

NORTH YORKSHIRE COUNTY COUNCIL

INTEGRATED PASSENGER TRANSPORT

PASSENGER TRANSPORT SERVICES

INVITATION TO TENDER

INVITATION TO TENDER FOR THE AWARD OF CONTRACTS FOR TRANSPORT SERVICES IN THE SCARBOROUGH, HAMBLETON, CRAVEN, STOKESLEY AND SELBY AREAS

CONTRACT NUMBER: VARIOUS

TENDER CLOSING DATE: MIDDAY 30TH NOVEMBER 2009

Document check. The following documents comprise a full tender pack

Document Title	Number of pages	To be submitted with your tender?
Invitation to Tender		No
Conditions of Contract & Best Practice Guides		No
Service Specifications (Schedule 1) Home to School Transport - Scarborough		No
Service Specifications (Schedule 1) Home to School Transport - Hambleton		No
Service Specifications (Schedule 1) Home to School Transport - Stokesley		No
Service Specifications (Schedule 1) Local Bus – Scarborough, Craven and Selby		No
Contractor Quality Assessment Questionnaire		Yes
Form of Tender Home to School Transport	1 – but can be copied	Yes – if completed
Form of Tender Local Bus Services Gross Cost	1 – but can be copied	Yes – if completed
Form of Tender Local Bus Services Net Subsidy	1 – but can be copied	Yes – if completed
Combination Tender Form	1 – but can be copied	Yes – if completed
Collusive Tendering Certificate	1	Yes
Address Template	1	Attach to envelope

**North Yorkshire County Council
County Hall
Northallerton
DL7 8AD**

HOW TO TENDER

1. Scope of Requirement

The Council wishes to award contracts for transport services in the Hambleton, Scarborough, Craven, Selby and Stokesley Areas. Details of contracts available can be found in the schedule 1 specifications.

Contracts will run between 18th April 2010 and 27th April 2014 unless otherwise stated on the Schedule 1.

2. Points to note

Unless otherwise stated on your tender, it will be assumed that the basis of your tender is for a service and specification which complies fully with Schedule 1 and is for a vehicle which is not undertaking other work at the times indicated on Schedule 1.

Alternative Timetables

Your tender must relate to the details shown on Schedule 1, except that you may also submit a tender for an alternative timetable provided that:

(a) The alternative offers no fewer journeys than shown on Schedule 1

and

(b) Covers at least the same route as shown on Schedule 1.

The Form of Tender provides for you to distinguish the cost of an alternative timetable. You must also enclose the actual timetable clearly labelled so as to relate to the tender price.

Alternative Levels of Service

You may submit a tender for an alternative level of service, excluding one or more journeys, provided that you have tendered for the basic timetable shown in Schedule 1. You must include a timetable for the alternative service level, clearly labelled so as to relate to the tender price.

Combination Tenders

You may submit tenders for a combination of any of the contracts enclosed, unless otherwise indicated on Schedule 1. The combination tender form provided must be used in these circumstances. You must make clear how you intend to operate the contracts you have combined by submitting timetables and giving details of vehicle capacities otherwise your tender may not be considered.

Vehicles

Schedule 1 indicates the minimum number of adult seats to be provided. You **must** indicate on the Form of Tender the minimum adult seating capacity of any vehicles to be used on the contract. If you are prepared to use a larger vehicle at the same cost then this should be shown. The vehicle capacity specified will form a material part of a formal contract and a deduction will be made on occasions when a smaller vehicle is provided. It is the Contractor's responsibility to ensure that the type of vehicle to be used is suitable to the route concerned. The Council wants to encourage the use of fuels which contribute to a reduction in carbon emissions. If you intend to use a vehicle which exceeds the councils requirements for emissions then you should include a statement to this effect as part of your tender

Tender Prices

The tender shall be submitted at current prices which will be subject to review in accordance with the provisions of Section 5 of the Conditions of Contract. Tender prices should exclude value added tax, although this should, where appropriate, be added to any invoice submitted for work done. Operators shall take into account any appropriate Government grants, such as BSOG, in determining the tender price.

No additional payment will be made for persons issued with a County Council Travel Permit where they can be accommodated within the carrying capacity of the vehicle contracted.

Where Schedule 1 specifies a NET SUBSIDY contract the contractor shall retain all revenue. Operators are reminded that they must accept concessionary passengers and claim for concessionary fares from the appropriate Authority. The tender price should be for the NET COST of the service subject to clarification on concessionary fares set out below. **NOTE** Gross Cost price submissions will be ignored.

