

Invitation to Tender

Instruction to Tender

Supply of LED Theatrical Lighting Fixtures

October 2021

Table of Contents

Table of Contents.....	2
Instructions to Candidates.....	3
Timescales for this tender	3
Conditions of Tender.....	4
Representations.....	4
Specification	4
Tenders Excluded.....	4
Collusive Tendering	4
Confidential information and the potential for disclosure	5
Anti-Bribery	5
Evaluation of Tenders	6
Consortium Bids.....	6
Evaluation of Received Tenders	6
Moderation of Scores	6
Evaluation of Price	6
Arithmetical errors detected.....	6
Allocation of final scores	6
Preferred Bidder	7
Confidential Information Declaration	8
Declaration Confirming the Absence of any Conflict of Interest:.....	9

Instructions to Candidates

Timescales for this tender

Please return your Tender by the dates stipulated on the Invitation to Tender email.

Sample devices should be sent to the Procurement Department at the address below, to arrive no later than the closing date for receipt of tenders. Samples will remain sealed until the tender evaluation. Leicester Theatre Trust Ltd (LTT), herein after called Curve, will not pay for samples. Samples will not be returned to the supplier. Please ensure that all external packaging is appropriately sealed and of robust quality to ensure samples arrive in an operational state. Curve will not be responsible for lost samples. Any samples which are damaged or are not operational will be reported as such, and may not be considered. Please ensure that you clearly identify your samples with the name and tender reference, on the cover page of this document.

If you require further information please contact:

Jay Bridges
Director of Buildings and Facilities
Curve Theatre,
60 Rutland Street,
Leicester.
LE1 1SB

Tel: 0161 242 3573

Email: j.laidlow@curvetheatre.co.uk

Candidate suppliers must note that Curve

- reserves the right to withdraw this contract opportunity without notice and will not be liable for any costs incurred by suppliers during any stage of the process and
- that in the event a tender is considered to be fundamentally unacceptable on a key issue, regardless of its other merits, that tender may be rejected.

Candidate suppliers who cannot satisfy the entire minimum requirement specifications detailed in the three elements will not be considered in the final selection of award for this tender.

Where additional requirements are listed, these are areas considered important but not vital. Should two or more candidates meet the minimum specification requirements, increased scores may be awarded to candidates able to meet these additional requirements.

Tenders submitted after the stipulated time and date advised will be rejected, unless clear evidence of emailing by the stated deadline is made available to Curve. Tenders may not be submitted by any other means.

No questions will be answered that provide a competitive advantage to any party pre-qualifying or tendering.

Should questions arise during the tendering period, which in our judgement are of material significance, we will inform all suppliers to explain the nature of the question, and our formal reply. All suppliers should then take that reply into consideration when preparing their own bids, and we will evaluate bids on the assumption that they have done so.

Conditions of Tender

Representations

Each candidate supplier will be expected to identify one named point of contact through whom all enquiries can be filtered.

All communications pertaining to the tender process and specification shall be conducted via emails to j.laidlow@curvetheatre.co.uk

A supplier may contact Curve to obtain any further information about the requirements of the contract or the tendering procedures if these are not evident or clear from the documents supplied to suppliers.

Leicester Theatre Trust will not be responsible for, or pay for, expenses or losses, which may be incurred by a Tenderer in the preparation of this tender.

Specification

For the avoidance of doubt, the contract specification shall include all requirements explicit or implied within the invitation to tender.

It must be recognised that Curve reserve the right to withdraw this tender document and all funding contained within it without notice.

Tenders Excluded

No tender will be considered for acceptance if the supplier has indulged or attempted to indulge in any corrupt practice or canvassed the tender with an employee of Curve. If a supplier has indulged or attempted to indulge in such practices and the tender is accepted, then grounds shall exist for the termination of the contract and the claiming damages from the successful suppliers.

