

INSTRUCTIONS DOCUMENT

FOR

REQUEST FOR APPLICATIONS

FOR APPOINTMENT TO A

MULTI-PARTY FRAMEWORK AGREEMENT

FOR

ROAD MARKINGS

RESPONSE DEADLINE – 5TH NOVEMBER 2018 AT 3.00PM

**PLEASE NOTE THAT ALL INFORMATION RELATING TO THIS COMPETITION,
INCLUDING CLARIFICATIONS AND ADDENDA WILL BE PUBLISHED ON**

WWW.ETENDERS.GOV.IE

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1.0 PARTICULARS

1.1 CONTRACTING AUTHORITY

1.1.1 The Local Government Operational Procurement Centre (LGOPC)¹ acting as a Central Purchasing Body (CPB)² under the auspices of Kerry County Council is coordinating the establishment of a Framework Agreement³ of Road Marking Contractors⁴ on behalf of Contracting Authorities.

1.1.2 The Contracting Authorities include:

- Ministers of the Government of Ireland, Central Government Departments, Offices and non-commercial Agencies and Organisations which have a formal reporting and legal relationship to Central Government Departments, including all local authorities in Ireland (themselves including regional assemblies, local enterprise boards and library bodies);
- Contracting authorities in the Irish health sector including but not limited to the Health Service Executive (HSE); the Health Information and Quality Authority (HIQA) and HSE funded Agencies delivering health & personal social services funded by more than 50% from Exchequer funds;
- Contracting authorities which are Third Level Educational Institutions (including universities, institutes of technology and members of the Education Procurement Service);
- Contracting authorities which are Education and Training Boards (ETBs) and ETB schools, and primary, post-primary, special and secondary schools as well as ETBs acting on behalf of schools;
- An Garda Síochana (Police);
- The Irish Prison Service;
- The Defence Forces.

1.1.3 Notwithstanding the entitlement of the above mentioned Contracting Authorities to utilise this Framework Agreement, neither the LGOPC nor the Contracting Authorities give any assurances as to the level of engagement or expenditure by Contracting Authorities through this Framework Agreement.

1.2 PURPOSE OF TENDER COMPETITION

1.2.1 The purpose of this competition is to establish a multi-party Framework Agreement for the provision of Road Markings.

1.2.2 Tenderers⁵ that are admitted to the Framework Agreement will be invited to participate in Supplementary Requests for Tender⁶(sRFTs) issued by Contracting Authorities for the provision of the works and/or services described in the Terms & Conditions.

1.2.3 The total value of sRFT contracts that will be awarded pursuant to this Framework Agreement is estimated to exceed the threshold for the application of the EU Procurement Directives.

1.2.4 It is anticipated that the Framework Agreement will commence in Quarter 1, 2019 and that the term of the Framework Agreement will be for two (2) years from establishment (the Framework Term) with an option to the LGOPC of two further 12 month extensions, subject to available budgets and other

¹ The LGOPC is responsible for the sectorial categories of spend through the development, implementation and management of all elements of the Category Councils of Plant Hire and Minor Building Works & Civils as established by the Office of Government Procurement.

² means a contracting authority or a contracting entity within the meaning of Regulation 2(1) of the European Union (Award of Public Authority Contracts) Regulations 2016 providing centralised purchasing activities and possibly, ancillary purchasing activities.

³ means the Agreement that Tenderers will be required to enter if successful in their Application to participate in the Framework Agreement.

⁴ means Tenderers admitted to the Framework Agreement and shall have the same meaning as Supplier on the www.supplygov.ie system.

⁵ means an entity that submits a tender.

⁶ means a tender request issued via www.supplygov.ie by the Contracting Authority to the Contractors, undertaken in accordance with the procedure set out in the Terms & Conditions.

factors, unless it is otherwise terminated in accordance with the provisions of this Framework Agreement.

- 1.2.5 This tender competition supersedes and replaces all previous documentation, communications and correspondence between the LGOPC and Tenderers in relation to the subject matter of this tender competition, and Tenderers should place no reliance on such previous documentation and correspondence.

1.3 TERMS & CONDITIONS

- 1.3.1 All terms and conditions regarding this competition, the establishment of the Framework Agreement and for the award of sRFT contracts are set out in the Terms & Conditions document included with the Tender Documents⁷.

1.4 DESCRIPTION OF WORKS AT SUPPLEMENTARY REQUEST FOR TENDER STAGE

- 1.4.1 As set out in the Terms & Conditions.

⁷ means this Instructions Document, Online Qualification questions, Online Bill of Quantities, Terms & Conditions and Framework Agreement.

