

# **INSTRUCTIONS DOCUMENT**

FOR

**REQUEST FOR APPLICATIONS**

FOR

**APPOINTMENT TO A MULTI-PARTY FRAMEWORK AGREEMENT**

FOR

**ROAD MAKING MATERIALS AND ANCILLARY WORKS FOR LOCAL AUTHORITIES –  
SUPPLY AND PLACE**

<b>APPLICATION REFERENCE NUMBER:</b>	<b>ROAD MAKING MATERIALS AND ANCILLARY WORKS - SUPPLY AND PLACE FRAMEWORK</b>
<b>CLOSING DAY:</b>	<b>Tuesday</b>
<b>CLOSING DATE:</b>	<b>25<sup>th</sup> April 2017</b>
<b>CLOSING TIME:</b>	<b>15:00 pm</b>
<b>DATE ISSUED:</b>	<b>14<sup>th</sup> March 2017</b>

*Applicants must register their interest online at [www.etenders.gov.ie](http://www.etenders.gov.ie) and forward the necessary documents as outlined in these instructions in **hard copy** to the address hereunder.*

**Please Return Applications in Hard Copy to :**

**Application Ref: "Road Making Materials and Ancillary Works for Local  
Authorities - Supply and Place Framework"**

**AO Corporate Affairs  
Kerry County Council  
County Buildings  
Rathass  
Tralee  
Co. Kerry**

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## 1.0 INTRODUCTION

### 1.1 General

- 1.1.1 The Local Government Operational Procurement Centre (LGOPC) acting as a Central Purchasing Body (CPB) under the auspices of Kerry County Council is coordinating the establishment of a framework of contractors on behalf of the Contracting Authorities listed in Appendix 3, (the "Framework Purchasers").
- 1.1.2 The purpose of this competition is to establish a multi-party framework agreement for the provision of **Road Making Materials and Ancillary Works - Supply and Placement** to the Framework Purchasers (the "**Framework Agreement**").
- 1.1.3 For information a separate framework for **Road Making Materials – Supply Only** is being advertised in parallel with this framework.
- 1.1.4 It is anticipated that the Framework Agreement will commence in **Quarter 2 of 2017** and that the term of the Framework Agreement will be for **24 (twenty four) months** from establishment, with an option to the LGOPC of two further 12 month extensions, subject to available budgets and other factors.
- 1.1.5 The LGOPC invites applications from contractors ("Applicants") who wish to be included on this Framework Agreement ("**Applications**").
- 1.1.6 An Applicant can make only one (1) Application in response to this competition.
- 1.1.7 The works 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.
- 1.1.8 The Applicants that are admitted to the Framework Agreement (the "**Contractors**") will be invited to participate in mini-competitions by the Framework Purchasers for the provision of the works and services described herein ("**Mini-Competitions**") using a request for tender.
- 1.1.9 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 price only, subject to passing the contract evaluation criteria applying to the Mini-Competition.
- 1.1.10 All information relating to this Framework Agreement, including instructions, clarifications and changes, will be published on the Irish Government's eTenders website ([www.etenders.gov.ie](http://www.etenders.gov.ie)) **only**.
- 1.1.11 Applicants attention is drawn to the fact that they must fully comply with and fully disclose all required information included under paragraph **6.11** - "Conflicts of Interest and Registrable Interest" of this document.
- 1.1.12 **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.
- 1.1.13 The Framework welcomes initiatives by Applicants that promote the implementation of Green Public Procurement (GPP). 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 5.1.9 of Section 5 'Operation of Mini-Competitions' for more details.

## 2.0 INSTRUCTIONS TO APPLICANTS

### 2.1 General

- 2.1.1 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.
- 2.1.2 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. The LGOPC published a contract notice on the Official Journal of the EU (OJEU) and on the [www.etenders.gov.ie](http://www.etenders.gov.ie) website on **14<sup>th</sup> March 2017**.
- 2.1.3 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.
- 2.1.4 The LGOPC will not accept responsibility for information relayed (or not relayed) via third parties.
- 2.1.5 If the Applicant alters or edits these Instructions, that Applicant’s Application may be deemed non-compliant and may be rejected.
- 2.1.6 Each Applicant’s costs will be their sole liability. The LGOPC has no obligation to reimburse the Applicant in respect of costs incurred by it in the preparation of its Application or otherwise as a result of its participation in this process, whatsoever or howsoever arising.

### 2.2 Road Making Materials and Ancillary Works (Supply and Place) – Division into Lots

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

Lot Reference	Description
<b>1</b>	Road Making Materials – Supply and Place <u>without</u> PSCS
<b>2</b>	Road Making Materials – Supply and Place <u>with</u> PSCS

- 2.2.2 Applicants may apply for one or both Lots.

### 2.3 Contracting Authorities

- 2.3.1 The Framework Purchasers participating in this competition are set out in **Appendix 3** to this document and as listed in **Schedule 4** attached to the Framework Agreements.
- 2.3.2 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 Contractors appointed to the Framework Agreement who have registered an interest with that particular Contracting Authority.

## 3.0 APPLICATIONS TO THE FRAMEWORK

### 3.1 General

- 3.1.1 Applications for admittance to the Framework will be assessed in accordance with the framework evaluation criteria set out in Part 4.0 of these Instructions.
- 3.1.2 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 **Public Works Framework Agreement (PW-CF9)** - a copy of which can be viewed at [www.etenders.gov.ie](http://www.etenders.gov.ie).
- 3.1.3 Separate Framework Agreements will apply for each of the 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 & Schedules, the accompanying Framework Agreements, Tender Submission Check List, Declaration Forms to be completed and submitted with the Application and the Form of Tender prior to preparing and submitting an application.
- 3.2.3 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.
  - 2) Completed Declarations (declaration forms included separately with the tender documents)
  - 3) The required evidence as outlined in Part 4.3 of this Instructions Document.
- 3.2.4 To assist with the preparation of applications, a **Tender Submission Checklist** is included with the tender documents.
- 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.
- 3.2.7 The LGOPC's detailed requirements in relation to this competition are set out in the General Specification Document included in the **Schedules** to the Framework Agreements.

### 3.3 Company Registration Details

- 3.3.1 Where the Applicant is a registered company with the Companies Registration Office ([www.cro.ie](http://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](http://www.cro.ie).
- 3.3.2 Where the Applicant is currently registered on [www.Supplygov.ie](http://www.Supplygov.ie), the company name included on [www.Supplygov.ie](http://www.Supplygov.ie) must match the registered company name as recorded on [www.cro.ie](http://www.cro.ie).
- 3.3.3 Where the Applicant is not registered with the Companies Registration Office ([www.cro.ie](http://www.cro.ie)), the name of the company included in all parts of the application process and used in all documents submitted

as part of the application process, must match the Contractor/company name as registered on [www.Supplygov.ie](http://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.

### 3.4 Communications and Clarifications (During Tender period)

- 3.4.1 Any and all queries from Applicants in relation to the requirements of this competition shall be submitted online only through [www.etenders.gov.ie](http://www.etenders.gov.ie) no later than Saturday **15<sup>th</sup> April 2017**, which is **10 calendar days** prior to the deadline for the receipt of Applications.
- 3.4.2 The LGOPC will endeavour to respond to all reasonable queries received without delay but, in any case, no later than Wednesday **19<sup>th</sup> April 2017**, which is **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 the LGOPC'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 LGOPC, in its absolute discretion, is satisfied that the query and/or its response should be properly regarded as confidential or commercially sensitive, the nature of the query and its response shall be kept confidential, subject to any obligations under law.

### 3.5 Format of Submissions

- 3.5.1 All information is required to be submitted in a single (1) **hard copy** by the Applicant and in loose leaf format in a twin ring binder only. Pages in documents should not be stapled together or bound in any other way.
- 3.5.2 Applicants are required to assemble the information to be included in their Applications in the order set out in the Tender Submission Checklist.

### 3.6 Submission of Applications

- 3.6.1 Applications must be submitted in hard copy and received no later than 12:00 noon Irish Time on **Tuesday 25<sup>th</sup> April 2017** (the "**Closing Deadline**").
- 3.6.2 Please submit the signed original of all documents requested.
- 3.6.3 The Application must be parceled, securely sealed, **labeled** and delivered to the following address:
- Application Ref: "Road Making Materials and Ancillary Works for Local Authorities - Supply and Place Framework"**  
**AO Corporate Affairs**  
**Kerry County Council**  
**County Buildings**  
**Rathass**  
**Tralee**  
**Co. Kerry**
- 3.6.4 Submitted parcels shall be labeled only as indicated above and shall be free from any identifying company markings.

- 3.6.5 Where an Applicant is currently registered on [www.Supplygov.ie](http://www.Supplygov.ie), the Applicant's Supplier Identification number ([www.Supplygov.ie](http://www.Supplygov.ie) number) should be clearly marked on all materials submitted.
- 3.6.6 No part of the Application will be returned to the Applicant.
- 3.6.7 It is the responsibility of each individual Applicant to ensure that its Application is delivered only to the address specified in 3.6.3 above by the noted deadline. Responsibility for proof of delivery to the correct location before the Closing Deadline rests with the Applicant.

### 3.7 Price

- 3.7.1 Applicants are required to complete one **Form of Tender** and return in hard copy format 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 respective notional works being tendered. As set out in the Form of Tender, the Pricing Schedules are to include for all costs and charges associated with supplying and placing of the specified works.
- 3.7.4 Applicants **must** provide a price for at least **one** of the works subcategories listed in the Pricing Schedules of the Form of Tender for each Lot being applied for, in order to be considered for admittance to the Framework for such Lots. The Form of Tender including the Pricing Schedule will provide for inclusion of the following prices -:
- Lot 1** – Supply and Placement Works (without PSCS) where prices act as Key Rates
- Lot 2** – Supply and Placement Works (with PSCS) where prices act as Key Rates
- 3.7.5 These prices will establish the **Key Rates** applying to this Framework.
- 3.7.6 The **Key Rates** tendered on the Form of Tender will -:
- (i) Apply to those rates quoted in the Form of Tender for an initial 12 month period 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 in response to a Mini-Competition for those items of work (i.e. Contractors who submit responses to a Mini-Competition may reduce the prices they submitted as part of their application for admittance to the Framework but may not exceed these prices)
- 3.7.7 When responding to a Mini-Competition Request for Tender, Contractors admitted to the Framework Agreement may only provide prices for items of work that they priced as part of their application for admittance to the Framework (i.e. at Mini-Competition stage, a Contractors may not provide a price for items of work that was not priced at Framework application stage).
- 3.7.8 Applicants should note that any currency variations occurring over the term of any Mini-Competition Contract shall be borne by the Contractor.
- 3.7.9 Tender prices shall be in Euro (€) only and all prices must be exclusive of VAT.

