

INSTRUCTIONS DOCUMENT

FOR
REQUEST FOR APPLICATIONS
FOR
APPOINTMENT TO A MULTI-PARTY FRAMEWORK AGREEMENT
FOR
BITUMEN EMULSION SUPPLIES & SERVICES 2022 - 2026

APPLICATION REFERENCE NUMBER: TII273

CLOSING DATE: As stated on eTenders.

CLOSING TIME: 12:00

DATED ISSUED: 10th September 2021

Applications to this Framework Agreement must be submitted electronically via the Tender Box facility at: www.etenders.gov.ie

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1.0 INTRODUCTION

1.0 General

- 1.0.1 Transport Infrastructure Ireland (TII) acting as the Central Purchasing Body (CPB) is coordinating the establishment of a Framework of Suppliers on behalf of the Contracting Authorities listed in Appendix 3, (the "Framework Purchasers").
- 1.0.2 The purpose of this competition is to establish a Multi-party Framework Agreement for the procurement of Bitumen Emulsion Supplies and Services to the Framework Purchasers (the "**Framework Agreement**").
- 1.0.3 It is anticipated that the Framework will commence in **January 2022** and that the initial term of the Framework will be for **60 months** (until the end of calendar year 2026) from establishment. There may also be one further 24 month extension solely at the discretion of Transport Infrastructure Ireland (TII)
- 1.0.4 TII invites Applications from Suppliers ("Applicants") who wish to be included on this Framework Agreement ("**Applications**"). **Applications must be submitted electronically on www.etenders.gov.ie. Applications (including hardcopy submissions) will not be accepted in any other format.**
- 1.0.5 An Applicant can make only one (1) Application in response to this competition.
- 1.0.6 The scope of services to be provided are divided into two separate lots (the "Lot(s)") and separate Framework Agreements will apply for each Lot. Reference to Framework Agreement in this document shall be read as applying to any and all Lots unless noted otherwise.
- 1.0.7 The Suppliers that are admitted to the Framework will be invited to participate in mini-competitions by the Contracting Authorities for the provision of supplies and services described herein. Other than as strictly provided for in the Public Procurement Regulations (SI No. 284 of 2016), the Framework will only be concluded when the number of Suppliers admitted to the Framework is not less than 3.
- 1.0.8 The Applicants that are admitted to the Framework Agreement (the "**Suppliers**") will be invited to participate in mini-competitions by the Framework Purchasers for the provision of the supplies and services described herein ("**Mini-Competitions**") using a request for tender.
- 1.0.9 Contracts awarded under the Framework Agreement ("**Mini-Competition Contracts**") will be awarded on the basis of the most economically advantageous tender, identified on the basis of the award criteria set out in these tender documents, subject to passing the contract evaluation criteria applying to the Mini-Competition.
- 1.0.10 The Mini-Competitions will be run on the basis of the same and, if necessary, more precisely formulated terms, and, where appropriate, other terms referred to in the specifications of the Framework Agreement. Details are set out hereunder in Part 5.0.
- 1.0.11 All information relating to this Framework, including instructions, clarifications and changes, is being published on the Irish Government's eTenders website (www.etenders.gov.ie) only.
- 1.0.12 **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.
- 1.0.13 The Framework welcomes initiatives by Applicants that promote the implementation of Green Public Procurement (GPP). In that regard Contracting Authorities (Framework Purchasers) will have the opportunity, as desired, to request tenders for other environmentally friendly products at Mini-Competition stage. Refer to Clause 5.1.15 of Section 5 'Operation of Mini-Competitions' for more details.

2.0 INSTRUCTIONS TO APPLICANTS

2.0 General

- 2.0.1 The appointment to this Framework is being made by a process of competitive tender using the Open Procedure. The regulatory framework applicable to the application process comprises Directive 2014/24/EC of the European Parliament and of the Council, on public procurement, implemented into Irish law by European Union (Award of Public Authority Contracts) Regulations SI No. 284 of 2016.
- 2.0.2 The total value of Mini-Competition contracts that will be awarded pursuant to this Framework is estimated to exceed the threshold for the application of the EU Procurement Directives. TII published a Prior Information Notice (PIN) on the Official Journal of the EU (OJEU) and on the www.etenders.gov.ie website on 03rd February, 2021 – Reference Number **2021/S 023-054631**. Further to this PIN, a contract notice was published by the TII on the Official Journal of the EU (OJEU) and on the www.etenders.gov.ie website on **September 10th 2021**.
- 2.0.3 If a Supplier becomes aware of any ambiguity, discrepancy, error or omission in or between these documents, it must immediately notify TII, even after the date specified in Section 2.4.2 has passed.
- 2.0.4 Notification of a modification to this Request for Applications shall be issued at least **six days (6)** prior to the Closing Date indicated on www.etenders.gov.ie and shall be issued as an addendum to, and shall be deemed to constitute part of, the Request for Applications. If necessary, TII will amend the Closing Date in order to comply with this requirement.
- 2.0.5 Applications for admittance to the Framework will be assessed in accordance with the Framework Evaluation Criteria set out in Part 3.0 hereunder. If a Supplier's Application for admittance to the Framework is successful, the Supplier will be invited to enter into the Framework Agreement by formally signing the Multi-party Framework Agreement for the appropriate Lot(s). A copy of the Framework Agreements is included with the tender documents and available for downloading from www.etenders.gov.ie.
- 2.0.6 Contracting Authorities as listed in **Appendix 3** will issue a Request for Mini-Tenders to all those appointed to the Framework who have registered interest in their location.
- 2.0.7 This competition supersedes and replaces all previous documentation, communications and correspondence between the Framework Purchasers and Applicants in relation to the subject matter of this competition, and Applicants should place no reliance on such previous documentation and correspondence.
- 2.0.8 TII will not accept responsibility for information relayed (or not relayed) via third parties.
- 2.0.9 If the Applicant alters or edits these Instructions, that Applicant's Application may be deemed non-compliant and may be rejected.
- 2.0.10 Each Applicant's costs will be their sole liability. TII shall under no circumstances have any responsibility for the applicant's costs of tendering.

2.1 Bitumen Emulsions Framework – Division into Lots

2.1.1 This Framework Agreement will be divided into **two (2)** separate Lots as follows -:

Lot Reference	Description
1	<u>Supply Only</u> of Bitumen Emulsion products
2	<u>Supply & Spraying</u> of Bitumen Emulsion products

2.1.2 Applicants may apply for one or both Lots.

2.2 Contracting Authorities

2.2.1 The Framework Purchasers participating in this competition are set out in **Appendix 3** to this document and as listed in **Schedule 2** attached to the Framework Agreements.

2.2.2 As part of their application, Applicants are required to identify the Framework Purchasers they wish to be considered for at Mini-Competition stage by completing and returning the **Contracting Authorities (Framework Purchasers)** list attached to the **Form of Tender**. Contracting Authorities will then, as needs arise, issue a Request for Tender through Mini-Competitions to all those Suppliers appointed to the Framework Agreement who have registered an interest with that Contracting Authority.

3.0 APPLICATIONS TO THE FRAMEWORK

3.1 General

- 3.1.1 Applications for admittance to the Framework must include all the information required to satisfy the framework evaluation and award criteria set out in Part 4.0 of these Instructions and in the European Single Procurement Document (ESPD) (and accompanying ESPD supporting document) . Applications will be assessed in accordance with these criteria.
- 3.1.2 Applicants are required to fully comply with these Instructions, Health and Safety Declarations and the ESPD when preparing their applications and participating in this process. It is the responsibility of the Supplier to ensure that they fully understand the requirements of these Instructions. Where a Supplier does not fully understand the requirements, the query should be submitted via the messaging system on www.etenders.gov.ie, pursuant to section 3.4 below. Queries must be raised as soon as possible, and should be raised, in any event, no later than when stated in section 3.4 below, although TII may, at its discretion, respond to queries raised after that date. TII has no obligation to respond to queries. If TII responds to a query, it will issue the response on the eTenders website, unless the query has been clearly designated as confidential.
- 3.1.3 If a Tenderer fails to comply in any way with these Instructions, TII may (but is not obliged to) disqualify the Tenderer concerned as non-compliant, and reject any Tender concerned, and, without prejudice to this right, TII may (but is not obliged to) seek clarification or further information (that does not materially alter a Tender) from the Tenderer in respect of the relevant tender or take any other step permitted by law, including the principles of equal treatment, non-discrimination, transparency and proportionality.

For the avoidance of doubt, TII shall be entitled (but shall not be obliged) to take such action as it considers appropriate at its absolute discretion (consistent with the principles of transparency, equal treatment, proportionality, and non- discrimination), including (but not limited to):

- a) Rejecting the relevant tender as non-compliant;
 - b) Without prejudice to TII's right to reject the tender:
 - (i) meeting with, raising issues and/or seeking clarification from the Tenderer in respect of the relevant tender;
 - (ii) requesting the Tenderer to provide information or items which has/have not been provided or has/have been provided in an incorrect form;
 - (iii) waiving a requirement which, in TII's opinion is minor or procedural; and/or;
 - (iv) amending the relevant requirements of the Tender Documents and inviting Tenderers to adjust their tenders based on such revised requirement.
- 3.1.4 If an Application for admittance to the Framework is successful, the Applicant will be invited to enter into the Framework Agreement by formally signing the **Framework Agreement for Bitumen Emulsions** for each Lot - a copy of which can be viewed at www.etenders.gov.ie.
- 3.1.5 Separate Framework Agreements will apply for each of the two Lots.

3.2 Information to be included in the Applications

- 3.2.1 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.
- 3.2.2 Applicants should read the contents of this Instructions Document carefully, including the Appendices, the ESPD, the ESPD supporting document the accompanying Framework Agreements and Schedules, and the Form of Tender prior to preparing and submitting an application.
- 3.2.3 TII's detailed requirements in relation to this competition are set out in the General Specification Document included as **Schedule 1** to the Framework Agreement. Suppliers are required to confirm in their applications that the quality of their proposed products complies with the General Specification Document in this Schedule.
- 3.2.4 Applicants are required to submit the following information as outlined in Part 4.0 of these Instructions, completed as indicated -:
- 1) Form of Tender including Pricing Schedules (Lot 1 and Lot 2) completed appropriate to Lots being tendered for, including the completed Contracting Authorities (Framework Purchasers) Schedule (included in the Form of Tender)
 - 2) The required evidence as outlined in **Part 4.3** and **Appendix 4** of this Instructions Document.
 - 3) The completed ESPD and ESPD supporting document.
 - 4) Health and Safety Declarations
- 3.2.5 Failure to provide all of the specified information may result in the Application being deemed non-compliant and the Application may be rejected.
- 3.2.6 Applicants must ensure that where applicable, all documentation and declarations are appropriately signed, dated and witnessed. All documents must be clearly signed with an original signature prior to uploading.