2.0 TENDERER RESPONSIBILITIES

2.1 GENERAL

- 2.1.1 Applications must be submitted electronically via www.etenders.gov.ie.⁸
- 2.1.2 Tenderers are advised to commence their Application as early as possible to allow sufficient time to address the requirements of this tender competition.
- 2.1.3 Tenderers may edit their Application at any stage up to the Response Deadline.⁹
- 2.1.4 Tenderers not currently registered on www.etenders.gov.ie must register as a 'Supplier' on www.etenders.gov.ie to be able to make an application.
- 2.1.5 Applications in any other format (including hardcopy submissions) will not be accepted.
- 2.1.6 Tenderers must:
- fully comply with these Instructions when preparing their Application and participating in this process.
 - read the Tender Documents and ensure that they fully understand the requirements of the tender competition prior to applying.
 - submit any queries in relation to the requirements of this tender competition via the messaging function on www.etenders.gov.ie no later than 10 calendar days prior to the Response Deadline.
 - complete all elements of the online application via www.etenders.gov.ie (online envelope 1 Technical documents and envelope 2 Quotation documents).
 - ensure that their Application is submitted online via www.etenders.gov.ie by the stated Response Deadline.
 - respond to queries/requests for clarification both during the tender period and post tender as may be issued by the LGOPC via www.etenders.gov.ie.
 - take into account the fact that upload speeds vary.
 - must ensure electronic documents are not corrupt. The LGOPC is not responsible for corruption in electronic documents.
- 2.1.7 Tenderers can make only one (1) Application (per entity¹⁰) in response to this tender competition.

⁸ means the Irish Government's electronic tendering platform administered by the Office of Government Procurement.

⁹ means the latest date & time for submission of Applications for admittance to the Framework Agreement.

¹⁰ means 'economic operator' as defined in EU Directive 2014/24 – EU Procurement Directive.

3.0 APPLICATION PROCESS

3.1 GENERAL

- 3.1.1 All Applications must be made via www.etenders.gov.ie.
- 3.1.2 All elements of the online application must be completed i.e. tenderers must complete online envelope 1 Technical documents and envelope 2 Quotation documents. A failure to complete all elements of the online application may result in the submission being deemed non-compliant.

3.2 ONLINE ENVELOPE 1 – TECHNICAL DOCUMENTS

- 3.2.1 Qualification questions
- Tenderers must complete all of the 'Qualification questions' for online envelope 1 on www.etenders.gov.ie.
- Tenderers can access the 'Qualification questions' by clicking on the 'Answer questions' button in the envelope 1 section of the RFT on www.etenders.gov.ie.
- 3.2.2 Tenderer submissions that include an incorrect or no response to any mandatory Pass/Fail qualification question may be deemed non-compliant.

3.3 ONLINE ENVELOPE 2 – QUOTATION DOCUMENTS

- 3.3.1 Qualification questions
- Tenderers must complete all of the 'Qualification questions' for online envelope 2 on www.etenders.gov.ie.
- Tenderers can access the 'Qualification questions' by clicking on the 'Answer questions' button in the envelope 2 section of the RFT on www.etenders.gov.ie.
- 3.3.2 Bill of Quantities
- Tenderers must enter their Rate¹¹ for **all** of the work items listed in the online Bill of Quantities by clicking on the 'Price BoQ online' tab of online envelope 2. Tenders who do not price all work items listed in the online Bill of Quantities may be deemed non-compliant.
- Tenderers must **select the "S": Set quote on this row' option** in the "S/I/E" column when submitting their rates.
- For each work item, the Rate provided will be automatically multiplied by the Quantity and the Totals will be automatically added to calculate the Total Price.
- As set out hereunder, Tenderers will be considered for the award of a place on the Framework Agreement based on the ranking of their 'Total Price'.
- The rates submitted shall be fixed as the ceiling rates for these works items applying over the initial 12 months of the Framework Agreement only. Thereafter, these 'ceiling rates' will not apply.
- Contractors who submit responses to sRFTs may reduce the ceiling rates for these works items but may not exceed them during the initial 12 months of the Framework Agreement.

¹¹ The Rate to be priced for each item is referred to as "Quote" in the online Bill of Quantities

3.4 SUBMISSION OF RESPONSE TO TENDER COMPETITION

- 3.4.1 Tenderers can review all information relating to the progress of their application via the 'My response' tab on www.etenders.gov.ie.
- 3.4.2 Tenderers must click on the 'Submit response' tab prior to the Response Deadline to submit their Application.