Where Schedule 1 specifies a GROSS COST contract all revenue collected from whatever source will accrue to the County Council. The tender price should be for the TOTAL COST of the contract. **NOTE** – Net Subsidy price submissions will be ignored. Operators are reminded that they must accept concessionary passengers and claim for concessionary fares from the appropriate Authority. All such revenue and generated revenue received in relation to concessionary fares must be shown separately and credited to the County Council.

Concessionary Fares.

We have been unable to identify the current level of concessionary fares reimbursement that will accrue to each contract. In order to ensure that all tenders are submitted on an equitable basis you should exclude concessionary fares reimbursement from your calculations. However if your tender is successful your tender price will be reduced by the amount of reimbursement which will be made by the Concessionary Fares Authorities.

Passenger Figures

Any information given regarding passenger loadings and revenue is for guidance only. Revenue information does not include reimbursement for concessionary fares please see previous paragraph. The County Council accepts no responsibility for any loss arising from the inaccuracy of any information. Revenue information for local bus contracts may be available on request if not shown on the Schedule.

Fare scales must not be increased from those currently in force. A copy of the current fare table for each service is available on request.

3. Evaluation

In order for a tender to be considered on price you must successfully meet the Councils required quality standard. This will be assessed from the information that you submit on your Contractor Quality Assessment Questionnaire. It is essential that you complete all of the questions on the questionnaire as failure to do so will disqualify your tender submission.

The table below gives details of “threshold” questions that you must answer. In many cases the answer is simply YES or NO – for these questions you must be able to answer YES for your tender submission to be considered.

PLEASE NOTE THE FOLLOWING INFORMATION CAREFULLY

The following sections have questions that are “threshold” questions.
Section 3 FINANCIAL INFORMATION Questions 3.1, 3.3, 3.4
Section 4 INSURANCE Questions 4.3
Section 5 EQUALITIES Question 5.1

<p align="center">Section 6 HEALTH AND SAFETY Question 6.1, 6.4,6.5,6.6,6.7,6.9,6.10,6.11,6.12,6.13, 6.14</p>
<p align="center">Section 7 SUSTAINABILITY Question 7.1, 7.2</p>
<p align="center">Section 8 STAFF AND RECRUITMENT Questions 8.1, 8.3, 8.4</p>
<p align="center">Section 9 SERVICE DELIVERY Questions 9.2 and 9.6</p>
<p align="center">Section 10 VEHICLES Questions 10.1,10.2, 10.3, 10.5, 10.6, 10.7, 10.8, 10.9</p>

4. Best Value

Under the provisions of the Local Government Act 1999, the Council must make arrangements to secure continuous improvement in the way in which its functions are exercised having regard to a combination of economy, efficiency and effectiveness. The successful tenderer will be required to provide the supplies in accordance with this principle and be expected to demonstrate how this is being achieved. Attention is also drawn to the Contract Conditions regarding Best Value.

5. TUPE

The Council considers that the provisions of the current Transfer of Undertakings (Protection of Employment) Regulation (“TUPE”) and/or the Acquired Rights Directive (the ARD) will apply at the commencement of the contract. **IT IS FOR EACH TENDERER TO TAKE APPROPRIATE LEGAL AND/OR PROFESSIONAL ADVICE ON THE APPLICATION OF TUPE AND/OR THE ARD .**

Tenderers should note that the Council does not offer any indemnity to any person against any costs that may be incurred should the provisions of TUPE apply

6. Freedom of Information and Confidentiality

Tenderers should be aware that information relating to this tender and subsequent Framework Agreement may be subject to the provisions of the Freedom of Information Act. The Act requires the Council to provide copies of information to any third party who makes a request for it. Certain information is exempt from disclosure under the Act, including information which is a trade secret, commercially sensitive (unless to disclose is in the public interest) or confidential in nature. **If the tenderer believes that any information supplied by them would fit within the exemptions set out in the Act then they should inform the Council in writing, giving a precise definition of the information the tenderer considers to be exempt and citing the relevant exemption.**

Tenderers should not mark all information submitted to the Council as “confidential”, but only information that the tenderer believes to be exempt under the Act’s confidentiality and commercial interest exemptions. The Council will endeavour to consult the tenderer before information of this type is disclosed to third parties. The Council cannot, however, accept any restriction on its ability to disclose information which (in its reasonable opinion or in accordance with any recommendation, notice or decision of a competent authority) it is required to disclose under the Act. **Consequently, the Council cannot guarantee that any information supplied by the tenderer will be kept confidential.**

Whilst information held by the Council is subject to the above the tenderer will be required to keep confidential all information supplied to it by the Council which is exempt from disclosure because it is confidential, commercially sensitive or a trade secret under the Act, whether or not the Council designates or marks it as confidential (“confidential information”). The tenderer shall ensure that those of its employees who need to see and use it for the purpose of provision of the Supplies are aware of this obligation of confidentiality and undertake to comply with it. The tenderer will also be required to ensure that the terms of any sub-contract reflect this requirement.