3.3 Company Registration Details

- 3.3.1 Where the Applicant is a registered company with the Companies Registration Office (www.cro.ie), the Applicant 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. The name included must match the registered company name as recorded on www.cro.ie.
- 3.3.2 Where the Applicant is currently registered on www.Supplygov.ie, the company name included on www.Supplygov.ie must match the registered company name as recorded on www.cro.ie.
- 3.3.3 Where the Applicant is not registered with the Companies Registration Office (www.cro.ie), the name of the company included in all parts of the application process and used in all documents submitted as part of the application process, must match the Applicant's company name as registered on www.Supplygov.ie and in line with its VAT Registration Number.
- 3.3.4 It is the responsibility of the Applicant to ensure that any errors or inconsistencies in the above information are corrected prior to submitting an application for admittance to the Framework.

This information shall be provided in the ESPD document.

3.4 Communications and Clarifications (During Tender period)

- 3.4.1 All queries from Applicants in relation to the requirements of this competition shall be submitted online only through www.etenders.gov.ie no later than **12:00 Noon, 10 days in advance of the deadline date**. Queries must be raised as soon as possible and should be raised, in any event no

later than the above date, although the Authority may, at its discretion, respond to queries raised after that date. The Authority has no obligation to respond to queries.

3.4.2 TII will endeavor to respond to all reasonable queries received without delay but, 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.

3.4.3 Subject to Paragraph 3.4.4, the query and TII's response will, where appropriate, be communicated to all those expressing an interest, without disclosing the name of the Applicant who initiated the query.

3.4.4 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 TII, 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.

3.5 Format of Submissions

3.5.1 Tenderers must make their submission electronically via the electronic post-box on e-tenders. Please note that you must click submit response." Tenderers are hereby notified that the "submit response" button will be disabled automatically upon the expiration of the deadline for receipt of Tenders.

3.6 Submission of Applications

3.6.1 Applications must be submitted to the Tender Box facility no later than **the deadline as indicated on e-tenders**

3.6.2 It is the responsibility of each individual Applicant to ensure that its application is submitted only in the manner specified in 3.5.1 above by the noted deadline. The Applicant bears sole responsibility for allowing sufficient time to complete the uploading process in advance of the Closing Deadline. Other than in exceptional circumstances (as determined by TII), consideration will not be given to any Tender received after the deadline for submission of Tenders.

3.7 Price

3.7.1 Applicants are required to complete one **Form of Tender** and return electronically as directed. **Note that separate Forms of Tender are not required for each Lot.**

3.7.2 As part of the Form of Tender, Applicants must complete the Pricing Schedule for each lot being tendered (**Lot 1** and/or **Lot 2**) included therein.

3.7.3 The Pricing Schedules require the Applicant to provide all-inclusive unit rates (excl VAT) for the **products cost** only being tendered.

3.7.4 Product Prices

Prices tendered on the Framework Application Closing Date for the Bitumen Emulsion products (the "Product Prices"), will establish the **Ceiling Rates** for the product **Base Prices** that will apply to each Contracting Authority at Mini-Competition stage in accordance with paragraph 3.7.5(i) hereunder. i.e., the product Base Prices tendered at the mini-competition stage shall not exceed the rates submitted at Framework application stage.

3.7.5 Ceiling Rates

The **Ceiling Rates** tendered on the Form of Tender at the Framework stage will -:

- (i) Apply to those rates quoted in the Form of Tender for the initial 12-month period of the Framework only, starting from the Framework application Closing Deadline,
- (ii) Be used for the purpose of the Framework evaluation process as set out in Part 4.0 of these Instructions, and
- (iii) Represent the maximum prices that may be proposed for the product **Base Prices** to be established for each Contracting Authority at Mini-Competition stage over the period defined in (i) above. i.e., the product Base Prices tendered at the mini-competition stage shall not exceed the rates submitted at Framework application stage during the initial 12-month period only of the Framework.
- (iv) Thereafter, these 'ceiling rates' will not apply to the monthly updating of the established Base Prices provided for in this Framework.

3.7.6 Delivery Rates

Suppliers are not required to submit Rates for Delivery at Framework Application stage. Instead, these rates will be requested by each individual Contracting Authority at Mini-Competition stage and will form part of the Contract Award Criteria for those competitions.

3.7.7 Spraying Service and Waiting Time Rates

Suppliers are not required to submit Rates for Spraying Service or Waiting Time as part of their application. Instead, these rates will be requested, if required, by each individual Contracting Authority at Mini-Competition stage and may form part of the Contract Award Criteria for those competitions, as per Part 5.2 hereunder.

3.7.8 Applicants should note that any currency variations occurring over the term of any Mini-Competition Contract shall be borne by the Supplier.

3.7.9 Tender prices shall be in Euro (€) only and all prices must be exclusive of VAT.

3.8 European Single Procurement Document (ESPD)

3.8.1 Each Tenderer must complete the electronic European Single Procurement Document (eESPD) and submit as part of their tender submission. The eESPD is a self-declaration by tenderers providing preliminary evidence replacing the certificates issued by public authorities or third parties.

3.8.2 Tenderers are required to provide the information as requested that forms part of the eESPD as part of their Tender submission. Tenderers must also complete the ESPD supporting document and sign and submit the applicable Health and Safety Declarations.

3.9 No Collusion

3.9.1 By submission of an Application, the Applicant warrants that:

- There has been no consultation, communication, agreement or understanding for the purpose of restricting competition, as to any matter relating to prices, with any other Applicant or with any competitor.
- Unless otherwise required by law, the prices that have been quoted in the Application have not knowingly been disclosed by the Applicant, directly or indirectly, to any other Applicant or competitor, nor will they be so disclosed.
- No attempt has been made or will be made by the Applicant to induce any other person or firm to submit or not to submit an application for the purpose of restricting competition.

4.0 THE SETTING UP AND OPERATION OF THE FRAMEWORK

4.1 General

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

No.	Stage	Action (TII)
1	<u>Compliance Check</u>	Examine completeness of all submissions received on time
2	<u>Suitability Assessment/ESPD Submission Assessment</u> Applicants must pass the specific requirements listed in this Instructions Document and in the ESPD, ESPD supporting Document the Minimum Suitability Criteria, associated (ESPD) declarations, and evidence, including any additional requested information.	Determine suitability of compliant Applicants
3	<u>Tender Award</u> <ul style="list-style-type: none"> • Form of Tender (FOT) <ul style="list-style-type: none"> - Applicants must submit, a fully completed, signed and dated Form of Tender (FOT) - As applicable for each Lot being tendered, Applicants must complete the Pricing Schedule for Lot 1 and/or Lot 2 	Rank tenders in accordance with scores awarded

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 suitability assessment in accordance with the minimum suitability criteria set out hereunder, in the ESPD, Health and Safety Declarations and in the ESPD supporting document for each of the two Lots.

4.3 Minimum Suitability Criteria (Stage 2)

4.3.1 Applicants must fully complete the ESPD, Health and Safety Declarations and ESPD supporting document and provide the evidence required as applicable to each Lot being applied for.

Note: If an Applicant makes declarations in their ESPD submission that are later discovered to be false, the Supplier will be immediately eliminated from the Framework Agreement.

4.3.2 **LOT 1** Supply Only of Bitumen Emulsions - Minimum Suitability Criteria

LOT 1 - <u>Minimum Suitability Criteria</u>	Weighting
<u>1.1 Supplier Details</u> Applicants must complete the ESPD. This replaces the Declaration that was previously required of an applicants registration details. Note If an applicant is one or more human or legal persons (such as a partnership, joint venture or consortium), each of them must provide an ESPD.	Pass/Fail

<p>If an applicant has relied on the capacity or qualifications of a parent company in the ESPD, the applicant must include a separate ESPD for that Entity.</p>	
<p><u>1.2 Personal Situation Declaration Form (PSDF)</u> Applicants must make this declaration via ESPD. The ESPD replaces the declaration that was previously required.</p>	Pass/Fail
Health and Safety Competency of Applicant	
<p><u>1.3 Health and Safety</u> Applicants must submit: Declaration C1 – HEALTH AND SAFETY DECLARATION C1 – Contractor or PSCS Appointments, or equivalent third party certification (e.g. Safe-T Cert or OHSAS 18001) in scanned hard copy in the form attached separately to the tender documents. Declaration must be fully completed, signed and dated. (Lot 1 Only)</p>	Pass/Fail
<p><u>1.3 Health and Safety</u> (contd.) Applicants must submit: Declaration C3 – DECLARATION C3: HEALTH AND SAFETY COMPLIANCE – CONTRACTOR, or equivalent third party certification (e.g. Safe-T Cert or OHSAS 18001) in scanned hard copy in the form attached separately to the tender documents. Declaration must be signed and dated.</p>	Pass/Fail
<p><u>1.4 Statement of Technical Equipment Available</u> See ESPD section 4.C.14</p>	Pass/Fail
<p><u>1.5 Educational and Professional Qualifications (Managerial) - Health and Safety Competency of Supplier</u> Applicants must submit: (1) Evidence of sufficient management staff with Health & Safety qualifications, training and experience, particular to the activities associated with the supply of Bitumen Emulsions. (2) Curriculum Vitae for the competent person identified in the ESPD Supporting Document (Section A – Company Organogram) as having overall responsibility for health and safety for the Applicant. (Please see Appendix 4 for C.V. details to be included).</p>	Pass/Fail
Health and Safety Competency of <u>Subcontractors</u> proposed for Delivery	
<p><u>1.6 Health and Safety</u> Applicants must submit: Declaration C1 – HEALTH AND SAFETY DECLARATION C1 – Contractor or PSCS Appointments, or equivalent third party certification (e.g. Safe-T Cert or OHSAS 18001) in scanned hard copy in the form attached separately to the tender documents. Declaration must be fully completed, signed and dated. (Lot 1 Only) Declaration C3 – DECLARATION C3: HEALTH AND SAFETY COMPLIANCE – CONTRACTOR, or equivalent third party certification (e.g. Safe-T Cert or OHSAS 18001) in scanned hard copy in the form attached separately to the tender documents. Declaration must be signed and dated.</p>	Pass/Fail