3.5 COMMUNICATIONS AND CLARIFICATIONS

- 3.5.1 All queries from Tenderers in relation to the requirements of this tender competition shall be submitted online only through the messaging function on www.etenders.gov.ie no later than **10 calendar days** prior to the deadline for the receipt of Applications.
- 3.5.2 The LGOPC will endeavor to respond to all reasonable queries received without delay, in any case, no later than **6 calendar days** prior to the deadline for the receipt of Applications, but does not undertake to respond to all queries received. Queries seeking interpretation of these Instructions may not result in a response.
- 3.5.3 The query and the LGOPC response will, where appropriate, be communicated to all those expressing an interest in this competition, without disclosing the name of the Tenderer who initiated the query.
- 3.5.4 If a Tenderer 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.

3.6 RESPONSE DEADLINE

- 3.6.1 It is the responsibility of each individual Tenderer to ensure that their tender is submitted by the response deadline noted on www.etenders.gov.ie.

3.7 NOTICE OF ADDENDA

- 3.7.1 The LGOPC reserves the right to update or alter these Instructions and the information and documents included with this tender at any time by notice via www.etenders.gov.ie to Tenderers.
- 3.7.2 Any such notification will automatically become part of these Instructions.

3.8 EXTENSION OF RESPONSE DEADLINE

- 3.8.1 The LGOPC reserves the right, at its sole discretion, to revise the response deadline for receipt of tender submissions by giving notice in writing via www.etenders.gov.ie to Tenderers at any point up to the response deadline.

3.9 CONFIRMATION OF APPLICANT DETAILS FORM

- 3.9.1 As part of the Tender application the LGOPC may examine and verify the tenderers' details including, but not limited to, the following:
- Nature of the Tenderer;
 - Name of the Tenderer;
 - Address of the Tenderer;
 - VAT Registration Number of the Tenderer (if applicable);

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- Company Registration Number of the Tenderer (if applicable);
 - SupplyGov ID No. of the Tenderer (if applicable).

3.9.2 Where, in the course of such examination, the LGOPC determines that a tenderer has provided details which contain discrepancies, or which are incomplete and/or incorrect the LGOPC may forward to the tenderer either: (a) a blank Confirmation of Applicant Details Form (hereinafter referred to as a "COADF") requesting that the tenderer insert the correct details or; (b) a pre-populated COADF requesting that the tenderer confirm the details as inserted by the LGOPC are correct.

3.9.3 In circumstances where either a blank or pre-populated COADF is utilised the following terms shall apply:

- Where details have been inserted in a pre-populated COADF by the LGOPC it is completed for convenience purposes only and it is incumbent upon the tenderer to verify the details inserted are correct.
- Providing or confirming incorrect or incomplete details in a COADF may lead to the tenderers' exclusion from the application herein, SupplyGov, the Central Purchasing Mechanisms (hereinafter the "CPMs") operating under same and the contracts issued under such CPMs.
- The LGOPC may apply the details provided or confirmed in a COADF: (a) to the tenderers' application generally; (b) in the event of any inconsistencies in other documents submitted as part of the tenderers' application and; (c) as the basis for drafting declarations to be submitted as part of the tenderers' application.
- The tenderer indemnifies and holds harmless the LGOPC (and Kerry County Council) for any errors, omissions or misinformation in the details initially submitted or where such details are provided or confirmed in the COADF whether such details were inserted by the LGOPC or the tenderer.

3.9.4 Nothing in the within obliges the LGOPC to verify the details initially submitted by the tenderer and providing incorrect or incomplete information or details initially may lead to the tenderers' exclusion from the application herein, SupplyGov, the CPMs operating under same and the contracts issued under such CPMs.

4.0 TENDER EVALUATION & APPOINTMENT

4.1 GENERAL

4.1.1 Applications for admittance to the Framework Agreement will be evaluated by the LGOPC as follows:

PROCESS	ACTION
Compliance	Examine completeness of all Applications
Selection	Determine suitability of compliant Tenderers
Award	Award scores and rank tenders

4.2 COMPLIANCE CHECK

4.2.1 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 suitability assessment in accordance with the criteria set out in the Tender Documents.

4.3 MINIMUM SUITABILITY CRITERIA

4.3.1 Applications will be assessed against the minimum suitability criteria set out in the Tender Documents.

4.4 TENDER AWARD

4.4.1 All Applications that meet the minimum suitability criteria will be further assessed and ranked in terms of the following award criteria and ranking methodology established for securing a place on the Framework Agreement:

AWARD CRITERIA	WEIGHTING	MAXIMUM MARKS AVAILABLE
Most Economically Advantageous Tender: Price (<i>Total Price</i>)	100%	100

4.4.2 To secure a place on the Framework Agreement, each tenderer will be ranked based on the 'Total Price' in their Bill of Quantities on www.etenders.gov.ie as follows -:

(Maximum 'Score')-100*(1- (Lowest 'Bid'/Bid))

- 'Score' = marks awarded,
- 'Bid' = Tenderers Total Price (automatically calculated based on the 'Quote' entered for each work item).