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

- 3.8.1 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.
- 3.8.2 An Applicant may only rely on the capacities of other entities where those entities will perform the works or services for which these capacities are required.
- 3.8.3 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.
- 3.8.4 If applicable, the provisions of this section 3.8 will be enforced at Mini-Competition stage, whereby Contractors responding to Requests for Tender must provide the necessary details and proof required, as set out in the Declarations included with the tender documents.

### **3.9 Subcontracting**

- 3.9.1 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.
- 3.9.2 At mini competition contract stage, when responding to a Request for Tender, the Contractor 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.
- 3.9.3 When responding to a Mini-Competition Request for Tender, where subcontractors are proposed for completion of works and/or services, the Contractor shall indicate to the Contracting Authority the name, contact details and legal representatives of the subcontractors.
- 3.9.4 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.
- 3.9.5 If applicable, the provisions of this section 3.9 will be enforced at Mini Competition stage, whereby Contractors 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.

### **3.10 Consortium/Joint Venture**

- 3.10.1 A consortium/joint venture will not be required to convert into a specific legal entity in order to submit an Application, but may be required to do so prior to formal execution of the Framework Agreement. The LGOPC or Framework Purchaser may:
- contract with one economic operator who will act as the agreed prime Contractor;
  - contract with each member of the consortium/joint venture on the basis of joint and several liabilities;
  - contract with one member of the consortium/joint venture as prime Contractor to whom the other members will be subcontractors; or
  - at its discretion, require the consortium/joint venture to enter into any other contracting arrangement.

### **3.11 European Single Procurement Document (ESPD)**

- 3.11.1 Submission of a European Single Procurement Document (ESPD) for this competition is optional – if an Applicant intends to submit an ESPD, it should adhere to the instructions below.

- 3.11.2 In accordance with Regulation 59 of the European Union (Award of Public Authority Contracts) Regulations 2016, LGOPC must accept an ESPD as preliminary evidence confirming that the Applicant fulfils the following conditions-:
- i) it is not in one or more of the situations referred to in Regulation 57 in which an economic operator shall or may be excluded; and
  - ii) it meets the relevant criteria for selection as defined more explicitly in the Suitability Assessment Criteria for each Lot for which it is seeking admission to the Framework.
- 3.11.3 The information that Applicants must include in the ESPD is set out in the tender documents. Potential Applicants must examine this information carefully in view of their participation and possible submission of an ESPD. If an Applicant proposes to submit an ESPD and it is relying on the capacities of one or more other entities, those entities must also each submit an ESPD setting out the relevant information for the respective entity. In addition, where a group of economic operators, including temporary associations, participate together in this competition and they intend to submit an ESPD, a separate ESPD setting out the information required under Parts II to V of the ESPD form must be submitted for each of the participating economic operators.

### **3.12 No Collusion**

- 3.12.1 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 (For Office Use Only)
1	<b><u>Compliance Check</u></b>	Examine completeness of all submissions received on time
2	<b><u>Suitability Assessment</u></b> Applicants must pass the specific requirements listed in this Instructions Document, the Minimum Suitability Criteria, associated declarations and evidence, including any additional requested information	Determine suitability of compliant Applicants
3	<b><u>Tender Award</u></b> <ul style="list-style-type: none"> <li>• <b>Form of Tender (FOT)</b> <ul style="list-style-type: none"> <li>- Applicants must submit, a fully completed, signed and dated Form of Tender (FOT)</li> <li>- As applicable for each Lot being tendered, Applicants must complete the Pricing Schedule for Lot 1 and/or Lot 2</li> </ul> </li> </ul>	Rank tenders in accordance with average normalised score

### 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 for each of the two Lots.

### 4.3 Minimum Suitability Criteria (Stage 2)

4.3.1 Applicants must fully complete and submit in hardcopy all of the declarations and evidence set out in the tables below, as applicable to each Lot being applied for. All declarations must be signed in original signature and dated. Template forms are included separately with the tender documents.

The evidence required to demonstrate compliance with the minimum standards associated with these Declarations is set out in part 4.4 below.

**Note:** If an Applicant submits declarations that are later discovered to be false, the Contractor will be immediately eliminated from the Framework Agreement.

4.3.2 LOT 1 Road Making Materials and Ancillary Works – Supply and Place (without PSCS) - Minimum Suitability Criteria

<b>LOT 1 - <u>Minimum Suitability Criteria</u></b>	<b>Weighting</b>
<b><u>Contractor Registration Details Form</u></b> Applicants must submit: <b>Declaration No.1</b> in hard copy in the form attached separately to the tender documents. Declaration must be fully completed, signed and dated.	<b>Pass/Fail</b>

<p><b><u>Personal Situation Declaration Form (PSDF)</u></b>                  Applicants must submit:  <b>Declaration No. 2</b> in hard copy in the form attached separately to the tender documents. Declaration must be fully completed, signed and dated.</p>	<p><b>Pass/Fail</b></p>
<p><b><u>Insurance</u></b>                  Applicants must submit:  <b>Declaration No. 3</b> in hard copy in the form attached separately to the tender documents. Declaration must be fully completed, signed and dated.</p>	<p><b>Pass/Fail</b></p>
<p><b><u>Performance Bond</u></b>                  Applicants must submit:  <b>Declaration No. 4</b> in hard copy in the form attached separately to the tender documents. Declaration must be fully completed, signed and dated.</p>	<p><b>Pass/Fail</b></p>
<p><b>Technical Capability</b></p>	
<p><b><u>Educational and Professional Qualifications (Managerial) - Competency of Contractor</u></b>                  Applicants must submit:                  (1) <b>Declaration No. 5</b> 'Company Organogram &amp; Statement of Average Annual Numbers of Persons Employed', over the past three years (2014 – 2016) in hard copy in the form attached separately to the tender documents. Declaration must be fully completed, signed and dated.                  (2) A Resumé for one (1) Director/Company Owner/Contracts Manager and one (1) Project Manager or equivalent management staff.                  (Please see part 4.4 below for details to be included).</p>	<p><b>Pass/Fail</b></p>
<p><b><u>Educational and Professional Qualifications (Managerial) - Health and Safety Competency of Contractor</u></b>                  Applicants must submit:                  (1) <b>Declaration No. 6</b> - Minimum Health and Safety Standards for Educational and Professional Qualifications in hard copy in the form attached separately to the tender documents. Declaration must be fully completed, signed and dated.</p>	<p><b>Pass/Fail</b></p>
<p><b><u>Educational and Professional Qualifications (Personnel)</u></b>                  Applicants must submit:  <b>Declaration No. 7</b> in hard copy in the form attached separately to the tender documents. Declaration must be fully completed, signed and dated.</p>	<p><b>Pass/Fail</b></p>
<p><b><u>List of Works carried Out Over the Past 3 Years</u></b>                  Applicants must submit:  <b>Declaration No. 8 - Certificate of Satisfactory Execution of Works as Contractor - Relevant Experience Form</b> in hard copy in the form attached separately to the tender documents. Declaration must be fully completed, signed and dated.</p>	<p><b>Pass/Fail</b></p>

<p><b><u>Health and Safety</u></b>                  Applicants must submit:  <b>Declaration C1</b> – HEALTH AND SAFETY DECLARATION C1 – Contractor or PSCS Appointments, or equivalent third party certification (e.g. Safe-T Cert or OHSAS 18001) in hard copy in the form attached separately to the tender documents. Declaration must be fully completed, signed and dated.  <b>Declaration C3</b> – DECLARATION C3: HEALTH AND SAFETY COMPLIANCE – CONTRACTOR, or equivalent third party certification (e.g. Safe-T Cert or OHSAS 18001) in hard copy in the form attached separately to the tender documents. Declaration must be signed and dated.</p>	<b>Pass/Fail</b>
<p><b><u>Statement of Technical Equipment Available</u></b>                  Applicants must submit:  <b>Declaration No. 9</b> in hard copy in the form attached separately to the tender documents. Declaration must be fully completed, signed and dated.</p>	<b>Pass/Fail</b>
<b><u>Compliance with General Specification</u></b>	
<p><b><u>Compliance with General Specification</u></b>                  Applicants must submit:  <b>Declaration No. 10</b> in hard copy in the form attached separately to the tender documents. Declaration must be fully completed, signed and dated.</p>	<b>Pass/Fail</b>
<b><u>Conflicts of Interest and Registrable Interest</u></b>	
<p><b><u>Conflicts of Interest and Registrable Interest</u></b>                  Applicants must submit:  <b>Declaration No. 11</b> in hard copy in the form attached separately to the tender documents. Declaration must be fully completed, signed and dated.</p>	<b>Pass/Fail</b>

