



Highways England Company Limited

Scheme Delivery Framework (SDF)

Instructions for Tenderers

December 2020

Contents Amendment Sheet

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1 PROCUREMENT SUMMARY

1.1 Context and Highways England's Aims

1.1.1 Highways England has a requirement to deliver construction works to maintain, repair and renew the Strategic Road Network (SRN) across England. The Scheme Delivery Framework (SDF) will comprise of a range of suppliers from different specialist disciplines who will work collaboratively in regional communities to deliver improvement and maintenance schemes in each region.

1.1.2 The SDF has been divided into Lots that align with the suppliers' specialisms and Contract Scope. This framework will cover, but is not limited to, the duties and works as described in the Scope.

1.2 Contract Features

1.2.1 Tenderers are requested to review the contract documents to understand Highways England's requirements for this framework. A Tender Briefing Note, and included as Appendix F in these Instructions as well as Appendix 3 – Vision, Imperatives, Values and Key Objectives may help provide an overview of the key points.

2 DEFINITIONS AND INTRODUCTION

2.1 Definitions

2.1.1 Words and phrases with an initial capital letter used in this document shall have the meanings set out in Table 1.

Table 1 Table of Definitions

Term	Definition
Assessment	the part of the procurement process described in section 7.3 of these Instructions;
Associated Company	has the meaning given in section 256 of the Companies Act 2006;
Award Criteria	the criteria described in these Instructions that Highways England will use to identify the Most Economically Advantageous Tender;
Award Rules	The criteria that limits the number of sublots that can be awarded to a Tenderer following Tender evaluation
Commercial Assessment Panel	the group of assessors that assesses the Financial Submission Workbook;
Commercial Envelope	the area on the Sourcing portal in which Tenderers should submit their Financial Submission Workbook;
Commercial Score	The score awarded by the Commercial Assessment Panel after its assessment of the Financial Submission Workbook
Financial Submission Workbook	the part of the Tender to be submitted in accordance with paragraph 6.11 of these Instructions;
Conditions of Tendering	section 4 of these Instructions setting out the general processes, procedures and rules for Tenderers to follow when producing and submitting a Tender;
Contract	the contract to be entered between Highways England and the successful Tenderer;
Contract Notice	The Contract Notice advertising the Contract published in the OJEU as described in paragraph 2.2.1 of these Instructions;
EIRs	the Environmental Information Regulations 2004 (S1 2004/3391)
FOIA	the Freedom of Information Act 2000;
Framework	the framework to be entered between Highways England and the successful Tenderer;
Instructions	this Instructions for Tenderers document;

OJEU	the Official Journal of the European Union;
Policy and Compliance Submission	the part of the Tender to be submitted in accordance with paragraph 6.6 of these Instructions;
Preferencing	the process by which Tenderers indicate which Sublot(s) they are bidding for and which contributes to deciding which they will be allocated in accordance with Stage 7 Compliance of these Instructions;
Price	the Price for each Tender determined by the Commercial Assessment Panel;
Procurement Officer	the individual identified in paragraph 2.2.4 of these Instructions;
Qualification Envelope	the area on the Sourcing portal in which Tenderers should submit their Selection Questionnaire and Policy Statements.
Quality Assessment Panel	the group of assessors that assesses the Quality Submission.
Quality Consensus	the part of the procurement process described in section 7.3 of these Instructions;
Quality Moderation	the part of the procurement process described in section 7.9 of these Instructions;
Quality Moderation Panel	the group of moderators that provides independent assurance of the scores awarded by the Quality Assessment Panel in accordance with section 7.9 of these Instructions;
Quality Questions	the Questions set out in Annex 1 to these Instructions to be answered by Tenderers as part of their Tender response;
Quality Submission	the part of the Tender to be submitted in accordance with paragraph 6.7 of these Instructions;
Regulations	the Public Contracts Regulations 2015 (as amended);
Road Investment Strategy (RIS)	the Department for Transport's (DfT) strategy document which sets out where it will prioritise its investment in the strategic road network;
Sourcing Portal	Highways England's web-based system used to conduct and manage the procurement process from Tender invitation, including all communications, provision of data and information and submissions. The Sourcing portal used for this Tender is called Bravo;
Sublot	the area, region or super region allocated to a Tenderer;

Technical Envelope	the area on the Sourcing portal in which Tenderers should submit their Quality Submission;
Tender	an offer by a Tenderer in response to these Instructions which includes all supporting Tender response documents, rates and prices and proposals;
Tender Commitment	a commitment from the Tenderer provided in accordance with section 6.8 of these Instructions;
Tender Query	a question or request for clarification submitted by a Tenderer and answered by Highways England in accordance with section 5.3 of these Instructions;
Tenderer	the individual, organisation or consortium submitting a Tender;
Total Score	the score awarded following the procurement process described in section 7.10 of these Instructions;
Weighted Quality Score	a Tenderer's weighted quality score out of 100 after the Assessment, Consensus and Moderation stages of the procurement process;
Weighted Final Quality Score	a Tenderer's weighted quality score to which the competition quality weighting applicable to a band is applied.

2.2 Instructions for Tenderers

- 2.2.1 These Instructions are issued further to the OJEU Contract Notice reference number 2020/S 152-373545. The Framework contract is being procured in accordance with the restricted procedure in Regulation 27 of the Regulations and the procurement seeks to identify the most economically advantageous Tender(s) to Highways England for each subplot, in accordance with this IFT.
- 2.2.2 The purpose of this document is to provide Tenderers with information about the procurement process, the timetable and the conditions of tendering. The document describes the Framework contract that Highways England is seeking to procure. It sets out how scoring will be used to identify the most economically advantageous tender(s) for each subplot.
- 2.2.3 The Award Rules and Preferencing will be applied to determine which Tenderer will be awarded a place on a sub lot whilst ensuring that no individual Tenderer will be awarded more sublots than are allowed.
- 2.2.4 Tenderers may only contact Highways England through the Sourcing Portal, unless they are unable to access the Sourcing Portal in which case they must contact the Procurement Team (email Procurement_SDF@highwaysengland.co.uk)
- 2.2.5 Whenever in these Instructions there is reference to a meeting being held between Highways England and one or more of the Tenderers such a meeting may be held face to face, by telephone, by Skype, by Microsoft Teams or by another reasonably widely available medium chosen by Highways England.

3 PROCUREMENT STRATEGY

3.1 Lotting Strategy

3.1.1 The Framework is to be let in a number of geographical sublots covering the following Lot specialisms:

Band	Lot	Lot Title
A	1.1	General Civil Engineering (Super Region)
	1.2	General Civil Engineering (Region)
	2	Drainage
B	3.1	Temporary Traffic Management (Super Region)
	3.2	Temporary Traffic Management (Region)
	4.1	Road Restraint Systems (Super Region)
	4.2	Road Restraint Systems (Region)
C	5	Landscaping and Ecology
	6	Road Markings
	7	Road Lighting and Electrical Works
	8	Structures Waterproofing and Expansion Joints
	9	Technology
	10	Structures, Structural Services and Concrete Repairs
	11	Cathodic Protection
D	12.1	Design Services (Region)
	12.2	Design Services (Super Region)

3.1.2 Each Lot specialism has been divided into sublots, with each subplot representing a geographical area of delivery. The Sublot may represent a Highways England area, region, or super region. Appendix 2 of the Framework Information provides further details of each subplot.

3.1.3 Following publication of the Selection Questionnaire (SQ), Applicants have been notified of each Sublot within the Lot for which they have been short listed. Within each Lot, Tenderers are invited to submit a Tender for the Sublots.

3.1.4 For the avoidance of doubt, Tenderers will be submitting a Tender submission for a subplot.

3.1.5 Tenderers can submit a tender for any Sublot within the Lot they have been invited to tender for.

3.1.6 A Tenderer cannot submit a Tender submission for a Sublot within a Lot they have not been short listed for at SQ stage.

3.1.7 A Tenderer will only be awarded a Sublot if it is assessed to have the most economically advantageous Tender and in accordance with both its Preferencing and the award rules outlined in Table 2.

3.1.8 Bidding restrictions and award rules as per Appendix N (Bidding Restrictions and Award Rules) of the Scheme Delivery Framework Selection Questionnaire remain applicable during the Invitation to Tender stage.

Table 2 Award Rules

Rule	Applies to:	Award Rules
1	Band A – Civils and Drainage	<ul style="list-style-type: none"> a) A Supplier can be awarded a subplot or sublots in only one of Bands A, B <u>or</u> C and also in Band D (see award rules for Band D) b) Lot 1.1: A Supplier can be awarded a maximum of one subplot on lot 1.1 (either 1st <u>or</u> 2nd rank) OR Lot 1.2: A Supplier can be awarded one subplot on lot 1.2 c) Lot 2: A Supplier can be awarded a maximum of one subplot on lot 2. This may be in addition to a place on either subplot 1.1 or 1.2 provided they are not in same region
2	Band B- Specialist Services	<ul style="list-style-type: none"> a) A Supplier can be awarded a subplot or sublots in only one of Bands A, B <u>or</u> C and also in Band D (see award rules for Band D) b) Lot 3.1 / 3.2: A Supplier can only be awarded sublots in either Lot 3.1 <u>or</u> Lot 3.2 c) Lot 3.1: A Supplier can be awarded a maximum of two sublots (provided it is ranked 1st on one subplot <u>and</u> ranked 2nd on the other subplot) OR Lot 3.2: A Supplier can only be awarded up to two subplot places d) Lot 4.1: A Supplier can be awarded up to two subplot places (can be 1st rank place <u>and</u> 2nd rank place) e) Lot 4.2: A Supplier can be awarded up to two subplot places f) Lot 4.1 / 4.2: A Supplier can be awarded a maximum of three sublots but they cannot be in the same region g) A Supplier can be awarded a maximum of four sublots across Band B
3	Band C – Specialist Works	<ul style="list-style-type: none"> a) A Supplier can be awarded a subplot or sublots in only one of Bands A, B, <u>or</u> C and also in Band D (see award rules for Band D) b) Lots 5 – 10: A Supplier can be awarded a maximum of four subplot places (either at 1st or 2nd place) for each of these Lots c) Lot 11: A Supplier can be awarded a maximum of two subplot places either at 1st or (where applicable) 2nd place.
4	Band D- Design Services	<ul style="list-style-type: none"> a) A Supplier (whether alone or as part of a consortium or joint venture) or one of its associated companies cannot be awarded a subplot or sublots in one of Bands A, B or C and also be allocated a subplot in B and D where this in the same geographical area which can be an area, a region or a super region. b) Lot 12.1: A Supplier can only be awarded a maximum of two sublots, however these cannot be in the same super region c) Lot 12.2: A Supplier can only be awarded one subplot d) Lot 12.1 and Lot 12.2. A Supplier cannot be awarded sublots within Lot 12.1 and Lot 12.2 if those sublots form part of the same geographical area (be it area, region or super region).
5	All	<ul style="list-style-type: none"> a) A Supplier can only be awarded a maximum of one place within an individual subplot.

3.1.9 Tenderers are reminded that a further assessment of Economic and Financial Standing will be undertaken at Sublot level, depending upon the Sublot or Sublots for which the Tenderer is successful. Further details are set out in Stage 7 of the Tender Assessment Procedure.