4.4.3 The Tenderer who submits the lowest 'Total Price' will be awarded 100 marks and position 1 on the Framework.

4.4.4 All other Tenderers will receive marks and be ranked in accordance with the formula above.

4.5 COMMUNICATIONS AND CLARIFICATIONS

- 4.5.1 During the evaluation period, the LGOPC may seek clarification of tender submissions via www.etenders.gov.ie.
- 4.5.2 The Tenderers response to requests for clarification shall be submitted via www.etenders.gov.ie no later than the date specified by the LGOPC and must not materially change any of the elements of the submitted Application.
- 4.5.3 If a Tenderer fails to comply in any way with these Instructions, the LGOPC may (but is not obliged to) disqualify the Tenderer 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 Tenderer (that does not materially alter its Application) or take any other step permitted by law.
- 4.5.4 Requests for clarification or further information from the Tenderer shall not be construed as an indication of success in the tender competition.

4.6 NOTIFICATION OF TENDER EVALUATION

- 4.6.1 Following the evaluation of tender submissions, all Tenderers will be informed in writing via www.etenders.gov.ie of the outcome of the Framework Application evaluation.
- 4.6.2 Tenderers should note that the LGOPC may, when notifying Tenderers of the results of the tender evaluation, include when required, the overall score obtained by the Tenderer concerned and the scores obtained by the successful Tenderers in respect of the award criteria and ranking methodology established for securing a place on the Framework Agreement.
- 4.6.3 Any notification of successful tenderer status by the LGOPC shall not give rise to any enforceable rights by the Tenderer.

4.7 STANDSTILL PERIOD¹²

- 4.7.1 The LGOPC decision on the outcome of the tender evaluation process will be communicated electronically via www.etenders.gov.ie to Tenderers.
- 4.7.2 The LGOPC will observe a Standstill Period of fourteen (14) days minimum between the communication of the award decision to the Tenderers and the formal conclusion of the Framework Agreement.
- 4.7.3 No contract can or will be executed or take effect until at least fourteen (14) calendar days after the day on which the Tenderers have been sent a notice informing them of the outcome of the tender evaluation.

4.8 FRAMEWORK AGREEMENT

- 4.8.1 Following the expiry of the standstill period, successful Tenderers will be invited to enter into the Framework Agreement by formally signing the Multi-Party Framework Agreement. A copy of the Framework Agreement has been published with the Tender Documents.
- 4.8.2 On receipt by the LGOPC of the Framework Agreement signed by the successful Tenderer, the Tenderer will be appointed to the Framework at the earliest reasonable opportunity thereafter.
- 4.8.3 No amendments to the Framework Agreement will be accepted or negotiated. Should a successful Tenderer fail to enter into a Framework Agreement in the required form, that Tenderer shall not be appointed to the Framework.

¹² means a period of time to allow for effective pre-contract remedy to unsuccessful Tenderers. The Contracting Authority may not conclude a contract with the identified preferred Tenderers during this time.

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- 4.8.4 The Terms and Conditions detail the conditions for the award of sRFT Contracts under the Framework Agreement. A copy of the Terms & Conditions has been published with the Tender Documents.
- 4.8.5 The appointment of the successful Tenderers to the Framework Agreement does not constitute a commitment or guarantee from Contracting Authorities to enter into a contract with the Tenderer and does not confer any exclusivity on the appointed Contractor. Contracting Authorities reserve the right to carry out separate procurement processes for any works and/or services described in this tender competition from any supplier outside of the Framework Agreement, should they, at their sole discretion, consider it appropriate to do so.
- 4.8.6 Whilst the Framework Agreement will in general, form the basis for the award of contracts at sRFT stage, the Contracting Authority may at its sole discretion decide to carry out a separate contract award procedure for contracts falling within the specified scope. In this event the Contracting Authority shall observe all applicable public procurement rules and shall not afford any advantage to any Framework Contractor.

4.9 TERMINATION FROM THE FRAMEWORK

- 4.9.1 A Contractor may be terminated from the Framework Agreement pursuant to the terms of the Framework Agreement.
- 4.9.2 The Framework Agreement may be terminated at any time during the period noted, at the sole and absolute discretion of the LGOPC.