It is unlikely that any tender will be accepted which is:

- i. Incomplete or inaccurately or inadequately completed.
- ii. Which purports to impose conditions other than those provided in the contract documents.
- iii. Delivered out of time or in a manner other than specified in the specification.

Collusive Tendering

In submitting a tender against this contract, the supplier confirms that they have not fixed or adjusted the amount of the tender by or under or in accordance with any agreement or arrangement with any other person.

The supplier also certifies that at no time, before or following the submission of the tender, has the Supplier carried out any of the following acts:

- i. communicating to a person other than the person calling for the tenders the amount or approximate amount of the proposed tender, except where such disclosure is required for the purpose of obtaining insurance;
- ii. entering into any agreement or arrangement with any person that he shall refrain from tendering or as to the amount of any tender to be submitted;

- iii. offering or paying or giving or agreeing to give any sum of money or valuable consideration directly or indirectly to any person for doing or having done or causing or having caused to be done in relation to any other tender or proposed tender for the said work any act or thing of the sort described above. The context of this clause the word 'person' includes any persons and anybody or association, corporate or unincorporated; and 'any agreement or arrangement' includes any such transaction, formal or informal, and whether legally binding or not.

Confidential information and the potential for disclosure

All information supplied by Curve in connection with this tender will be treated as confidential by candidate suppliers, except that such information may be disclosed so far as is necessary for the purpose of obtaining sureties, guarantees and quotations necessary for the preparation and submission of the Tender.

The candidate supplier (whether this Tender is accepted or not) and all other recipients of the Specification and documents (whether they submit a tender or not) shall treat the details of the Specification and the documents attached hereto as private and confidential and shall not disclose the details to any party.

Candidate suppliers shall be aware that LTT is subject to the obligations of the Freedom of Information Act 2000 ("FOIA"), the Environmental Information Regulations 2004 ("EIR") and the Government's transparency agenda. Candidate suppliers shall also be aware of the provisions relating to these obligations as contained in the Conditions of Contract and shall note that following award of the Contract LTT may, whether pursuant to a request under the FOIA, EIR or otherwise, disclose or publish the entire Contract including the appointed contractor's submitted tender.

Consequently, candidate suppliers must complete section 6 - Confidential Information Declaration by either detailing the part of their tender they consider should be exempt from disclosure or inserting "None" in the first column. Curve will take the content of the Confidential Information Declaration into consideration when later determining whether to publish or disclose the tender as part of the final contract but irrespective of the Declaration the final decision on publication or disclosure will remain with Curve.

It is important to note that information may be commercially sensitive for a time (e.g. during a tender process) but afterwards it may not be. The timing of any request for information may be extremely important in determining whether or not information is exempt. However candidate suppliers should note that no information is likely to be regarded as exempt forever.

Anti-Bribery

Curve has an Anti-Bribery Policy in place and would expect that all prospective Tenderers would be aware of the Bribery Act 2010 and that they would act in accordance with that legislation and have suitable Policies and Procedures in place within their organisation to satisfy the requirements of the Act.

Evaluation of Tenders

Consortium Bids

In the case of a consortium tender, only one submission covering all of the partners is required but consortia are advised to make clear the proposed role that each partner will play in performing the contract as per the requirements of the technical specification.

Evaluation of Received Tenders

Tenders will be evaluated by a panel of evaluators. Each evaluator will have access to the complete tender submission and will evaluate on the merits of the content of the bid only and allocate scores according to the evaluation criteria specified in the evaluation model. Scores and any comments made are entered into the scoring matrix for this bid.

Any areas of the submission that are unclear will be recorded. Clarification requests will be made during the evaluating and responses received will be used to conclude the evaluation process. It is not the role of the evaluators to draw conclusions as to what is inferred or fill in gaps where information is not provided. Nor will the evaluation process be able to allocate scores where responses are made outside of the scope of the evaluation model.

Moderation of Scores

Upon conclusion of the individual evaluation, a moderation process is undertaken. This process will assess individual scores and comments and level scores for each response as well as reaching consensus on an overall set of comments for the bid.