Financial and Economic Standing	
<p><u>1.7 Turnover</u> Applicants must certify via ESPD: that the Applicant has an annual average turnover, of not less than €2,500,000 (excluding VAT) directly related to the supply of bitumen emulsions during each of the two previous full financial years (2019 & 2020).</p>	Pass/Fail
<p><u>1.8 Insurance</u> Applicants must declare via ESPD that they can meet the insurance requirements set out in the TII273 Framework Agreement document</p>	Pass/Fail
Technical Capability	
<p><u>1.9 Educational and Professional Qualifications (Managerial) - Competency of Supplier</u> Applicants must complete: (1) 'Company Organogram & Statement of Average Annual Numbers of Persons Employed', illustrating the organisational structure and responsibilities of managerial staff – including the average annual workforce employed over the past three years (2018 – 2020). Form set out in ESPD supporting document is to be used by applicants. (2) Curriculum Vitae for one (1) Senior Director and one (1) Project Manager or equivalent management staff. (Please see Appendix 4 for C.V. details to be included).</p>	Pass/Fail
<p><u>1.10 Educational and Professional Qualifications (Personnel)</u> Applicants must submit: (1) Curriculum Vitae for at least two Operatives responsible for the production/supply process. (Please see Appendix 4 for C.V. details to be included).</p>	Pass/Fail
<p><u>1.11 List of Supply Only contracts delivered over the Past 2 Years</u> Applicants must submit: Submit 5 examples using template set out in ESPD supporting document (see ESPD 4.C.1 for further detail) A minimum of 5 no. references with a cumulative value in excess of €200,000 shall be provided.</p>	Pass/Fail
<p><u>1.12 List of Tools, Plant & Equipment</u> Applicants must submit: A list of the tools, plant and/or technical equipment available to the Applicant for carrying out the contract.</p>	Pass/Fail

Safe Pass Card/CPC/CSCS	
<p>1.15 Compliance with Safe Pass Card/CPC/CSCS</p> <p>Applicants must submit:</p> <p>Declaration No. 10 in scanned hard copy in the form attached separately to the tender documents. Declaration must be fully completed, signed and dated.</p>	Pass/Fail

4.3.3 **LOT 2** Supply and Spraying of Bitumen Emulsions - Minimum Suitability Criteria

LOT 2 - Minimum Suitability Criteria	Weighting
In addition to the details required for Lot 1 above, Applicants applying for Lot 2 must also include the following -:	
Health and Safety Competency of Applicant	
<p>2.1 Health and Safety</p> <p>Applicants must submit:</p> <p>Declaration C1 – HEALTH AND SAFETY DECLARATION C1 – Contractor or PSCS Appointments, or equivalent third party certification (e.g. Safe-T Cert or OHSAS 18001) in scanned hard copy in the form attached separately to the tender documents. Declaration must be fully completed, signed and dated. (Lot 2 Only)</p>	Pass/Fail
<p>2.1 Health and Safety</p> <p>Applicants must submit:</p> <p>Declaration C4 – HEALTH AND SAFETY DECLARATION C4 – Health and Safety Compliance – Project Supervisor for the Construction Stage, in scanned hard copy in the form attached separately to the tender documents. Declaration must be fully completed, signed and dated. (Lot 2 Only)</p>	Pass/Fail
Health and Safety Competency of Subcontractors proposed for Delivery and/or Spraying	
<p>2.2 Health and Safety</p> <p>Applicants must submit:</p> <p>Declaration C1 – HEALTH AND SAFETY DECLARATION C1 – Contractor or PSCS Appointments, or equivalent third party certification (e.g. Safe-T Cert or OHSAS 18001) in scanned hard copy in the form attached separately to the tender documents. Declaration must be fully completed, signed and dated. (Lot 2 Only)</p> <p>Declaration C3 – DECLARATION C3: HEALTH AND SAFETY COMPLIANCE – CONTRACTOR, or equivalent third party certification (e.g. Safe-T Cert or OHSAS 18001) in scanned hard copy in the form attached separately to the tender documents. Declaration must be signed and dated.</p>	Pass/Fail
Financial and Economic Standing	
<p>2.3 Turnover</p> <p>Applicants must certify</p> <p>that the Applicant has an annual average turnover, of not less than €2,500,000 (excluding VAT) directly related to the supply and spraying of bitumen emulsions during each of the two previous full financial years (2019 & 2020).</p>	Pass/Fail
2.4 Insurance	Pass/Fail

<p>Applicants must declare via ESPD that they can meet the insurance requirements set out in the TII273 Framework Agreement document.</p>	
<p>Technical Capability</p>	
<p><u>2.5 Educational and Professional Qualifications (Personnel)</u></p> <p>Applicants must submit:</p> <p>(1) Curriculum Vitae for at least two Operatives responsible for the spraying activities. (Please see Appendix 4 for C.V. details to be included).</p>	<p>Pass/Fail</p>
<p><u>2.6 List of Spraying Contracts carried Out Over the Past 2 Years</u></p> <p>Applicants must submit: Submit 5 examples using template set out in ESPD supporting document (see ESPD 4.C.1 for further detail) Details of a minimum of 5 no. references with a cumulative value in excess of €200,000 shall be provided.</p>	<p>Pass/Fail</p>
<p><u>2.7 List of Tools, Plant & Equipment</u></p> <p>Applicants must submit:</p> <p>A list of the tools, plant and/or technical equipment available to the Applicant for carrying out the contract. This shall include specific details in regard to the spraying equipment proposed by the Applicant, including but not limited to, in-date Certificates of Calibration and Certificates of Road Worthiness.</p>	<p>Pass/Fail</p>

4.4 Details Required in support of Minimum Suitability Criteria set out in Section 4.3

4.4.1 The details to be included with the applications as required by parts 4.3.2 and 4.3.3 above are set out in **Appendix 4** of this Instructions Document.

4.5 Standards and Requirements in Support of Declarations set out in Section 4.3

4.5.1 Details of the minimum standards and requirements that apply to each of the **Declarations** outlined in section 4.3 above are set out in the Declarations.

4.5.2 Evidence demonstrating compliance with these standards and requirements must be available for inspection by the Contracting Authorities or TII, **if and when requested** in support of the Declarations submitted. Applicants **do not** have to supply the evidence referenced in the Declarations at Framework application stage.

4.6 Tender Award (Stage 3)

4.6.1 The provisions in this section apply to **both Lots**.

4.6.2 All Applicants that meet the minimum suitability criteria will be further assessed and ranked in terms of the following award criteria established for admittance to the Framework:

(i) **Lot 1 - Supply only** of Bitumen Emulsion products

Framework Award Criteria (Price Only) – Lot 1		Weighting
Most Economically Advantageous Tender - Price Only (500 marks) Prices <u>ex works</u> (excluding delivery charges) will be assessed by a comparative cost analysis for the prices (ex. VAT) submitted for -:		
i)	Supply of 1 Tonne of Cationic 70% Emulsion – C69B 3	20% (100 marks)
ii)	Supply of 1 Tonne of Cationic 65% Emulsion – C65BP 3	20% (100 marks)
iii)	Supply of 1 Tonne of Cationic 40% Emulsion – C40B 4	20% (100 marks)
iv)	Supply of 1 Tonne of Polymer Modified Emulsion – C72BP 3 Cohesion ≥1.2 Joules/cm ² (Premium)	20% (100 marks)
v)	Supply of 1 Tonne of Polymer Modified Emulsion – C72BP 3 Cohesion ≥1.4 Joules/cm ² (Super Premium)	20% (100 marks)
Total		100%

a) Award marks (100) will be allocated for each of the products as per the above weighting. Prices will be determined on the basis of the supply of 1 Tonne of each of the products listed. Each of the five products will be scored separately.

b) The lowest price tendered for a product will be awarded 100% of the 100 marks available for that product and each other price offered for that product will receive a pro rata mark in accordance with the ratio between the lowest tender price and the tender price being evaluated for that product, as per the following formula -:

$$\frac{\text{Lowest Tendered Price}}{\text{Tender Price being evaluated}} \times \text{Available Marks For Price}$$

c) The marks awarded for each of the five products will be added and the Supplier with the highest overall mark will be ranked No. 1 on the framework for **Lot 1**, with the next highest cumulative mark ranked No. 2, etc.

(ii) **Lot 2 - Supply and Spraying** of Bitumen Emulsion products

Framework Award Criteria (Price Only) – Lot 2		Weighting
Most Economically Advantageous Tender - Price Only (500 marks) Prices (excluding delivery charges) will be assessed by a comparative cost analysis for the prices (ex. VAT) submitted for -:		
i)	Supply & Spraying of 1 Tonne of Cationic 70% Emulsion – C69B 3	20% (100 marks)
ii)	Supply & Spraying of 1 Tonne of Cationic 65% Emulsion – C65BP 3	20% (100 marks)
iii)	Supply & Spraying of 1 Tonne of Cationic 40% Emulsion – C40B 4	20% (100 marks)
iv)	Supply & Spraying of Tonne of Polymer Modified Emulsion – C72BP 3 Cohesion ≥1.2 Joules/cm ² (Premium)	20% (100 marks)
v)	Supply & Spraying of 1 Tonne of Polymer Modified Emulsion – C72BP 3 Cohesion ≥1.4 Joules/cm ² (Super Premium)	20% (100 marks)
Total		100%

- a) Award marks (100) will be allocated for each of the products as per the above weighting. Prices will be determined on the basis of the supply of 1 Tonne of each of the products listed. Each of the five products will be scored separately.
- b) The lowest price tendered for a product will be awarded 100% of the 100 marks available for that product and each other price offered for that product will receive a pro rata mark in accordance with the ratio between the lowest tender price and the tender price being evaluated for that product, as per the following formula -:

$$\frac{\text{Lowest Tendered Price}}{\text{Tender Price being evaluated}} \times \text{Available Marks For Price}$$

- c) The marks awarded for each of the five products will be added and the Supplier with the highest overall mark will be ranked No. 1 on the framework for **Lot 2**, with the next highest cumulative mark ranked No. 2, etc.

4.7 Communications and Clarifications (Post Tender)

- 4.7.1 During the evaluation period, clarification of submitted content may be sought via e-tenders from Applicants. Response to requests for clarification shall be submitted no later than the date specified in the request and must not materially change any of the elements of the submitted Application.
- 4.7.2 If an Applicant fails to comply in any way with these Instructions, TII may (but is not obliged to) disqualify the Applicant concerned and reject its application. Without prejudice to this right, the TII 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.

4.8 Framework Agreement

- 4.8.1 Following the evaluation, all Applicants will be notified of the outcome of the evaluation. Following the expiry of a standstill period, successful Applicants will be invited to enter into the Framework Agreement by formally signing and returning the Framework Agreement for the appropriate Lot - a copy is included with the tender documents.
- 4.8.2 The documents published as part of this tender process to be included in the Framework Agreement or any amendment to them which have been made available to applicants will form part of the Framework Agreement.