4.3.3 LOT 2 Road Making Materials and Ancillary Works – Supply and Place (with PSCS) - Minimum Suitability Criteria

<b>LOT 2 - <u>Minimum Suitability Criteria</u></b>	<b>Weighting</b>
<p><b><u>Contractor Registration Details Form</u></b>                  Applicants must submit:  <b>Declaration No.1</b> in hard copy in the form attached separately to the tender documents. Declaration must be fully completed, signed and dated.</p>	<b>Pass/Fail</b>
<p><b><u>Personal Situation Declaration Form (PSDF)</u></b>                  Applicants must submit:  <b>Declaration No. 2</b> in hard copy in the form attached separately to the tender documents. Declaration must be fully completed, signed and dated.</p>	<b>Pass/Fail</b>
<p><b><u>Insurance</u></b>                  Applicants must submit:  <b>Declaration No. 3</b> in hard copy in the form attached separately to the tender documents. Declaration must be fully completed, signed and dated.</p>	<b>Pass/Fail</b>
<p><b><u>Performance Bond</u></b>                  Applicants must submit:  <b>Declaration No. 4</b> in hard copy in the form attached separately to the tender</p>	<b>Pass/Fail</b>

documents. Declaration must be fully completed, signed and dated.	
<b>Technical Capability</b>	
<p><b><u>Educational and Professional Qualifications (Managerial) - Competency of Contractor</u></b></p> <p>Applicants must submit:</p> <p>(1) <b>Declaration No. 5</b> 'Company Organogram &amp; Statement of Average Annual Numbers of Persons Employed', over the past three years (2014 – 2016) in hard copy in the form attached separately to the tender documents. Declaration must be fully completed, signed and dated.</p> <p>(2) A Resumé for one (1) Director/ Company Owner/Contracts Manager and one (1) Project Manager or equivalent management staff. (Please see part 4.4 below for details to be included).</p>	<b>Pass/Fail</b>
<p><b><u>Educational and Professional Qualifications (Managerial) - Health and Safety Competency of Contractor</u></b></p> <p>Applicants must submit:</p> <p>(1) <b>Declaration No. 6</b> - Minimum Health and Safety Standards for Educational and Professional Qualifications in hard copy in the form attached separately to the tender documents. Declaration must be fully completed, signed and dated.</p>	<b>Pass/Fail</b>
<p><b><u>Educational and Professional Qualifications (Managerial) - Health and Safety Competence of Contractor as PSCS</u></b></p> <p>Applicants must submit:</p> <p>A Safe-T-Cert, or OHSAS 18001, or other equivalent independently certified health and safety management system with appropriate health and safety training and resources will satisfy the minimum standards for this criterion.</p> <p><u>Or, alternatively,</u></p> <p>A Résumé of the competent person identified in Declaration No. 5 with specific responsibility for the discharge of the PSCS function. (Please see part 4.4 below for details to be included).</p>	<b>Pass/Fail</b>
<p><b><u>Educational and Professional Qualifications (Personnel)</u></b></p> <p>Applicants must submit:</p> <p><b>Declaration No. 7</b> in hard copy in the form attached separately to the tender documents. Declaration must be fully completed, signed and dated</p>	<b>Pass/Fail</b>
<p><b><u>List of Works carried Out Over the Past 3 Years</u></b></p> <p>Applicants must submit:</p> <p><b>Declaration No. 8 - Certificate of Satisfactory Execution of Works as Contractor - Relevant Experience Form</b> in hard copy in the form attached separately to the tender documents. Declaration must be fully completed, signed and dated.</p> <p><b>Declaration No. 8A - Certificate of Satisfactory Execution of Works as Contractor and PSCS - Relevant Experience Form</b> in hard copy in the form attached separately to the tender documents. Declaration must be fully completed, signed and dated.</p>	<b>Pass/Fail</b>

<p><b><u>Health and Safety</u></b></p> <p>Applicants must submit:</p> <p><b>Declaration C1</b> – HEALTH AND SAFETY DECLARATION C1 – Contractor or PSCS Appointments, or equivalent third party certification (e.g. Safe-T Cert or OHSAS 18001) in hard copy in the form attached separately to the tender documents. Declaration must be fully completed, signed and dated.</p> <p><b>Declaration C3</b> – DECLARATION C3: HEALTH AND SAFETY COMPLIANCE – CONTRACTOR, or equivalent third party certification (e.g. Safe-T Cert or OHSAS 18001) in hard copy in the form attached separately to the tender documents. Declaration must be signed and dated.</p> <p><b>Declaration C4</b> – HEALTH AND SAFETY COMPLIANCE – PROJECT SUPERVISOR FOR THE CONSTRUCTION STAGE, or equivalent third party certification (e.g. Safe-T Cert or OHSAS 18001) in hard copy in the form attached separately to the tender documents. Declaration must be signed and dated.</p>	<p><b>Pass/Fail</b></p>
<p><b><u>Statement of Technical Equipment Available</u></b></p> <p>Applicants must submit:</p> <p><b>Declaration No. 9</b> in hard copy in the form attached separately to the tender documents. Declaration must be fully completed, signed and dated.</p>	<p><b>Pass/Fail</b></p>
<p><b>Confirming Compliance with General Specification</b></p>	
<p><b><u>Compliance with General Specification</u></b></p> <p>Applicants must submit:</p> <p><b>Declaration No. 10</b> in hard copy in the form attached separately to the tender documents. Declaration must be fully completed, signed and dated.</p>	<p><b>Pass/Fail</b></p>
<p><b>Conflicts of Interest and Registrable Interest</b></p>	
<p><b><u>Conflicts of Interest and Registrable Interest</u></b></p> <p>Applicants must submit:</p> <p><b>Declaration No. 11</b> in hard copy in the form attached separately to the tender documents. Declaration must be fully completed, signed and dated.</p>	<p><b>Pass/Fail</b></p>

**4.4 Standards and Requirements in Support of Minimum Suitability Criteria in Section 4.3**

4.4.1 The résumés requested to be included with the applications as set out in parts 4.3.2 and 4.3.3 above must include the following details.

<p><b><u>Educational and Professional Qualifications (Managerial) - Competency of Contractor (Lot 1 &amp; Lot 2)</u></b></p> <p>The résumé to be included with the application for the Director/Company Owner/Contracts Manager and Project Manager or equivalent management staff, shall as a minimum detail the following information for both: -</p> <ul style="list-style-type: none"> <li>(i) Evidence of relevant educational and professional qualifications (with dates obtained)</li> <li>(ii) Employment history with specific reference to experience in the project management of works projects of a similar nature, size and complexity to those to be tendered under this Framework.</li> <li>(iii) Details of a minimum of three (3) projects in last three (3) years shall be provided for each</li> </ul> <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,</p>
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as relevant.

**Educational and Professional Qualifications (Managerial) – Health & Safety Competency of Contractor (Lot 1 & Lot 2)**

The Minimum Standard applying to all projects is evidence of sufficient management staff with educational and professional qualifications on projects of a similar scale, nature and complexity to those tendered under this Framework.

This requirement shall be addressed by submission of the details set out above for managerial staff Résumés.

**Educational and Professional Qualifications (Managerial) – Health & Safety Competency of Contractor and PSCS (Lot 2 only)**

Where a résumé is to be included with the application for the competent person identified in **Declaration No. 5** with specific responsibility for the discharge of the PSCS function, the résumé shall set out that person’s specific health and safety competencies, and must include the following information:

- (i) Employment history and experience with specific reference to fulfilling Health & Safety duties on projects of a similar scale, nature, and complexity.
- (ii) A Recognised professional qualification(s) in Health & Safety provided by an independent training provider. Typical Examples of recognised professional Health & Safety Qualifications are outlined below.

Non Exhaustive list of Recognised Professional Health & Safety Qualifications:

- Third level Certificate or Diploma in Health & Safety
- Managing Safely in Construction (CIF/IOSH)
- Accredited PSCS Training

Or Equivalent

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

Note that Contractors are permitted to outsource the PSCS role to a third party. This third party resource must be available to them for the purposes of meeting this requirement for the duration of the Framework Agreement, including site involvement and not just in preparation of Health & Safety documentation.

In instances where external third party organizations are proposed by the Contractor to provide the PSCS service on their behalf, the application must also include a confirmation letter from the Consultant, confirming his/her agreement to act in the role of PSCS for the Applicant under the terms and conditions set out in the Framework Agreement.

4.4.2 Details of the minimum standards and requirements that apply to each of the Declarations outlined in section 4.3 above are set out in **Appendix 4** of these Instructions.

4.4.3 Evidence demonstrating compliance with these standards and requirements must be available for inspection by the Contracting Authorities or the LGOPC, **if and when requested** in support of the Declarations submitted. Applicants **do not** have to supply the evidence set out in Appendix 4 at Framework application stage.

**4.5 Tender Award (Stage 3)**

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

4.5.2 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:

<b><i>Award Criteria</i></b>	<b><i>Weighting</i></b>	<b><i>Maximum Marks Available</i></b>
Most Economically Advantageous Tender Price (Normalised)	<b>100%</b>	<b>1,000</b>

4.5.3 In order to secure a place on the Framework, the Application will be ranked after the tender prices submitted for each item of works are normalised in accordance with the following procedure -:

- a) The following formula will be used to normalise the tender prices for each item of works being tendered.

$$\text{Normalised Score for item of works being evaluated} = \frac{\text{Lowest Price Tendered for the item of works}}{\text{Tender price for the item of works being evaluated}}$$

- b) All works items being tendered will be normalised separately with respect to the lowest price tendered for the item of works being normalised. This will produce a score of 1.0 or less for the tender price being evaluated.
- c) The normalised scores for all the items of works included in the Applicant’s tender will be totalled and the score averaged as follows -:

$$\text{Average Normalised Score for Applicant’s Tender} = \frac{\text{Applicant’s total score for all items of works tendered}}{\text{Number of items of works tendered}}$$

- d) The Applicant’s tender will be ranked in accordance with the average normalised score arising for the tender.
- e) The Applicant with the highest average normalised score shall be awarded 1,000 marks and position 1 on the Framework for the appropriate Lot being tendered.
- f) All other Applicants will receive a pro rata mark based on the ratio between its average normalised score and that of the highest average normalised score, as follows -:

$$\text{Applicant’s Mark for Ranking Purposes} = \frac{\text{Average Normalised Score being evaluated}}{\text{Highest Average Normalised Score}} \times 1,000$$

- g) A worked example of this normalising process is attached for reference in **Appendix 1** to the Form of Tender document.

