3

- 4.4.1 The following evidence must be available for inspection by the Purchaser or LGOPC, **if requested** in support of Declarations. Contractors/Suppliers **do not** have to supply this information unless requested to do so.
- 4.4.2 Health & Safety Legislation Declaration
- As set out in **Schedule 1** of the Standard Terms & Conditions for Dynamic Purchasing System for Plant Hire.
- 4.4.3 Safe Pass Card and CSCS Card Compliance Declaration
- As set out in **Schedule 1** of the Standard Terms & Conditions for Dynamic Purchasing System for Plant Hire, part 1.7 - Health & Safety (Legal/Paperwork)



4.4.4 Compliance with **Schedule 1** of the Standard Terms & Conditions for Dynamic Purchasing System for Plant Hire – General Specification Declaration

As set out in **Schedule 1** of the Standard Terms & Conditions for Dynamic Purchasing System for Plant Hire.

4.4.5 Conflict of Interest Declaration

As set out in Section 6.0, part 6.11 - Conflicts of Interest and Registrable Interest.

4.4.6 H&S Standards-Educational & Professional Qualifications Declaration (**Lots 2 & 3**)

- The minimum standard for health and safety competency of a Contractor/Supplier and/or its managerial staff should be demonstrated by way of:
  1. the educational qualifications, professional qualifications (e.g. professionally qualified project managers, architects, engineers etc. – with dates obtained), and experience in so far as they are relevant to health and safety, and/or
  2. educational qualifications, professional qualifications (as above) with at least one member of the Contractor/Supplier or its managerial staff who has experience in relation to projects of similar nature, size and complexity.
  3. The curriculum vitae of the Contractor/Supplier and its managerial staff in so far as they relate to health and safety training and/or experience and also the organisation structure of the firm.
  4. having at least 3 to 4 hours annual (i.e. in-house or a CPD course) health and safety training in relation to works projects
- Where a Contractor/Supplier and/or its managerial staff has no educational or professional qualifications the relevant skills must be demonstrated by other means for example by having a higher level of experience (and lower) to the level needed. The Contractor/Supplier and/or its managerial staff with training and qualifications but no experience, or appropriate experience will not be deemed adequate.
- Identity of the competent person who has overall responsibility for health and safety issues.
- Employment history with specific reference to project management of Plant Hire Works/Services projects - minimum four (4) Plant Hire Works/Services projects in the last three (3) years each with a contract value in excess of €5,000.

4.4.7 Technicians or Technical Bodies responsible for Quality Control Declaration (**Lots 2 & 3**)

Evidence of adequate skill, experience and resources to carry out the duties of Contractor/Supplier in compliance with Safety Health and Welfare at Work Act 2005 and Safety Health and Welfare at Work (Construction) Regulations 2013, including the names of any group, body or organisation that the Applicant's company is a member of and which promotes and has an involvement in Health and Safety matters.

4.4.8 Minimum Health and Safety Standards in regard to PSCS function Declaration (**Lot 3**)

- A Safe-T-Cert, or OHSAS 18001, or other equivalent independently certified health and safety management system with appropriate health and safety training and resources will satisfy the minimum standards for this criterion, or alternatively the applicant must meet the minimum standard as stated below.

The minimum standard for health and safety competency of the Contractor/Supplier as PSCS and/or its managerial staff should be demonstrated by way of:

1. the educational qualifications, professional qualifications (with dates obtained), and experience in providing PSCS services, and/or
2. educational qualifications, professional qualifications (with dates obtained) and experience in providing PSCS services by at least one member of the Contractor/Supplier and/or its managerial staff on projects of a similar size, nature and complexity.
3. The curriculum vitae of the Contractor/Supplier and/or its managerial staff and also the organisation structure of the Contractor/Supplier as PSCS.
4. The Contractor/Supplier and/or at least one of its managerial staff having at least 8 hours' annual health and safety training in the provision of PSCS services (i.e. in-house or a CPD course) or equivalent.

The Contractor/Supplier as PSCS and/or its managerial staff that have health and safety training in providing PSCS services without experience will not be deemed adequate.

- A detailed organizational structure chart (e.g. organogram) which illustrates the overall management structure within the organisation and the position held by each manager within that structure. This chart shall confirm the identity of the competent person who discharges the duties of PSCS on behalf of the company.

For clarity, Management positions include all positions in the organisation other than site based Works Supervisors and Operatives/Installation Technicians.

- Contractors/Suppliers are permitted to outsource the PSCS role to a third party. This third party resource must be available to them for the purposes of meeting this requirement for the DPS period of validity, including site involvement and not just in preparation of Health & Safety documentation.
- In instances where external third party organizations are proposed by the Applicant to provide the PSCS service on their behalf, the application must include, in addition to (iii) & (iv) above, a confirmation letter from the Consultant, confirming his/her agreement to act in the role of PSCS for the Applicant under the *Plant Hire – Standard Terms and Conditions*.
- A concise résumé detailing the specific health and safety competencies of the competent person with specific responsibility for the discharge of the PSCS appointment and function and his/her Employment history with specific reference to fulfilling Health & Safety duties.

**Note for Applicants Information :-**

The résumé for the competent person nominated to fulfill the role of PSCS must include the following information:

- (i) Employment history with specific reference to fulfilling Health & Safety duties
- (ii) A recognized professional qualification(s) in Health & Safety provided by an independent training provider, such as -:
  - Third level Certificate or Diploma in Health & Safety
  - Managing Safely in Construction (CIF/IOSH)
  - Accredited PSCS Training
  - or equivalent

(Site induction courses or statutory training courses such as manual handling, Fás/Solas Safepass, Construction Skills Registration Cards (CSCS) **are not** acceptable forms of qualification for this role)

#### **4.5 Dynamic Purchasing System**

- 4.5.1 Applicants must meet the minimum selection criteria for each Lot in order to be admitted to the DPS for that lot.
- 4.5.2 Following the assessment process, all Applicants will be notified of the outcome of the assessment.
- 4.5.3 Unsuccessful Applicants may re-apply for admittance to the DPS at any time, once the DPS is established. Please refer to section 3.0 above.
- 4.5.4 The admittance of the successful Applicant to the DPS does not constitute a commitment or guarantee from the LGOPC or any Contracting Authority to purchase supplies or services from the Contractor/Supplier and does not confer any exclusivity on the appointed Contractor/Supplier. The LGOPC and Contracting Authorities reserve the right to carry out separate procurement processes for any supplies or services described in this competition from any Contractor/Supplier outside of the DPS, should they, at their sole discretion, consider it appropriate to do so.
- 4.5.5 Applicants should note that there is no limit to the number of Applicants to be appointed to the DPS.
- 4.5.6 By participating in this competition, Applicants accept, confirm and acknowledge that they shall comply with and be bound by the Standard Terms & Conditions for Dynamic Purchasing System for Plant Hire.

#### **4.6 Machine Management on [www.supplygov.ie](http://www.supplygov.ie)**

- 4.6.1 Contractors/Suppliers are obliged to register and keep updated, either at pre-contract award or post-contract award stage (but during the period of validity of the DPS), details of all plant and machinery items, which are or will be, utilised in the performance of a contract arising from this DPS.
- 4.6.2 Registration of plant and machinery items can be completed by emailing [eproc@kerrycoco.ie](mailto:eproc@kerrycoco.ie) or by telephone on 076-1064020.