These will include:

The Framework Agreement (applicable lot)
Form of Tender
Relevant elements of the submitted ESPD information

4.8.3 Note that separate Agreements will apply for each Lot.

4.8.4 For **Lot 1**, the number of Applicants invited for admittance to the Framework will be limited to **four (4)** of the highest-ranking Applicants or such number as deemed appropriate by TII to meet the needs of the Framework Purchasers, whichever is the greater amount.

4.8.5 For **Lot 2**, the number of Applicants invited for admittance to the Framework will be limited to **four (4)** of the highest-ranking Applicants or such number as deemed appropriate by the TII to meet the needs of the Framework Purchasers, whichever is the greater amount.

4.8.6 If an Applicant is successful in being appointed to a position on the Framework Agreement for one or more Lots, they must register on www.supplygov.ie, if not already registered.

4.8.7 No amendments to the Framework Agreements will be accepted or negotiated. Should a successful Applicant fail to enter into a Framework Agreement in the required form for any Lot, that Applicant shall not be appointed to the Framework for that Lot. The Framework Agreement includes the terms and conditions for the award of Mini-Competition Contracts under the Framework Agreement.

4.8.8 The appointment of the successful Applicants to the Framework Agreement does not constitute a commitment or guarantee from TII or any Framework Purchaser to enter into a contract with the Supplier and does not confer any exclusivity on the appointed Supplier. TII and Framework Purchasers reserve the right to carry out separate procurement processes for any works described in this competition from any Supplier outside of the Framework Agreement, should they, at their sole discretion, consider it appropriate to do so.

4.9 Termination from the Framework

4.9.1 A Supplier 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 60 month period noted, at the sole and absolute discretion of TII.

4.10 Safety Statement

4.10.1 Applications must include a current Safety Statement for the Applicant and all proposed subcontractors complying with Section 1.10 of the General Specification Document included as **Schedule 1** of the Framework Agreement (Signed, Dated and Company Registrations Office Company Name referenced where applicable).

4.10.2 It is intended that the requirements under Health and Safety legislation will only be evaluated by the relevant Framework Purchaser at Mini-Competition Stage when the Supplier is being evaluated in response to a Mini-Competition Request for Tender however the requirements must be available during the tender period should TII wish to assess them. Please refer to the Mini-Competition Evaluation Criteria included in **Appendix 5 & 6** to this Instructions Document and as **Schedule 4** attached to both Framework Agreements.

5.0 MINI-COMPETITIONS (BOTH LOTS)

5.1 Operation of Mini-Competitions

- 5.1.1 Contracts awarded under the Framework Agreement will be awarded by way of Mini-Competition only.
- 5.1.2 All Mini-Competitions will be conducted through www.Supplygov.ie and advertised by Lot.
- 5.1.3 The provisions of this Section 5 apply to each Lot.
- 5.1.4 ONLY SUPPLIERS INCLUDED ON THE FRAMEWORK WILL BE INVITED TO TENDER FOR MINI COMPETITIONS.
- 5.1.5 The Contracting Authorities will issue a Mini-Competition Request for Tender for the relevant Lot via www.Supplygov.ie system to all Suppliers appointed to the Framework Agreement who have registered an interest in their particular local authority. Transfers between Lots is not allowed post mini competition award.
- 5.1.6 Each Contracting Authority shall be limited to running a maximum of two (2) Mini-Competitions per Local Authority or per Local Authority sub-area annually. However, where possible, Local Authorities shall endeavor to confine mini-competitions to one (1) competition per Local Authority or Local Authority sub-area per year.
- 5.1.7 Local Authorities are permitted if they so choose, to divide their Local Authority into a maximum of **3** sub-areas for the purpose of running separate Mini-Competitions in each sub-area.
- 5.1.8 Mini-Competitions shall be issued at the beginning of January of every year and not later than the last working day of January every year. Contracting Authorities should base their demand for the noted products on the respective quantities purchased in the preceding year. This will facilitate early visibility of expected demand to the Suppliers.
- 5.1.9 The quantities tendered in any Mini-Competition are not absolute and may be subject to fluctuation depending on available funding, weather, etc.. Accordingly, the quantities to be purchased by the Contracting Authorities during the Framework period may increase or decrease from that outlined in the Mini-Competitions. Nevertheless, Contracting Authorities should endeavor to limit such variation to circa 10% unless resulting from unforeseeable events outside the control of the Contracting Authority.
- 5.1.10 The relevant Contracting Authority shall issue the Mini-Competition to all Suppliers appointed to the Framework via the www.Supplygov.ie system.
- 5.1.11 Suppliers listed on the Framework Agreement may only submit one tender response to a Mini-Competition Request for Tender.
- 5.1.12 Suppliers shall comply with any procedures, processes, time limits, instructions or other requirements as issued by the relevant Contracting Authority in relation to the Mini-Competition and shall bear any and all costs associated therewith. 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 Mini-Competition Contract.
- 5.1.13 Suppliers who submit tenders in response to a Mini-Competition should note the provisions of paragraph 3.7.5 in regard to the **Ceiling Rates** tendered at Framework application stage.
- 5.1.14 Suppliers that intend to tender for an alternative environmentally friendly product at Mini-Competition stage will:-
- (i) Be restricted to the Ceiling Rate established by the price submitted at Framework application stage for the corresponding product, and

- (ii) Demonstrated suitability by one or more of the following:
 - European Standard;
 - European Technical Assessment;
 - Specifications for materials based on a demonstrable history of satisfactory use. Evidence shall be provided on their suitability. This evidence may be based on research combined with evidence from practice.
- (iii) Evidence of compliance with environmental and technical standards for the use of such a product on the network. Have prior written approval from the relevant Overseeing Authority

5.1.15 The **Schedule of Charges** to be used for the Mini-Competitions (for charges other than the product only cost) is included as **Schedule 3** of the Framework Agreement and sets out the schedule of non-product items to be priced at Mini-Competition stage. Note that not all items included in the Schedule may be included in every Mini-Competition, and that Contracting Authorities may add other items where necessary.

5.1.16 Product prices are to be submitted separately directly on the supplygov system.

5.2 Mini-Competition Evaluation and Award

5.2.1 Tenders submitted in response to a Mini-Competition Request for Tender for any Lot will be evaluated on the basis of the Mini-Competition Contract Evaluation and Award Criteria (the "Mini-Competition Contract Evaluation and Award Criteria") set out in **Schedule 4** of the Framework Agreement.

5.2.2 A copy of the Mini-Competition Contract Evaluation and Award Criteria for each Lot is also attached to this Instructions Document at **Appendix 5** (Lot 1) and **Appendix 6** (Lot 2).

5.2.3 Suppliers must pass all of the Mini-Competition Contract and Evaluation Award Criteria prior to being assessed on price. Suppliers failing any of the Mini-Competition Contract Evaluation and Award Criteria will not proceed any further in the evaluation process.

5.2.4 For the avoidance of doubt, individual Contracting Authorities may award Framework Mini-Competition contracts on behalf of one or more Contracting Authorities.

5.2.5 Product Prices

- (i) The following provisions shall apply on an annual basis.
- (ii) Prices tendered at the first Mini-Competition Tender Date (c. January) for the Bitumen Emulsion products sought by the Contracting Authority (together the "Product Prices"), will be used in the MEAT Evaluation for the Mini-Competition.
- (iii) Tenders for all required products will be scored, evaluated and ranked as set out in these instructions.
- (iv) Suppliers who submit tenders in response to a Mini-Competition should note the requirements of section 3.7.5 in regard to the product prices previously tendered under this Framework competition.
- (v) The prices tendered by each Tenderer at the first Mini-Competition will establish the Base Prices from each Tenderer to the relevant Contracting Authority for that Mini-Competition, for the Bitumen Emulsion products to be purchased during that year.
- (vi) For the purpose of addressing market fluctuation, the established Base Prices will be adjusted by each Supplier thereafter over the full calendar year, no later than the 3rd working day of every month, in accordance with the Platts Index, as follows -:
 - i. On the required date of every month, each Supplier shall email the Contracting Authority detailing the update to their Base Prices (tendered at Mini-Competition

Stage) by reference to the higher of the movements in the price of 3.5% HFO FOB Rotherdam Barges as quoted by Platts European Marketscan and ICE Brent and the ECB average monthly reference rate for the previous month for US Dollars as quoted on the Central Bank of Ireland's website ("Platts Index").

- (vii) For the avoidance of doubt, the Platts Index (as described above) shall **only** apply to the product prices, and not other prices (e.g. delivery rates, waiting charges, spraying charges etc.).
- (viii) Application of the Platts Index will be subject to random spot checks completed by TII annually. Suppliers found to have not applied the indexation correctly may be suspended from the Framework and any ongoing contracts terminated.
- (ix) New Base Prices will be established by each Contracting Authority on an annual basis by means of a Mini-Competition.

5.2.6 Delivery Rates

At Mini-Competition stage, Suppliers will be requested to submit rates for delivery of the Bitumen Emulsion products to one or more locations specified by the Contracting Authority, by completing the relevant Delivery Rate Schedule to be included in the Mini-Competition - copy of template to be used for Delivery Rate Schedule is included in Schedule 3 of the Framework Agreements. The rates tendered, (not including the minimum delivery charge) will form part of the Contract Award Criteria for those competitions.

Successful Tenderers will be required to deliver the Bitumen Emulsions to the relevant Contracting Authority at the rate tendered per Tonne to the location(s) specified in the Delivery Rates Table, (subject to a minimum charge). The rates submitted will remain fixed for the duration of the Mini-Competition. The Minimum Delivery Charge per load for each location will only apply in cases where the delivery charge as determined from the load size would be less than the tendered minimum delivery charge to that location.

New Delivery Rates will be established by each Contracting Authority on an annual basis by means of a Mini-Competition.

5.2.7 Spraying Service Rates

Suppliers for Lot 2 may also be requested to submit Rates at Mini-Competition stage for providing a Spraying Service to the Contracting Authority, by completing the relevant Spraying Service Rates Table to be included in the Mini-Competition - copy of template to be used for the Spraying Service Rates is included in Schedule 3 of the Framework Agreement for Lot 2. The rates tendered will form part of the Contract Award Criteria for those competitions.

Successful Tenderers will be required to spray the Bitumen Emulsions for the relevant Contracting Authority at the rate tendered per Tonne (subject to quantity sprayed and minimum daily charge) in the Spraying Service Rates Table. The rates submitted will remain fixed for the duration of the Mini-Competition.