**4.6 Communications and Clarifications (Post Tender)**

4.6.1 It is mandatory that all Applicants provide an **email address** for receiving correspondence during the evaluation period and also for the Mini-Competitions. This e-mail address shall be included in the Service Provider Registration Details Form included with the tender documents as a separate template form to be completed and returned as part of the application process.

4.6.2 During the evaluation period, clarification of submitted content may be sought via e-mail 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.

- 4.6.3 If an Applicant fails to comply in any way with these Instructions, the LGOPC may (but is not obliged to) disqualify the Applicant concerned and reject its Application. Without prejudice to this right, the LGOPC may (but is not obliged to) seek clarification or further information from the Applicant (that does not materially alter its Application) or take any other step permitted by law.

#### 4.7 Framework Agreement

- 4.7.1 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 *Public Works Frameworks Agreement (PW-CF9)* - a copy can be viewed at [www.etenders.gov.ie](http://www.etenders.gov.ie).
- 4.7.2 Note that separate Agreements will apply for each Lot.
- 4.7.3 For Lot 1, the number of Applicants invited for admittance to the Framework will be limited to **four hundred (400)** of the highest ranking Applicants or such number as deemed appropriate by the LGOPC to meet the needs of the Framework Purchasers, whichever is the greater amount.
- 4.7.4 For Lot 2, the number of Applicants invited for admittance to the Framework will be limited to **three hundred (300)** of the highest ranking Applicants or such number as deemed appropriate by the LGOPC to meet the needs of the Framework Purchasers, whichever is the greater amount.
- 4.7.5 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](http://www.supplygov.ie), if not already registered.
- 4.7.6 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.
- 4.7.7 The appointment of the successful Applicants to the Framework Agreement does not constitute a commitment or guarantee from the LGOPC or any Framework Purchaser to enter into a contract with the Contractor and does not confer any exclusivity on the appointed Contractor. The LGOPC and Framework Purchasers reserve the right to carry out separate procurement processes for any works described in this competition from any Contractor outside of the Framework Agreement, should they, at their sole discretion, consider it appropriate to do so.

#### 4.8 Termination from the Framework

- 4.8.1 Applicants may be terminated from the Framework Agreement pursuant to the terms of the Framework Agreement.
- 4.8.2 The Framework Agreement may be terminated at any time, at the sole and absolute discretion of the LGOPC and the Contracting Authority.

#### 4.9 Safety Statement

- 4.9.1 When requested, prior to the appointment to the Framework Agreement, successful Applicants must provide a current Safety Statement complying with Section 1.7 of the General Specification (Signed, Dated and Company Registrations Office Company Name referenced where applicable).
- 4.9.2 The requirements under Health and Safety legislation will only be evaluated by the relevant Framework Purchaser at Mini-Competition Stage when the Contractor is being evaluated in response to a Mini-Competition Request for Tender. Please refer to the Mini-Competition Evaluation Criteria included in **Appendix 6 & 7** to this Instructions Document and as **Schedule 3** attached to the Framework Agreements.

## 5.0 MINI-COMPETITIONS (ALL LOTS)

### 5.1 Operation of Mini-Competitions

- 5.1.1 Works 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](http://www.Supplygov.ie) and advertised by Lot.
- 5.1.3 ONLY CONTRACTORS APPOINTED TO THE FRAMEWORK FOR A PARTICULAR LOT WILL BE INVITED TO TENDER FOR MINI COMPETITIONS.
- 5.1.4 The Contracting Authorities will issue a Mini-Competition Request for Tender via [www.Supplygov.ie](http://www.Supplygov.ie) (formerly [www.LAQuotes.ie](http://www.LAQuotes.ie)) system to all those appointed to the Framework Agreement who have registered an interest in their particular local authority.
- 5.1.5 Contractors listed in the Framework Agreement may only submit one tender in response to a Mini-Competition Request for Tender.
- 5.1.6 Contractors shall comply with any procedures, processes, time limits, contract evaluation criteria, 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. Contractors shall be required to meet the requirements as published for each Mini-Competition Contract and to complete or submit all other information as requested prior to the award of any Mini-Competition Contract.
- 5.1.7 If the Contractor is a subsidiary, a parent company guarantee may be sought at Mini-Competition stage if relevant.
- 5.1.8 Contractors who submit tenders in response to a Mini-Competition should note the provisions of paragraph 3.7.6 in regard to the **Key Rates** tendered at Framework application stage.
- 5.1.9 Contractors that intend to tender for an alternative environmentally friendly product at Mini-Competition stage will:-
- (i) Be restricted to the Key Rate established by the price submitted at Framework application stage for the corresponding product, and
  - (ii) In order to ensure compliance with environmental technical standards, be required, at that stage, to submit an Environmental Product Declaration (EPD) in accordance with EN 15804 for each alternative environmentally friendly product they propose.

### 5.2 Mini-Competition Evaluation

- 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 3** 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 6** (Lot 1) and **Appendix 7** (Lot 2).
- 5.2.3 Contractors must pass all of the Mini-Competition Contract and Evaluation Award Criteria prior to being assessed on price. Contractors 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.

## 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 the LGOPC (which may be withheld in its sole discretion).
- 6.1.2 These Instructions are a summary of available information and no reliance shall be placed on any information or statements contained herein, and no representation or warranty, express or implied, is or shall be made in relation to the completeness, accuracy or functioning of the information contained in these Instructions, nor as to the reasonableness of any assumption made in preparing this information. Without prejudice to the foregoing, neither the LGOPC nor their advisers, consultants, suppliers, servants and/or agents shall have any liability or responsibility in relation to the accuracy, adequacy or completeness of such information or any statements made. For the avoidance of doubt, Applicants should not assume that any such information or statements shall remain unchanged.
- 6.1.3 The LGOPC are not bound by any anomalies, errors or omissions in these Instructions. Applicants shall immediately notify the LGOPC should they become aware of any ambiguity, discrepancy, error or omission in these Instructions, even if the date specified in paragraph 3.6.1 has passed. The LGOPC shall, upon receipt of such notification, notify all Applicants of its ruling in respect of any such ambiguity, discrepancy, error or omission. Such ruling shall be issued in writing and may at the LGOPC's sole discretion form part of the Framework Agreement.
- 6.1.4 The LGOPC reserves the right to update, delete, vary, extend or alter these Instructions and the information and documents contained herein at any time by notice via [www.etenders.gov.ie](http://www.etenders.gov.ie) 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 the LGOPC 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 Request for Tender 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 The LGOPC reserves the right, without notice:
- to change the basis of, or the procedures (including the timetable) relating to the Framework Agreement
  - 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, the LGOPC and its advisors shall not be liable to any persons as a result thereof. The LGOPC shall not be bound to accept any Application and reserves the right not to form a Framework Agreement in respect of some or all of the works for which Applications are invited.

## 6.2 Subcontracting

- 6.2.1 Applicants must indicate in the Form of Tender attached separately, if they intend to sub-contract any part of the contract to third parties.

## 6.3 Tax Compliance

- 6.3.1 All payments under a contract awarded pursuant to a Mini-Competition Contract will be conditional on the Contractor being tax compliant.
- 6.3.2 Successful Applicants must comply with the terms of the Department of Finance Circulars 43/2006 and 44/2006: Tax Clearance Procedures: Public Sector Contracts, or any replacement.
- 6.3.3 In line with the legislative provisions of Section 95 of the Finance Act 2014, the following provisions in relation to eTax Clearance Certificates have been brought into force by Revenue, effective from December 2015 -:
- processing of tax clearance applications, certificates issued by the 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).
- 6.3.4 eTax Clearances will be available to business, PAYE and non-resident customers with a PPSN/Tax Reference number (TRN). There is no change to the current process for customers/applicants that are not registered for Irish tax, i.e. non-residents or some community/voluntary groups. These applications will continue to be processed by the Collector General's Office. Furthermore, eTax Clearance does not apply to Standards in Public Office (SIPO) applicants.
- 6.3.5 Applications in eTax Clearance will be processed in real time. Contractors who are tax compliant will receive a Tax Clearance Access Number. This number along with the Contractor's PPSN/Tax Reference number (TRN Number) shall be provided when requested to the Contracting Authority as verification of their tax clearance details.
- 6.3.6 Subcontractors engaged at 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 Contractor, before any contract is awarded. Applicants requiring further information on demonstration of satisfactory level of subcontractor tax compliance and Notifications of Determination under Section 530I of The Taxes Consolidation Act, 1997 (as amended) should contact their local Revenue office. Contact details are available on the Revenue website at [www.revenue.ie](http://www.revenue.ie).

## 6.4 Employees

- 6.4.1 Applicants shall also be aware that they may be asked to provide evidence prior to commencing any works 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.
- 6.4.2 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.

## 6.5 Language

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

## 6.6 Declarations

- 6.6.1 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, the LGOPC 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 Contractor may be immediately excluded from the Framework Agreement. The sanction for other false, misleading or incorrect information will be determined by the LGOPC and/or Contracting Authorities at its own discretion and it may include all steps up to the complete exclusion from the Framework Agreement.
- 6.6.2 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 the LGOPC and/or Contracting Authorities or it is subsequently discovered that any declaration provided is false.
- 6.6.3 **Note:** Successful Contractors 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 Contractors by the LGOPC prior to the end of each twelve month period.

## 6.7 Applicable Law

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

## 6.8 Freedom of Information Acts

- 6.8.1 The LGOPC is subject to the Freedom of Information Act 2014 and acknowledges that information provided in response to these Instructions may be confidential or commercially sensitive.
- 6.8.2 Applicants are asked to consider if any of the information supplied by them in response to this competition should not be disclosed because it is commercially sensitive or confidential. If this is the case, Applicants can, when providing the information, identify same and specify the reasons for its commercial sensitivity or confidentiality. The LGOPC will have regard to such a statement but are not bound by it. The requirements of the Freedom of Information Act will at all times take precedence.

## 6.9 Canvassing

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

## 6.10 Standstill

- 6.10.1 The LGOPC's decision on the outcome of the Framework application evaluation process will be communicated via email to Applicants. The LGOPC 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 Agreement.