#### **4.7 Termination from the DPS**

- 4.7.1 An Applicant may be terminated from the DPS pursuant to the terms and conditions set out in the Terms and Conditions Document.
- 4.7.2 Subject to the provisions in the Directive and implementing Regulations referenced herein, the LGOPC may change the period of validity of the DPS at any point, at its sole and absolute discretion. This may include extending, shortening or terminating the system.

## 5.0 AWARD OF CONTRACTS (ALL LOTS)

### 5.1 Requests for Tender

- 5.1.1 The provisions of this section apply to all Lots.
- 5.1.2 Each contracting authority shall be solely responsible in respect of procedures or parts of procedures it conducts in regard to the awarding of a contract under this DPS.
- 5.1.3 Contracting Authorities shall issue electronically any requests for tender and award Contracts through [www.supplygov.ie](http://www.supplygov.ie).
- 5.1.4 **ONLY CONTRACTORS/SUPPLIERS ADMITTED TO THE DPS WILL BE INVITED TO TENDER FOR CONTRACTS.**
- 5.1.5 The relevant Contracting Authority shall issue the invitation to all Contractors/Suppliers admitted to DPS who have registered for that Contracting Authority via the [www.supplygov.ie](http://www.supplygov.ie) system.
- 5.1.6 Contractors/Suppliers admitted to the DPS may only submit one tender in response to a Request for Tender. Contractors/Suppliers may choose at their discretion not to submit a tender.
- 5.1.7 Contractors/Suppliers shall comply with any procedures, processes, time limits, instructions or other requirements as issued by the relevant Contracting Authority in relation to the tender and shall bear any and all costs associated therewith. Contractors/Suppliers shall be required to meet the requirements as published for each Contract and to complete or submit all other information as requested prior to the award of any contract. Unless otherwise agreed and where applicable pursuant to the Regulations, Contractors/Suppliers will be given a minimum of 5 days from the date on which the request for Tender is sent to submit a tender.
- 5.1.8 Tenders for all required supplies & services will be scored, evaluated and ranked as set out in these Instructions.

### 5.2 Pricing

- 5.2.1 Contractors/ Suppliers must submit one price for each hire of plant item regardless of whether the Tenderer has several similar items of Plant under a particular category.

### 5.3 Tender Evaluation

- 5.3.1 Tenders submitted in response to a Request for Tender will be evaluated on the basis of the **Contract Evaluation & Award Criteria**, which may be formulated more precisely by the Purchaser in the Request for Tender.
- 5.3.2 The Contract Evaluation & Award Criteria is set out in **Appendices 4 to 6 in this document.**
- 5.3.3 Prior to evaluating any Tender, the DPS Contractors/Suppliers must satisfy the minimum requirements Contract Evaluation & Award Criteria, which may be formulated more precisely in the Request for Tender.
- 5.3.4 Compliance with these minimum requirements shall be on a **Pass/Fail** basis and any DPS Contractor/Supplier that fails to achieve a Pass rating may be excluded from further consideration in respect of that Request for Tender.
- 5.3.5 Contract Award Criteria shall be completed in accordance with the criteria and provisions set out in the Contract Evaluation & Award Criteria, which may be formulated more precisely in the Request for Tender.

**5.4 Evidence in support of Declarations**

- 5.4.1 Applicants are reminded of the general provisions on means of proof set out in SI 284 of 2016 that provides for Purchasers to ask participating Contractors/Suppliers to submit supporting documents, and the obligation on tenderers to submit such documentation. Applicants should ensure that supporting documentation in respect of the declarations set out in part 4.4 is available if requested.

## **6.0 GENERAL INFORMATION**

### **6.1 Disclaimer**

- 6.1.1 The information provided in these Instructions is offered in good faith for the guidance of the Applicants participating in this competition. The content of these Instructions is for information purposes only and may not be used for any purpose save for this competition. No part of these Instructions, in whole or in part, may be reproduced, stored, transmitted, or used without the prior written permission of the LGOPC (which may be withheld in its sole discretion).
- 6.1.2 These Instructions are a summary of available information and no reliance shall be placed on any information or statements contained herein, and no representation or warranty, express or implied, is or shall be made in relation to the completeness, accuracy or functioning of the information contained in these Instructions, nor as to the reasonableness of any assumption made in preparing this information. Without prejudice to the foregoing, neither the LGOPC nor their advisers, consultants, Applicants, servants and/or agents shall have any liability or responsibility in relation to the accuracy, adequacy or completeness of such information or any statements made. For the avoidance of doubt, Applicants should not assume that any such information or statements shall remain unchanged.
- 6.1.3 The LGOPC is not bound by any anomalies, errors or omissions in these Instructions. Applicants shall immediately notify the LGOPC should they become aware of any ambiguity, discrepancy, error or omission in these Instructions, even if the date specified in Paragraph 3.2.10 has passed. The LGOPC shall, upon receipt of such notification, notify all Applicants of its ruling in respect of any such ambiguity, discrepancy, error or omission. Such ruling shall be issued electronically.
- 6.1.4 By participating in this competition, the Applicant acknowledges that there does not exist any contractual, implied or quasi-contractual relationship between the LGOPC and the Applicant nor will there exist any contractual, implied or quasi-contractual relationship in relation to a tender prior to the award by a Contracting Authority of a contract pursuant to the procedure adopted for the award of contracts.
- 6.1.5 The LGOPC reserves the right, without notice:
- to change the basis of, or the procedures (including the timetable) relating to the DPS
  - to reject any, or all, of the Applications
  - not to invite an Applicant to proceed further
  - not to furnish an Applicant with additional information, or
  - to abandon the procedure
- 6.1.6 In such circumstances, the LGOPC and its advisers shall not be liable to any persons as a result thereof. The LGOPC shall not be bound to accept any Application and reserves the right not to form a DPS in respect of some or all of the supplies and/or services for which Applications are invited.

### **6.2 Freedom of Information Acts**

- 6.2.1 The LGOPC and Kerry County Council are subject to the Freedom of Information Act 2014 (FOI Act 2014) and acknowledge that information provided in response to these Instructions may be confidential or commercially sensitive.
- 6.2.2 Applicants are asked to consider if any of the information supplied by them in response to these Instructions should not be disclosed because it is commercially sensitive or confidential. If this is the case, Applicants can, when providing the information, identify same and specify the reasons for its commercial sensitivity or confidentiality. The LGOPC and Kerry County Council will have regard

to such a statement but are not bound by it. The requirements of the FOI Act 2014 will at all times take precedence.