New Spraying Service Rates will be established by each Contracting Authority on an annual basis by means of a Mini-Competition.

5.2.8 Waiting Time Charges

Suppliers may also be requested to submit Rates for Waiting Times greater than 2 hours to the relevant Contracting Authority at Mini-Competition stage, by completing the Waiting Time Rates Table to be included in the Mini-Competition.

Note that these Rates will not form part of the Contract Award Criteria for those competitions and shall remain fixed for the duration of the Mini-Competition.

New Waiting Time Charges will be established by each Contracting Authority on an annual basis by means of a Mini-Competition.

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 are 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 TII (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 TII 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 TII are not bound by any anomalies, errors, or omissions in these Instructions. Applicants shall immediately notify TII should they become aware of any ambiguity, discrepancy, error, or omission in these Instructions, even if the date specified in Paragraph 3.4.1 has passed. TII 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 in writing and may at TII's sole discretion form part of the Framework Agreement.
- 6.1.4 TII reserves the right to update, delete, vary, extend, or alter these Instructions and the information and documents contained herein at any time by notice by email to Applicants.
- 6.1.5 Where Contracting Authorities 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.
- 6.1.6 By participating in this competition, the Applicant acknowledges that there does not exist any contractual, implied or quasi-contractual relationship between TII and the Applicant prior to the execution of the Framework Agreement nor will there exist any contractual, implied or quasi-contractual relationship with any Framework Purchaser in relation to a Mini Competition prior to the acceptance by a Framework Purchaser of the terms of the Request For Tender, pursuant to the procedure adopted for the Mini Competition.
- 6.1.7 TII reserves the right, without notice:
- to change the basis of, or the procedures (including the timetable) relating to the Framework
 - 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 competition
- 6.1.8 In such circumstances, TII and its advisors shall not be liable to any persons as a result thereof. TII shall not be bound to accept any Application and reserves the right not to form a Framework Agreement in respect of some or all of the supplies, works and/or services for which Applications are invited.

6.2 Reliance on the Capacities of other Entities

- 6.2.1 In order to demonstrate compliance with the requirements of this competition or any Mini-Competition 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.
- 6.2.2 An Applicant may only rely on the capacities of other entities where those entities will perform the services for which these capacities are required. For this Framework these services are confined to subcontracting activities associated with the delivery and/or spraying of Bitumen Emulsions only.
- 6.2.3 Where an Applicant wants to rely on the capacities of other entities, it shall prove to the Framework Purchaser that it will have at its disposal the resources necessary, including by producing a commitment by those entities to that effect.
- 6.2.4 If applicable, the provisions of this section 6.2 will be enforced at Mini-Competition stage, whereby Suppliers responding to Requests for Tender must provide the necessary details and proof required, as set out in the ESPD and ESPD supporting document included with the tender documents.

6.3 Subcontracting

- 6.3.1 Applicants must indicate in their applications, any share of the contract that it may intend to subcontract to third parties and any proposed subcontractors. This information shall be included in the Form of Tender.
- 6.3.2 At mini competition contract stage, when responding to a Request for Tender, the Supplier must indicate to the Contracting Authority the qualifications and experience of staff it proposes for completion of the works and/or services defined in the Request for Tender.
- 6.3.3 When responding to a Mini-Competition Request for Tender, where subcontractors are proposed for completion of services, the Supplier shall indicate to the Contracting Authority the name, contact details and legal representatives of the subcontractors. For this Framework, these services are confined to subcontracting activities associated with the delivery and/or spraying of Bitumen Emulsions only.
- 6.3.4 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.
- 6.3.5 If applicable, the provisions of this section 6.3 will be enforced at Mini Competition stage, whereby Suppliers responding to Mini-Competition Requests for Tender must provide the necessary details and proof required, as set out in the Declarations included with the tender documents.

6.4 Consortium/Joint Venture

- 6.4.1 A consortium/joint venture will not be required to convert into a specific legal form to submit an application but may be required to do so prior to award of the Framework Agreement. TII or Contracting Authority may:
- contract with one Supplier who will act as the agreed prime 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 Supplier to whom the other members will be sub-contractors: or
 - at its discretion, require the consortium/joint venture to enter into any other contracting arrangement.

6.5 Tax Compliance

- 6.5.1 All payments under a contract awarded pursuant to a Mini-Competition Contract will be conditional on the Supplier being tax compliant.
- 6.5.2 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.
- 6.5.3 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 Collector-General 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).
- 6.5.4 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 Collector General's Office. Furthermore, eTax Clearance does not apply to Standards in Public Office (SIPO) applicants.
- 6.5.5 Applications in eTax Clearance will be processed in real time. Suppliers who are tax compliant will receive a Tax Clearance Access Number. This number along with the Supplier's PPSN/Tax Reference number (TRN Number) shall be provided when requested to the Contracting Authority as verification of their tax clearance details.
- 6.5.6 Subcontractors engaged at Mini-Competition stage are required to produce an in-date (not older than 30 days) Notification of Determination to the Contracting Authority or the principal 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.

6.6 Employees

- 6.6.1 Applicants shall also be aware that they may be asked to provide evidence prior to commencing any services of membership of a pension and sick pay scheme for all of their employees that will be employed to work on the relevant Mini-Competition Contract.
- 6.6.2 Applicants shall comply with all statutory requirements in relation to PAYE and PRSI, registered employment agreements, relevant sick pay and pension schemes and minimum standard conditions and pay rates of the relevant industry.

6.7 Language

- 6.7.1 All correspondence in relation to the competition shall be in the English language or the Irish language (accompanied by an English translation).

6.8 Declarations

- 6.8.1 Applicants shall ensure that all information provided with their Applications including subsequent further information is correct. Where an Applicant is found to have furnished false, misleading, or incorrect information, TII and/or Contracting Authorities will impose such sanctions as it deems appropriate in the particular case, and in the case of a false declaration, the Supplier may be immediately excluded from the Framework Agreement. The sanction for other false, misleading, or

incorrect information will be determined by TII and/or Contracting Authorities at its own discretion and it may include all steps up to the complete exclusion from the Framework Agreement.

6.8.2 By participating in this competition, Applicants accept, confirm, and acknowledge that they will be immediately eliminated from the Framework Agreement if they do not provide the required evidence of compliance with the submitted declarations when requested by TII and/or Contracting Authorities or it is subsequently discovered that any declaration provided is false.

6.8.3 **Note:** Successful Suppliers invited for admittance to the Framework may, 12 months after the date on their original declarations, be required to renew their declarations by fully completing, signing, dating and re-submitting all relevant declarations i.e. the updated declaration(s) are to be dated 12 months after the date on the original declaration(s). Where relevant, this process is to be repeated for each subsequent 12 month period. The relevant declarations to be updated will be made available to the Suppliers by the TII prior to the end of each twelve month period.

6.9 Applicable Law

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

6.10 Freedom of Information Acts

6.10.1 TII are subject to the FOI Act 2014 and acknowledges that information provided in response to these Instructions may be confidential or commercially sensitive.

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

6.10.3 In order to demonstrate compliance with the requirements of this competition or any Mini-Competition, a Supplier may rely on the resources of other entities, whatever the legal nature of the link between the Supplier and those other entities. If a Supplier is relying on the resources of another entity, it must prove in the Application that those resources will be available to it for the performance of any Mini-Competition Contract, for example by including an undertaking by those entities to make the necessary resources available to the Supplier if successful.

6.11 Canvassing

6.11.1 Canvassing or any effort by an Applicant to influence any staff or agents of TII 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 TII, 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.

6.11.2 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.

6.12 Standstill

6.12.1 TII's decision on the outcome of the Framework Application evaluation process will be communicated via email to Applicants. TII will observe a Standstill Period of fourteen (14) days minimum between the communication of the award decision to the Applicants and the formal conclusion of the Framework.

- 6.12.2 In accordance with S.I. No. 130 of 2010, European Communities (Public Authorities' Contracts) (Review Procedures) Regulations 2010, there is no standstill period for a contract awarded on the basis of a framework agreement.

6.13 Conflicts of Interest and Registrable Interest

- 6.13.1 Any actual or potential conflict of interest involving an Applicant (whether by reason of the Applicant having or having had a role in TII 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. TII reserves the right to raise conflict of interest issues with Applicants.
- 6.13.2 Where TII 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.
- 6.13.3 Where TII 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 TII and the Applicant and TII being fully satisfied that those safeguards have been put in place and will be complied with.
- 6.13.4 Where TII considers, in its absolute discretion, that the situation can only be remedied by the exclusion of the Applicant from the application process, TII shall exclude the Applicant.
- 6.13.5 Any registrable interest involving the Applicant and TII or their relatives must be fully disclosed in the Application, or must be communicated to TII 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 to the award of the Framework Agreement. The terms 'registrable interest' and 'relative' shall have the meaning prescribed by the Ethics in Public Office Act 1995.

6.14 Confidentiality

- 6.14.1 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.

6.15 Data Protection

- 6.15.1 This following notice outlines how TII will deal with any personal data submitted through the tender process.

As part of your response to the procurement documents for this competition, you may provide personal data relating to you, your organisation, employees or other third parties. In the procurement documents, "Data Protection Law" means all applicable data protection law including, the General Data Protection Regulation (Regulation (EU) 2016/679) and the Data Protection Act 2018, and the terms 'personal data', 'process', 'controller', 'processor' and 'data subject' shall have the meanings given to them under Data Protection Law.

Where you provide personal data relating to third parties, you must ensure that such third parties are made aware of the contents of this Data Protection Notice in full.

Where such personal data is provided, the relevant controller is Transport Infrastructure Ireland. If you have any questions about our use of your personal data, please contact us at procurement@tii.ie. Alternatively, you can get in touch with our Data Protection Officer at 01 646 3600.

We may process the following personal data as part of this competition:

Name;

Contact details;

CV details (including but not limited to qualifications, education, experience, previous roles and responsibilities, etc.);

Details of proposed role(s) and responsibilities on this contract;

Referee details; and

Any other data provided by you as part of your submission.

We may collect personal data from you directly and from the following sources:

Your organisation;

Other members of your consortium; and Referees.

Any personal data provided will be processed for the purposes of the competition, the administration of any contract awarded on foot of this competition, reporting to any regulators or oversight bodies and/or any disputes relating to the competition or the contract. Our legal basis for processing such personal data in accordance with the provisions of this Data Protection Notice is that it is necessary for the exercise of official authority vested in us.