3.2 Procurement Timetable – key events and dates

3.2.1 Indicative key dates and deadlines for the procurement process are set out in Table 3 below. These dates will be kept under review by Highways England and Highways England reserves the right to change them. Highways England will notify all Tenderers as soon as practicable of any changes that may be made to the key dates or the procurement process:

Table 3 Key Events and Dates

Activity	Date
Issue IfT	4 th January 2021
Tender video presentations	4 th January 2021
Last date for submission of Tender queries	8 th February 2021
Last date for response to Tender queries	12 th February 2021
Tender return date	Noon, 19 th February 2021
Tender Assessment	22 nd February 2021 – 15 th August 2021
Standstill letters issued	16 th August 2021
Contract Award	21 st September 2021

4 CONDITIONS OF TENDERING

4.1 General

- 4.1.1 All Tenders must be submitted in accordance with these Instructions. Highways England reserves the right to exclude any Tender from the competition which does not comply with these Instructions.
- 4.1.2 Wherever these Instructions state that Highways England reserves a right to, or “may” exclude a Tenderer (e.g. for non-compliance with any requirement of these Instructions or a “fail” under any specific criterion) then Highways England is at liberty to exercise such discretion as it sees fit to balance fair and equal treatment of all Tenderers with a proportionate response to the relevant failure.
- 4.1.3 The contents of these Instructions and of any other documentation sent to Tenderers in respect of the procurement exercise remain the property of Highways England and must be treated as private and confidential at all times.
- 4.1.4 Tenderers are required to conduct themselves in good faith in all dealings in relation to the procurement exercise.
- 4.1.5 There should be no direct contact by Tenderers with Highways England or its advisers, consultants or contractors unless this is expressly agreed in advance by Highways England or expressly permitted by these Instructions.
- 4.1.6 Highways England reserves the right to allow any Tenderer to correct an error in its Tender or clarify elements of its Tender to Highways England’s satisfaction rather than exclude such a Tenderer where Highways England is satisfied such action would be proportionate to the relevant issue and would not result in discrimination to other Tenderers or amount to unfair treatment.

4.2 Disclosure Requests and Transparency

- 4.2.1 Under the FOIA, the EIRs or the Regulations, Highways England may be obliged (subject to the application of any relevant exemptions and, where applicable, the public interest test) to disclose information relating to the procurement exercise including any Tenders received.
- 4.2.2 Under the UK Government’s Procurement Policy Note 02/17 (Promoting Greater Transparency) dated February 2017, Highways England is obliged to publish the details of the successful Tenderer and the provisions of any Contracts let pursuant to this procurement exercise, excluding only information which is exempt from disclosure pursuant to the FOIA, EIRs or the Regulations.
- 4.2.3 Tenderers must be aware that Highways England could receive requests for any information relating to this procurement exercise. Highways England is under a legal obligation to disclose such information if validly requested, unless an exemption applies. Highways England may also be obliged to make disclosures under other legislation or applicable codes or otherwise as required by law, including by order of a court of competent jurisdiction. Without prejudice to Highways England’s obligation to disclose information in accordance with the FOIA, EIRs and the Regulations, Highways England will, acting reasonably but at its sole discretion, consider the application of any exceptions set out in section 43 of the FOIA to any information identified by a Tenderer as genuinely commercially sensitive or any other relevant FOIA or EIRs exemption.
- 4.2.4 Tenderers are therefore invited using Appendix G (Non-Disclosure Statement) of these Instructions to state which information in their Tender should not be disclosed due to one of the exemptions applying, for example because to do so would, or would be likely to, prejudice their commercial interests. Applications for non-disclosure must include:

- a) Clear and substantive justification; and
- b) A time limit after which the information is no longer subject to the exemption.

4.2.5 Highways England will endeavour to consult with the Tenderer and have regard to the Tenderer's representations before it releases any information in response to a request made under the FOIA or the EIRs. However, Highways England will be entitled to determine in its absolute discretion, including where it considers that it would not be appropriate to consult with the Tenderer, whether any information is exempt from release under either the FOIA or the EIRs, or alternatively is to be disclosed in response to a request for information.

4.2.6 All central Government departments, their executive agencies and non-departmental public bodies are subject to control and reporting within Government. In particular, they report to the Cabinet Office and HM Treasury for all expenditure. Further, the Cabinet Office has a cross-Government role delivering overall Government policy on public procurement - including ensuring value for money and related aspects of good procurement practice.

4.2.7 For these purposes, Highways England may disclose within Government any documents and information (including any that the Tenderer considers to be confidential and/ or commercially sensitive, such as specific information within the Tender) submitted by the Tenderer to Highways England during this procurement exercise. Tenderers consent to these terms as part of the procurement exercise.

4.2.8 Tenderers must note that Highways England may be required to publish the names of the Tenderers.

4.3 Non-collusion

4.3.1 Tenderers are required to return a non-collusion certificate as part of the Tender response as part of their Policy and Compliance Submission.

4.3.2 Where collusion between Tenderers (or any relevant parties with an interest in the procurement which may prejudice the outcome of the procurement) has been found to occur, Highways England reserves the right to exclude from this procurement any potential Tenderer at its discretion (without prejudice to any other civil remedies available to Highways England and without prejudice to any criminal liability which such conduct by a Tenderer may attract).

4.4 Publicity and marketing

All publicity activity in relation to this procurement exercise or the award of subsequent Contract(s) is prohibited except with the prior written agreement of Highways England. Tenderers must, prior to any form of response, notify Highways England via the Sourcing Portal of any enquiries received from the media regarding this procurement exercise.

4.5 Change of Ownership

4.5.1 A Tenderer must immediately advise Highways England if:

- a) Its ownership or the ownership of any member of its Tendering consortium changes, or
- b) The composition of its Tendering consortium (including its proposed joint venture partners or their parent companies, or key subcontractors) changes; or
- c) Any organisation involved in the preparation of any Tender documents (including those of other Tenderers) is acquired by it or by any member of its consortium (or any of its or their Associated Companies), or
- d) It (or one of its Associated Companies) completes the takeover of, or merges with, another Tenderer (or one of its Associated Companies).

- 4.5.2 If it is considered that a change in ownership or the composition of a consortium described in section 4.5.1 would result in a conflict of interest, Highways England reserves the right to exclude the relevant Tenderer from the competition.
- 4.5.3 Highways England reserves the right to exclude any Tenderer that fails to advise Highways England in accordance with paragraph 4.5.1 or where a Tenderer otherwise contravenes the Conditions of Tendering regarding a Tenderer's change in ownership or consortium composition.
- 4.5.4 Highways England reserves the right to exclude any Tenderer from the procurement exercise where any change in its financial or economic standing means the Tenderer would no longer meet the minimum financial requirements set out in the Selection Questionnaire.

4.6 Conflicts of Interest

- 4.6.1 A "conflict" or "potential conflict" is any circumstance which creates a conflict of interest for a Tenderer or which could have an impact on the fair, transparent and non-discriminatory nature of this procurement process.
- 4.6.2 Where there is any indication that a conflict of interest, or potential conflict of interest, between the Tenderer, its advisers, Highways England or Highways England's advisers or any combination thereof has arisen or may arise it will be the responsibility of the Tenderer, using Appendix G (Non-Disclosure Statement) to inform Highways England immediately via the Sourcing Portal setting out the conflict or potential conflict in detail together with the measures taken and/or to be put in place to identify, prevent and/or remedy any conflict or potential conflict of interest. In such circumstances, Highways England will be the final arbiter on issues of conflict or potential conflicts of interest and, in cases where the actual or potential conflict of interest cannot (in Highways England's reasonable opinion) be effectively remedied, Highways England will exclude the relevant Tenderer from the procurement exercise.
- 4.6.3 If Highways England becomes aware of any actual or potential conflict of interest that the Tenderer has not declared to Highways England, the Tenderer may be excluded from the procurement exercise.
- 4.6.4 Tenders by groups of entities or Associated Companies must be submitted autonomously and independently with appropriate evidence provided of measures which ensure this is in accordance with paragraphs 4.6.2 or 4.6.5. Should Highways England suspect that relationships between groups of entities or affiliate companies means that they are not independent and evidence to demonstrate otherwise is not provided, that Tenderer may be excluded from the procurement exercise.
- 4.6.5 Highways England considers that a potential conflict of interest could arise where the same entity is bidding in different capacities, for example, bidding in its own right and as a sub-contractor to another Tenderer or as a consortium partner in another bid. In such circumstances the Tenderer should address the potential conflict in the manner set out in paragraph 4.6.2.

4.7 Tender Warranties

- 4.7.1 These Instructions and their associated documentation is provided in good faith. No warranty is given by Highways England as to the accuracy or completeness of information contained in it. Any liability for inaccuracy or incompleteness is expressly disclaimed by Highways England. Tenderers are to satisfy themselves they understand all requirements of the procurement exercise and all associated documents before submitting a Tender.

- 4.7.2 Highways England reserves the right to cancel, amend or vary the procurement process at any point prior to the award of the Framework (in whole or in part) and with no liability on its part.
- 4.7.3 Highways England reserves the right not to accept any Tender for any reason given in these Instructions or the Public Contracts Regulations 2015.
- 4.7.4 Highways England is not liable for any costs resulting from any amendment or cancellation of this procurement exercise nor any other costs, charges, fees, expenses, claims or disbursements (howsoever arising and including third party costs) incurred by those Tendering. Tenderers submit a Tender at their own risk and expense.
- 4.7.5 Tenders will remain open for acceptance by Highways England for a period of 365 days from the closing date for the submission of Tenders after which period the validity of a Tender will be subject to confirmation by the Tenderer.

4.8 Tender Documents

- 4.8.1 The documents provided to Tenderers are contained within the '0 SDF Front End.pdf'.
- 4.8.2 A guidance document that provides clarification on how to download and navigate the tender documents ensuring ease of use is available linked from the Front End in the document entitled 'Tender document structure - Guidance for tenderers.pdf'
- 4.8.3 If Tenderers experience any difficulty in locating or opening documents listed or within any of the referenced documents, then a Tender Query should be raised via the Sourcing portal.
- 4.8.4 All documents and information issued to Tenderers remain the property of Highways England and may only be used for the purpose of tendering, they must not be disclosed to persons unconnected with the Tender and must be destroyed on completion of the procurement exercise.

5 TENDER COMMUNICATIONS

5.1 Tenderer Responsibilities

5.1.1 Tenderers are responsible for monitoring their Sourcing Portal accounts throughout the Tender period.

5.2 Narrated PowerPoints

5.2.1 To assist Tenderers to assimilate all the information provided in this document and to begin Tender preparation effectively, Highways England intends to provide narrated PowerPoints covering key topics.

5.2.2 Tenderers will be able to access the videos via the Sourcing Portal where full joining instructions and protocols will be provided. Highways England will inform Tenderers when the narrated PowerPoints are available for access.

5.2.3 Tenderers should note that the content of the narrated PowerPoints are correct at time of release only and may not reflect changes made to these Instructions during this procurement.

5.2.4 These Instructions and any clarifications or amendments to them issued via the Sourcing Portal take precedence over any information provided in the narrated PowerPoints.

5.3 Tender Queries

5.3.1 If Tenderers have any queries or require any clarification concerning any aspect of these Instructions, then they should submit a Tender Query to Highways England through the Sourcing Portal no later than 28th January 2021.

5.3.2 Tender Queries will only be permitted until the date in paragraph 5.3.1. This deadline is designed to permit Highways England to consider and respond to all Tender Queries within sufficient time to enable Tenderers to take account of Highways England's response ahead of the Tender return date.

5.3.3 Highways England reserves the right not to provide a response to any Tender Query raised by a Tenderer received after the date shown in paragraph 5.3.1.