### 6.3 Tax Compliance - Current Tax Clearance Certificate / e-Tax Clearance Certificate

- 6.3.1 All payments under a contract awarded pursuant to a Request for Tender will be conditional on the Supplier being tax compliant.
- 6.3.2 Successful Applicants must comply with the terms of the Department of Finance Circulars 43/2006 and 44/2006: Tax Clearance Procedures: Public Sector Contracts, or any replacement.
- 6.3.3 In line with the legislative provisions of Section 95 of the Finance Act 2014, the following provisions in relation to eTax Clearance Certificates have been brought into force by Revenue, effective from December 2015 -:
- processing of tax clearance applications, certificates issued by the Revenue Commissioner's and verification by third parties, is all in **electronic** format; and
  - where a taxpayer is found to be non-compliant with their obligations their tax clearance certificate can be **rescinded** (or withdrawn).
- 6.3.4 eTax Clearances will be available to business, PAYE and non-resident customers with a PPSN/Tax Reference number (TRN). There is no change to the current process for customers/applicants that are not registered for Irish tax, i.e. non-residents or some community/voluntary groups. These applications will continue to be processed by the Revenue Commissioner's Office. Furthermore, eTax Clearance does not apply to Standards in Public Office (SIPO) applicants.
- 6.3.5 Applications in eTax Clearance will be processed in real time. Contractors/Suppliers who are tax compliant will receive a Tax Clearance Access Number. This Number along with the Contractor's/Supplier's PPSN/Tax Reference number (TRN Number) shall be provided when requested to the Contracting Authority as verification of their tax clearance details.
- 6.3.6 Subcontractors engaged at contract stage are required to produce an in-date (not older than 30 days) Notification of Determination to the Contracting Authority or the principal Contractor/Supplier, before any contract is awarded. Applicants requiring further information on demonstration of satisfactory level of subcontractor tax compliance and Notifications of Determination under Section 530I of The Taxes Consolidation Act, 1997 (as amended) should contact their local Revenue office. Contact details are available on the Revenue website at [www.revenue.ie](http://www.revenue.ie).
- 6.3.7 It is the responsibility of the Contractor/Supplier to ensure that the correct Tax (VAT) Registration Number reference number is entered on their [www.supplygov.ie](http://www.supplygov.ie) account.

### 6.4 Employees

- 6.4.1 Applicants shall also be aware that they may be asked to provide evidence prior to commencing any project that they offered access to at least one standard Personal Retirement Savings Account (PRSA) to all of their employees that will be employed to work on the relevant Contract.
- 6.4.2 Successful Applicants shall comply with all statutory requirements in relation to PAYE and PRSI, registered employment agreements, relevant minimum standard conditions and pay rates of the relevant industry.

### 6.5 Insurances

- 6.5.1 Details of the Contractors/Suppliers Insurance requirements are outlined in the General Specification Document (**Schedule 1** of the Standard Terms & Conditions for Dynamic Purchasing System for Plant Hire). A declaration to confirm availability of Insurances is to be provided by the Applicant as part of the Selection Assessment.

## **6.6 Language**

- 6.6.1 All correspondence in relation to the competition shall be in the English language or the Irish language.

## **6.7 Declarations**

- 6.7.1 Applicants shall ensure that all information provided with their Applications including subsequent further information is correct. Where a Contractor/Supplier is found to have furnished false, misleading or incorrect information, the LGOPC will impose such sanctions as it deems appropriate in the particular case, and in the case of a false Online Declaration, the Contractor/Supplier will be removed from the DPS with immediate effect. The sanction for other false, misleading or incorrect information will be determined by the LGOPC at its own discretion and it may include all steps up to the complete removal from the DPS.
- 6.7.2 By participating in this competition, Applicants accept, confirm and acknowledge that any Contractor/Supplier will be removed from the DPS with immediate effect if they do not provide the required evidence to substantiate the submitted Declarations when requested by the LGOPC or it is subsequently discovered that any Declaration provided is false.

## **6.8 Applicable Law**

- 6.8.1 The laws of Ireland shall apply to this competition and this competition shall be subject to the exclusive jurisdiction of the Irish courts.

## **6.9 Canvassing**

- 6.9.1 Canvassing or any effort by an Applicant to influence any staff or agents of the LGOPC in relation to any aspect of the application process may result in automatic disqualification from the application process. Where an Applicant has an existing relationship with the LGOPC, Kerry County Council or its employees, the Applicant is advised that any discussions, correspondence, or other influences on the application process may be treated as canvassing.
- 6.9.2 In accordance with Section 38 of the Ethics in Public Office Act 1995 any money, gift or other consideration from a person holding or seeking to obtain a contract will be deemed to have been paid or given corruptly unless the contrary is proved.

## **6.10 Conflicts of Interest and Registrable Interest**

- 6.10.1 Any actual or potential conflict of interest involving an Applicant (whether by reason of the Applicant having or having had a role in the LGOPC/Contracting Authority in relation to the contract or by reason of the Applicant having or having had an interest in another Applicant or another Applicant having or having had an interest in the Applicant or any other situation creating a conflict of interest, actual or potential) must be fully disclosed by the Applicant as soon as it becomes apparent. The LGOPC/Contracting Authority reserves the right to raise conflict of interest issues with Applicants.
- 6.10.2 Where the LGOPC/Contracting Authority consider that the situation does not give rise to a conflict of interest or that the conflict of interest is not material, it will permit the situation to continue.
- 6.10.3 Where the LGOPC/Contracting Authority consider that the situation gives rise to a material conflict of interest, it may, at its sole discretion, permit the situation to continue subject, if necessary, to appropriate safeguards being agreed between the LGOPC/Contracting Authority and the Applicant and the LGOPC/Contracting Authority being fully satisfied that those safeguards have been put in place and will be complied with.
- 6.10.4 Where the LGOPC/Contracting Authority considers, in its absolute discretion, that the situation can only be remedied by the exclusion of the Applicant from the application process, the



LGOPC/Contracting Authority shall exclude the Applicant.

- 6.10.5 Any registrable interest involving the Applicant and the LGOPC or their relatives must be fully disclosed in the Application, or must be communicated to the LGOPC immediately upon such information becoming known to the Applicant, in the event of this information only coming to the Applicant's notice after the submission of an Application and prior activation on DPS. The terms 'registrable interest' and 'relative' shall have the meaning prescribed by the Ethics in Public Office Act 1995.

## **6.11 Confidentiality**

- 6.11.1 All documents issued and information given to Applicants must be treated as strictly confidential. Applicants should not release details of the Application 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 their Application.

## 7.0 APPENDICES AND SCHEDULES

### 7.1 General

7.1.1 The following Appendices are attached to this Instructions Document.

Appendix 1: Indicative Timetable

Appendix 2: Glossary of Terms

Appendix 3: Plant Hire Categories

Appendix 4: Contract Evaluation & Award Criteria (Lot 1)

Appendix 5: Contract Evaluation & Award Criteria (Lot 2)

Appendix 6: Contract Evaluation & Award Criteria (Lot 3)

7.1.2 The following Schedules are attached to the **Standard Terms & Conditions for Dynamic Purchasing System for Plant Hire**.

Schedule 1: General Specification Document

Schedule 2: Contracting Authorities (DPS Purchasers)

Schedule 3: Performance Evaluation Report

Schedule 4: Plant Hire Categories

7.1.3 The **Forms** to be completed and uploaded on [www.supplygov.ie](http://www.supplygov.ie) as part of the application process are attached separately with the tender documents.