In connection with the above, we may disclose your personal data to various recipients including:

Your Authority;

Other members of your consortium;

Our third-party service providers, such as advisors and contractors; and

Regulators or oversight bodies.

In connection with the above, we may transfer your personal data outside the European Economic Area, including to a jurisdiction which is not recognised by the European Commission as providing an equivalent level of protection for personal data as is provided for in the European Union (a "Third Country"). If and to the extent that TII does so, TII will ensure that appropriate measures are in place to comply with its obligations under applicable law governing such transfers, which may include entering into a contract governing the transfer which contains the 'standard contractual clauses' approved for this purpose by the European Commission and/or other transfer obligations/arrangements as may be specified by the Commission. Further details of the measures that we have taken in this regard are available on request from us.

TII has adopted a default target of disposing of personal data provided in the context of a procurement process within three years of the expiry of the contract awarded on foot of the procurement process. This applies to personal data provided by successful entities, to which contracts have been awarded, and to unsuccessful entities..

Any data subjects in respect of whom we hold or process personal data have rights in relation to their personal data, including the right to request access to their data and, in certain circumstances to request rectification, erasure or restriction of the processing of their personal data. All such data subjects have the right to lodge a complaint with the Irish supervisory authority, the Data Protection Commission.

The procurement documents set out, in respect of each criterion or requirement, whether a response (including any personal data required in order to respond to the criterion or requirement) is required in order to avoid elimination from this competition. Even where a failure to respond or to provide relevant personal data will not, of itself, lead to elimination, failure to provide such personal data

may affect the completeness or quality of your response to the procurement documents (which may affect the assessment of such response).

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: Contracting Authorities (Framework Purchasers)

Appendix 4: Evidence Required in support of Minimum Suitability Criteria specified in Section 4.3 for Lot 1 and Lot 2 Framework Evaluation

Appendix 5: Mini-Competition Contract Evaluation and Award Criteria (Lot 1)

Appendix 6: Mini-Competition Contract Evaluation and Award Criteria (Lot 2)

7.1.2 The following Schedules are attached to the Framework Agreements for Supply of Bitumen Emulsions for Local Authorities

Schedule 1: General Specification Document

Schedule 2: Framework Purchasers

Schedule 3: Mini-Competition Schedule of Charges

Schedule 4: Mini-Competition Contract Evaluation & Award Criteria (Lot 1)

Schedule 4: Mini-Competition Contract Evaluation & Award Criteria (Lot 2)

Schedule 5: Mini-Competition Request For Tender Template

Schedule 6: Sample Mini-Competition Contract

Schedule 7: Performance Evaluation Report

7.1.3 The **Form of Tender** to be completed and included with the Application to be submitted is attached separately.

7.1.4 The **Forms and ESPD supporting document** to be completed and included with the Application to be submitted are attached separately with the tender documents.

APPENDIX 1 - INDICATIVE TIMETABLE

Procedure to set up Framework	Date*
Date of Issue	10th September, 2021
Deadline for receipt of Queries	See e-tenders
Deadline for Receipt of Application to join Framework (Closing Deadline)	See e-tenders
Appointment to the Framework	December 2021
Anticipated date that Mini-Competitions will be conducted	January (Annually)

* TII 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;

Applicant	means an entity that submits an Application
Application	means an Application for admittance to the Framework submitted pursuant to these Instructions
Base Rates	Means the product prices tendered to the Contracting Authority by each Tenderer at the first Mini-Competition
Ceiling Rate	Ceiling Rates refer to rates tendered by the Applicant in the Form of Tender. Ceiling Rates will form part of the Framework Agreement. These rates remain preserved for the initial 12 month period from the Framework Application Closing Deadline.
Closing Deadline	means the latest date & time for submission of Applications for admittance to the Framework Agreement
Contracting Authority	has the same meaning as Framework Purchaser and means an individual local authority as listed in Appendix 3
Contractor	shall be read as having the same meaning as Supplier and as an Applicant that is admitted to the Framework
ESPD	means the European Single Procurement Document
Evaluation Period	means the period during which TII are evaluating Applications
Framework	means the Framework of successful Applicants set up pursuant to this competition
Framework Agreement	means the Agreement that Applicants will be required to enter into if successful in their Application to participate in the Framework
Framework Purchaser	has the same meaning as Contracting Authority and means an individual local authority as listed in Appendix 3 .
Instructions or Instructions Document	means this Instruction Document and all Appendices and Schedules hereto
Mini-Competition	means a tender competition between the Suppliers for the award of a contract, undertaken in accordance with the procedure set out in these Instructions and in the Framework Agreement
Mini-Competition Contract	Means the agreement to be entered into by the Framework Purchaser and a Supplier under and pursuant to which the Supplier will complete works in accordance with the terms and conditions contained therein
Mini-Competition Request for Tender or Request for Tender	means a tender request issued by the Framework Purchasers to the Suppliers, undertaken in accordance with the procedure set out in these Instructions and in the Framework Agreement
Out of Hours Emergency Works	These are works of an unplanned nature that requires immediate attention – suppliers will be secured as per the procedure outlined in the Framework Agreement.
Resume(s)	means Curriculum Vitae (CV)
Specification	means the General Specification document set out in Schedule 1 to the Framework Agreement.
Service Provider	shall be read as having the same meaning as Contractor and as an Applicant that is admitted to the Framework
Supplier	shall be read as having the same meaning as Contractor and as an Applicant that is admitted to the Framework
Working Hours	means 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 Mini-Competition
www.supplygov.ie	All Mini-Competitions will be administered through this portal.

APPENDIX 3 - CONTRACTING AUTHORITIES (FRAMEWORK PURCHASERS)

The Framework Purchasers are as follows -:

Ref	Contracting Authorities (Framework Purchasers)
1	Cavan County Council
2	Carlow County Council
3	Clare County Council
4	Cork County Council
5	Cork City Council
6	Donegal County Council
7	Dublin City Council
8	Dun Laoghaire Rathdown County Council
9	Fingal County Council
10	Galway City Council
11	Galway County Council
12	Kerry County Council
13	Kildare County Council
14	Kilkenny County Council
15	Laois County Council
16	Leitrim County Council
17	Limerick City and County Council
18	Longford County Council
19	Louth County Council
20	Mayo County Council
21	Meath County Council
22	Monaghan County Council
23	Offaly County Council
24	Roscommon County Council
25	Sligo County Council
26	South Dublin County Council
27	Tipperary County Council
28	Waterford City and County Council
29	Westmeath County Council
30	Wexford County Council
31	Wicklow County Council

APPENDIX 4 - EVIDENCE REQUIRED IN SUPPORT OF MINIMUM SUITABILITY CRITERIA SPECIFIED IN SECTION 4.3 FOR LOT 1 AND LOT 2 FRAMEWORK EVALUATION

The following details must be included with the Applicant’s information uploaded at Framework application stage in support of the evidence required by sections 4.3.2 and 4.3.3 of this Instructions Document

1.5 Educational and Professional Qualifications (Managerial) - Health and Safety Competency of Supplier

	<p>1) Evidence of sufficient management staff assigned to the project with Health & Safety qualifications, training and experience, relevant to the nature, size and complexity of the Framework.</p> <p>2) The Curriculum Vitae to be included with the application for the competent person identified in ESPD 4.C.12 of the ESPD supporting document as having overall responsibility for health and safety, shall set out that person’s specific health and safety competencies, and <u>must</u> include the following information:</p> <p>(i) Employment history and experience with specific reference to fulfilling Health & Safety duties in relation to the production and supply of bituminous emulsion products or activities/projects of a similar nature, size and complexity.</p> <p>(ii) A Recognised professional qualification(s) in Health & Safety provided by an independent training provider</p> <p>(Site induction courses or statutory training courses such as manual handling, Fás/Solas Safe Pass, Construction Skills Registration Cards (CSCS) are not acceptable forms of qualification). Typical Examples of recognised professional Qualifications are outlined below.</p> <p><u>Non Exhaustive list of Recognised Professional Health & Safety Qualifications:</u></p> <ul style="list-style-type: none"> • Third level Certificate or Diploma in Health & Safety • Managing Safely in Construction (CIF/IOSH) <p>or equivalent</p>
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1.9 Educational and Professional Qualifications (Managerial) - Competency of Supplier

	<p>The Curriculum Vitae to be included with the application for the Senior Director and Project Manager or equivalent management staff, shall as a minimum detail the following information for both: -</p> <p>(i) Evidence of relevant educational and professional qualifications (with dates obtained)</p> <p>(ii) Employment history with specific reference to experience in the project management of the supply and production of bituminous emulsion products.</p> <p>(iii) The Senior Director shall have at least 5 years’ experience in the production and supply of bituminous emulsion products</p> <p>(iv) The Project Manager shall have at least 3 years’ experience in the production and supply of bituminous emulsion products</p> <p>Note -: For clarity, management positions include all positions in the organisation other than site based Site Agents/Foremen, Site Supervisor, and Operatives/Installation Technicians or equivalent, as relevant.</p>
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1.10 Educational and Professional Qualifications (Personnel)

The Curriculum Vitae to be included with the application for the Operatives (min. two) responsible for the production/supply process, shall as a minimum detail the following information -:

- (i) Details of appropriate training relevant to the Operatives role and responsibilities.
- (ii) Employment history with specific reference to experience of the supplier's personnel in the production and supply of bituminous emulsion products or activities/projects of a similar nature, size and complexity **or** experience in so far as they are relevant to health and safety management of the supply of Bitumen Emulsions.
- (iii) Details of the Operative's current role in the production and supply of bituminous emulsion products.
- (iv) In addition, in relation to health and safety Competency of the Applicant's personnel, the following evidence shall be detailed in the curriculum vitae submitted -:
 - Details of Health & Safety training - minimum twelve (12) hours or two (2) days CPD over previous five (5) yrs.

(Safe Pass courses, site induction courses and Health and Safety training such as Manual Handling are not acceptable as CPD in the context of specific health and safety training)

2.5 Educational and Professional Qualifications (Personnel)

The Curriculum Vitae to be included with the application for the Operatives (min. two) responsible for the spraying activities, shall as a minimum detail the following information -:

- (i) Details of appropriate training relevant to the Operatives role and responsibilities.
- (ii) Employment history with specific reference to experience of the supplier's personnel in the spraying of bituminous emulsion products or activities/projects of a similar nature, size and complexity **or** experience in so far as they are relevant to health and safety management of Bitumen Emulsion spraying projects.
- (iii) Details of the Operative's current role in the spraying of bituminous emulsion products.
- (iv) In addition, in relation to health and safety Competency of the Applicant's personnel, the following evidence shall be detailed in the curriculum vitae submitted -:
 - Details of Health & Safety training - minimum twelve (12) hours or two (2) days CPD over previous five (5) yrs.

