



Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive

INSTRUCTIONS DOCUMENT

FOR

REQUEST FOR APPLICATIONS

FOR APPOINTMENT TO A

MULTI-PARTY FRAMEWORK AGREEMENT

FOR

MINOR BUILDING WORKS – HSE **ACUTE LIVE HOSPITAL ENVIRONMENTS**

RESPONSE DEADLINE – 17/08/2018

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

WWW.ETENDERS.GOV.IE

Building a Better Health Service

CARE COMPASSION TRUST LEARNING

 **HBS** Health
Business
Services

The business division of the HSE

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1.0 PARTICULARS

1.1 CONTRACTING AUTHORITY

- 1.1.1 The Health Service Executive (HSE)¹ is the only Contracting Authority² that will avail of this Framework.
- 1.1.2 The Health Service Executive is responsible for the provision of health and personal social services for everyone living in Ireland, with public funds. Health Business Services (HBS) is the business division of the Health Service Executive (HSE) and provides high quality business services and solutions globally across the health sector.

1.2 PURPOSE OF TENDER COMPETITION

- 1.2.1 The Contracting Authority is coordinating the establishment of a Framework Agreement³ of Minor Building Works Contractors⁴ for acute live hospital environments for its sole use.
- 1.2.2 The total value of Supplementary Request for Tender⁵ contracts that will be awarded pursuant to this Framework Agreement is estimated to exceed the threshold for the application of the EU Procurement Directives.
- 1.2.3 Tenderers⁶ that are admitted to the Frameworks Agreement will be invited to participate in Requests for Tender issued by the Contracting Authority for the provision of the works and/or services described in the Terms & Conditions.
- 1.2.4 Requests for Tender (RFTs) will be run based on the same and, if necessary, more precisely formulated terms, and, where appropriate, other terms referred to in the Terms & Conditions.
- 1.2.5 It is anticipated that the Framework Agreement will commence in Quarter 3 2018 and that the term of the Framework Agreement will be for 48 months from establishment.
- 1.2.6 This tender competition supersedes and replaces all previous documentation, communications and correspondence between the Contracting Authority and Tenderers in relation to the subject matter of this tender competition, and Tenderers should place no reliance on such previous documentation and correspondence.

1.3 TERMS & CONDITIONS

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

1.4 DESCRIPTION OF WORKS AT SUPPLEMENTARY REQUEST FOR TENDER STAGE

- 1.4.1 As set out in the Terms & Conditions.

¹ means the Health Service Executive inc Section 38 organisations as defined under The Health Act 2004.

² means the State, regional or local authorities, bodies governed by public law or associations formed by one or more such authorities or one or more such bodies governed by public law.

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

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

⁵ means a tender request issued via www.supplygov.ie by the Contracting Authority to the Contractors, undertaken in accordance with the procedure set out in the Terms & Conditions.

⁶ means an entity that submits a tender.

⁷ means the Instructions Document, Online Qualification Questions, Pricing Document, Terms & Conditions and Framework Agreement.

2.0 TENDERER RESPONSIBILITIES

2.1 GENERAL

- 2.1.1 Applications⁸ must be submitted electronically via www.etenders.gov.ie¹⁰.
- 2.1.2 Tenders are advised to commence their Application as early as possible to allow sufficient time to address the requirements of this tender competition.
- 2.1.3 Tenderers may edit their Application at any stage up to the Response Deadline.¹¹
- 2.1.4 Tenderers not currently registered on www.etenders.gov.ie must register as a 'Supplier' on www.etenders.gov.ie to be able to make an application.
- 2.1.5 Applications in any other format (including hardcopy submissions) will not be accepted.
- 2.1.6 Tenderers must:
- fully comply with these Instructions when preparing their Application and participating in this process.
 - read the Tender Documents and ensure that they fully understand the requirements of the tender competition prior to applying.
 - submit any queries in relation to the requirements of this tender competition via the messaging function on www.etenders.gov.ie no later than 10 calendar days prior to the Response Deadline.
 - complete all elements of the online application via www.etenders.gov.ie (online envelope 1 Technical documents and envelope 2 Quotation documents).
 - ensure that their Application is submitted online via www.etenders.gov.ie by the stated Response Deadline.
 - respond to queries/requests for clarification both during the tender period and post tender as may be issued by the Contracting Authority via www.etenders.gov.ie.
- 2.1.7 Tenderers can make only one (1) Application (per entity¹²) in response to this tender competition.

⁸ means an Application for admittance to the Framework Agreement submitted via www.etenders.gov.ie pursuant to these Instructions.

⁹ means the Irish Government's electronic tendering platform administered by the Office of Government Procurement.

¹⁰ means the Irish Government's electronic tendering platform administered by the Office of Government Procurement.

¹¹ means the latest date & time for submission of Applications for admittance to the Framework Agreement.

¹² means 'economic operator' as defined in EU Directive 2014/24 – EU Procurement Directive.

3.0 APPLICATION PROCESS

3.1 GENERAL

3.1.1 All Applications must be made via www.etenders.gov.ie.

3.2 ONLINE ENVELOPE 1 – TECHNICAL DOCUMENTS

3.2.1 Qualification questions

Tenderers must complete all of the 'Qualification questions' for online envelope 1 on www.etenders.gov.ie.

Tenderers can access the 'Qualification questions' by clicking on the 'Answer questions' tab.