## APPENDIX 1 – INDICATIVE TIMETABLE

<b>Procedure to set up Dynamic Purchasing System</b>	<b>Date*</b>
Date of Contract Notice	07 <sup>th</sup> November 2016
Date of Issue of Instructions to Applicants	07 <sup>th</sup> November 2016
Deadline for Receipt of Queries	30 <sup>th</sup> November 2016
Initial Closing Date for Receipt of Applications for Admission to the DPS	09 <sup>th</sup> December 2016
Establishment of Dynamic Purchasing System	March 2017
New Applications to be admitted to DPS	Ongoing throughout the Period of Validity of the DPS

\*The LGOPC reserves the right to change these dates at its absolute discretion.

## APPENDIX 2 – GLOSSARY OF TERMS

Unless the context otherwise requires, capitalised terms in these Instructions have the following meaning;

<b>Applicant</b>	an economic operator that submits an Application for Admission to the Dynamic Purchasing System (DPS)
<b>Application</b>	an Application for admittance to the Dynamic Purchasing System (DPS) submitted online pursuant to these Instructions
<b>Assessment Period</b>	the period during which the LGOPC is evaluating Applications
<b>Contracting Authority / DPS Purchaser</b>	an individual Contracting Authority as listed in <b>Schedule 3</b> : Contracting Authorities (the "Purchasers") to the Standard Terms & Conditions for Dynamic Purchasing System for Plant Hire.
<b>Contract</b>	Contract formed between the Contracting Authority and the Contractor/Supplier as a consequence of a Request for Tender
<b>Contractor</b>	shall be read as having the same meaning as Contractor/Supplier and means an Applicant that is admitted to the Dynamic Purchasing System
<b>Declarations</b>	the declarations provided in response to the Selection Criteria
<b>Dynamic Purchasing System (DPS)</b>	a wholly electronic tendering process that contracting authorities can use to procure commonly used purchases the characteristics of which, as generally available on the market, meet the requirements of the contracting authorities
<b>Instructions</b>	this Instructions Document and all Appendices hereto
<b>Initial Closing Date</b>	The latest date and time for receipt of applications for admission to this DPS
<b>Personal Situation Declaration</b>	the declaration attached separately that whether or not the Applicant is subject to any of the mandatory or discretionary exclusion grounds in Regulation 57 of the European Union (Award of Public Authority Contracts) Regulations 2016
<b>Request For Tender</b>	A request by a Purchaser to successfully appointed Contractor/Supplier to tender for a specific competition, undertaken in accordance with the procedure set out in these Instructions
<b>Specification</b>	the General Specification document set out in Schedule 1 of the Standard Terms & Conditions for Dynamic Purchasing System for Plant Hire
<b><a href="http://www.supplygov.ie">www.supplygov.ie</a></b>	<a href="http://www.supplygov.ie">www.supplygov.ie</a> is an online procurement system utilized for the procurement of goods and services nationally for Contracting Authorities, government departments and other State agencies
<b>Tender</b>	a tender submitted by a Contractor/Supplier in response to a Request for Tender
<b>Period of Validity</b>	2 Year Term of the Dynamic Purchasing System, with the option to extend for a further year
<b>The Directive and implementing Regulations</b>	Directive 2014/24/EU of the European Parliament and of the Council as implemented into Irish law by the European Union (Award of Public Authority Contracts) Regulations 2016 (SI 284 of 2016)
<b>Working Hours</b>	Between 9am and 5pm on a day that is not Saturday, Sunday, a public holiday established under the Organisation of Working Time Act 1997, Good Friday, or as specifically set out in the tender documents attached to the Request for Tender

## APPENDIX 3 – PLANT HIRE CATEGORIES

Sub Category	Product	Product Item
Bulldozers	Bulldozers	Bulldozers
Cars	Cars	Cars
Cranes	Cranes	Cranes
Crushing Plants	Crushing Plants	Crushing Plant
Draglines	Draglines	Dragline
Drilling Rigs	Drilling Rigs	Drilling Rig
Dumpers	Dumpers	Articulated Dumper
Dumpers	Dumpers	Rigid Dumper
Edging Machines	Edging Machines	Edging Machine
Working Platforms/Hoists/Elevations	Working Platforms/Hoists/Elevations	Working Platforms/Hoists/Elevations
Gritters/Chip Spreaders	Gritters/Chip Spreaders	Gritter/Chip Spreader
Excavators	Long Reach Steel Tracked Excavator 360°	Greater than 5 Tonne up to 20 Tonne
Excavators	Long Reach Steel Tracked Excavator 360°	Greater than 20 Tonne
Excavators	Mini Excavator 360° with Buckets	Less than 5 Tonne
Excavators	Mini Excavator 360° with Buckets	Greater than 5 Tonne up to 20 Tonne
Excavators	Rubber Tracked Excavator 360°	Greater than 5 Tonne up to 20 Tonne
Excavators	Rubber Tracked Excavator 360°	Greater than 20 Tonne
Excavators	Rubber Wheeled Backhoe Excavator 180°	Less than 10 Tonnes
Excavators	Rubber Wheeled Excavator 360°	Greater than 5 Tonne up to 20 Tonne
Excavators	Rubber Wheeled Excavator 360°	Greater than 20 Tonne
Excavators	Steel Tracked Excavator 360°	Greater than 5 Tonne up to 20 Tonne
Excavators	Steel Tracked Excavator 360°	Greater than 20 Tonne
Landfill Compactors	Landfill Compactors	Landfill Compactors
Loading Shovels/Teleporters	All Terrain Telescopic Loadalls (Teleporters)	Rubber Tyred
Loading Shovels/Teleporters	All Terrain Telescopic Loadalls (Teleporters)	Tracked
Loading Shovels/Teleporters	Loading Shovels	Rubber Tyred
Loading Shovels/Teleporters	Loading Shovels	Tracked
Mobile Libraries	Mobile Libraries	Mobile Libraries
Tar Patching Machines/Units	Tar Patching Machines/Units	Tar Patching Machine Units
Pavers	Pavers	Paver
Pipe Jetting & Suction Machines	Pipe Jetting & Suction Machines	Pipe Jetting Machines
Pipe Jetting & Suction Machines	Pipe Jetting & Suction Machines	Pipe Jetting and Suction Machine
Pipe Line Cleaners	Pipe Line Cleaners	Pipe Line Cleaner
Pumps	Pumps	Sludge Pumps
Pumps	Pumps	Water Pumps
Pumps	Pumps	Truck-Mounted Concrete Pump
Refuse Collection Vehicles	Refuse Collection Vehicles	Refuse Collection Vehicles
Road Graders and Blade Graders	Road Graders and Blade Graders	Road Grader
Road Graders and Blade Graders	Road Graders and Blade Graders	Blade Graders
Sweepers	Sweepers	Road Sweeper
Sweepers	Sweepers	Footpath Sweeper
Rollers	Rollers	Vibrating Rollers
Rollers	Rollers	Static 3 Wheeled Rollers