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

### **6.11 Conflicts of Interest and Registrable Interest**

- 6.11.1 Any actual or potential conflict of interest involving an Applicant (whether by reason of the Applicant having or having had a role in the LGOPC and/or Contracting Authorities in relation to the contract or by reason of the Applicant having or having had an interest in another Applicant or another Applicant having or having had an interest in the Applicant or any other situation creating a conflict of interest, actual or potential) must be fully disclosed by the Applicant as soon as it becomes apparent. The LGOPC and/or Contracting Authorities reserve the right to raise conflict of interest issues with Applicants.
- 6.11.2 Where the LGOPC and/or Contracting Authorities 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.
- 6.11.3 Where the LGOPC and/or Contracting Authorities consider that the situation gives rise to a material conflict of interest, it may, at its sole discretion, permit the situation to continue, subject if necessary, to appropriate safeguards being agreed between the LGOPC and/or Contracting Authorities and the Applicant and the LGOPC and/or Contracting Authorities being fully satisfied that those safeguards have been put in place and will be complied with.
- 6.11.4 Where the LGOPC and/or Contracting Authorities considers, in its absolute discretion, that the situation can only be remedied by the exclusion of the Applicant from the application process, the LGOPC and/or Contracting Authorities shall exclude the Applicant.
- 6.11.5 Any registrable interest involving the Applicant and the LGOPC and/or Contracting Authorities or their relatives must be fully disclosed in the Application, or must be communicated to the LGOPC and/or Contracting Authorities 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.

### **6.12 Confidentiality**

- 6.12.1 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.

### **6.13 Child Protection and Garda Clearance**

- 6.13.1 It will be a condition of the entry to the Framework Agreement and any Mini-Competition Contract awarded to Contractors that their employees, agents or sub-contractor strictly adhere to the Framework Purchaser’s child protection policy which will be included with the tender documents for the information of tenderers – if applicable.
- 6.13.2 It will be a condition of the participation in the Framework Agreement that all personnel employed by any Contractor for the purpose of carrying out any Mini-Competition Contract awarded, including sub-contractors and agents, will be in a position to obtain Garda clearance if requested to do so at any time during the term of the Framework Agreement – if applicable.

### **6.14 Data Protection**

- 6.14.1 The LGOPC recognises that Applicants may submit personal data on behalf of themselves or others as part of their Application and this information can be regarded as “Personal Data” under the Data Protection Acts 1988 and 2003 (as amended from time to time) and Directive 2016/679 on the

protection of natural persons with regard to the processing of personal data and on the free movement of such data, and any implementing legislation. LGOPC, as the Data Controller, may share and/or disclose details (including personal data, such as names of supplier personnel, contact details, supplier personnel experience, etc.) with other bodies/entities within the public and or Semi-State sectors as required by this Framework. Applicants will be required to sign a data protection declaration consenting on their own behalf and on behalf of those individuals whose personal data the Applicant submits to LGOPC, to these identified disclosures, and the Applicant must procure all relevant consents in this regard.

## 7.0 APPENDICES AND SCHEDULES

### 7.1 General

7.1.1 The following Appendices and Schedules are attached to this Instructions Document.

Appendix 1: Indicative Timetable

Appendix 2: Glossary of Terms

Appendix 3: Contracting Authorities (Framework Purchasers)

Appendix 4: Minimum Standards and Requirements in Support of Declarations and Information to be submitted

Appendix 5: Categories of Works Tendered

Appendix 6: Mini-Competition Contract Evaluation and Award Criteria (Lot 1)

Appendix 7: Mini-Competition Contract Evaluation and Award Criteria (Lot 2)

7.1.2 The following Schedules are attached to the Framework Agreement for Road Making Materials and Ancillary Works for Local Authorities – Supply and Place

Schedule 1: General Specification

Schedule 2: Categories of Works Tendered

Schedule 3: Mini-Competition Contract Evaluation & Award Criteria

Schedule 4: Framework Purchasers

Schedule 5: 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** 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	<b>14<sup>th</sup> March 2017</b>
Deadline for receipt of Queries	15 <sup>th</sup> April 2017
Deadline for Receipt of Application to join Framework ( <b>Closing Deadline</b> )	<b>15:00 pm 25<sup>th</sup> April 2017</b>
Appointment to the Framework	<b>June 2017</b>

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

## APPENDIX 2 - GLOSSARY OF TERMS

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

Applicant	means an entity that submits an Application
Application	means an Application for admittance to the Framework submitted pursuant to these Instructions
Ceiling/Key Rate	Ceiling Rates or key 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. At mini competition stage Contractors will not be able to tender rates higher than the corresponding rates already submitted for similar items included in the Pricing Schedules appropriate to the Lot being tendered. This applies to the first 12 months from the Framework Application Closing Deadline only.
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 <b>Appendix 3</b>
Contractor	shall be read as having the same meaning as an Applicant that is admitted to the Framework
ESPD	means the European Single Procurement Document
Evaluation Period	means the period during which the LGOPC 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 <b>Appendix 3</b> .
Instructions or Instructions Document	means this Instruction Document and all Appendices and Schedules hereto
LGOPC	Local Government Operational Procurement Centre
Mini-Competition	means a tender competition between the Contractors 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 Contractor under and pursuant to which the Contractor 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 Contractors, 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 – contractors 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 <b>Schedule 1</b> to the Framework Agreement.
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
<a href="http://www.supplygov.ie">www.supplygov.ie</a>	The website formerly known as <a href="http://www.LAQuotes.ie">www.LAQuotes.ie</a> . All Mini-Competitions will be administered through this portal.

## APPENDIX 3 - CONTRACTING AUTHORITIES (FRAMEWORK PURCHASERS)

The Framework Purchasers are as follows -:

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

## APPENDIX 4 - MINIMUM STANDARDS AND REQUIREMENTS IN SUPPORT OF DECLARATIONS SUBMITTED AT APPLICATION STAGE

**The following evidence must be available for inspection by the Framework Purchaser or LGOPC, if and when requested to support the Declarations and Information submitted at Framework application stage**

### 1.0 Insurance (Declaration No. 3 - Lot 1 & Lot 2)

Minimum standards are as set out in Schedule 1 of the General Specification, Section 1.4 – Insurances – attached to the Framework Agreement.

Applicants do not need to have these insurance policies in place when they submit an application for appointment to the Framework. If successfully appointed to the Framework, the Applicant will be required to have their insurance details updated on [www.Supplygov.ie](http://www.Supplygov.ie) prior to the award of any Mini-Competition Contract.

### 2.0 Performance Bond (Declaration No. 4 - Lot 1 & Lot 2)

Minimum standards are as set out in Schedule 1 of the General Specification, Section 1.5 – Performance Bond.

Applicants do not need to a Performance Bond in place when they submit an application for appointment to the Framework. If successfully appointed to the Framework, the Applicant may be required to provide a Performance Bond prior to the award of any Mini-Competition Contract, if requested to do so by the Framework Purchaser.

### 3.0 Educational and Professional Qualifications (Managerial) & Statement of Average Annual Numbers of Persons Employed (Declaration No. 5 - Lot 1 & Lot 2)

Minimum Standard:

The evidence as set out in part 4.4 of this document must be included with the application.

Contractors successfully appointed to the Framework must provide if/when requested at Mini-Competition Request for Tender stage, the following details for management -:

- 1) A detailed organizational structure chart (e.g. organogram) which illustrates the overall management structure within the organisation and the position held by each manager within that structure, including roles and responsibilities as they apply to the proposed project.

### 4.0 Educational and Professional Qualifications (Managerial) – Health and Safety Competency of Contractor (Declaration No. 6 - Lot 1 & Lot 2)

Minimum Standard:

The evidence as set out in part 4.4 of this document must be included with the application.

Contractors successfully appointed to the Framework must provide if/when requested at Mini-Competition Request for Tender stage, the following details for management -:

- 1) Evidence of sufficient management staff assigned to the project with Health & Safety qualifications, training and experience, relevant to the works.
- 2) Résumé for the competent person identified in **Declaration No. 5** as having overall responsibility for health and safety, setting out that person’s specific health and safety competencies, and must include the following information:

- (i) Employment history and experience with specific reference to fulfilling Health & Safety

	<p>duties on projects of a similar nature, size and complexity.</p> <p>(ii) A Recognised professional qualification(s) in Health &amp; 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 &amp; Safety Qualifications:</u></p> <ul style="list-style-type: none"> <li>• Third level Certificate or Diploma in Health &amp; Safety</li> <li>• Managing Safely in Construction (CIF/IOSH)</li> </ul> <p>or equivalent</p>
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**5.0 Health and Safety as PSCS (Declaration No. 5 - Lot 2 Only)**

	<p><u>Minimum Standard:</u> The evidence as set out in part 4.4 of this document must be included with the application.</p>
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**6.0 Educational and Professional Qualifications (Personnel) (Declaration No. 7 - Lot 1 and Lot 2)**