3.2.2 Tenderer submissions that include an incorrect or no response to any mandatory Pass/Fail qualification question may be deemed non-compliant

3.3 ONLINE ENVELOPE 2 – QUOTATION DOCUMENTS

3.3.1 Qualification questions

Tenderers must complete all of the 'Qualification questions' for online envelope 2 on www.etenders.gov.ie.

Tenderers can access the 'Qualification questions' by clicking on the 'Answer questions' tab.

3.3.2 Bill of Quantities

Tenderers must enter their ceiling rates, (maximum all-inclusive hourly labour rates), for the following Contractors Personnel¹³ by clicking on the 'Price BoQ online' tab of online envelope 2.

- Contracts / Project Manager
- Site Manager / Foreman
- Safety Officer
- Tradesman
- General Operative

The ceiling rates will establish the all-inclusive hourly labour rates that may be proposed at Supplementary Request for Tender stage. Contractors who submit responses to Supplementary Request for Tenders may reduce the ceiling rates submitted but may not exceed them.

These ceiling rates shall be fixed as the maximum rates applying over the initial 12 months of the Framework Agreement only.

Please note that the ceiling rates entered by Tenderers on www.etenders.gov.ie in the Bill of Quantities section takes precedence in all instances.

3.3.3 Total quote (EUR)

Tenderers must submit their 'Total quote'¹⁴ for completion of the notional works described in the Pricing Document electronically by clicking on the 'enter response sum' tab of envelope 2 on www.etenders.gov.ie.

As set out hereunder Tenderers will be considered for the award of a place on the Framework Agreement based on the ranking of their overall lump sum price ('Total quote') for completion of the notional works described in the Pricing Document.

Please note that the 'Total quote' entered by Tenderers on www.etenders.gov.ie in the Total quote section takes precedence in all instances.

¹³ The Contractors representative, supervisor and subcontractors, employees and other persons working on or adjacent to the site for the Contractor or Subcontractors, and other persons assisting the Contractor to perform the Contract.

¹⁴ means price (lump sum price) entered by Tenderers on www.etenders.gov.ie in the 'Total quote' section.

3.4 SUBMISSION OF RESPONSE TO TENDER COMPETITION

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

3.5 COMMUNICATIONS AND CLARIFICATIONS

- 3.5.1 All queries from Tenderers in relation to the requirements of this tender competition shall be submitted online only through the messaging function on www.etenders.gov.ie no later than **10 calendar days** prior to the deadline for the receipt of Applications.
- 3.5.2 The Contracting Authority 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. Queries seeking interpretation of these Instructions may not result in a response.
- 3.5.3 The query and the Contracting Authority response will, where appropriate, be communicated to all those expressing an interest, without disclosing the name of the Tenderer who initiated the query.
- 3.5.4 If a Tenderer believes a query and/or its response relates to a confidential or commercially sensitive aspect of its Application, it must mark the query as "Confidential" and state the reason(s) why. If the Contracting Authority in its absolute discretion, is satisfied that the query and/or its response should be properly regarded as confidential or commercially sensitive, the nature of the query and its response shall be kept confidential, subject to any obligations under law.

3.6 RESPONSE DEADLINE

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

3.7 NOTICE OF ADDENDA

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

3.8 EXTENSION OF RESPONSE DEADLINE

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

4.0 TENDER EVALUATION & APPOINTMENT

4.1 GENERAL

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

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

4.2 COMPLIANCE CHECK

4.2.1 Applications will be checked to determine whether they are fully complete and include all information required.

4.2.2 Applications passing the compliance check will then proceed to suitability assessment in accordance with the criteria set out in the Tender Documents.

4.3 MINIMUM SUITABILITY CRITERIA

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

4.4 TENDER AWARD

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

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

4.4.2 To secure a place on the Framework Agreement, each tender will be ranked based on the lump sum price ('Total quote') tendered on www.etenders.gov.ie as follows':

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

- 'Score' = marks awarded,
- 'Bid'= Tenderers price (lump sum price) entered as 'Total quote'.

4.4.3 The Tenderer who submitted the lowest lump sum price ('Total quote') will be awarded 100 marks and position 1 on the Framework.

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

4.5 COMMUNICATIONS AND CLARIFICATIONS

- 4.5.1 During the evaluation period, the Contracting Authority may seek clarification of tender submissions via www.etenders.gov.ie .
- 4.5.2 The Tenderers response to requests for clarification shall be submitted via www.etenders.gov.ie no later than the date specified in the request and must not materially change any of the elements of the submitted Application.
- 4.5.3 If a Tenderer fails to comply in any way with these Instructions, the Contracting Authority may (but is not obliged to) disqualify the Tenderer concerned and reject its Application. Without prejudice to this right the Contracting Authority may (but is not obliged to) seek clarification or further information from the Tenderer (that does not materially alter its Application) or take any other step permitted by law.
- 4.5.4 Requests for clarification or further information from the Tenderer shall not be construed as an indication of success in the tender competition.

4.6 NOTIFICATION OF TENDER EVALUATION

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

4.7 STANDSTILL PERIOD¹⁵

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

4.8 FRAMEWORK AGREEMENT

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

¹⁵ means a period to allow for effective pre-contract remedy to unsuccessful Tenderers. The Contracting Authority may not conclude a contract with the identified preferred Tenderers during this time.

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

4.9 TERMINATION FROM THE FRAMEWORK

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