Evaluation of Price

Price is evaluated in line with the requirements of the tender. Generally, it is required that the bidder will submit prices in accordance with the required pricing schedule included with Curve.

Where prices are not submitted in the required way, or where there is uncertainty, a clarification process will be conducted whereby re-worked prices will be requested. This allows a fair basis for comparison.

Arithmetical errors detected.

Where there is an arithmetical error in favour of Curve, the bidder will be requested to stick by the offer, or invited to withdraw. Where the error is in favour of the bidder, Curve will highlight the error and ask for a revised price to be submitted.

Allocation of final scores

Once both elements of scoring have concluded, scores for all elements are combined into a table ranked in order of score.

Preferred Bidder

Curve will award business on the Most Economically Advantageous Tender principal. This may not be the lowest bid or the bid with the highest score in particular criteria or area, but the tender where there is a clear advantage to Curve in selecting one bid over another.

The enclosed Evaluation Model details how your submission will be scored and how points are to be awarded.

Curve will select the most economically advantageous offer from the point of view of the Theatre.

Confidential Information Declaration

The Authority in compliance with the transparency obligations placed upon it by the Government requires Organisations to acknowledge and agree that, except for any information which is exempt from disclosure in accordance with the provisions of the Freedom of Information Act 2000 ("FOIA"), the content of the Contract once completed and all documents comprising the Contract including the Tender is not Confidential Information and the Authority may publish the Contract in its entirety to the general public.

Organisations are advised that the Authority considers "Confidential Information" to include any information which has been designated as confidential by either party in writing or that ought reasonably to be considered as confidential however it is conveyed, on the basis that the information relates to the business, affairs, developments, trade secrets, know-how, personnel and suppliers of the other, together with all information derived from the above, and any other information clearly designated as being confidential (whether or not it is marked as "confidential") or which ought reasonably to be considered to be confidential such as personal data and sensitive personal data within the meaning of the Data Protection Act 1998 and any commercially sensitive information which is not deemed to be in the public interest to publish. Confidential Information does not include any details that are, or will in future be, in the public domain such as company accounts or financial statements.

Organisations, taking account of the above definition, should include in the table below any information contained within their Tender which they believe falls within the definition of Confidential Information, providing reasons as to why they consider this to be the case and the duration for which the confidentiality applies. **If no information is considered to be Confidential Information Organisations should insert "none" in the first column of the table.**

Organisations shall be aware that the Authority will take into consideration the content of the table below when determining whether to publish the Contract. Nevertheless Organisations shall accept that the Authority will be responsible for determining in its absolute discretion whether any of the content of the Contract, including the Tender, should be published or disclosed pursuant to the FOIA irrespective of whether an economic operator has included that content in the table below.

Confidential Information	Reasons	Duration

Declaration Confirming the Absence of any Conflict of Interest:

I, the undersigned, and authorised representative of the company named below, submitting a tender in respect of call for tenders in respect of purchase of LED Theatrical Lighting, confirm that:

- I do not have any conflict of interest in connection to the contract and do not know of any conflicts of interest. A conflict of interest may arise in particular as a result of economic interests, political or national affinities, family or emotional ties, or any other relevant connection or shared interest;
- I will inform Curve, without delay, of any situation constituting a conflict of interest or could give rise to a conflict of interest;
- I have not made, and will not to make, any offer of any type whatsoever from which an advantage can be derived under the contract;
- I have not granted, sought, attempted to obtain or accepted and will not grant, seek, attempt to obtain, or accept any advantage, financial or in kind, to or from any party whatsoever, constituting an illegal or corrupt practice, either directly or indirectly, as an incentive or reward relating to the award of the contract;
- I understand that the Committee of the Regions reserves the right to verify this information and that I am aware of the consequences which may derive from any false declaration in respect of the information required by the awarding body as a condition of participation in the contract procedure.

Signed _____

Name _____

Position _____

Company _____

Date _____