	<p>The <u>Minimum standard</u> applying to all projects is evidence of sufficient personnel for the project with appropriate professional qualifications and experience on projects of a similar scale, nature and complexity.</p> <p>Contractors successfully appointed to the Framework must provide if/when requested at Mini-Competition Request for Tender stage, the following details for personnel :-</p> <ol style="list-style-type: none"> <li>1) <span style="float: right;">Details of the staff assigned to</span> perform the contract in the form of an Organogram of the Project Team, and their roles and responsibilities.</li> <li>2) <span style="float: right;">The following minimum details for</span> each member of the project team :-             <ol style="list-style-type: none"> <li>(i) Evidence of educational and professional qualifications and/or technical accreditations (with dates obtained)</li> <li>(ii) Employment history with specific reference to experience of the contractor’s personnel on works projects of a similar scale, nature and complexity to those to be tendered under this Framework <b>or</b> experience in so far as they are relevant to health and safety management of works projects.</li> <li>(iii) Details of a minimum of three (3) projects in last three (3) years shall be provided for each member.</li> </ol> <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 works.</p> </li> <li>3) For each member of the project team, details of the following must be entered on <a href="http://www.supplygov.ie">www.supplygov.ie</a> under ‘My Checklist’ -:             <ul style="list-style-type: none"> <li>▪ Solas/Fás Safepass Card, or equivalent</li> </ul> </li> <li>4) And where relevant to the works required in the Request for Tender -:             <ul style="list-style-type: none"> <li>▪ 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</li> <li>▪ A valid and compliant Driver CPC Card for the appropriate vehicle category</li> <li>▪ Any additional qualifications required for the proposed Works defined in the Request For</li> </ul> </li> </ol>
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	<p>Tender</p> <p>5) In addition, in relation to health and safety Competency of the Contractor’s personnel, the following evidence must be available at Mini-Competition Request for Tender stage and at any point during the Term of the Framework -:</p> <ul style="list-style-type: none"> <li>▪ Evidence of attendance by two (2) operatives at Health &amp; Safety training provided by an independent training provider - minimum twelve (12) hours or two (2) days CPD over previous five (5) yrs.</li> </ul> <p>(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)</p>
<p><b>7.0 List of Works carried Out Over the Past 3 Years – Relevant Experience Form (Declaration No. 8 - Lot 1 and Lot 2)</b></p>	
	<p><u>Minimum Standard:</u></p> <p>The evidence as set out in Declaration No. 8 must be included with the application.</p>
<p><b>8.0 List of Works carried Out Over the Past 3 Years – Relevant Experience Form (Declaration No. 8A - Lot 2 Only)</b></p>	
	<p><u>Minimum Standard:</u></p> <p>The evidence as set out in Declaration No. 8A must be included with the application for Lot 2.</p>
<p><b>9.0 Technical Equipment (Declaration No. 9 - Lot 1 and Lot 2)</b></p>	
	<p><b><i>Statement of Technical Equipment Available</i></b></p> <p>Contractors successfully appointed to the Framework must provide if/when requested at Mini-Competition Request for Tender stage, evidence of technical equipment available to carry out the project, including evidence of technical equipment available to the Contractors specialists if applicable.</p> <p>The minimum standard is a statement from the contractor regarding the tools, plant or other technical equipment that would be available to the contractor for carrying out the contract. When requested, evidence shall be provided in the form of a written statement.</p> <p>Such evidence may also include a request for the contractor to provide the maintenance records of mechanical and non-mechanical plant (that he owns) to show that the plant is properly maintained and fit to operate.</p>
<p><b>10.0 Compliance with General Specification (Lot 1 and Lot 2)</b></p>	
	<p>Minimum standards are as set out in the Schedule 1: General Specification Document attached to the Framework Agreement.</p> <p>Contractors successfully appointed to the Framework must provide if/when requested at Mini-Competition Request for Tender stage, evidence confirming compliance with the requirements of Schedule 1: General Specification Document attached to the Framework Agreement.</p>

## APPENDIX 5 - CATEGORIES OF WORKS TENDERED

Refer to **Schedule 1 – General Specification** attached to each Framework Agreement for Technical Standards for the works.

Please note the following:

- (1) Items 1 to 13 below are associated with **Series 900** of the NRA *Specification for Road Works* dated **March 2011**.
- (2) Items 14 to 20 below are associated with the latest version of **Series 900** of the TII *Specification for Road Works* (CC-SPW-0900).
- (3) The latest version of the TII *Specification for Road Works* shall be used for all other series in the Specification.
- (4) Other sub categories of works are included separately.
- (5) The item of works descriptions in the table below are broadly indicative of the item of works that will be required by Contracting Authorities at Mini-Competition stage. At Mini-Competition stage a Contracting Authority may require an equivalent item of works and this will be specified in the Request for Tender.
- (6) When responding to a Mini-Competition Request for Tender, Contractors admitted to the Framework Agreement may only provide prices for item of works that they priced as part of their application for admittance to the Framework (i.e. at Mini-Competition stage, a Contractor may not provide a price for an item of works that was not priced at Framework application stage).

	Sub Category	Works Description
<u>1</u>	Bituminous Bound Materials	Clause 906 Dense Base Course Asphalt Concrete (Recipe Mixtures)
<u>2</u>	Bituminous Bound Materials	Clause 906 Dense Binder Course Asphalt Concrete (Recipe Mixtures)
<u>3</u>	Bituminous Bound Materials	Clause 907 Regulating Course
<u>4</u>	Bituminous Bound Materials	Clause 910 Hot Rolled Asphalt Surface Course (Recipe Mixtures)
<u>5</u>	Bituminous Bound Materials	Clause 912 Close Graded Asphalt Concrete Surface Course
<u>6</u>	Bituminous Bound Materials	Clause 915 Coated Chippings for Application to Hot Rolled Asphalt Surface Course
<u>7</u>	Bituminous Bound Materials	Clause 916 Open Graded Asphalt Concrete Surface Course
<u>8</u>	Bituminous Bound Materials	Clause 929 Dense Base Course (Design Mixture)
<u>9</u>	Bituminous Bound Materials	Clause 929 Dense Binder Course (Design Mixture)
<u>10</u>	Bituminous Bound Materials	Clause 930 EME2 Base Course Asphalt Concrete
<u>11</u>	Bituminous Bound Materials	Clause 930 EME2 Binder Course Asphalt Concrete
<u>12</u>	Bituminous Bound Materials	Clause 942 Polymer Modified Stone Mastic Asphalt Surface Course
<u>13</u>	Bituminous Bound Materials	Clause 920 Bond or Tack or other Bituminous sprays
<u>14</u>	Bituminous Bound Materials	Asphalt Concrete Products (Clause 3 of Series 900)
<u>15</u>	Bituminous Bound Materials	Hot Rolled Asphalt Products (Clause 4 of Series 900)
<u>16</u>	Bituminous Bound Materials	Stone Mastic Asphalt Products (Clause 5 of Series 900)
<u>17</u>	Bituminous Bound Materials	Porous Asphalt Products (Clause 6 of Series 900)
<u>18</u>	Bituminous Bound Materials	Surface Treatments (Clause 7 of Series 900)
<u>19</u>	Bituminous Bound Materials	Regulating Course (Clause 2.2 of Series 900)
<u>20</u>	Bituminous Bound Materials	Bond Coat (10.1.4 of Series 900)
<u>21</u>	Cold Mix Bitumen Bound Materials	Stabilised Wetmix/Foam Mix
<u>22</u>	Cold Mix Delay Set Bituminous Macadam	10mm Normal Delay Set
<u>23</u>	Cold Mix Delay Set Bituminous Macadam	10mm Short Delay Set
<u>24</u>	Cold Mix Delay Set Bituminous Macadam	14mm Normal Delay Set

<u>25</u>	Cold Mix Delay Set Bituminous Macadam	14mm Short Delay Set
<u>26</u>	Cold Mix Delay Set Bituminous Macadam	6mm Normal Delay Set
<u>27</u>	Cold Mix Delay Set Bituminous Macadam	6mm Short Delay Set
<u>28</u>	Fill Material & Unbound Material	Clause 503 Bedding, Laying and Surrounding of Pipes
<u>29</u>	Fill Material & Unbound Material	Clause 505 Backfilling of Trenches and Filter Drains
<u>30</u>	Fill Material & Unbound Material	Clause 803 Granular Material Type A
<u>31</u>	Fill Material & Unbound Material	Clause 804 Granular Material Type B
<u>32</u>	Fill Material & Unbound Material	Clause 805 Granular Material Type C
<u>33</u>	Fill Material & Unbound Material	Clause 806 Granular Type D (Wet-Mix Macadam)
<u>34</u>	Fill Material & Unbound Material	Clause 807 Granular Type E (Close Grained Unbound Mixtures)
<u>35</u>	Fill Material & Unbound Material	Clause 808
<u>36</u>	Fill Material & Unbound Material	Clause 821 Cement Bound Granular Mixtures A (CBGM A)
<u>37</u>	Fill Material & Unbound Material	Clause 822 Cement Bound Granular Mixtures B (CBGM B)
<u>38</u>	Fill Material & Unbound Material	Clause 823 Cement Bound Granular Mixtures C (CBGM C)
<u>39</u>	Geotextiles (woven)	Geotextile (woven) – various strengths
<u>40</u>	Geotextiles (nonwoven)	Geotextile (nonwoven) – various strengths
<u>41</u>	Geosynthetic Geogrids	Geogrid – various strengths
<u>42</u>	Sand, Gravels and Topsoil	Bedding Sand (Paving)
<u>43</u>	Sand, Gravels and Topsoil	Clean Sharp Sand
<u>44</u>	Sand, Gravels and Topsoil	Gravel Filling
<u>45</u>	Sand, Gravels and Topsoil	Jointing Sand
<u>46</u>	Sand, Gravels and Topsoil	Natural or Crushed Gravel
<u>47</u>	Sand, Gravels and Topsoil	Pea-Gravel, 12.5mm to 5mm only
<u>48</u>	Sand, Gravels and Topsoil	Pit Run Gravel
<u>49</u>	Sand, Gravels and Topsoil	Screened Gravel
<u>50</u>	Sand, Gravels and Topsoil	Top Soil, Class 5B, 5C
<u>51</u>	Sand, Gravels and Topsoil	Unwashed Sand
<u>52</u>	Sand, Gravels and Topsoil	Washed Sand (Building)
<u>53</u>	Sand, Gravels and Topsoil	Washed Sand (Plastering)
<u>54</u>	Stone	100mm - 50mm broken stone
<u>55</u>	Stone	100mm Down Broken Stone
<u>56</u>	Stone	150mm -100mm broken stone
<u>57</u>	Stone	225mm - 100mm Down Broken Stone
<u>58</u>	Stone	225mm Down Broken Stone
<u>59</u>	Stone	37.5mm Down Broken Stone
<u>60</u>	Stone	400mm Down Broken Stone
<u>61</u>	Stone	50mm - 20mm Down Broken Stone
<u>62</u>	Stone	50mm Down Broken Stone
<u>63</u>	Stone	Boulders
<u>64</u>	Stone	Drainage Stone Single Size - 100mm
<u>65</u>	Stone	Drainage Stone Single Size - 35mm
<u>66</u>	Stone	Drainage Stone Single Size - 50mm
<u>67</u>	Stone	Drainage Stone Single Size -150mm
<u>68</u>	Stone	Drainage Stone Single Size -37.5mm
<u>69</u>	Stone	Granular Material (Rock fill) 500mm Class 6B
<u>70</u>	Stone	Grit 6/4mm
<u>71</u>	Stone	Quarry Fines
<u>72</u>	Stone	Screenings - 20 mm Down