Rollers	Rollers	Rubber Tyred Rollers for Surface Dressing
Rollers	Rollers	Remote Controlled Vibrating Roller
Skips	Skips	Skips
Skips	Skips for Sludge Cake Removal	Skips for Sludge Cake Removal
Vacuum Sludge Tankers	Vacuum Sludge Tankers	Rigid Trucks with Tank
Vacuum Sludge Tankers	Vacuum Sludge Tankers	Articulated Units with Semi Trailer
Tar Sprayers Binder Distributors & Combi Units	Tar Sprayers Binder Distributors & Combi Units	Tar Sprayers Binder Distributors
Tar Sprayers Binder Distributors & Combi Units	Tar Sprayers Binder Distributors & Combi Units	Combi Unit
Lorries/Trucks	Lorries/Trucks	Flat Body Rigid Lorry
Lorries/Trucks	Lorries/Trucks	Tipper Body Rigid Lorry
Lorries/Trucks	Lorries/Trucks	Tipper Body Rigid Lorry with Clam Shell Bucket
Lorries/Trucks	Lorries/Trucks	Articulated Unit
Lorries/Trucks	Lorries/Trucks	Dump Truck
Lorries/Trucks	Lorries/Trucks	Rigid Lorry for Bulk Haulage
Lorries/Trucks	Lorries/Trucks	Hook Loader Vehicle
Lorries/Trucks	Lorries/Trucks	Truck Mounted Hot Box
Tractor & Attachments	Tractor & Attachments	Tractor with Hedgecutter
Tractor & Attachments	Tractor & Attachments	Tractor only
Tractor & Attachments	Tractor & Attachments	Tractor with Bucket
Tractor & Attachments	Tractor & Attachments	Tractor With Trailer <3,500kgs
Tractor & Attachments	Tractor & Attachments	Tractor with Mowing Bar
Tractor & Attachments	Tractor & Attachments	Tractor with Cyclone Grass Cutter
Tractor & Attachments	Tractor & Attachments	Tractor with Rotavator
Tractor & Attachments	Tractor & Attachments	Tractor with Roller
Tractor & Attachments	Tractor & Attachments	Tractor with Harrow (chain)
Tractor & Attachments	Tractor & Attachments	Tractor with Brush
Tractor & Attachments	Tractor & Attachments	Tractor with Aerator
Tractor & Attachments	Tractor & Attachments	Tractor with Vacuum/Slurry Tanker
Tractor & Attachments	Tractor & Attachments	Tractor with Front Loader
Tractor & Attachments	Tractor & Attachments	Tractor with Garden Equipment
Tractor & Attachments	Tractor & Attachments	Tractor with Dump Trailer
Tractor & Attachments	Tractor & Attachments	Tractor with Hydraulic Grader
Tractor & Attachments	Tractor & Attachments	Tractor with Post Driver
Tractor & Attachments	Tractor & Attachments	Tractor with Transport Box
Tractor & Attachments	Tractor & Attachments	Tractor with Sidelining Plough
Tractor & Attachments	Tractor & Attachments	Tractor with Concrete Mixer
Tractor & Attachments	Tractor & Attachments	Tractor with Snow Plough
Tractor & Attachments	Tractor & Attachments	Tractor with Stone Cart
Tractor & Attachments	Tractor & Attachments	Tractor with Stone Rake
Tractor & Attachments	Tractor & Attachments	Tractor with Road Mulcher
Tractor & Attachments	Tractor & Attachments	Tractor with Sprayer
Tractor & Attachments	Tractor & Attachments	Tractor with Tar Trailer
Tractor & Attachments	Tractor & Attachments	Tractor with Low Loader
Tractor & Attachments	Tractor & Attachments	Tractor with Swamp Power Tracked Dumper
Tractor & Attachments	Tractor & Attachments	Tractor with Lime Spreader

Tractor & Attachments	Tractor & Attachments	Tractor with Grit Spreader
Tractor & Attachments	Tractor & Attachments	Tractor With Trailer >3,500kgs
Vans/Jeeps/Pickups	Jeeps	Jeeps
Vans/Jeeps/Pickups	Pickups	Crew Cab Pickup
Vans/Jeeps/Pickups	Pickups	Day Cab Pickup
Vans/Jeeps/Pickups	Pickups	Pickup with Box Cage
Vans/Jeeps/Pickups	Pickups	Pickup with Breadbin Body
Vans/Jeeps/Pickups	Vans	Light Commercial Vans
Vans/Jeeps/Pickups	Vans	Medium Commercial Vans
Vans/Jeeps/Pickups	Vans	Large Commercial Vans
Vans/Jeeps/Pickups	Vans	Crew Cab Van
Road Planers	Road Planers	Road Planer
Portable Canteens/Portaloos/Site Storage Containers	Portable Canteens/Portaloos/Site Storage Containers	Portable Canteens
Portable Canteens/Portaloos/Site Storage Containers	Portable Canteens/Portaloos/Site Storage Containers	Standard Portaloos
Portable Canteens/Portaloos/Site Storage Containers	Portable Canteens/Portaloos/Site Storage Containers	Site Storage Containers
Portable Canteens/Portaloos/Site Storage Containers	Portable Canteens/Portaloos/Site Storage Containers	Disabled Portaloos
Portable Canteens/Portaloos/Site Storage Containers	Portable Canteens/Portaloos/Site Storage Containers	Site Welfare Units(Combined Portaloo & Canteen)
Forklift Trucks	Forklift Trucks	Forklift Trucks
Mobile Welding Plants	Mobile Welding Plants	Mobile Welding Plant
Velocity Patcher	Velocity Patcher	Velocity Patcher
CCTV Pipe Surveying Equipment	CCTV Pipe Surveying Equipment	CCTV Pipe Surveying Equipment
Articulated Semi Trailers	Articulated Semi Trailers	Curtain-sider Trailer
Articulated Semi Trailers	Articulated Semi Trailers	Tipping Trailer
Articulated Semi Trailers	Articulated Semi Trailers	Flat Body Trailer
Articulated Semi Trailers	Articulated Semi Trailers	Vacuum Tanker Trailer
Articulated Semi Trailers	Articulated Semi Trailers	Low Loader Trailer
Water Tanker	Mobile Potable Water Tankers	Mobile Potable Water Tankers
Tree Cutting & Branch Lopping	Branch Lopping	Branch Lopping
Tree Cutting & Branch Lopping	Tree Cutting	Tree Cutting
Tree Cutting & Branch Lopping	Woodchipper Machine	Woodchipper Machine
Ride-on Lawnmower	Ride-on Lawnmower	Ride-On Lawnmower
Compressors	Compressors	Mobile Air Compressors
Compressors	Compressors	Hydraulic Compressors
Generators	Generators	Greater than 20kVA
Traffic Management	VMS Signs	Trailer Mounted VMS Sign
Traffic Management	VMS Signs	Standalone VMS Sign
Traffic Management	Traffic Management Vehicles	Lorry Mounted Crash Cushion
Traffic Management	Traffic Management Vehicles	Advance Warning Vehicle – Demount/Impact Protection Vehicle
Trench Supports	Trench Supports	Trench Boxes – non hydraulic strut support
Trench Supports	Trench Supports	Drag Boxes – non hydraulic strut support

## **APPENDIX 4: CONTRACT EVALUATION & AWARD CRITERIA (LOT 1)**

### **4.1 Contract Evaluation Criteria**

- 4.1.1 Contractors/Suppliers submitting a response to a Request for Tender must submit the information listed in the Table hereunder, that will be assessed on a Pass/Fail basis.
- 4.1.2 Applicants should note that not all of the criteria listed may apply to every Request for Tender.
- 4.1.3 Only those Tenderers passing all of the following Contract Evaluation Criteria will proceed for assessment in accordance with the Contract Award Criteria set out in part 4.2 below.