5.3.4 All Tender Queries and responses will be published openly to all Tenderers unless specifically marked "Commercially Sensitive" or "Confidential" by the Tenderer at the time of submission. If so marked Tenderers must explain why they consider that the Tender Query is commercially sensitive or confidential. These Tender Queries and Highways England's responses will, subject to paragraph 5.3.5, not be circulated to other Tenderers.

5.3.5 If a Tenderer states that a Tender Query is in their opinion commercially sensitive or confidential, but Highways England does not agree, Highways England reserves the right to notify the Tenderer of its decision and reserves the right to offer the Tenderer an opportunity to withdraw the relevant Tender Query. If the Tenderer does not elect to withdraw the relevant Tender Query within the specified timeframe or within three working days (whichever is the later), the relevant Tender Query and response is circulated to all Tenderers.

5.3.6 Where, in response to a Tender Query or otherwise, Highways England makes available further information that is relevant to the Tender then such information will be made available to all Tenderers.

5.3.7 It shall be Highways England's decision whether and how to answer a Tender Query. Highways England accepts no liability arising from the provision of clarification or further information or a decision not to provide further clarification or information.

5.4 Tender Amendments

- 5.4.1 The Procurement Officer may make amendments to these Instructions and shall issue them to all Tenderers via the Sourcing portal. Only in exceptional circumstances will amendments be issued after the closing date for submission of Tenders in the form of a post Tender amendment. Exceptional circumstances include where Highways England wishes to correct an error in the Tender documents suite.
- 5.4.2 Highways England employees or consultants do not have the authority to make any amendment to the Tender documents suite except through an amendment issued by the Procurement Team. If a purported amendment is made by anybody except the Procurement Team, this is not to be considered valid and the Tenderer must refer the matter to the Procurement Team immediately.

6 TENDER SUBMISSION REQUIREMENTS

6.1 General

- 6.1.1 Highways England reserves the right to exclude Tenders not received by the Tender return date and time shown in Table 3 (subject to any amendments to that date or time issued by Highways England). If a Tender is submitted after this deadline the Tenderer may be asked to explain and/or evidence any system or material issue that prevented it from submitting its Tender by the deadline.
- 6.1.2 Tenders must be submitted using the Sourcing Portal and in accordance with these Instructions. Tenders must be complete and documents which are provided for Tenderers to fill in and return shall not be altered. Tenders shall not be qualified or accompanied by statements or a covering letter that might be construed as rendering the Tender equivocal. Highways England reserves the right to exclude any Tenders which do not comply with the instructions in this paragraph.
- 6.1.3 Before a Tender can be submitted the Tenderer must answer the confirmation statements within the Sourcing Portal, confirming that the person confirming is empowered to submit the Tender on behalf of their organisation, that the Tenderer accepts these Instructions (and any amendments or answers to Tender Queries), and that their Tender is valid for 365 days.

6.2 Document Control

- 6.2.1 A checklist of the documents to be returned with the Tender is set out in Appendix B (List of Documents) to be returned with Tender. Each Tender must be submitted in three online envelopes as follows, further detail is given in Appendix B (List of Documents):
- Qualification Envelope
 - Technical Envelope
 - Commercial Envelope
- 6.2.2 Tenders and supporting documents must be written in English and priced in Pounds Sterling.
- 6.2.3 Tenders must comply with the following document restrictions:
- a) The page limits as identified in both Annex 1 (Quality Questions) must be adhered to, including title pages, drawings, diagrams, organograms, flow charts and annexes;
 - b) The pages of any document with a page limit must be numbered. Page numbers and other header or footer information may be included in the margin space;
 - c) Text must be presented in “Arial” font and be no smaller than 11 point, single-spaced. Text no smaller than 10 point can be used for drawings, diagrams and flow charts.
- 6.2.4 If the Quality Submission or any part of it exceeds the page limits, the content of the pages after the limit is reached will be disregarded and not distributed to the members of the Quality Assessment Panel for assessment.
- 6.2.5 Documents are to be clearly referenced, sequenced and provided in Microsoft 2016 Word and Excel formats with the exception of templates forming part of the documents requiring completion by the Tenderer which shall retain their original format.
- 6.2.6 Where the response to a question requires multiple files to be uploaded these can be combined in a single zip file. No single file is to be larger than 20Mbytes. Tenderers should label each file using the naming convention.
- a) Tenderer name

- b) Framework or Lot number or Sublot number (e.g. 'FW' or 'Lot 2' or 'Sublot 2E')

Format Examples:

Tenderer A_FW_Quality Submission
Tenderer B_Sublot 2E_Financial Submission Workbook

6.3 Variant Bids

- 6.3.1 Highways England will not accept any variant bids in response to these Instructions and any variant bid received will be excluded.

6.4 Tender Submission

- 6.4.1 Tenderers are required to submit four submissions as part of the Tender:
- Selection Questionnaire Confirmation of Standing
 - Contract, Policy and Compliance Submission
 - Quality Submission
 - Financial Submission Workbook

6.5 Selection Questionnaire Confirmation of Standing

- 6.5.1 Tenderers are required to return in the Qualification Envelope on the Sourcing Portal the Selection Questionnaire Confirmation of Standing in accordance with the guidance in Appendix H (Selection Questionnaire Confirmation of Standing).

6.6 Contract, Policy and Compliance Submission

- 6.6.1 Tenderers are required to complete and return in the Technical Envelope (section 1) on the Sourcing Portal the Contract, Policy and Compliance Submission, in accordance with Appendix A.
- 6.6.2 All the documents detailed in Appendix A must be submitted as part of the Tender. Highways England reserves the right to exclude a Tenderer that fails to provide compliance statements.
- 6.6.3 Tenderers should refer to Appendix B (Policy and Compliance Requirements) for further details regarding each policy requirement.

6.7 Quality Submission

- 6.7.1 Tenderers are required to complete and return in the Technical Envelope (section 2) on the Sourcing Portal their Quality Submission, comprising responses to the Quality Questions in Annex 1 (Quality Questions).
- 6.7.2 If a Tender submission is received for a sublot where the Tenderer has not been shortlisted for the sublot, the Tender submission for the sublot will be rejected.
- 6.7.3 The Quality Submission must address Highways England's specific requirements described in the Quality Questions. Supporting evidence may include reference to projects from other sectors where transferable skills and capabilities can be demonstrated.
- 6.7.4 Tenderers must note that Bravo will be set up in the format stated in Table 4. The Sourcing Portal has been set up uniquely for this procurement, therefore Tenderers must pay particular attention to all the instructions included in this document.
- 6.7.5 A separate Tender for each Sublot must be submitted to the correct Envelopes. See <https://highways.bravosolution.co.uk> for all the framework and Lot specific codes referenced below:

Table 4 Sourcing Portal Reference Numbers

Lot Code	Lot name	Bravo number
n/a	Framework level – Tender documents, queries, responses and framework level submissions	itt_5749
1.1	General Civil Engineering (Super Region)	itt_5750
1.2	General Civil Engineering (Region)	itt_5751
2	Drainage	itt_5752
3.1	Temporary Traffic Management (Super Region)	itt_5753
3.2	Temporary Traffic Management (Region)	itt_5754
4.1	Road Restraint Systems (Super Region)	itt_5755
4.2	Road Restraint Systems (Region)	itt_5756
5	Landscaping and Ecology	itt_5757
6	Road Markings	itt_5758
7	Road Lighting and Electrical Works	itt_5759
8	Structures Waterproofing and Expansion Joints	itt_5760
9	Technology	itt_5761
10	Structures, Structural Services and Concrete Repairs	itt_5763
11	Cathodic Protection	itt_5764
12.1	Design Services (Region)	itt_5765
12.2	Design Services (Super Region)	itt_5766

6.7.6 Tenderers will need to return the following Submissions based upon the number of sublots tendered for:

Table 5 Required Submissions

Type	How many submissions required
Framework Quality Questions	One response to each of the Framework Quality Questions irrespective of the number of Lots or sublots tendered for
Lot Quality Questions	A separate response to the Lot Quality Questions for each Lot a Tenderer is bidding for
Sublot Quality Question	A separate response to the sublot Quality Question for each sublot a Tenderer is bidding for
Financial Workbooks	A separate Financial Submission Workbook submission for each sublot a Tenderer is bidding for

6.7.7 Each Quality Question sets out the following:

- **Ambition** – the outcome Highways England is seeking to obtain;
- **Question** – the question that Tenderers must respond to; and
- **Requirements** – the minimum requirements Highways England considers essential to deliver the Ambition.

6.7.8 A Tenderer's response to each Quality Question must include the following components:

- a) Methodology: describing the methods to be used, which must as a minimum address all the requirements;
- b) Evidence: showing how the methodology has been previously used, tested or piloted.
- c) Tender Commitments: Tenderers must provide Tender Commitments as described in paragraph 6.8;

- 6.7.9 The requirements in each of the Quality Questions are the areas Highways England believe essential to enable the ambition to be achieved. Each requirement must be clearly addressed, detailing the specific methodology that will deliver the requirement. Each requirement will be given equal importance by the Quality Evaluation Panel.
- 6.7.10 Tenderers must provide evidence to support their methodology. Tenderers must provide evidence to demonstrate they have successfully delivered the methodology previously, or that the methodology has been successfully used by others, or that it has been tested for example by trials, pilot schemes or research. The evidence used to support your methodology can be from a different environment.
- 6.7.11 Tenderers can refer to Appendix C (Quality Question Guide) for details of which Quality Questions must be answered. Failure to provide a complete Quality Submission may deem the Tender submission non-compliant.

6.8 Tender Commitments

- 6.8.1 A Tenderer must provide one or more Tender Commitments as part of its response to each Quality Question. Tender Commitments are a summary of each key element of the methodology and time-based outputs submitted to meet the requirements to deliver the ambition.
- 6.8.2 The Tender Commitments will be assessed as part of the response to each Quality Question as described in Annex 1 (Quality Questions). The number of Tender Commitments provided in the response to each Quality Question will not of itself affect the Quality Score given for that Quality Question (as long as at least one is provided).
- 6.8.3 All Tender Commitments must be SMART (Specific, Measurable, Achievable, Relevant and Time-bound). Examples of Tender Commitments are shown in 6.9.
- a) **Specific** – the Tender Commitment must be well defined and specific to the Quality Question;
 - b) **Measurable** – achievement of the Tender Commitment must be objectively measurable;
 - c) **Achievable** – the Tender Commitment must be achievable;
 - d) **Relevant** – the Tender Commitment must be aligned to the Ambition;
 - e) **Time-bound** – the Tender Commitment must have a clear timeframe within which it will be achieved.
- 6.8.4 Tender Commitments must be included in the Quality Submission and duplicated in the Tender Commitments Register returned in the Technical Envelope.
- 6.8.5 Tender Commitments will become part of the Contract on award. Tenderers are referred to the Contract for further details.

6.9 Example Tender Commitments

- 6.9.1 Example tender commitments are shown below. These are for illustrative purposes only, and are not intended to be indicative examples for all questions. Neither are they model answers for any of the questions in this procurement – they are for illustrative purposes only
- 6.9.2 The below example tender commitment is a response to Question 1 of Annex 1 (Quality Questions), and covers Requirements 2 and 5 of that question:

To maintain delivery and to ensure resilience, particularly in recognition of the current pandemic, our key people will have defined succession plans in place from day one. Everyone within our direct delivery team will have

defined plans by the end of year one, reviewed annually, or as required following staff changes.