(Safe Pass courses, site induction courses and Health and Safety training such as Manual Handling are not acceptable as CPD in the context of specific health and safety training)

In addition -:

- 1) For each member of the project team, details of the following must be entered on www.supplygov.ie under 'My Checklist' -:
 - Solas/Fás Safepass Card, or equivalent
- 2) And where relevant to the works required in the Request for Tender -:
 - A valid CSCS card for any skill covered under the Construction Skills Certification Scheme required for the proposed Works defined in the Request For Tender
 - A valid and compliant Driver CPC Card for the appropriate vehicle category
 - Any additional training details required for the services defined in the Request For Tender

APPENDIX 5 - MINI-COMPETITION CONTRACT EVALUATION AND AWARD CRITERIA (LOT 1)

Contract Evaluation Criteria

Suppliers submitting a response to a Request for Tender must comply with the requirements listed in the table hereunder, that will be assessed on a Pass/Fail basis. Suppliers shall note that not all of the criteria listed may apply to every Mini-Competition Request for Tender.

Only those Suppliers passing all of the following criteria will proceed for assessment in accordance with the Mini-Competition Contract Award Criteria set out in part 5.2 below.

Contract Evaluation Criteria (Lot 1)		Weighting
1	<p>Health & Safety Competency of Workers</p> <p>For each member of the project team, details of the following must be entered on www.supplygov.ie under 'My Checklist' -:</p> <ul style="list-style-type: none"> ▪ Solas/Fás Safepass Card, or equivalent <p>And where relevant to the works required in the Request for Tender -:</p> <ul style="list-style-type: none"> ▪ A valid CSCS card for any additional skill covered under the Construction Skills Certification Scheme required for the proposed supplies defined in the Request For Tender ▪ A valid and compliant Driver CPC Card for the appropriate vehicle category ▪ Any additional Health and Safety qualifications required in relation to the supply of requested Bituminous Emulsion products defined in the Request For Tender 	Pass/Fail
2	<p>Compliance with Specification and Particular Requirements</p> <p>Provide confirmation in writing that the supplies will comply with the requirements of the General Specification.</p>	Pass/Fail
3	<p>Safety Statement</p> <p>The company's Safety Statement or equivalent document and those for all proposed subcontractors submitted at Framework Application stage will be assessed for compliance with the provisions set out in the Safety, Health & Welfare at Work Act 2005 and enforcing Regulations.</p>	Pass/Fail

Suppliers that pass the Pass/Fail criteria above will proceed for assessment in accordance with the award criteria set out below.

Mini-Competition Contract Award Criteria

The Mini-Competition Contract will be awarded to the most economically advantageous tender(s), identified following application of the contract award criteria and weightings detailed in the Table below.

Mini-Competition Award Criteria (MEAT) – Lot 1 (Supply only)		Weighting
1	Quality (100 marks) (20%)	
	1a Technical Support <i>(Description of proposed full time staff and facilities available to provide technical advice and support to Contracting Authorities)</i>	10% (50 marks)
	1b After Sales Support <i>(Details of Customer Service Charter/Protocol proposed to be used on the contract, including -: Testing and Quality Assurance Protocol Complaints Procedure)</i>	10% (50 marks)
2	Total Cost (400 marks) (80%)	
	Total Cost will be assessed based on the <u>sum</u> of the pricing (ex. VAT) submitted for the following -:	
	2a The Supply of [XX] Tonnes of [Emulsion products], expressed as <u>Total Cost</u> for the required quantities of all products specified	80% (400 marks)
2b The Delivery to Location(s) specified by the Contracting Authority, expressed as the <u>Total Cost</u> for delivery of the specified quantities to these locations		
Total		100%

Framework Purchasers also reserve the right to use additional criteria, which will be notified to the Mini-Competition Participants at Call-off stage. This may include the use of sustainable criteria as part of the MEAT identification process where deemed appropriate for Call-off contracts

The Delivery locations will be specified by the Contracting Authority at Request For Tender stage.

For the first 12 months of the Framework Agreement, the total cost for the Emulsion Products in the Supplier’s tender submitted in response to a Mini Competition Request for Tender must not exceed the Ceiling Rates tendered by the Supplier in its Application for the same products (**Ceiling Rates**).

The lowest total cost tendered for supply and delivery of the products will be awarded 100% of the **400** marks available for **Total Cost**. The total cost will be computed in the following manner -:

- (i) The cost for all products will be computed based on the tendered unit cost multiplied by the quantity of each product required and added to give a total product cost.
- (ii) The cost for delivery to all specified locations will be computed based on the tendered unit cost, and added to give a total product cost.
- (iii) The Total cost for Products and Delivery will be added to give the Overall Tender Total Price.
- (iv) The Tender with the Lowest Overall Price will be awarded 400 Marks.
- (v) The Minimum Delivery Charge will not form part of the Total Cost Evaluation.

The remaining Suppliers for that Mini-Competition will receive a pro rata mark for **Total Cost** based on the relative difference between their total tendered cost and that of the lowest total cost tenderer, expressed as a percentage of the lowest total cost as follows -:

$$\text{Marks Awarded for Total Cost} = \frac{\text{Total Cost of Lowest Valid Tender}}{\text{Total Cost of Valid Tender being Evaluated}} \times \text{Maximum Marks Available (400)}$$

The qualitative criteria will be assessed on the basis of the level of detail provided and the quality of the submission. More specific details may be set out in the Request For Tender.

Information submitted in support of the Quality element of the Award criteria shall be bound and limited to no more than 5 pages, not including covers. Pages in excess of this amount will not be considered in the evaluation.

The marks awarded for total cost and quality will be added together to give the total marks to be awarded to each tenderer.

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

Contract Award

- (i) Following evaluation on the basis of the MEAT Contract Award Criteria above, the tenderers will be ranked in descending order, with the Most Economically Advantageous Tenderer ranked No. 1.
- (ii) The percentage difference between the total marks awarded to each Supplier will be computed in the following manner -:

$$\frac{(\text{Score of Tender Ranked No.1} - \text{Score of Other Tender})}{\text{Score of Tender Ranked No.1}}$$
- (iii) With reference to the Allocation Matrix hereunder, this will determine the market share applicable to each Supplier for Lot 1.
- (iv) To provide for consistency in the evaluation and awarding of marks, a 'Mini-Competition Evaluation' template is included with the tender documents for information purposes. This Form will be made available by downloading from www.supplygov.ie following establishment of the Framework.
- (v) With respect to the order of ranking, this Framework provides that the Contracting Authority will allocate some of the Authority's product requirements to the **second, third, and if applicable, fourth ranked tenderers**. This distribution of requirements will be allocated in accordance with the following Allocation Matrices -:

Allocation based on Tenderer Ranking (MEAT) (3 Tenderers)

Tenderer No. 1	Ranking Gap	Tenderer No. 2	Tenderer No. 3
100% - (%No.2 + %No.3)	≤0.5% < No.1	% equal to No.1	% equal to No.1
	>0.5% & ≤1.0% < No.1	30%	30%
	>1.0% & ≤1.5% < No.1	20%	20%
	>1.5% & ≤2.5% < No.1	10%	10%
	>2.5% < No.1	0%	0%

Allocation based on Tenderer Ranking (MEAT) (4 Tenderers)

Tenderer No. 1	Ranking Gap	Tenderer No. 2	Tenderer No. 3	Tenderer No. 4
100% - (%No.2 + %No.3 + %No.4)	≤0.5% < No.1	% equal to No.1	% equal to No.1	% equal to No.1
	>0.5% & ≤1.0% < No.1	20%	20%	20%
	>1.0% & ≤1.5% < No.1	15%	15%	15%
	>1.5% & ≤2.5% < No.1	10%	10%	10%
	>2.5% < No.1	0%	0%	0%

- (vi) Suppliers should note that, where more than four tenderers partake in a Mini-Competition, the obligation on a Contracting Authority to distribute its product requirements will be limited to the four highest ranked tenderers only.

- (vii) Suppliers should also note that the resultant allocation of demand is not a mandatory requirement. All Suppliers will be afforded the right of refusal. In the case of refusal, the percentage to be allocated will be divided equally amongst the remaining participating Suppliers on the basis of their own tendered prices.
- (viii) Allocations will be based on total quantity of all products to be purchased by the relevant Contracting Authority under that Mini-Competition for the duration of the Framework period.
- (ix) Allocations will apply separately to each individual product to be supplied to the relevant Contracting Authority, except in cases where the total quantity of a product (including all locations) is limited to one load or less and is impractical to divide between suppliers. In such cases, allocations of one load or less will be offered to the No. 1 ranked Tenderer.
- (x) The ranking gap calculated following evaluation as outlined above will apply for the full calendar year irrespective of the adjustment to the prices provided for under the Framework Agreement thereafter.
- (xi) The Contracting Authorities will make every effort to ensure that their total annual demand will be allocated in accordance with the distributions suggested by the above matrices. All Contracting Authorities will track ordered quantities and expenditure on an on-going basis and adjust outstanding allocations in a timely manner so that all qualifying Suppliers receive the applicable quantities. A tolerance level of +/- 2.5% of the required allocations will be allowed annually, with the resultant quantity difference to be corrected in the following year.

Lot 1 supply contracts will be executed in accordance with the sample Mini-Competition Contract attached as **Schedule 6** to the Framework Agreement.

The acknowledgement of receipt of any Mini Competition Request for Tender shall not constitute an actual or implied agreement between the Supplier and the Contracting Authority.

All Suppliers submitting a tender in response to a Mini-Competition Request For Tender will be informed of the outcome of the competition without delay following conclusion of the Mini-Competition evaluation process.

Mini-Competitions will be conducted in accordance with the provisions of the Mini-Competition Request for Tender and the Framework Agreement.

Information to be provided by the preferred Tenderer prior to Contract Award

In addition to the information to be provided when submitting a tender in response to a Mini-Competition Request for Tender (as outlined in part 5.1 above), successful Suppliers must provide to the Framework Purchaser for their review and approval, prior to formal award of the contract (if not already submitted), the specific information listed below or any such relevant information as requested by the Framework Purchaser:

- Satisfactory evidence of insurance submitted online at www.SupplyGov.ie by the Insurance Broker/Company
- Any other details specified in the Request For Tender consistent with the terms and conditions of the Framework Agreement

APPENDIX 6 - MINI-COMPETITION CONTRACT EVALUATION AND AWARD CRITERIA (LOT 2)

Contract Evaluation Criteria

Suppliers submitting a response to a Request for Tender must comply with the requirements listed in the table hereunder, that will be assessed on a Pass/Fail basis. Suppliers shall note that not all of the criteria listed may apply to every Mini-Competition Request for Tender.