<b>Contract Evaluation Criteria Lot 1 Plant Hire only (without Operator/PSCS)</b>		<b>Weighting</b>
<b>1</b>	<b>Maintenance and Inspection</b> The Contractor/Supplier must supply evidence that a relevant maintenance and inspection regime is in place for all items of plant tendered in response to this Request for Tender.  Evidence shall be proof that the item of plant has been serviced in accordance with statutory and manufacturer's guidelines and maintained, inspected, and/or checked on a periodic basis as defined in the Request For Tender.	<b>Pass/Fail</b>
<b>2</b>	<b>Proposed Plant Hire Availability</b> Submit confirmation in writing that the Contractor/Supplier has the required Plant Hire available to provide the requested service within the specified timeframes, respecting the nominated start and finish dates outlined in the Request for Tender documents.	<b>Pass/Fail</b>

### **4.2 Contract Award Criteria**

- 4.2.1 The Applicant that achieves the highest ranking score by reference to the criteria below will be awarded the Contract.

<b>Contract Award Criteria &amp; Weightings Lot 1 Plant Hire only (<u>without</u> Operator/PSCS)</b>		
<b>CRITERION</b>	<b>Weighting</b>	<b>MAXIMUM MARKS AVAILABLE</b>
<b>Total Cost</b>	100%	1,000

- 4.2.2 Depending on the nature of the required services, the Total Cost may comprise of one or more of the following -:

- Hire of Plant Item (Tenderers must submit one price for each item regardless of whether the Tenderer has several similar items of plant under a particular category)
- Green Procurement
- Collection and/or Delivery



- Breakdown Response Time
- Replacement of Consumables

The Total Cost component(s) will be specified by the Contracting Authority at Tender Competition stage.

- 4.2.3 The lowest Total Cost tendered for completion of the project will be awarded 100% of the 1,000 marks available for Price.
- 4.2.4 The remaining Tenders for the Competition will receive a pro rata mark for Total Cost based on the difference between their total tendered cost and that of the lowest total cost tenderer, expressed as a percentage of the lowest cost, i.e.

$$\text{Marks Awarded} = \frac{\text{Lowest Total Cost}}{\text{Total Cost being evaluated}} \times \text{Available Marks For Price (1,000)}$$

- 4.2.5 The marks awarded above will determine the highest scoring Contractor/Supplier who will be ranked No. 1 for the Tender Competition. The remaining Contractors/Suppliers will be ranked in descending order, i.e. the next highest mark ranked No. 2, etc.
- 4.2.6 The maximum allowable term of a request for tender run under this DPS is 12 months,
- 4.2.7 The Plant Hire will be completed in accordance with the sample Contract attached to the *Plant Hire - Standard Terms and Conditions*.
- 4.2.8 The acknowledgement of receipt of any Tender shall not constitute an actual or implied agreement between the Contractor/Supplier and the DPS Purchaser.
- 4.2.9 Where, after a competition, two or more Contractors/Suppliers are level on marks the DPS Purchaser reserves the right to either;
1. Ask the equally ranked Contractors/Suppliers to resubmit prices and continue this process until there is a winner, or
  2. To divide the project between the equally ranked Contractors/Suppliers, or
  3. Award the contract by random selection concluded in an open and transparent forum, or
  4. To re-tender the project

Where after a competition, the Contractor is the preferred Tenderer i.e. the successful Contractor confirms they are unable to complete the works, the DPS Purchaser reserves the right to then award the contract to the Contractor ranked No. 1 on the substitution list. Should this contractor confirm that they are unable to complete the works the DPS Purchaser shall then move to award the contract to the Contractor ranked No. 2 on the substitution list etc. This is outlined in the Plant Hire contract under section 9.1

- 4.2.10 All Contractors/Suppliers submitting a Tender in response to a Request for Tender will be informed of the outcome of the competition without delay following conclusion of the Request for Tender evaluation process. There is no standstill period for a specific contract entered into on the basis of a dynamic purchasing system. Details of the DPS Contract awarded will be published in a Contract Award Notice (or in a quarterly batch of Contract Award Notices) on the Official Journal of the European Union.
- 4.2.11 For the avoidance of doubt, an individual DPS Purchaser may award DPS Contracts on behalf of one

or more DPS Purchasers.

#### **4.3 Information to be provided by the preferred tenderer prior to Contract Award**

4.3.1 In addition to the information to be provided when submitting a tender in response to a Request for Tender (as outlined in part 4.1 above), the preferred Tenderer must provide to the Purchaser for their review and approval, prior to formal award of contract, the specific information listed below or any such relevant information as requested by the Purchaser:

- Satisfactory evidence of insurance
- Current Safety Statement
- Required information attached to each Plant Item, including but not limited to -:
  - Vehicle Registration Certificate (in Contractors/Suppliers Name)
  - Certificate of Road Worthiness
  - Report of Thorough Examination

## APPENDIX 5: CONTRACT EVALUATION & AWARD CRITERIA (LOT 2)

### 5.1 Contract Evaluation Criteria

- 5.1.1 Contractors/Suppliers submitting a response to a Request for Tender must submit the information listed in the Table hereunder, that will be assessed on a Pass/Fail basis.
- 5.1.2 Applicants should note that not all of the criteria listed may apply to every Request for Tender.
- 5.1.3 Only those Tenderers passing all of the following Contract Evaluation Criteria will proceed for assessment in accordance with the Contract Award Criteria set out in part 5.2 below.