<u>73</u>	Stone	Screenings - 25 mm Down
<u>74</u>	Stone	Screenings - 37.5 mm Down
<u>75</u>	Stone	Selected Well Graded Granular Material (Rock Fill) 125mm Class 6C
<u>76</u>	Stone	Single Size Broken Stone - 37.5mm
<u>77</u>	Stone	Single Size Broken Stone - 50mm
<u>78</u>	Stone	Single Size Broken Stone - 75mm
<u>79</u>	Surface Dressing	10/14mm Chippings
<u>80</u>	Surface Dressing	14/20mm Chippings
<u>81</u>	Surface Dressing	2/6mm Chippings
<u>82</u>	Surface Dressing	6/10mm Chippings

	Other Sub Categories	Ancillary Works Description
<u>83</u>	Ancillary Road Construction Works	Raising or lowering covers
<u>84</u>	Ancillary Road Construction Works	Recycling of Existing Roads and cold milling, planning/stabilisation
<u>85</u>	Ancillary Road Construction Works	Saw Cutting
<u>86</u>	Footpath Works	Concrete Footpaths
<u>87</u>	Footpath Works	In-situ concrete kerbing
<u>88</u>	Footpath Works	Kerbs, Paths, Channels, Edgings
<u>89</u>	Footpath Works	Tarmacadam footpaths
<u>90</u>	Footpath Works	Footpaths Bases
<u>91</u>	Footpath Works	Waterproof concrete protection / surfacing
<u>92</u>	Footpath Works	Gravel Footpaths
<u>93</u>	Services Installation	Service ducts and chambers
<u>94</u>	Services Installation	Meters and boxes
<u>95</u>	Services Installation	Valves, fittings etc
<u>96</u>	Services Installation	Water pipework
<u>97</u>	Services Installation	Drainage pipework
<u>98</u>	Services Installation	Boxes & chambers
<u>99</u>	Services Installation	Chambers and Gullies
<u>100</u>	Services Installation	Ducting
<u>101</u>	Surfacing Works	High Friction Surfacing – Epoxy Resin (or similar)
<u>102</u>	Surfacing Works	Hot Applied Coloured Surfacing
<u>103</u>	Surfacing Works	Footpath Overlay
<u>104</u>	Surfacing Works	Pavement Overlay
<u>105</u>	Surfacing Works	Special Surfacing (eg. Ralumac) to Local Authority Specification
<u>106</u>	Traffic Management / Calming Works	Traffic Calming
<u>107</u>	Traffic Management / Calming Works	Speed Ramps / Speed Cushions / Raised Tables

**Note:** Contractors appointed to the Framework will be invited to tender at Mini-Competition stage by their nominated Contracting Authorities for the item of works they have priced in the Form of Tender submitted at Framework application stage.

## APPENDIX 6 - MINI-COMPETITION CONTRACT EVALUATION AND AWARD CRITERIA (LOT 1)

### 6.1 Contract Evaluation Criteria

- 6.1.1 Contractors 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. Contractors should note that not all of the criteria listed may apply to every Mini-Competition Request for Tender.
- 6.1.2 Only those Tenderers 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.

<b>Contract Evaluation Criteria (Lot 1)</b>		<b>Weighting</b>
<b>1</b>	<p><b>Proposed Project Team and Availability</b></p> <p>Provide confirmation in writing that the Contractor has the required resources available to complete the works within the specified timeframe, respecting the nominated start and finish date outlined in the Request for Tender documents.</p> <p>In doing so, Contractors will be asked to clearly identify the names of the resources that they intend to allocate to the Mini-Competition Contract.</p>	<b>Pass/Fail</b>
<b>2</b>	<p><b>Details of Contractors Proposed Project Team</b></p> <p>Provide the following details for the proposed project team -:</p> <ol style="list-style-type: none"> <li>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.</li> <li>2) The following minimum details for each member of the project team -:                             <ol style="list-style-type: none"> <li>(i) Evidence of educational and professional qualifications and/or technical accreditations (with dates obtained)</li> <li>(ii) Employment history with specific reference to experience of the contractor's personnel on works projects of a similar scale, nature and complexity to those to be tendered under this Framework <b>or</b> experience in so far as they are relevant to health and safety management of works projects.</li> <li>(iii) Details of a minimum of three (3) projects in last three (3) years shall be provided for each member.</li> </ol> </li> </ol> <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 works.</p>	<b>Pass/Fail</b>
<b>3</b>	<p><b>Health &amp; Safety Competency of Workers</b></p> <p>For each member of the project team, details of the following must be entered on <a href="http://www.supplygov.ie">www.supplygov.ie</a> under 'My Checklist' -:</p> <ul style="list-style-type: none"> <li>▪ Solas/Fás Safepass Card, or equivalent</li> </ul> <p>And where relevant to the works required in the Request for Tender -:</p> <ul style="list-style-type: none"> <li>▪ A valid CSCS card for any additional skill covered under the Construction Skills Certification Scheme required for the proposed Works defined in the Request For Tender</li> <li>▪ A valid and compliant Driver CPC Card for the appropriate vehicle category</li> <li>▪ Any additional qualifications required for the proposed works defined in the Request For Tender</li> </ul>	<b>Pass/Fail</b>

	<ul style="list-style-type: none"> <li>Evidence of attendance by two (2) operatives from the Project Team at Health &amp; Safety training provided by an independent training provider - minimum twelve (12) hours or two (2) days CPD over previous five (5) yrs. <i>(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.)</i></li> </ul>	
<b>4</b>	<b>Temporary Traffic Management Plan</b> Provide confirmation in writing that <u>prior to the award of the Mini-Competition Contract</u> , the Contractor will provide the Framework Purchaser with a Temporary Traffic Management Plan demonstrating compliance with section 1.9.6 of the General Specification Document included as Schedule 1 to the Framework Agreement.	<b>Pass/Fail</b>
<b>5</b>	<b>Health &amp; Safety Questionnaire</b> Complete and provide the Health & Safety Questionnaire included with the Request for Tender.	<b>Pass/Fail</b>
<b>6</b>	<b>Compliance with Specification and Particular Requirements</b> Provide confirmation in writing that the works will comply with the requirements of the General Specification, and as more specifically set out in the particular requirements of the Request for Tender.	<b>Pass/Fail</b>
<b>7</b>	<b>Safety Statement (Code of Practice for 3 or Less Employees)</b> The company's Safety Statement or equivalent document submitted prior to appointment to the Framework Agreement will be assessed for compliance with the provisions set out in the Safety, Health & Welfare at Work Act 2005 and enforcing Regulations.	<b>Pass/Fail</b>

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

**6.2 Mini-Competition Contract Award Criteria**

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

<b>Contract Award Criteria &amp; Weightings</b>		
<b>Lot 1 Road Making Materials – Supply and Place <u>without</u> PSCS</b>		
<b>CRITERION</b>	<b>Weighting</b>	<b>MAXIMUM MARKS AVAILABLE</b>
<b>Total Cost</b>	90%	900
<b>Project Methodology</b>	10%	100
<b>Total</b>	100%	1,000

6.2.2 Depending on the nature of the required works, the total cost may comprise one or more of the following:

- Lump sum cost tendered for the works
- Green procurement
- Additional resources
- Delay & compensation event charges
- Adjustments for plant & materials

- 6.2.3 The total cost component(s) will be specified by the Contracting Authority at Request For Tender stage.
- 6.2.4 The total cost in the Contractor’s tender submitted in response to a Mini Competition Request for Tender must not exceed the Key Rates tendered by the Contractor in its Application for similar items (**Key Rates**).
- 6.2.5 The lowest total cost tendered for completion of the works will be awarded 100% of the **900** marks available for total cost.
- 6.2.6 The remaining Contractors 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 -:

$$\text{Marks Awarded for Total Cost} = \frac{\text{Total Cost of Lowest Valid Tender}}{\text{Total Cost of Valid Tender being Evaluated}} \times \text{Maximum Marks Available (900)}$$

- 6.2.7 The qualitative criteria will comprise of the following -:

- Project Methodology

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

The exact requirements will be specified by the Contracting Authority in the Request For Tender.

- 6.2.8 The project methodology will be assessed on the basis of the level of detail provided and the quality of the methodology. More specific details may be set out in the Request For Tender.
- 6.2.9 The marks awarded for total cost and project methodology will be added together to give the total marks to be awarded to each tenderer.
- 6.2.10 The marks awarded will determine the highest scoring Contractor who will be ranked No. 1 for the Mini-Competition. The remaining Contractors will be ranked in descending order, i.e. the next highest mark ranked No. 2, etc.
- 6.2.11 Lot 1 works will be completed in accordance with the **Public Works Short Form of Contract (PW-CF6)** except for works in excess of €500,000 which will be completed in accordance with the **Public Works Contract for Minor Building & Civil Engineering Works designed by the Employer (PW-CF5)** - a copy of these contract Forms can be viewed at <http://constructionprocurement.gov.ie/contracts/>
- 6.2.12 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.
- 6.2.13 Where, after a competition, two or more Contractors are level on marks the Contracting Authority reserves the right to either;
- a) Ask the equally ranked Contractors to resubmit prices and continue this process until there is a winner, or
  - b) To divide the works between the equally ranked Contractors, or
  - c) Award the contract by random selection concluded in an open and transparent forum, or
  - d) To re-tender the works

- 6.2.14 All Contractors 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.
- 6.2.15 Mini-Competitions will be conducted in accordance with the provisions of the Mini-Competition Request for Tender and the Framework Agreement, as re-produced hereunder.
- 6.2.16 Pursuant to a Mini-Competition, the Framework Purchaser shall award a Mini-Competition Contract to one Contractor (the highest ranked Contractor). The successful Contractor shall provide the products and/or works in accordance with the terms and conditions of the Mini-Competition Contract specified for the contract. Contracts will be awarded using either the **Public Works Short Form of Contract (PW-CF6)** or the **Public Works Contract for Minor Building & Civil Engineering Works designed by the Employer (PW-CF5)**.