- a) **Specific** - Provides a clear statement of what will be done and the intended consequence.
- b) **Measurable** – Defines which staff will have succession plans
- c) **Achievable** – Succession planning is within tenderer's control.
- d) **Relevant** - Supports the following Highways England Ambition: Delivery of Highways England's renewals and improvement schemes safely, collaboratively, efficiently, effectively and with a focus on our customers, using competent people to deliver what is required of them, as described in this question's Ambition.
- e) **Time-bound** - Commits to the objective for key people from day 1 of contract award, with wider personnel by end of year 1, with annual reviews.

6.9.3 The below example tender commitment is a response to Question 6 of Annex 1 (Quality Questions), and covers Requirements 1 and 2 of that question:

To provide better information during construction and improve customer interaction, we will use digital rehearsals on each scheme we design to understand the impact of roadworks on customers. This will be within 6 months of the contract award. This will incorporate local authority networks to allow consultation and identification of mitigations.

- a) **Specific** - Describes an objective with a specific outcome.
- b) **Measurable** - Describes rehearsals will be used on each scheme.
- c) **Achievable** - Commitment is within tenderer's control.
- d) **Relevant** - Supports Highways England's ambition to build, maintain and operate a road network which meets the access needs of all Highways England's customers and communities, and that they trust us and know that we care, as described in this question's Ambition.
- e) **Time-bound** - Commits to achieving the objective with an annual deadline

6.10 Key Person Submission

6.10.1 Tenderers are to provide a completed key person schedule in the Contract Data Part 2 to be returned by them in section 1 Contract, Policy and Compliance of the Technical Envelope. This lists the key persons proposed. This information is not included in the page count for the Quality Submission. A separate submission and key person schedule is required for each subplot.

6.11 Commercial Submission

6.11.1 Tenderers are required to submit a Commercial Submission in accordance with this IfT and the instructions contained within the Financial Submission Workbook.

6.11.2 Tenderers are required to submit a Financial Submission Workbook as part of the Commercial Submission.

6.12 Financial Submission Workbook

6.12.1 All staff rates, prices, fee percentages and activity schedules submitted during the Tender shall be contained within the *quotation information*, should the Tenderer be successful at Contract Award stage.

6.12.2 Tenderers are to complete the Financial Submission Workbook in accordance with the information and guidance notes provided within the Financial Submission Workbook.

- 6.12.3 Tenderers are not permitted to modify the Financial Submission Workbook in any way. Modification of the Financial Submission Workbook may result in the Tender being rejected.
- 6.12.4 Tenderers shall only submit Financial Submission Workbook(s) for those Lots that they have been invited to Tender for.
- 6.12.5 There are twelve (12) Financial Submission Workbooks, each Financial Submission Workbook is specific to each Lot.
- 6.12.6 Tenderers are required to submit a separate Financial Submission Workbook for each individual subplot for which they are tendering. For example, if a Tenderer wishes to submit a response for sublots for Area 7 and Area 9 in Lot 5 (Landscaping and Ecology), then this will require the Tenderer to submit one Financial Submission Workbook for Area 7 and another for Area 9.
- 6.12.7 Where Tenderers are bidding for multiple sublots, Tenderers may if they consider appropriate, decide to submit an identical Financial Submission Workbook with identical rates, fee percentages or prices applicable to the subplot.
- 6.12.8 The Financial Submission Workbook is composed of a number of key commercial elements, as set out in Table 6 - Financial Submission Workbook elements.
- 6.12.9 Where the scope of the Lot is the same (i.e. Lot 1.1 / 1.2, Lot 3.1 / 3.2, Lot 4.1 / 4.2, and Lot 12.1 / 12.2), the Financial Submission Workbooks issued to Tenderers will be the same.

Table 6 Financial Submission Workbook elements

Financial Submission Workbook	Price Type	Lot 1 - 10	Lot 11	Lot 12
Staff Rate Table	Tendered rate/hour	✓	✓	✓
Fee percentages	Tendered percentages	✓	✓	✓
Schedule of Rates	Tendered rates	✓	✓	
Schedule of Rates Resource Schedule	Tendered breakdown of rates	✓	✓	
Sample Scheme build up	Tendered rates		✓	✓

- 6.12.10 Tenderers must price all items (staff rates, percentages and resource build ups) in the Financial Submission Workbook.
- 6.12.11 Tenderers must price all items separately and to two decimal places.
- 6.12.12 The rates tendered must be built up from verifiable forecast costs, resources and outputs, and substantiation of any percentages entered are to be in sufficient detail to demonstrate which elements of cost have been included. Tenderers are not permitted to:
- a. price any item, rate, fee, percentage or adjustment within another item, rate, fee, percentage or adjustment;
 - b. cross subsidise any item, rate, fee, percentage or adjustment within any other item, rate, fee, percentage or adjustment;
 - c. make any assumptions regarding the use or relevance of any item, rate, percentage, adjustment or quantity.
- 6.12.13 Where a Tenderer prices an item, rate, fee or percentage or adjustment as zero, the Tenderer must provide Highways England with a detailed explanation of

why the item, rate, fee, percentage or adjustment is zero. This information must be included as part of the Commercial Submission.

- 6.12.14 In the event that a Tenderer prices an item, rate, fee, percentage or adjustment as zero, the Tenderer is confirming that both the Tenderer's forecast Defined Cost-plus Fee and Defined Cost-plus Fee actually incurred and charged to Highways England, will be treated as zero.
- 6.12.15 Tenderers are to note that these Instructions for Tenderers and the Contract do not provide for working capital or any other loans to be provided to Tenderers as part of this procurement process and Highways England can confirm that working capital and loans will not be provided in any circumstances.

Lot 1 – 11

6.13 Staff Rate Table

- 6.13.1 Tenderers are to price a schedule of staff rates for each stipulated 'Highways England Role'. The Tenderer may propose an 'Alternative Role' to the 'Highways England Role' to take account of the varying organisational titles and structures that each Tenderer may have.
- 6.13.2 Staff rates are to be used as the basis of Defined Cost for the relevant people as set out in the Schedule of Cost Components. For works or services procured on a time charge basis, the tendered rates in the Financial Submission Workbook are capped maximum staff rates. The cost in relation to people will be subject to a review for inflation as set out in the Contract. This is explained further in the 'Instructions' tab within the Financial Submission Workbook.

6.14 Fee percentages

- 6.14.1 The fee percentages are to be built-up using the tables provided in the Financial Submission Workbook.
- 6.14.2 The Tenderer is given the opportunity to Tender different fee percentages which will be applied separately to the Prices (Work Order value), and Defined Cost. The fee to be applied will be dependent upon which band the Total of the Prices and the total Defined Cost falls in.
- 6.14.3 This is in recognition of the wide variety of schemes undertaken via Asset Delivery and that different fees may be appropriate for smaller or larger Work Orders.

6.15 Schedule of Rates Resource Schedules

- 6.15.1 Tenderers are to provide a detailed schedule of the resources for all schedule of rate items which must be completed within the templates provided. All submissions are required to include at least the same level of details as the example provided.
- 6.15.2 For both direct and subcontract works, the resources are to be itemised for people, equipment, plant and materials, and charges (where applicable) for all work, in sufficient detail to enable the resource implications, the methodology, the outputs and assumptions to be fully understood. Where resources are shared between activities or are utilised on a part time basis, full time equivalents must be clearly shown. Tenderers must provide details of the basis of the build-up, including the number of hours used to calculate full time equivalents.
- 6.15.3 Entries for people are to identify the posts and roles, and not the names of individuals.

6.15.4 Tenderers will note the inclusion of CBS codes in the Financial Submission Workbook. This is not a mandatory requirement to complete as part of the Tender submission, but the successful Tenderers will be required to complete the CBS breakdown as part of their activities during the mobilisation period.

6.16 Sample Scheme Build Up (Lot 11 only)

6.16.1 Activity schedules are provided for the four sample schemes for Lot 11. Each activity must be priced using the Resource Build Up (RBU) tab for each sample scheme in accordance with section 6.15.

Lot 12

6.17 Staff Rate Table

6.17.1 Tenderers are to include a schedule of staff rates for each stipulated 'Highways England Role'. The Tenderer may propose an 'Alternative Role' to the 'Highways England Role' to take account of the varying organisational titles and structures that each Tenderer may have.

6.17.2 The 'Alternative Role' must however be an equal or equivalent role to the 'Highways England Role' and able to fulfil the Job Description for each of the roles, as described in Table 5 of the Financial Submission Workbook.

6.17.3 Entries for people are to identify the posts and roles, and not the names of individuals.

6.17.4 The Tenderer shall price the overhead schedules showing:

- a) the build-up and substantiation of the Consultant's Office Overhead and Highways England Office Overhead percentage stated in Tables 4a, 4b and 4c of the Financial Submission Workbook, in sufficient detail to demonstrate which elements of cost have been included. The substantiation must be based on verifiable costs and
- b) the build-up and substantiation of the Business and Subcontract Overhead percentages and associated fees stated in the Financial Submission Workbook, in sufficient detail to demonstrate which elements of cost have been included. The substantiation must be based on verifiable costs.

6.17.5 The relevant overhead percentages will pull through to Tables 1a and 1b to generate the Maximum Staff Rates.

6.18 Fee percentages

6.18.1 The Tenderer shall price the fee schedule showing:

- a) The fee percentage applicable to Specialist Sub Consultants stated in Table 3 of the Financial Submission Workbook and
- b) The fee percentage applicable to Charges stated in Table 3 of the Financial Submission Workbook.

6.18.2 The fee percentages will be applied to the Defined Cost of Specialist Sub Consultants and Charges, in accordance with the Schedule of Cost Components.

6.19 Sample Scheme Build Up

- 6.19.1 Activity schedules are provided for the ten sample schemes for Lot 12. Each activity must be priced using the maximum staff rates as calculated in Tables 1a and 1b of the same Financial Submission Workbook.
- 6.19.2 Tenderers should satisfy themselves with the assumptions to be made (particularly relating to the different pricing rules between Lots 12.1 and Lots 12.2) in relation pricing each of the sample schemes, in the “Scheme Delivery Framework Lot 12 – Design Services Sample Scheme Information” document.