Contract Evaluation Criteria Lot 2 Plant Hire <u>with</u> Operator (without PSCS)		Weighting
<b>1</b>	<b>Maintenance and Inspection</b> <p>The Contractor/Supplier must supply evidence that a relevant maintenance and inspection regime is in place for all items of plant tendered in response to this Request for Tender.</p> <p>Evidence shall be proof that the item of plant has been serviced in accordance with statutory and manufacturer's guidelines and maintained, inspected, and/or checked on a periodic basis as defined in the Request For Tender.</p>	<b>Pass/Fail</b>
<b>2</b>	<b>Proposed Resources Availability</b> <p>Submit confirmation in writing that the Contractor/Supplier has the required resources available to provide the requested service within the specified timeframe, respecting the nominated start and finish dates outlined in the Request for Tender documents.</p>	<b>Pass/Fail</b>
<b>3</b>	<b>Drivers/Operatives</b> <p>Submit confirmation in writing of the names of the proposed Driver(s) and/or Operative(s) that will carry out the services/works if successful.</p>	<b>Pass/Fail</b>
<b>4</b>	<b>Driver/Operator Competency</b> <p>Submit a list of Plant Hire Service contracts completed by the proposed Driver/Operator(s) that are similar in size, nature and complexity to the services/works required under this Request For Tender.</p>	<b>Pass/Fail</b>
<b>5</b>	<b>Health &amp; Safety Competency of Project Team</b> <p>For each Driver/Operative proposed in 3 and 4 above, details of the following must be entered on <a href="http://www.supplygov.ie">www.supplygov.ie</a> under 'My Checklist' -:</p> <ul style="list-style-type: none"> <li>• Solas/Fás Safepass Card, or equivalent</li> </ul> <p>And where relevant to the item (s) of plant contained in the Request for Tender:</p> <ul style="list-style-type: none"> <li>• A valid CSCS Card for the item of plant requested</li> <li>• A valid CSCS card for any additional skill covered under the Construction Skills Certification Scheme required for the proposed Plant Hire Services/Works as defined in this Request For Tender</li> <li>• A valid and compliant Driver CPC Card for the appropriate vehicle category</li> <li>• Any additional qualifications required for the proposed Plant Hire Services/Works as defined in this Request For Tender</li> </ul>	<b>Pass/Fail</b>

## 5.2 Contract Award Criteria

- 5.2.1 The Contract will be awarded to the most economically advantageous tender, identified following application of the contract award criteria and weightings detailed below.

<b>Contract Award Criteria &amp; Weightings</b> <b>Lot 2 Plant Hire <u>with</u> Operator (<u>without</u> PSCS)</b>		
<b>CRITERION</b>	<b>Weighting</b>	<b>MAXIMUM MARKS AVAILABLE</b>
<b>Total Cost</b>	90%	900
<b>Project Methodology</b>	10%	100
<b>Total</b>	100%	1,000

- 5.2.2 Depending on the nature of the required services, the Total Cost may comprise one or more of the following:

- Hire of Plant Item (*Tenderers must submit one price for each hire of plant item regardless of whether the Tenderer has several similar items of Plant under a particular category*)
- Green Procurement
- Collection and/or Delivery
- Breakdown Response Time
- Replacement of Consumables
- Additional Resources

The Total Cost component(s) will be specified by the Contracting Authority at Tender Competition stage.

- 5.2.3 Marks will be apportioned to the Total Cost proposals as follows:

$$\text{Marks Awarded for Total Cost} = \frac{\text{Total Cost of Lowest Valid Tender}}{\text{Total Cost of Lowest Valid Tender being Evaluated}} \times \text{Maximum Marks Available (1,000)}$$

- 5.2.4 Quality will comprise of the following -:

- Project Methodology

Contractors/Suppliers must describe in detail how they intend to deliver the required services. Responses to this criterion must address in particular the characteristics of the contract, including but not limited to, the site specific constraints in relation to working times, project schedules, risk management, project management, resourcing proposals and allowable project duration.

- 5.2.5 The project methodology will be assessed on the basis of the level of detail provided and the quality of the methodology.

- 5.2.6 The marks awarded will determine the highest scoring Contractor/Supplier who will be ranked No. 1 for the Tender Competition. The remaining Contractors/Suppliers will be ranked in descending order, i.e. the next highest mark ranked No. 2, etc.

- 5.2.7 The maximum allowable term of a request for tender run under this DPS is 12 months.

- 5.2.8 A contracting authority will have the discretion to exclude a Contractor/Supplier for failure to provide the Project Methodology. This discretion must be exercised in accordance with the general principles of EU Law including transparency, equal treatment and proportionality.
- 5.2.9 The Plant Hire will be completed in accordance with the sample Contract attached to the *Plant Hire - Standard Terms and Conditions*.
- 5.2.10 The acknowledgement of receipt of any Tender shall not constitute an actual or implied agreement between the Contractor/Supplier and the DPS Purchaser.
- 5.2.11 Where, after a competition, two or more Contractors/Suppliers are level on marks the DPS Purchaser reserves the right to either;
1. Ask the equally ranked Contractors/Suppliers to resubmit prices and continue this process until there is a winner, or
  2. To divide the project between the equally ranked Applicants, or
  3. Award the contract by random selection concluded in an open and transparent forum, or
  4. To re-tender the project
- Where after a competition, the Contractor is the preferred Tenderer i.e. the successful Contractor confirms they are unable to complete the works, the DPS Purchaser reserves the right to then award the contract to the Contractor ranked No. 1 on the substitution list. Should this contractor confirm that they are unable to complete the works the DPS Purchaser shall then move to award the contract to the Contractor ranked No. 2 on the substitution list etc. This is outlined in the Plant Hire contract under section 9.1
- 5.2.12 All Contractors/Suppliers submitting a Tender in response to a Request for Tender will be informed of the outcome of the competition without delay following conclusion of the Request for Tender evaluation process. There is no standstill period for a specific contract entered into on the basis of a dynamic purchasing system. Details of the DPS Contract awarded will be published in a Contract Award Notice (or in a quarterly batch of Contract Award Notices) on the Official Journal of the European Union.
- 5.2.13 For the avoidance of doubt, an individual DPS Purchaser may award DPS Contracts on behalf of one or more DPS Purchasers.

### **5.3 Information to be provided by the preferred tenderer prior to Contract Award**

- 5.3.1 In addition to the information to be provided when submitting a tender in response to a Request for Tender (as outlined in part 5.1 above), the preferred Tenderer must provide to the Purchaser for their review and approval, prior to formal award of contract (if not already submitted), the specific information listed below or any such relevant information as requested by the Purchaser:
- Satisfactory evidence of insurance
  - Driver's License for Item of Plant
  - Current Safety Statement
  - Site Specific Risk Assessment
  - Site Specific Method Statement
  - Contractor/Supplier Competence Questionnaire
  - Required information attached to each Plant Item to be entered on [www.supplygov.ie](http://www.supplygov.ie), including but not limited to -:
  - Vehicle Registration Certificate (in Contractors/Suppliers Name)
  - Certificate of Road Worthiness
  - Report of Thorough Examination
  - Temporary Traffic Management Plan

## **APPENDIX 6: CONTRACT EVALUATION & AWARD CRITERIA (LOT 3)**

### **6.1 Contract Evaluation Criteria**

- 6.1.1 Contractors/Suppliers submitting a response to a Request for Tender must submit the information listed in the Table hereunder, that will be assessed on a Pass/Fail basis.
- 6.1.2 Applicants should note that not all of the criteria listed may apply to every Request for Tender.
- 6.1.3 Only those Tenderers passing all of the following Contract Evaluation Criteria will proceed for assessment in accordance with the Contract Award Criteria set out in part 6.2 below.