The tenderer acknowledges and agrees that by submitting a bid to the Council it agrees to the terms of this Freedom of Information and Confidentiality section.

7. Fraud, Corruption and Ethical Standards

The Council believes in a strong ethical culture. The conduct of its Members and Officers in fulfilling their roles is regulated by National Codes of Conduct and a comprehensive complaints framework.

Standards of behaviour within the Council are generally excellent. The Council continues, however, to promote the ethical agenda to ensure the existing high standards are maintained, and the Leader and Chief Executive Officer are committed to working together to lead by example and to uphold the ethical wellbeing and effective governance of the Council.

In working with partners and service providers on Council business, the Council requires similarly high standards from those with whom it works.

Further information about the Council's standards of conduct can be accessed by the "Council and Democracy/Councillors" links on the Council's website (www.northyorks.gov.uk) or via the Council's Monitoring Officer, Legal Services, County Hall, Northallerton, North Yorkshire (telephone 01609 532173).

Where you believe the conduct concerned may constitute a fraudulent or other criminal offence then there are policies within The Council to help you raise your concerns. The Council is committed to preventing and detecting fraud and has an Anti Money Laundering Policy and Guidance note, a Whistleblowing Policy Statement and a Counter Fraud Strategy in place.

The Council also expects that all contractors and their staff who work on Council contracts are to comply with the requirements of the Council's policies.

These policies are available on the Council website by going to the following pages - Council and Democracy – Data and Information – Fraud Investigation, or by using the link below:

<http://www.northyorks.gov.uk/public/site/NYCC/menuitem.72980bf1db3dfb9fd7428f1040008a0c/?vgnnextoid=43ca0301d4997010VgnVCM100000420f1cacRCRD>

Contractors must ensure that they and their employees are made aware of the Council's policies and, in particular, the Whistleblowing Policy Statement. Copies of the policies are also available from the Corporate Director – Finance and Central Services.

8. Canvassing etc

Any tenderer who canvasses any member or officer of the Council, whether directly or indirectly, relating to the award of this contract will be disqualified. If the tenderer:

- fixes or adjusts the amount of the tender by arrangement of any other person; or
- communicates to any person other than the Council the amount of the tender (unless the disclosure is made for insurance purposes, for example); or
- agrees with any other person that s/he will agree not to tender or as to the amount of any other tender to be submitted; or
- offers or pays any sum of money to any person to induce such a person to accept the tender

then the tenderer shall be disqualified from tendering and may be subject to civil and criminal liability

9. How to Complete the Tender

The tender must be completed with careful reference to the contents of this Invitation to Tender, including the Specification, Contract Conditions and the Contractor Quality Assessment Questionnaire. Your tender price is submitted by completing the appropriate Form of Tender. There are three versions:

1. Home to School Transport Services
2. Local Bus Services Net Subsidy
3. Local Bus Services Gross Cost

10. Compliance with Tender Documents

Tenders made must be in accordance with all the contract documentation and no changes should be made to tender making the tender qualified in any way. If a tenderer wishes to make an alternative tender (i.e. a tender which is not fully compliant with the Council's requirements) it may do so if (and only if) a fully compliant tender is also submitted. Tenderers also should note that tenders are being sought on the basis of the Conditions of Contract included in this Invitation to Tender. The Council will not consider a tender which does not comply with its requirement by, for example, being made on the basis of the tenderers own 'standard conditions' except where these are expressly included as part of an alternative tender.

11. Tender Clarifications and Site Audits

Following evaluation of tenders, tenderers may be contacted by the Council to provide further clarification of any aspects of their tender submission. This clarification will involve the Council seeking further information on the tender already submitted. No new information may be requested by either party during this clarification process.

Tender clarification may take place via telephone, e-mail or face to face meetings at the Council's premises/tenderers premises, following which tenderers clarifications responses must be confirmed in writing. The clarifications may include site audits at the tenderers premises to ensure compliance with the Council's requirements. Tenderers should note that clarifications and/or site visits may result in the Council determining that a quality threshold question(s) have not been satisfactorily met in which case all your tender submissions will be disregarded.

12. How and Where to Return a Tender

Tenders should be returned in a plain envelope bearing no identifying marks, including franking. You must attach the address template provided to the front of the envelope. You should ensure that there is sufficient paid postage for the size and weight of the envelope and contents. If you are delivering your tenders by hand you should do so to Main Reception at County Hall during its normal opening hours (0800 – 1715 Monday – Thursday 0800 – 1645 Friday); a receipt should be obtained for submissions delivered by hand.