7 TENDER ASSESSMENT PROCEDURE

7.1 Tender Assessment Procedure

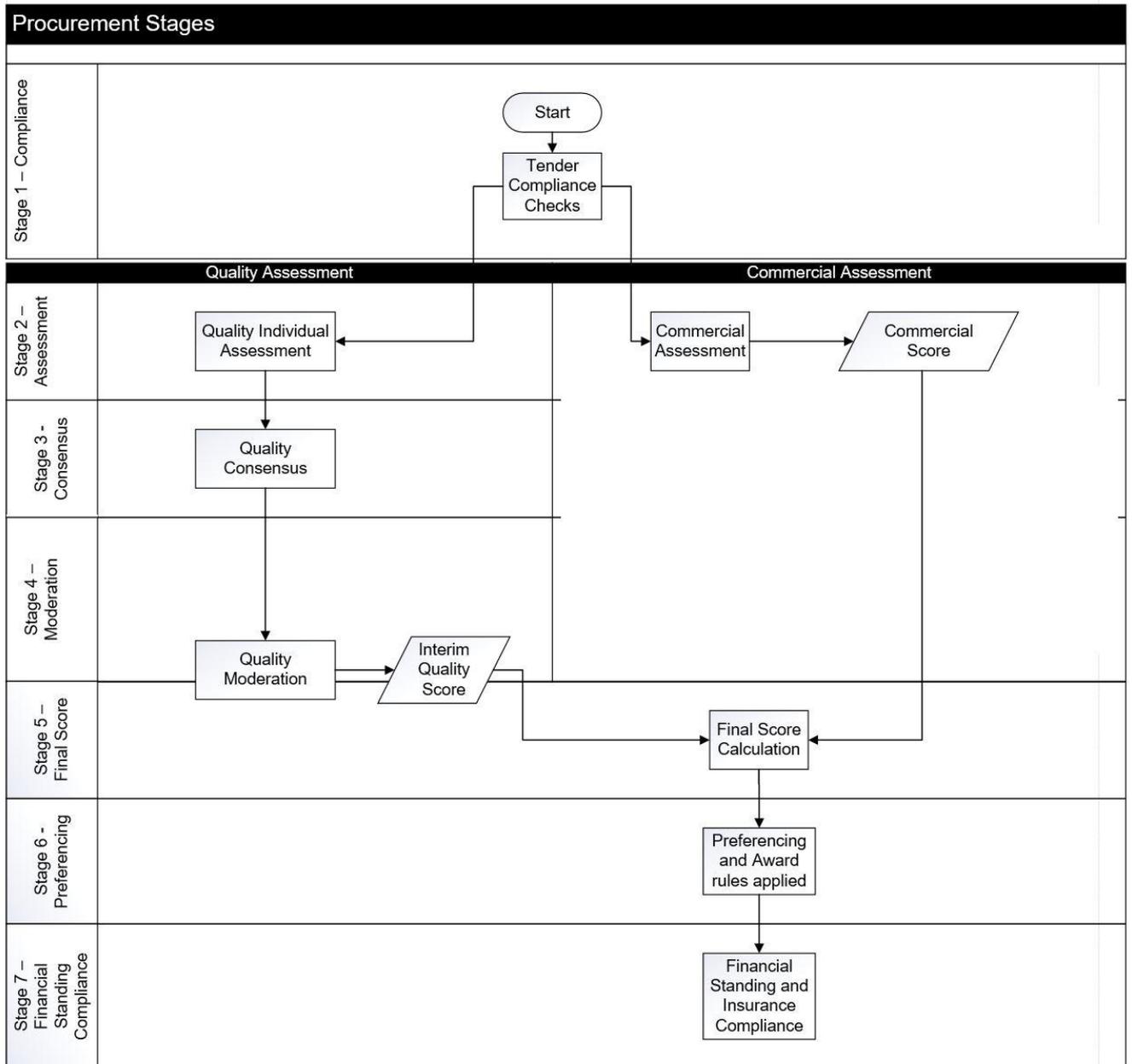
7.1.1 The Tender assessment procedure identifies the most economically advantageous tender to Highways England by first assessing the Submissions for compliance then calculating the Weighted Quality Score and the Commercial Score and combining them in the ratio of Quality / Price as detailed below. The application of the Award Rules and Preferencing will then determine the allocation of the Sublots subject to Tenderers passing the pass/fail and mandatory compliance requirements.

Band	Band Description	Quality	Price
A	General Civils	60	40
B	Specialist support	60	40
C	Specialist works	70	30
D	Design	60	40

7.1.2

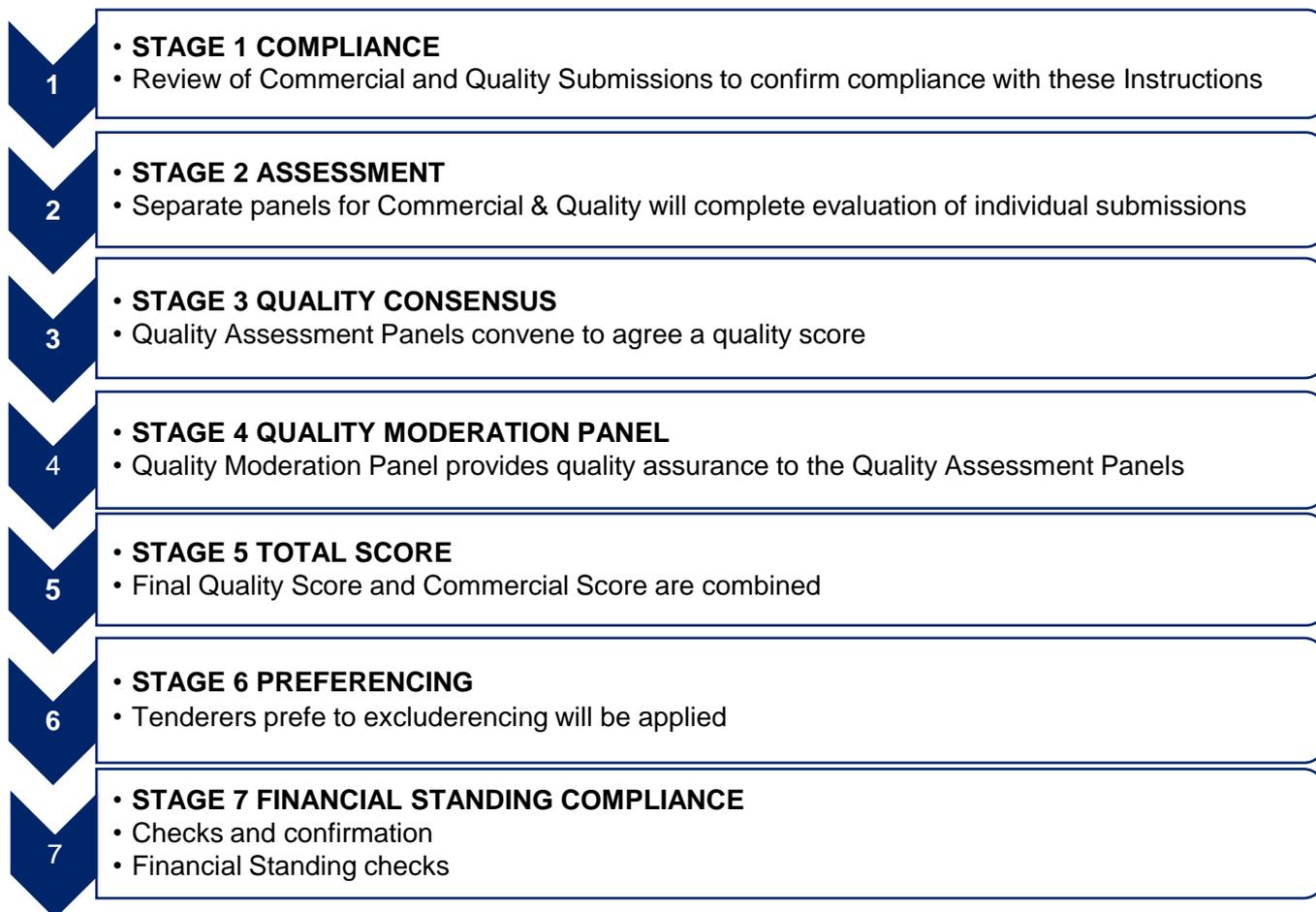
The assessment procedure is described in Figure 1

Figure 1 Tender Assessment Procedure



7.1.3 The assessment of Tenders will be carried out in the seven stages shown in Figure 2:

Figure 2 Tender Assessment Procedure Stages



7.2 Stage 1 –Compliance

7.2.1 In this stage Highways England undertakes an initial check for Tender completeness and compliance, including that:

- a) a full and complete set of correct documents and submissions has been uploaded to the Sourcing Portal;
- b) the submitted documents and submissions are without qualification;
- c) that no further documents were submitted beyond those required;
- d) the page count in the submitted documents and submissions has not been exceeded.

7.2.2 Any pages in excess of the page count will be removed and will not be assessed.

7.2.3 During Stage 1, the Commercial Assessment Panel will check that Tenderers have submitted and completed the Financial Submission Workbook in accordance with these Instructions, and the guidance notes contained within the Financial Submission Workbook.

7.2.4 Compliance activities of the Financial Submission Workbooks will check but not be limited to, that all worksheets have been fully completed, there are no misplaced decimal points, patent errors in arithmetic, or errors in computation that may undermine the reliability of the Tender.

- 7.2.5 Where appropriate, the Commercial Assessment Panel may request clarifications of the Tenderer's Financial Workbook submission. Tenderers will be requested to reply within the date stipulated within the clarification.
- 7.2.6 Should Tenderers fail to address the clarification to Highways England's satisfaction, Highways England reserves the right to consider that the relevant Tenderer and submission does not meet Highways England's requirements and these Instructions and is therefore non-compliant.
- 7.2.7 Highways England reserves the right to exclude a Tender that does not meet the conditions in paragraph 7.2.1(a) – (d), or is determined non-compliant as per paragraph 7.2.6. Where a Tenderer has bid for multiple sublots in multiple Lots, in practice, this may mean a Tenderer may have a mixture of compliant or non-compliant submissions. The submission for each subplot will be assessed for compliance on its own merits.

7.3 Stage 2 – Assessment

- 7.3.1 Highways England reserves the right to seek clarification of any part of a Tender to assist in its consideration of the Tender but shall be under no obligation to do so. It is the responsibility of Tenderers to ensure their Tender is free of errors and complies with these Instructions.

7.4 Commercial Assessment

- 7.4.1 For Lots 1 – 10, The commercial score evaluation will comprise separate components: the fee; staff rate price; and schedule of rates. The tendered fees will be considered against a total estimated defined cost for each subplot. Staff rates will be considered against a pre-determined quantity of hours for each role. The Schedule of rates will be tested against pre-determined quantities taken from historic Highways England schemes. These separate components will combine to produce an overall commercial score.
- 7.4.2 For Lot 11, The commercial score evaluation will comprise separate components: the fee; staff rate price; and sample scheme price. The tendered fees will be considered against a total estimated defined cost for each subplot. Staff rates will be considered against a pre-determined quantity of hours for each role. The Tenderer shall price an activity schedule for each of the Sample Schemes provided. These separate components will combine to produce an overall commercial score.
- 7.4.3 For Lot 12, the commercial score will comprise two separate price elements: staff rate price; and sample scheme price. Tendered staff rates will be considered against a pre-determined quantity of hours for each role. The Tenderer shall price an activity schedule for each of the Sample Schemes provided. These separate price elements will combine to produce an overall commercial score.
- 7.4.4 The Commercial Assessment Panel is completely independent of the Quality Assessment Panel, and no documents or information is shared between the panels.
- 7.4.5 The Commercial Assessment Panel will assess the Financial Submission Workbook provided by the Tenderer using the process described from paragraph 7.5 of these Instructions.
- 7.4.6 The Financial Submission Workbook includes different Tender price elements. For each Tenderer within each subplot, the Tenderers' score for each of the price elements is given a score out of 100. The Tenderers' score for each price element is then weighted in accordance with Table 7 Commercial evaluation weightings, which the weighted scores are then added together to give an overall Commercial Score out of 100 percent.

Table 7 Commercial Evaluation Weightings

Lot	Fee	Staff Rate Price	Sample Scheme Price
Lot 1 - 10	30%	10%	60%
Lot 11	30%	10%	60%
Lot 12	0%*	35%	65%

* fee forms part of the Staff rate price and Sample scheme price assessment

- *Lots 1- 10 only - sample schemes are historical or arbitrary scheme quantities and are used by the CAP for tender evaluation purposes only see 7.10 below.

7.5 Commercial Assessment (All Lots)

7.5.1 Stage 2 will undertake a review to confirm Tenderers have correctly applied the contractual requirements. Highways England may seek clarification on fee, rates, price assumptions, resources and the Tenderers overall commercial solution.

7.5.2 Highways England may request the Tenderer concerned to submit, supplement, clarify or complete the relevant information within an appropriate time limit.

7.5.3 As part of this review the Commercial Assessment Panel may ask Tenderers to provide evidence that demonstrates that the allowances made are reflected of forecasted costs incurred. The prices and rates tendered must be built up from verifiable forecast costs, resources and outputs.