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

- 6.3.1 In addition to the information to be provided when submitting a tender in response to a Mini-Competition Request for Tender (as outlined in part 6.1 above), the preferred Contractor must provide to the Framework Purchaser for their review and approval, prior to formal award of contract (if not already submitted), the specific information listed below or any such relevant information as requested by the Framework Purchaser:
- Satisfactory evidence of insurance submitted online by the Insurance Broker/Company
  - Site Specific Risk Assessment, if applicable
  - Site Specific Method Statement, if applicable

## APPENDIX 7 - MINI-COMPETITION CONTRACT EVALUATION AND AWARD CRITERIA (LOT 2)

### 7.1 Contract Evaluation Criteria

- 7.1.1 Contractors 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. Contractors should note that not all of the criteria listed may apply to every Mini-Competition Request for Tender.
- 7.1.2 Only those Tenderers passing all of the following criteria will proceed for assessment in accordance with the Mini-Competition Contract Award Criteria set out in part 7.2 below.

<b>Contract Evaluation Criteria (Lot 2)</b>		<b>Weighting</b>
<b>1</b>	<p><b>Proposed Project Team and Availability</b></p> <p>Provide confirmation in writing that the Contractor has the required resources available to complete the works within the specified timeframe, respecting the nominated start and finish date outlined in the Request for Tender documents.</p> <p>In doing so, Contractors will be asked to clearly identify the names of the resources that they intend to allocate to the Mini-Competition Contract.</p>	<b>Pass/Fail</b>
<b>2</b>	<p><b>Details of Contractors Proposed Project Team</b></p> <p>Provide the following details for the proposed project team -:</p> <ol style="list-style-type: none"> <li>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.</li> <li>2) The following minimum details for each member of the project team -:                             <ol style="list-style-type: none"> <li>(i) Evidence of educational and professional qualifications and/or technical accreditations (with dates obtained)</li> <li>(ii) Employment history with specific reference to experience of the contractor's personnel on works projects of a similar scale, nature and complexity to those to be tendered under this Framework <b>or</b> experience in so far as they are relevant to health and safety management of works projects.</li> <li>(iii) Details of a minimum of three (3) projects in last three (3) years shall be provided for each member.</li> </ol> </li> </ol> <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 works.</p>	<b>Pass/Fail</b>
<b>3</b>	<p><b>Health &amp; Safety Competency of Workers</b></p> <p>For each member of the project team, details of the following must be entered on <a href="http://www.supplygov.ie">www.supplygov.ie</a> under 'My Checklist' -:</p> <ul style="list-style-type: none"> <li>▪ Solas/Fás Safepass Card, or equivalent</li> </ul> <p>And where relevant to the works required in the Request for Tender -:</p> <ul style="list-style-type: none"> <li>▪ A valid CSCS card for any additional skill covered under the Construction Skills Certification Scheme required for the proposed Works defined in the Request For Tender</li> <li>▪ A valid and compliant Driver CPC Card for the appropriate vehicle category</li> <li>▪ Any additional qualifications required for the proposed works defined in the</li> </ul>	<b>Pass/Fail</b>

	<p>Request For Tender</p> <ul style="list-style-type: none"> <li>▪ Evidence of attendance by two (2) operatives from the Project Team at Health &amp; Safety training provided by an independent training provider - minimum twelve (12) hours or two (2) days CPD over previous five (5) yrs.</li> </ul> <p><i>(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.)</i></p>	
<b>4</b>	<p><b>Temporary Traffic Management Plan</b></p> <p>Provide confirmation in writing that <u>prior to the award of the Mini-Competition Contract</u>, the Contractor will provide the Framework Purchaser with a Temporary Traffic Management Plan demonstrating compliance with section 1.9.6 of the General Specification.</p>	<b>Pass/Fail</b>
<b>5</b>	<p><b>Health &amp; Safety/Project Supervisor for the Construction Stage (PSCS) Questionnaire</b></p> <p>Complete and provide the Health &amp; Safety/Project Supervisor for the Construction Stage (PSCS) Questionnaire included with the Request for Tender.</p>	<b>Pass/Fail</b>
<b>6</b>	<p><b>Project Supervisor for the Construction Stage (PSCS)</b></p> <p>Provide confirmation in writing that the Contractor has examined the preliminary Safety &amp; Health Plan issued with the Request for Tender, and agrees <u>prior to the award of the Mini-Competition Contract</u>, to -:</p> <ul style="list-style-type: none"> <li>(i) be appointed in writing as PSCS for the works</li> <li>(ii) confirm acceptance of the PSCS role in writing</li> <li>(iii) prepare the Construction Stage Safety &amp; Health Plan for the works that shall demonstrate an effective means of ensuring the implementation of the plan by the PSCS</li> <li>(iv) comply with his/her obligations in regard to notifying the Health &amp; Safety Authority</li> <li>(v) confirm identity of the competent person carrying out the role of PSCS</li> </ul>	<b>Pass/Fail</b>
<b>7</b>	<p><b>Compliance with Specification and Particular Requirements</b></p> <p>Provide confirmation in writing that the works will comply with the requirements of the General Specification, and as more specifically set out in the particular requirements of the Request for Tender.</p>	<b>Pass/Fail</b>
<b>8</b>	<p><b>Safety Statement (Code of Practice for 3 or Less Employees)</b></p> <p>The company's Safety Statement or equivalent document submitted prior to appointment to the Framework Agreement will be assessed for compliance with the provisions set out in the Safety, Health &amp; Welfare at Work Act 2005 and enforcing Regulations.</p>	<b>Pass/Fail</b>

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

## **7.2 Mini-Competition Contract Award Criteria**

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

<b>Contract Award Criteria &amp; Weightings</b>		
<b>Lot 2 Road Making Materials – Supply and Place <u>with</u> PSCS</b>		
<b>CRITERION</b>	<b>Weighting</b>	<b>MAXIMUM MARKS AVAILABLE</b>
<b>Total Cost</b>	90%	900
<b>Project Methodology</b>	10%	100
<b>Total</b>	100%	1,000

7.2.2 Depending on the nature of the required works, the total cost may comprise one or more of the following:

- Lump sum cost tendered for the works
- Green procurement
- Additional resources
- Delay & compensation event charges
- Adjustments for plant & materials

7.2.3 The total cost component(s) will be specified by the Contracting Authority at Request For Tender Competition stage.

7.2.4 The total cost in the Contactor’s tender submitted in response to a Mini-Competition Request for Tender must not exceed the Key Rates tendered by the Contractor in its Application for similar items (**Key Rates**)

7.2.5 The lowest total cost tendered for completion of the works will be awarded 100% of the **900** marks available for total cost.

7.2.6 The remaining Contractors 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 -:

$$\text{Marks Awarded for Total Cost} = \frac{\text{Total Cost of Lowest Valid Tender}}{\text{Total Cost of Valid Tender being Evaluated}} \times \text{Maximum Marks Available (900)}$$

7.2.7 The qualitative criteria will comprise of the following -:

- Project Methodology

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

The exact requirements will be specified by the Contracting Authority in the Request For Tender.

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

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

- 7.2.10 The marks awarded above will determine the highest scoring Contractor who will be ranked No. 1 for the Mini-Competition. The remaining Contractors will be ranked in descending order, i.e. the next highest mark ranked No. 2, etc.
- 7.2.11 Lot 2 works will be completed in accordance with the **Public Works Short Form of Contract (PW-CF6)** except for works in excess of €500,000 which will be completed in accordance with the **Public Works Contract for Minor Building & Civil Engineering Works designed by the Employer (PW-CF5)** - a copy of these contract Forms can be viewed at <http://constructionprocurement.gov.ie/contracts/>.
- 7.2.12 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.
- 7.2.13 Where, after a competition, two or more Contractors are level on marks the Contracting Authority reserves the right to either;
- a) Ask the equally ranked Contractors to resubmit prices and continue this process until there is a winner, or
  - b) To divide the works between the equally ranked Contractors, or
  - c) Award the contract by random selection concluded in an open and transparent forum, or
  - d) To re-tender the works
- 7.2.14 All Contractors 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.
- 7.2.15 Mini-Competitions will be conducted in accordance with the provisions of the Mini-Competition Request for Tender and the Framework Agreement, as re-produced hereunder.
- 7.2.16 Pursuant to a Mini-Competition, the Framework Purchaser shall award a Mini-Competition Contract to one Contractor (the highest ranked Contractor). The successful Contractor shall provide the products and/or works in accordance with the terms and conditions of the Mini-Competition Contract specified for the contract. Contracts will be awarded using either the **Public Works Short Form of Contract (PW-CF6)** or the **Public Works Contract for Minor Building & Civil Engineering Works designed by the Employer (PW-CF5)**.

### **7.3 Information to be provided by the preferred Tenderer prior to Contract Award**

- 7.3.1 In addition to the information to be provided when submitting a tender in response to a Request for Tender (as outlined in part 7.1 above), the preferred Tenderer must provide to the Purchaser for their review and approval, prior to formal award of contract (if not already submitted), the specific information listed below or any such relevant information as requested by the Purchaser:
- Satisfactory evidence of insurance submitted online by the Insurance Broker/Company
  - Site Specific Risk Assessment, if applicable
  - Site Specific Method Statement, if applicable
  - Construction Stage Safety & Health Plan for the works
  - Confirm acceptance of the PSCS role in writing