<b>Contract Evaluation Criteria</b>		<b>Weighting</b>
<b>Lot 3 Plant Hire with Operator and with PSCS</b>		
<b>1</b>	<b>Maintenance and Inspection</b> <p>The Contractor/Supplier must supply evidence that a relevant maintenance and inspection regime is in place for all items of plant tendered in response to this Request for Tender.</p> <p>Evidence shall be proof that the item of plant has been serviced in accordance with statutory and manufacturer's guidelines and maintained, inspected, and/or checked on a periodic basis as defined in the Request For Tender.</p>	<b>Pass/Fail</b>
<b>2</b>	<b>Proposed Resources Availability</b> <p>Submit confirmation in writing that the Contractor/Supplier has the required resources available to provide the requested service within the specified timeframe, respecting the nominated start and finish dates outlined in the Request for Tender documents.</p>	<b>Pass/Fail</b>
<b>3</b>	<b>Drivers/Operatives</b> <p>Submit confirmation in writing of the names of the proposed Driver(s) and/or Operative(s) that will carry out the services/works if successful.</p>	<b>Pass/Fail</b>
<b>4</b>	<b>Driver/Operator Competency</b> <p>Submit a list of Plant Hire Service contracts completed by the proposed Driver/Operator(s) that are similar in size, nature and complexity to the services/works required under this Request For Tender.</p>	<b>Pass/Fail</b>
<b>5</b>	<b>Health &amp; Safety Competency of Project Team</b> <p>For each Driver/Operative proposed in 3 and 4 above, details of the following must be entered on <a href="http://www.supplygov.ie">www.supplygov.ie</a> under 'My Checklist' -:</p> <ul style="list-style-type: none"> <li>• Solas/Fás Safepass Card, or equivalent</li> </ul> <p>And where relevant to the item (s) of plant contained in the Request for Tender:</p> <ul style="list-style-type: none"> <li>• A valid CSCS Card for the item of plant requested</li> <li>• A valid CSCS card for any additional skill covered under the Construction Skills Certification Scheme required for the proposed Plant Hire Services/Works as defined in this Request For Tender</li> <li>• A valid and compliant Driver CPC Card for the appropriate vehicle category</li> <li>• Any additional qualifications required for the proposed Plant Hire Services/Works as defined in this Request For Tender</li> </ul>	<b>Pass/Fail</b>

<b>6</b>	<b>Contractor/Supplier &amp; PSCS Competence Questionnaire</b> Complete and submit the site specific PSCS Health & Safety Questionnaire included by the Purchaser in the Request For Tender.	<b>Pass/Fail</b>
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## 6.2 Contract Award Criteria

6.2.1 The Contract will be awarded to the most economically advantageous tender, identified following application of the contract award criteria and weightings detailed below.

<b>Contract Award Criteria &amp; Weightings</b> <b>Lot 3 Plant Hire <u>with</u> Operator <u>with</u> PSCS</b>		
<b>CRITERION</b>	<b>Weighting</b>	<b>MAXIMUM MARKS AVAILABLE</b>
<b>Total Cost</b>	90%	900
<b>Project Methodology</b>	10%	100
<b>Total</b>	100%	1,000

Depending on the nature of the required services, the Total Cost may comprise one or more of the following:

- Hire of Plant Item (*Tenderers must submit one price for each hire of plant item regardless of whether the Tenderer has several similar items of Plant under a particular category*)
- Green Procurement
- Collection and/or Delivery
- Breakdown Response Time
- Replacement of Consumables
- Additional Resources

The Total Cost component(s) will be specified by the Contracting Authority at Tender Competition stage.

6.2.2 Marks will be apportioned to the Total Cost proposals as follows:

$$\text{Marks Awarded for Total Cost} = \frac{\text{Total Cost of Lowest Valid Tender}}{\text{Total Cost of Lowest Valid Tender being Evaluated}} \times \text{Maximum Marks Available (1,000)}$$

6.2.3 Quality will comprise of the following -:

- Project Methodology

Contractors/Suppliers must describe in detail how they intend to deliver the required services. Responses to this criterion must address in particular the characteristics of the contract, including but not limited to, the site specific constraints in relation to working times, project schedules, risk management, project management, resourcing proposals and allowable project duration.

6.2.4 The project methodology will be assessed on the basis of the level of detail provided and the quality of the methodology.

- 6.2.5 The marks awarded will determine the highest scoring Contractor/Supplier who will be ranked No. 1 for the Tender Competition. The remaining Contractors/Suppliers will be ranked in descending order, i.e. the next highest mark ranked No. 2, etc.
- 6.2.6 The maximum allowable term of a request for tender run under this DPS is 12 months,
- 6.2.7 A contracting authority will have the discretion to exclude a Contractor/Supplier for failure to provide the project Methodology. This discretion must be exercised in accordance with the general principles of EU Law including transparency, equal treatment and proportionality.
- 6.2.8 The Plant Hire Lot 3 contracts will be completed in accordance with the **Public Works Short Form of Contract (PWCF-6)**.
- 6.2.9 The acknowledgement of receipt of any Tender shall not constitute an actual or implied agreement between the Contractor/Supplier and the DPS Purchaser.
- 6.2.10 Where, after a competition, two or more Contractors/Suppliers are level on marks the DPS Purchaser reserves the right to either;
- Ask the equally ranked Contractors/Suppliers to resubmit prices and continue this process until there is a winner, or
  - To divide the project between the equally ranked Applicants, or
  - Award the contract by random selection concluded in an open and transparent forum, or
  - To re-tender the project

Where after a competition, the Contractor is the preferred Tenderer i.e. the successful Contractor confirms they are unable to complete the works, the DPS Purchaser reserves the right to then award the contract to the Contractor ranked No. 1 on the substitution list. Should this contractor confirm that they are unable to complete the works the DPS Purchaser shall then move to award the contract to the Contractor ranked No. 2 on the substitution list etc. This is outlined in the Plant Hire contract under section 9.1

- 6.2.11 All Contractors/Suppliers submitting a Tender in response to a Request for Tender will be informed of the outcome of the competition without delay following conclusion of the Request for Tender evaluation process. There is no standstill period for a specific contract entered into on the basis of a dynamic purchasing system. Details of the DPS Contract awarded will be published in a Contract Award Notice (or in a quarterly batch of Contract Award Notices) on the Official Journal of the European Union.
- 6.2.12 For the avoidance of doubt, an individual DPS Purchaser may award DPS Contracts on behalf of one or more DPS Purchasers.

### **6.3 Information to be provided by the preferred tenderer prior to Contract Award**

- 6.3.1 In addition to the information to be provided when submitting a tender in response to a Request for Tender (as outlined in part 6.1 above), the preferred Tenderer must provide to the Purchaser for their review and approval, prior to formal award of contract (if not already submitted), the specific information listed below or any such relevant information as requested by the Purchaser:
- Satisfactory evidence of insurance
  - Driver's License for Item of Plant
  - Current Safety Statement
  - Site Specific Risk Assessment
  - Site Specific Method Statement



- In relation to the role of PSCS:
  - confirm acceptance of the PSCS role in writing
  - develop the preliminary Safety & Health Plan provided into the Construction Stage Safety & Health Plan for the works.
  - confirm identity of the competent person carrying out the role of PSCS
- Required information attached to each Plant Item to be entered on [www.supplygov.ie](http://www.supplygov.ie), including but not limited to -:
  - Vehicle Registration Certificate (in Contractors/Suppliers Name)
  - Certificate of Road Worthiness
  - Report of Thorough Examination
- Temporary Traffic Management Plan