7.5.4 In regard to Lot 11 and Lot 12, Tenderers will also be required to provide evidence of any variances in rates across the sample schemes. This is a critical process and Tenderers should ensure appropriate time and resources are offered to support this.

7.5.5 The Commercial Assessment Panel reserve the right to interview appropriate staff to review any areas of concern if deemed necessary.

7.5.6 Should Tenderers fail to address these areas of concern, then Highways England reserves the right to consider that the relevant Tenderer and Tender does not meet Highways England's requirements and these Instructions and is therefore non-compliant. The Tender may result in exclusion from the competition.

7.6 Calculating the Commercial Score (All Lots)

7.6.1 The Commercial Assessment Panel will determine a commercial score for each price element built up from the Tenderer's Financial Submission Workbook. Worked examples of how this commercial score is derived is shown in Appendix F (Commercial Scoring Worked Example).

7.7 Quality Assessment

Quality Criteria

7.7.1 The Quality sub-criteria are detailed in Annex 1 (Quality Questions).

7.7.2 The Tenderers Quality Submissions for each subplot will be assessed on the following basis;

- a) Framework Quality Questions
- b) Lot Quality Questions
- c) Sublot Quality Question

7.7.3 The number of Quality submission responses required is dependent on how many sublots a Tenderer submits a bid for. Annex 1 provides details the Quality Questions that must be responded to dependent on the subplot bid for.

- 7.7.4 All assessments will be based wholly on the content of the Quality Submission (subject to clarification). Tenderers' Quality Submissions must therefore contain all the information which Tenderers wish to be considered by Highways England's assessors in accordance with these Instructions.
- 7.7.5 Assessment of the Quality Submission will be undertaken by the members of the Quality Assessment Panels who will evaluate and score in accordance with the evaluation methodology as set out in Appendix D (Quality Questions Scoring Matrix).
- 7.7.6 There will be a number of Quality Assessment Panels who will each independently assess their area of subject excellence.
- 7.7.7 Members of the Quality Assessment Panels work independently to assess the response to each Quality Question. Where required, clarifications may be issued to Tenderers at any point during this assessment.
- 7.7.8 The individual members of the Quality Assessment Panels award a score and rationale to the response to each Quality Question in accordance with the procedures specified in these Instructions and record their individual scores and rationale for each of the scores.
- 7.7.9 Following the recording of the individual members of the Quality Assessment Panels' scores, Quality Consensus meetings will be held in accordance with section 7.8.
- 7.7.10 Quality Assessment Panels will work independently and will not have access to each other's assessments.

7.8 Stage 3 – Quality Consensus

- 7.8.1 At the Quality Consensus meetings, each individual member of the Quality Assessment Panels will present their rationale and scoring for each Quality Question for each Tenderer. The sessions will be independently facilitated by a representative of Highways England's Procurement team to reach an agreed Consensus score and rationale for each Quality Question.
- 7.8.2 If during the Quality Consensus meetings the Quality Assessment Panel members wish to request clarification before they agree a Consensus the Procurement Officer shall issue a request for clarification through the Sourcing Portal. The Quality Assessment Panel members will meet again after the clarification has been received to reach the agreed Consensus score and rationale.
- 7.8.3 Following the conclusion of the Consensus meetings, the Quality Assessment Panel's report containing the interim Quality Scores and rationale for each Quality Question is presented to the Quality Moderation Panel in accordance with section 7.9.

7.9 Stage 4 – Quality Moderation

- 7.9.1 The Quality Moderation Panel provides challenge and assurance to the Quality Assessment Panels to ensure the interim score and rationale for each Tenderer's response to each of the Quality Questions follows the scoring methodology in Appendix D (Quality Questions Scoring Matrix) and that methodology has been consistently applied to all Tenderers.
- 7.9.2 The Quality Moderation Panel has access to all documents seen by the Quality Assessment Panels.
- 7.9.3 Where the Quality Moderation Panel identifies an inconsistent score, a lack of rationale to justify a score and/or a potential discrepancy in assessment, the Quality Moderation Panel will require the respective Quality Assessment Panel to reconvene and review the Quality Moderation Panel's concerns.

7.9.4 The reconvened Quality Assessment Panel will review the relevant quality score taking into account the Quality Moderation Panel concerns. The respective Quality Assessment Panel can either agree to amend the score and/or the rationale or confirm that the original score should remain. These amended or confirmed scores then become the Interim Quality Scores and the weighting is applied to each question in accordance with Table 8 and Table 9.

Calculation of Weighed Quality Score

7.9.5 The weighting to each Quality Question score will be applied to the Quality Score awarded following Moderation in accordance with Annex 1 (Quality Questions) to become the Weighted Quality Score.

7.9.6 The Weighted Quality Score for each of the Quality Questions will be determined by the following calculation;

$$\text{Weighted Quality Score} = 10 \times \left(\frac{\text{Quality Score} \times \text{Weighting}}{100} \right)$$

7.9.7 The Weighted Quality Score for each Quality Question will be used to calculate the Total Weighted Quality Score for each subplot.

7.10 Calculating Total Weighted Quality Score for each subplot

7.10.1 Highways England will calculate the Tenderers' Total Weighted Quality Score out of 100 for each subplot where a Tenderer has submitted a compliant response. The Total Weighted Quality Score for each subplot will comprise of the Tenderer's score for:

- Framework Quality Questions;
- Lot specific Quality Questions; and
- Sublot Quality Question.

7.10.2 For the avoidance of doubt, the scores for the Tenderer's Quality Questions for a subplot can only be used to calculate the Total Weighted Quality Score where:

- a) the Tenderer has expressly submitted a bid for the particular subplot, and
- b) the Tenderer has provided responses to the Quality Questions for the particular subplot as detailed in Annex 1, and
- c) the responses have been determined compliant and not excluded.

7.10.3 Table 8 and Table 9 provide examples how the scores will be calculated for a subplot.

Table 8 Worked Example of Sublot Weighted Quality Score Calculation (Lot 1 example)

Question No	Question Type	Question	Quality Score (/10) Quality Score (/10)	Weighting (%)	Weighted Quality Score (/100)
1	Framework	Organisation & Resources	6	5	3
2	Framework	Delivery	6	15	9
3	Framework	Collaboration	9	10	9
4	Framework	Health & Safety	3	20	6

5	Framework	Commercial	6	5	3
6	Framework	Cust & Stakeholder Management	6	10	6
7	Sublot	Social Value	9	10	9
8	Lot-specific	Lot 1-specific	10	15	15
9	Lot-specific	Lot 1 Health & Safety	9	10	9
Total Weighted Quality Score				100%	69

Table 9 Worked Example of Sublot Weighted Quality Score Calculation (Lot 5 example)

Question No	Question Type		Quality Score (/10) Quality Score (/10)	Weighting (%)	Weighted Quality Score (/100)
1	Framework	Organisation & Resources	6	5	3
2	Framework	Delivery	6	15	9
3	Framework	Collaboration	9	10	9
4	Framework	Health & Safety	3	20	6
5	Framework	Commercial	6	5	3
6	Framework	Cust & Stakeholder Management	6	10	6
7	Sublot	Social Value	9	10	9
8	Lot-specific	Lot 5-specific	10	25	25
Total Weighted Quality Score				100%	70

7.10.4 The calculation for the Total Weighted Quality Score will be applied to the Tenderer's submissions for all sublots.

7.10.5 The Minimum Quality Threshold Tests will be applied in accordance with section 7.10.6.

Minimum Quality Threshold Tests

7.10.6 A Tenderer's submission for a sublot with a Total Weighted Quality Score of less than 40 will be excluded.

7.10.7 A Tenderer's submission for a sublot with a Quality Score of less than 3 for Question 4, 9 or 21 (Health and Safety) will be excluded and will not be considered further.

7.11 Stage 5 - Total Score

7.11.1 The Total Weighted Quality Score is combined with the Commercial Score to derive a Total Score for each Tender. The Tenderer's Total Score will be calculated to two decimal places using Table 10 below.

7.11.2 The Total Score will be used to rank Tenderers for each subplot. The following rules apply to the ranking process:

- Tenderers will be ranked in each subplot from highest to lowest based on the Total Score;
- if Tenderers are tied on the same score then the Tenderer with the highest Total Weighted Quality Score will take precedence;
- if Tenderers are still tied, then the Tenderer with the highest score for Quality Question 1 will take precedence.

Table 10 Total Score calculation per subplot

Total Weighted Final Quality Score (i) (/100)	Commercial Score (ii) (/100)	Total Weighted Final Quality Score (iii) (i)*0.6 (Band A, B and D), or 0.7 (Band C)	Commercial Score (iv) (ii)*0.4 (Band A, B and D), or 0.3 (Band C)	Total Score (v) (/100) (iii)+(iv)
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7.12 Abnormally Low Tender

7.12.1 If Highways England considers that a Tender appears to be abnormally low, it reserves the right to conduct an investigation in accordance with Regulation 69 of the Public Contracts Regulations 2015. Highways England reserves the right to undertake such an investigation at any stage during the Tender process.

7.12.2 Highways England may exclude a Tender where the evidence supplied as part of the abnormally low Tender investigation does not satisfactorily account for the low level of price or costs proposed.

8 PREFERENCING PROCEDURE

8.1 Stage 6 – Preferencing and Award Rules

- 8.1.1 This stage (Stage 6) of the Tender Assessment Procedure allocates places on each of the Sublots based on a Tenderer's Total Score and its Preferencing for each Sublot for which it submits a compliant Tender (i.e. a Sublot compliant Quality Submission and Commercial Submission for that Sublot). A Tenderer is only entitled to submit a Tender for a Sublot for which it was shortlisted and invited to tender.
- 8.1.2 When allocating places on each of the Sublots, the Award Rules in Table 2 will apply.
- 8.1.3 Following Stages 1 – 5 of the Tender Assessment Procedure, all Tenderers will be ranked from highest Total Score to lowest Total Score for each Sublot they have applied for.
- 8.1.4 Highways England will provisionally allocate places on each Sublot using the following step process:
- a) provisional places on Sublots will be allocated in order of Lot sequence set out in Table 11, starting with Lot 1.1, then Lot 1.2 and so on. Where more than one place is available on a Sublot within a lot, all the first rank (Supplier 1) places will provisionally be allocated for that Sublot, then the second rank (Supplier 2) places for that Sublot before moving to the next Lot in the sequence.
 - b) when all the available places have been provisionally filled on each of the Sublots within a Lot, the available places on the Sublots on the next Lot in the sequence will be allocated. However, Preferencing rules – see paragraph (i) below – will likely mean, in practice, that Highways England will have regard to the ranking of Tenders within Sublots and Lots in other Bands in parallel, in order to provisionally allocate places, moving in and out of Lot sequence in order to do so.
 - c) for the Lot being considered for allocation, Highways England will identify the Sublot where a Tenderer has the highest Total Score compared to the Total Scores for the other Sublots within that Lot and look to allocate this Sublot first. As set out in paragraph (a) above, where more than one place is available on a Sublot, the Supplier 1 places will be provisionally allocated first.
 - d) the Tenderer with the highest Total Score for the Sublot identified in accordance with paragraph (c) will, subject to the Preferencing rules, be provisionally allocated that Sublot (or the Supplier 1 place on that Sublot, where more than one place is available).
 - e) Highways England will then identify the Sublot where a Tenderer had the second highest Total Score compared to the Total Score for the other Sublots and look to allocate this Sublot next.
 - f) again, the Tenderer with the highest Total Score for the Sublot identified in accordance with paragraph (e) will, subject to the Preferencing rules, be provisionally allocated that Sublot (or the Supplier 1 place on that Sublot, where more than one place is available).
 - g) if there are more than two Sublots within a lot, then Highways England will identify the Sublot where a Tenderer had the third highest Total Score compared to the Total Score for the other Sublots and look to provisionally allocate this Sublot next.