Only those Suppliers passing all of the following criteria will proceed for assessment in accordance with the Mini-Competition Contract Award Criteria set out in part 6.2 below.

Contract Evaluation Criteria (Lot 2)		Weighting
1	<p>Details of Suppliers Proposed Project Team</p> <p>Provide the following details for the proposed project team -:</p> <ol style="list-style-type: none"> 1) Details of the staff assigned to perform the contract in the form of an Organogram of the Project Team, and their roles and responsibilities. 2) The following minimum details for each member of the project team -: <ol style="list-style-type: none"> (i) Employment history with specific reference to experience of the contractor's personnel on supply and spraying projects of a similar scale, nature and complexity to those to be tendered under this Framework or experience in so far as they are relevant to health and safety management of Supply and Spraying projects. (ii) Details of a minimum of three (3) projects in last three (3) years shall be provided for each member. <p>The requirements for personnel shall be proportionate to the needs of the contract depending on the nature, size and complexity of the works being tendered.</p> <p>Specific additional details may be required for site staff responsible for managing the supply and spraying activities.</p>	Pass/Fail
2	<p>Health & Safety Competency of Workers</p> <p>For each member of the project team, details of the following must be entered on www.supplygov.ie under 'My Checklist' -:</p> <ul style="list-style-type: none"> ▪ Solas/Fás Safepass Card, or equivalent <p>And where relevant to the works required in the Request for Tender -:</p> <ul style="list-style-type: none"> ▪ A valid CSCS card for any additional skill covered under the Construction Skills Certification Scheme required for the proposed supplies defined in the Request For Tender ▪ A valid and compliant Driver CPC Card for the appropriate vehicle category ▪ Any additional Health and Safety training details required in relation to the supply of requested Bituminous Emulsion products defined in the Request For Tender 	Pass/Fail
3	<p>Compliance with Specification and Particular Requirements</p> <p>Provide confirmation in writing that the supplies will comply with the requirements of the General Specification.</p>	Pass/Fail

4	Safety Statement The company's Safety Statement or equivalent document and those for all proposed subcontractors submitted at Framework Application stage will be assessed for compliance with the provisions set out in the Safety, Health & Welfare at Work Act 2005 and enforcing Regulations.	Pass/Fail
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Suppliers that pass the Pass/Fail criteria above will proceed for assessment in accordance with the award criteria set out below.

Mini-Competition Contract Award Criteria

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

Mini-Competition Award Criteria (MEAT) – Lot 2 (Supply and Spray)		Weighting
1	Quality (100 marks) (20%)	
1a	Technical Support <i>(Description of proposed full time staff and facilities available to provide technical advice and support to Contracting Authorities)</i>	10% (50 marks)
1b	After Sales Support <i>(Details of Customer Service Charter/Protocol proposed to be used on the contract, including -: Testing and Quality Assurance Protocol Complaints Procedure)</i>	10% (50 marks)
2	Price (400 marks) (80%)	
Prices will be assessed based on the <u>sum</u> of the prices (ex. VAT) submitted for the following -:		
2a	The Supply of [XX] Tonnes of [Emulsion products], expressed as <u>Total Cost</u> for the required quantities of all products specified	80% (400 marks)
2b	The Delivery to Location(s) specified by the Contracting Authority, expressed as the <u>Total Cost</u> for delivery of the specified quantities to these locations	
2c	Spraying Rate, expressed as the Average Total Cost to spray the specified quantity (Total Cost for each pricing band will be totalled and averaged)	
Total		100%

Framework Purchasers also reserve the right to use additional criteria, which will be notified to the Mini-Competition Participants at Call-off stage. This may include the use of sustainable criteria as part of the MEAT identification process where deemed appropriate for Call-off contracts

The supply and spraying Delivery locations will be specified by the Contracting Authority at Request For Tender stage.

For the first 12 months of the Framework Agreement, the total cost for the Emulsion Products in the Contractor's tender submitted in response to a Mini-Competition Request for Tender must not exceed the Ceiling Rates tendered by the Contractor in its Application for the same products (**Ceiling Rates**).

The lowest total cost tendered for supply, delivery and spraying of the products will be awarded 100% of the **400** marks available for **Total Cost**. The total cost will be computed in the following manner -:

- (i) The cost for all products will be computed based on the tendered unit cost multiplied by the quantity of each product required and added to give a total product cost.
- (ii) The cost for delivery to all specified locations will be computed based on the tendered unit cost, and added to give a total product cost.

- (iii) The cost for spraying services to be included in the evaluation will be the Average Cost resulting from the rates tendered for each defined application rate per day multiplied by the full quantity to be sprayed as set out in the Request For Tender.
- (iv) The Total cost for Products and Delivery and the Average Cost for spraying will be added to give the Overall Tender Total Price.
- (v) The Tender with the Lowest Overall Price will be awarded 400 Marks.
- (vi) The Minimum Delivery Charge will not form part of the Total Cost Evaluation.

The remaining Suppliers for that Mini-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 total cost as follows -:

$$\text{Marks Awarded for Total Cost} = \frac{\text{Total Cost of Lowest Valid Tender}}{\text{Total Cost of Valid Tender being Evaluated}} \times \text{Maximum Marks Available (400)}$$

The qualitative criteria will be assessed on the basis of the level of detail provided and the quality of the submission. More specific details may be set out in the Request For Tender.

Information submitted in support of the Quality element of the Award criteria shall be bound and limited to no more than 5 pages, not including covers. Pages in excess of this amount will not be considered in the evaluation.

The marks awarded for total cost and quality will be added together to give the total marks to be awarded to each tenderer.

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

Contract Award

- (i) Following evaluation on the basis of the MEAT Contract Award Criteria above, the tenderers will be ranked in descending order, with the Most Economically Advantageous Tenderer ranked No. 1.
- (ii) The percentage difference between the total marks awarded to each Supplier will be computed in the following manner -:

$$\frac{(\text{Score of Tender Ranked No.1} - \text{Score of Other Tender})}{\text{Score of Tender Ranked No.1}}$$

- (iii) With reference to the Allocation Matrix hereunder, this will determine the market share applicable to each Supplier for Lot 2. The market share will be applied separately to each product included in the Request For Tender.
- (iv) To provide for consistency in the evaluation and awarding of marks, a 'Mini-Competition Evaluation' template is included with the tender documents for information purposes. This Form will be made available in softcopy to the Contracting Authorities following establishment of the Framework.
- (v) With respect to the order of ranking, this Framework provides that the Contracting Authority will allocate some of the Authority's product requirements to the **second, third, and if applicable, fourth ranked tenderers**. This distribution of requirements will be allocated in accordance with the following Allocation Matrices -:

Allocation based on Tenderer Ranking (MEAT) (3 Tenderers)

Tenderer No. 1	Ranking Gap	Tenderer No. 2	Tenderer No. 3
100% - (%No.2 + %No.3)	≤0.5% < No.1	% equal to No.1	% equal to No.1
	>0.5% & ≤1.0% < No.1	30%	30%
	>1.0% & ≤1.5% < No.1	20%	20%
	>1.5% & ≤2.5% < No.1	10%	10%
	>2.5% < No.1	0%	0%

Allocation based on Tenderer Ranking (MEAT) (4 Tenderers)

Tenderer No. 1	Ranking Gap	Tenderer No. 2	Tenderer No. 3	Tenderer No. 4
100% - (%No.2 + %No.3 + %No.4)	≤0.5% < No.1	% equal to No.1	% equal to No.1	% equal to No.1
	>0.5% & ≤1.0% < No.1	20%	20%	20%
	>1.0% & ≤1.5% < No.1	15%	15%	15%
	>1.5% & ≤2.5% < No.1	10%	10%	10%
	>2.5% < No.1	0%	0%	0%

- (vi) Suppliers should note that, where more than four tenderers partake in a Mini-Competition, the obligation on a Contracting Authority to distribute its product requirements will be limited to the four highest ranked tenderers only.
- (vii) Suppliers should also note that the resultant allocation of demand is not a mandatory requirement. All Suppliers will be afforded the right of refusal. In the case of refusal, the percentage to be allocated will be divided equally amongst the remaining participating Suppliers on the basis of their own tendered prices.
- (viii) Allocations will be based on total quantity of all products to be purchased by the relevant Contracting Authority under that Mini-Competition for the duration of the Framework period.
- (ix) Allocations will apply separately to each individual product to be supplied and sprayed for the relevant Contracting Authority, except in cases where the total quantity of a product (including all locations) is limited to one load or less and is impractical to divide between suppliers. In such cases, allocations of one load or less will be offered to the No. 1 ranked Tenderer.
- (x) The ranking gap calculated following evaluation as outlined above will apply for the full calendar year irrespective of the adjustment to the prices provided for under the Framework Agreement thereafter.
- (xi) The Contracting Authorities will make every effort to ensure that their total annual demand will be allocated in accordance with the distributions suggested by the above matrices. All Contracting Authorities will track ordered quantities and expenditure on an on-going basis, and adjust outstanding allocations in a timely manner so that all qualifying Suppliers receive the applicable quantities. A tolerance level of +/- 2.5% of the required allocations will be allowed annually, with the resultant quantity difference to be corrected in the following year.

Lot 2 supply and spraying contracts will be executed in accordance with the sample Mini-Competition Contract attached as **Schedule 6** to the Framework Agreement.

The acknowledgement of receipt of any Mini Competition Request for Tender shall not constitute an actual or implied agreement between the Contractor and the Contracting Authority.

All Suppliers submitting a tender in response to a Mini-Competition Request For Tender will be informed of the outcome of the competition without delay following conclusion of the Mini-Competition evaluation process.

Mini-Competitions will be conducted in accordance with the provisions of the Mini-Competition Request for Tender and the Framework Agreement.

Information to be provided by the preferred Tenderer prior to Contract Award

In addition to the information to be provided when submitting a tender in response to a Mini-Competition Request for Tender (as outlined in part 6.1 above), successful Suppliers must provide to the Framework Purchaser for their review and approval, prior to formal award of the contract (if not already submitted), the specific information listed below or any such relevant information as requested by the Framework Purchaser:

- Satisfactory evidence of insurance submitted online at www.Supplygov.ie by the Insurance Broker/Company
- Site Specific Risk Assessment, if applicable
- Site Specific Method Statement, if applicable
- Any other details specified in the Request For Tender consistent with the terms and conditions of the Framework Agreement