- h) again, the Tenderer with the highest Total Score for the Sublot identified in accordance with paragraph (g) will, subject to the Preferencing rules, be provisionally allocated that Sublot (or the Supplier 1 place on that Sublot, where more than one place is available). If there are more than three Sublots within a lot, then Highways England will repeat (g) and this paragraph (h) for each Sublot to be allocated within the Lot (or to allocate the Supplier 1 place on each Sublot, where more than one place is available).
- i) throughout steps (d), (f) and (h) and at each provisional allocation thereafter, Highways England will also consider the preferences stated by each Tenderer for the Sublot being allocated as well as the preferences stated by the Tenderer for all other Sublots for which it has submitted a compliant Tender, alongside the application of the Award Rules.
- j) If the highest scoring Tenderer for the Sublot being allocated is also the highest scoring Tenderer on more than one Sublot within the same Band and/or across any of the other Bands but would be prevented by the Award Rules from being provisionally allocated more than one of those places (a Supplier 1 place (if applicable)), Highways England will provisionally allocate a place on whichever of those Sublots the Tenderer preferenced the highest. It is only where a Tenderer has submitted the highest scoring Tender in another Sublot(s), that its preferencing will be taken into account. As such, for Sublots where there is more than one place available and Highways England is allocating Supplier 1 places first, it will not take into account any preferences stated by the second highest scoring Tenderer for a Sublot.
- k) As highlighted in paragraph (a) above, the analysis of preferences alongside the application of the Award Rules, means Highways England will look across all the Sublots for which a Tenderer has submitted a compliant Tender, in parallel, in order to settle the provisional allocation for the Sublot under review. This may result in a scenario whereby a Tenderer is identified for allocation for the Sublot under review (or a Supplier 1 place (if applicable)) and has also submitted the highest scoring Tender for a Sublot later on in the sequence of Lots to be allocated (for which it has stated a higher preference), but it could not be allocated both Sublots due to the application of the Award Rules. In such a scenario, Highways England will, out of sequence, provisionally allocate the Sublot for which the Tenderer has stated a higher preference, then return back to allocate the Sublot originally under review. The relevant Tenderer would then, by application of the Award Rules, be prevented from being allocated the Sublot originally under review.
- l) The same approach would be taken where a Tenderer is identified for allocation for the Sublot under review (or a Supplier 1 place (if applicable)) and has also submitted the highest scoring Tender across multiple Sublots across the same or multiple Bands, but cannot be allocated all of the places due to the application of the Award Rules. Again, in such a scenario, the provisional allocation will be made, in accordance with the Award Rules, based on that Tenderer's preference order (highest to lowest) across those Sublots. Depending on the applicable Award Rules for the Sublot(s) provisionally allocated, the Tenderer may also be marked as ineligible to be allocated other Sublots.

- m) where a Tenderer is prevented by the Award Rules (and its own preferences) from provisionally being allocated a place on a Sublot, that Sublot will be provisionally allocated to the next highest scoring Tenderer for that Sublot provided that Tenderer is not also prevented from taking that place by the Award Rules (and its own preferences) and so on until a Tenderer is identified that is not prevented from taking that place by the Award Rules (and its own preferences).
- n) where more than one place is available on a Sublot and all the Supplier 1 places have provisionally been allocated, Highways England will follow the same process as in paragraphs (a) to (j) in order to appoint the Supplier 2 places for that Sublot before moving onto the next Lot in the sequence (recognising that the second highest scoring Tenderer for that Sublot may be prevented from being allocated a Supplier 2 place by application of the Award Rules (and its own preferences) or may be ineligible as a result of having been already been provisionally allocated one or more Sublots (or a Supplier 1 place (if applicable))).
- o) the provisional allocation process (including application of the Award Rules and preferences) will be repeated for each Sublot until all the available places in each of the Sublots have been provisionally allocated. This may require Highways England to repeat the overall step process to observe the Award Rules and take into account preferences
- p) once all the available places in each of the Sublots have been provisionally allocated, Stage 7 of the procurement process (Financial Standing Compliance) will be applied. If any Tenderer is excluded as a result – whether as a result of failing the SQ checks or, having being provisionally allocated a single Sublot, fails to satisfy the turnover check for that Sublot (see Stage 7, paragraph [9.1.10]), then the step process in paragraph 8.1.4 (a) to (o) above will be repeated which may result in adjustments to provisional allocations across one or more Sublots and one or more Bands. Stage 7 of the procurement process (Financial Standing Compliance) will then be reapplied to the re-allocated Sublots and if any Tenderers are subsequently excluded, Highways England will repeat this exercise as many times as required until it achieves a provisional allocation of all Sublots to Tenderers that all satisfy the Stage 7 requirements.
- q) if any Tenderer has been provisionally allocated two or more Sublots, fails to satisfy the turnover check compared to the aggregated annualised contract value across for those Sublots and its Tender submission for one or more Sublots has been rejected (see Stage 7, paragraph [9.1.11]), then the Tenderer will be marked as ineligible to be allocated the rejected Sublot(s) but otherwise the step process in paragraph 8.1.4 (a) to (o) above will be repeated which may result in adjustments to provisional allocations across one or more Sublots and one or more Bands.

8.1.5

Where the Tenderer is identified through the allocation process as the highest scoring Tenderer for two or more Sublots (and the Award Rules and Preferencing are applied such that they would be provisionally allocated two or more Sublots, notwithstanding that the Tenderer has been marked as ineligible for the relevant Sublot(s) previous rejected), Highways England will check the Tenderer's turnover is equal to or greater than 160% of the aggregate annualised contract value of the Sublots to be allocated, before confirming the allocation of a new Sublot i.e. as regards the relevant Tenderer, a turnover check will take place prior to the point of allocating a second and any

subsequent Sublot to minimise the risk of the Tenderer failing, for a second time, the turnover check at Stage 7).

8.1.6 Again, Stage 7 of the procurement process (Financial Standing Compliance) will then be reapplied to the re-allocated Sublots and if any Tenderers are subsequently excluded, Highways England will repeat the exercise in paragraph (p) and this paragraph (q) as many times as required until it achieves a provisional allocation of all Sublots to Tenderers that all satisfy the Stage 7 requirements.

8.1.7 As per paragraph 8.1.4(a) Highways England will look to allocate the Sublots in the following sequence subject to the conditions stated in the Award Rules and recognising, as set out in the step process in paragraph 8.1.4, that Sublots may be provisionally allocated out of sequence by application of the Award Rules and analysis of a Tenderer's preferences.

8.1.8 Highways England will award the Sublots in the following sequence subject to the conditions stated in Table 2.

Table 11 Order Sequence of Lot Award

Sequence	Lot
1	Lot 1.1- General Civil Engineering (super region)
2	Lot 1.2- General Civil Engineering (region)
3	Lot 2- Drainage
4	Lot 3.1- Temporary Traffic Management (super region)
5	Lot 3.2- Temporary Traffic Management (region)
6	Lot 4.1- Road Restraint Systems (super region)
7	Lot 4.2- Road Restraint Systems (region)
8	Lot 5- Landscaping and Ecology
9	Lot 6- Road Markings
10	Lot 7- Road Lighting and Electrical Works
11	Lot 8- Structures Waterproofing and Expansion Joints
12	Lot 9- Technology
13	Lot 10- Structures, Structural Services and Concrete Repairs
14	Lot 11- Cathodic Protection
15	Lot 12.1 Design Services (region)
16	Lot 12.2 Design Services (super region)

8.1.9 For each Lot in the sequence, the process will be undertaken as described in 8.1.4. Please also see the worked examples as set out in Annex 10 (Preferencing Procedure).

8.1.10 Upon completion of this stage, all Tenderer's submissions who have been provisionally allocated a place will move onto the next stage.

9 FINANCIAL STANDING COMPLIANCE PROCEDURE

9.1 Stage 7 – Financial Standing Compliance

- 9.1.1 Highways England will review the Tenderers submitted Appendix H (Selection Questionnaire Confirmation of Standing) to ensure compliance in accordance with Annex 2 (SQ Guidance).
- 9.1.2 Due to the length of time that will have elapsed between the submission of the response to the Selection Questionnaire (SQ) and the submission of tenders, Highways England reserves the right to re-run the SQ assessment and checks as detailed within Annex 2 (SQ Guidance) prior to awarding a Tenderer a place on the framework. This is to ensure that the successful Tenderer can still meet the SQ tests and criteria.
- 9.1.3 Highways England will undertake this check after it has identified those Tenderer(s) for a subplot that can be awarded a place on the Framework. Tenderer(s) will be required to re-submit up to date evidence to support its declarations in the Selection Questionnaire within the time stated. Highways England will check the evidence which supports the answers given to the Selection Questionnaire before award. If the required evidence is not provided within the time stated, or the evidence does not support the statements made in the Selection Questionnaire, the Tender will be rejected.
- 9.1.4 Highways England will re-assess the responses to Part 3 of the Selection Questionnaire in accordance with the assessment criteria in the Selection Questionnaire in Annex A. In the event of a Tender being given a “fail” against any of the criteria or a “provisional fail” that cannot be cured, the Tender will be rejected.
- 9.1.5 When re-running the turnover test described in section 4.20 of Annex 2 (SQ Guidance) Highways England will use the annualised value of the sublots that it intends to award to the Tenderer as the benchmark against which that Tenderer’s annual turnover will be measured.
- 9.1.6 Should the outcome of the re-run of the SQ assessment indicate that there has been no change and the Tenderer continues to pass all tests, no further action will be required.
- 9.1.7 Should the outcome of the re-run of the SQ assessment indicate that there has been a change and the Tenderer(s) either no longer meets the criteria or there is a fail or a provisional fail against any of the tests (and which cannot be remedied, e.g. through the provision of a parent company guarantee) the Tender may be rejected for the subplot(s).
- 9.1.8 As part of the re-running of the SQ economic and financial standing tests, Highways England will undertake the Turnover Threshold Test based upon Step 3 as detailed in Annex 2 (SQ Guidance) of the financial evaluation on a pass / fail basis prior to Contract Award. This test will be applied to those Tenderer(s) for each subplot that Highways England intends to award a place on the Framework and may be re-run should the highest scoring Tenderer(s) for each subplot change.
- Highways England will check that the Tenderers’ annual turnover (for the most recent year of financial statements) is at least equal to 160% of the estimated annualised contract value. This value will be calculated based on all the sublots Highways England intends to award to the Tenderer.
- 9.1.9 If the Tenderer fails this test, Highways England may request the provision of a parent company guarantee or other form of equivalent alternative security as described in section 4.15 of Annex 2 (SQ Guidance). Highways England reserves the right, at its sole discretion, to determine whether to change a

provisional fail of this test into a pass if the Tenderer is able to provide a suitable parent company guarantee or other form of security.

9.1.10 Where a Tenderer is to be awarded one subplot place on the Framework, then:

- a) provided its annual turnover is equal to or greater than 160% of the annualised contract value for that subplot, this will be assessed as a pass.
- b) If its turnover is less than 160% of the annualised contract value for that subplot, the Tenderer will be assessed as having provisionally failed the financial evaluation.
- c) In the event of a provisional fail, Highways England may at its sole discretion request that a parent company guarantee, or other form of equivalent alternative security is provided. Should the provision of a parent company guarantee, or other form of security be acceptable Highways England reserves the right, at its sole discretion, to determine whether to change a provisional fail into a pass.

9.1.11 Where a Tenderer is to be awarded two or more subplot places on the Framework, the annualised contract value will be calculated by aggregating the annualised contract value for all the sublots which the Tenderer can be awarded. Then:

- a) Where the Applicant's turnover is equal to or greater than 160% of the aggregate annualised contract value of those sublots, this will be assessed as a pass.
- b) Where the Applicant's the turnover is less than 160% of the aggregated annualised contract value of those sublots, the following methodology will be applied:
 - Reference is made to the Tenderers ranking of sublots in the order of preference contained in its Tender submission.
 - The subplot referenced lowest for which the Tenderer is to be awarded is identified.
 - The Tender submission for this subplot will be rejected.
 - The turnover threshold test will be re-run using the aggregated annualised contract value for the remaining subplot(s) which the Tenderer is to be awarded and provided the Tenderers' turnover is equal to or greater than 160% of that value this will be assessed as pass.
 - If the Tenderers' turnover is less than 160% of the aggregated annualised contact value of the remaining sublots, then its Tender submission the next subplot referenced lowest will be rejected and the turnover test reapplied.
 - This process will continue until the Tenderers' turnover is 160% or more of the annualised contract value of the sublots it applied for and where its Tender submission has not been rejected.

9.1.12 If the Tenderer intended to be awarded a position for a subplot fails the assessment as set out in Stage 7 – Compliance or fails to comply with any request for a parent company guarantee or other security made by Highways England, the next eligible Tenderer in the sub lot following Stage 5 – Total Score and Stage 6 Preferencing has its Compliance evaluated in accordance

with the process in Stage 7. This process is repeated until the highest ranked remaining Tenderer for each sub lot passes the assessment.

10 CONTRACT AWARD PROCEDURE

10.1.1 Highways England reserves the right not to proceed to award a Contract under this procurement exercise.

10.1.2 Highways England reserves the right to proceed or not to proceed with individual sublots within this competition in the event either:

- that not all sublots proceed to an award of the Framework Agreement; or
- that there remain issues to resolve in certain sublots, but other sublots can proceed to an award of the contract whilst those matters are resolved.

10.2 Standstill period

10.2.1 Highways England will inform successful and unsuccessful Tenderers of its decision about the award of the Contract in standstill letters prepared in accordance with Regulation 86 of the Regulations.

10.2.2 In addition to the feedback provided in the standstill letters, Tenderers may request a debrief to help improve future submissions. Debriefs will not be held until after Contract award.

10.3 Contract Award

10.3.1 The Tenderers identified for Contract award will be issued with the Form of Agreement for execution. No contract will exist until the contract has been executed and completed.

Appendix A - Check List of Documents to be returned with the Tender

Failure to provide the documents specified in this Appendix may result in a non-compliant submission. Please ensure documents are uploaded and are located in the correct envelope prior to submission of your Tender.

A.1 Technical Envelope – Section 1

Document	No.(#) required
Contract including:	
Form of Tender	1 [per subplot]
Contract Data Part 2	1 [per subplot]
Statement of Tenderer's execution process	1 overall
Draft Legal Opinion for non-UK registered companies	1 overall
Policy statements including:	
SME statement	1 overall
Information Assurance	1 overall
Data Protection statement (GDPR)	1 overall
Non-collusion certificate	1 overall
Fair Payment Charter	1 overall
Anti-bribery Code of Conduct	1 overall
Anti-Fraud Code of Conduct	1 overall
Armed Forces Covenant	1 overall

A.2 Technical Envelope – Section 2

Document	No required
Quality Submission	1 [per subplot]
Tender Commitments Register	1 [per subplot]
Key People Schedule	1 [per subplot]

A.3 Commercial Envelope

Document	No required
Financial Submission Workbook	1 [per subplot]

Appendix B - Contract, Policy and Compliance

Statement Requirements

The Tenderer is required to provide a statement of compliance against the requirements below:

B.1 Parent Company Guarantee

B.1.1 The Tenderer must submit from the stated guarantor either:

- a certified copy of a Board minute of the guarantor clearly and unambiguously confirming that it will enter into the parent company guarantee when requested, or
- if the guarantor is:
 - i. Registered in the United Kingdom under the Companies Act 2006, a letter signed by the company secretary and a director (or two directors) of the guarantor clearly and unambiguously confirming that it will enter into the parent company guarantee when requested, or
 - ii. Not registered in the United Kingdom under the Companies Act 2006
 - a letter signed by the equivalent under the law applicable to the guarantor of the company secretary and a director (or two directors) of the guarantor clearly and unambiguously confirming that it will enter into the parent company guarantee when requested; and
 - a legal opinion from a lawyer or law firm acceptable to Highways England which is qualified and registered to practise in the jurisdiction in which the guarantor is incorporated, confirming the validity of the guarantor's commitment under applicable local law; the legal opinion must be addressed to Highways England on a full reliance basis and the liability of the lawyer or law firm giving the opinion must not be subject to any financial limitation unless otherwise agreed by Highways England.

If the Tenderer does not submit the relevant documents specified in paragraphs a) or b) above, the Tender may be excluded.

B.2 Legal Opinion for Tenderers not registered in England and Wales

B.2.1 If the Tenderer, or a consortium member of the Tenderer is not a company incorporated in and subject to the laws of England and Wales (a "Foreign Entity"), then the Tenderer provides a legal opinion from a lawyer or law firm which is;

- Qualified and registered to practise in the jurisdiction in which the Foreign Entity is incorporated and,
- Accepted by Highways England (the Tenderer must discuss this with the Procurement Officer prior to Tender return).
- The legal opinion must be addressed to Highways England on a full reliance basis and the liability of the lawyer or law firm giving the opinion is not to be subject to any to financial limitation unless otherwise agreed by Highways England in writing (the Tenderer must discuss this with the Procurement Officer prior to Tender return).

B.2.2 The legal opinion must include:

- Confirmation that:

- i. the Foreign Entity is validly existing and in good standing under the laws of the jurisdiction in which it is incorporated;
 - ii. the Foreign Entity has full power to execute, deliver, enter into and perform its obligations under the Agreement;
 - iii. all necessary corporate, shareholder and other action required to authorise the execution and delivery by the Foreign Entity of the Agreement and the performance by it of its obligations under it have been duly taken;
 - iv. the proposed signatories/method of execution (of which details are provided) will constitute valid execution by the Foreign Entity;
 - v. the execution and delivery by the Foreign Entity of the Agreement and the performance of the obligations does not conflict with or violate:
 - the constitutional documents of the Foreign Entity;
 - any provision of the laws of the jurisdiction in which it is incorporated;
 - any order of any judicial or other authority in the jurisdiction in which it is incorporated; or
 - any mortgage, Contract or other undertaking which is binding on the Foreign Entity or its assets; and
 - vi. (assuming that the Agreement is binding under English law), the agreement constitutes legal, valid and binding obligations of the Foreign Entity enforceable in accordance with its terms;
 - vii. Notification of any other formalities to be complied with under local law which may be necessary to enforce the Agreement in the Foreign Entity's place of incorporation, including for example notarisation, legalisation or registration of the Agreement;
 - viii. Notification of whether withholding is required to be made by the Foreign Entity in relation to any monies payable to Highways England under the Agreement;
 - ix. Confirmation that Highways England is not be deemed to be tax resident or domiciled in the foreign jurisdiction by reason of its entry into the Agreement; and
 - x. Confirmation that the Foreign Entity and its assets are not entitled to immunity from suit, pre-judgment attachment or restraint or enforcement of a judgment on grounds of sovereignty or otherwise in the courts of England and Wales in respect of proceedings against it in relation to the Agreement.
- Highways England reserves the right to exclude a Tenderer if a legal opinion does not provide the confirmations and notifications required by paragraph B.2.2 above.

B.3 Statement regarding Small and Medium Sized Enterprises (SMEs)

B.3.1 Highways England is committed to removing barriers to SME participation in its contracts including subcontracting opportunities. Tenderers proposing to subcontract part of this contract should provide assurance that they have considered how SMEs could play a part. This shall include details of the measures put in place to encourage and enable participation as subcontractors. If awarded any sublots Tenderers will be asked for regular information about spend with SMEs under the contract and Highways England may publicise good practice on its websites and report such expenditure to other Government Departments.

B.3.2 An SME subcontracting statement is not required if the Tenderer has classified itself as an SME.

B.4 Statement regarding Information Assurance

- B.4.1 Every Government Department and their arm's length bodies are required to take suitable precautions to safeguard their information. The requirement by Highways England for Information Assurance provides it with the confidence that the Tenderer's information and communications systems will protect the information issued in connection with this Tender procedure
- B.4.2 Tenderers shall provide a description of proposals for handling information. Suitability of proposed Information Assurance solutions must be compatible with the Highways England data handling procedures provided in Scope of the Contract.
- B.5 Statement regarding The General Data Protection Regulation (GDPR)
- B.5.1 Tenderers shall provide a statement, signed by their Chief Information Officer, confirming that the methods and procedures they use to process personal data comply with GDPR obligations incorporated into English law by the Data Protection Act 2018 and Highways England's data protection requirements in section 4.5 of the Framework Information.
- B.6 Statement regarding Construction Industry Scheme registration
- B.6.1 Tenderers are to provide a statement confirming either:
- that they are registered under the Construction Industry Scheme (CIS) (<https://www.gov.uk/what-is-the-construction-industry-scheme>) together with their CIS number; or
 - that, if successful, they will register for the Construction Industry Scheme within 28 days after award of the contract (Highways England appreciates that HMRC may decline to register a non-UK company under the Scheme until it has been awarded work).
- B.6.2 Tax rules may cause delays in payment to Tenderers not registered under the Scheme.

Appendix C – Quality Question Guide

Question Number	Page Count		Lot Number																
	Pages	Sides	1.1	1.2	2	3.1	3.2	4.1	4.2	5	6	7	8	9	10	11	12.1	12.2	
1	3	6	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2	4	8	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
3	3	6	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
4	4	8	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
5	3	6	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
6	3	6	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
7	3	6	Tenderers must provide a response for Quality Question 7 for each subplot tendered.																
			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
8	4	8	✓	✓															
9	4	8	✓	✓	✓	✓	✓	✓	✓						✓				
10	4	8			✓														
11	4	8				✓	✓												
12	4	8						✓	✓										
13	4	8								✓									
14	4	8									✓								
15	4	8										✓							
16	4	8											✓						
17	4	8												✓					
18	4	8													✓				
19	4	8														✓			
20	4	8															✓	✓	
21	4	8															✓	✓	

Appendix D - Quality Questions Scoring Matrix

The Quality submissions for each Quality Question are scored using the assessment standards set out below:

Classification	Score	Description
Unsatisfactory	1	<p>An unsatisfactory score will be applied if:</p> <ul style="list-style-type: none"> a) The response does not answer the question, or fails to address one or more of the requirements; or b) The methodology lacks basic explanatory detail or there is little or no supporting evidence provided; or c) Tender Commitments lack defined outputs or fail to describe how they will contribute to the achievement of the ambition <p>Overall the response provides Highways England with unsatisfactory confidence that the ambition will be achieved</p>
Weak	3	<p>A weak score will be applied if:</p> <ul style="list-style-type: none"> a) The response answers the question and addresses all the requirements; and b) The response is supported by methodology linked to the ambition, which includes defined procedures, resources and systems, which is supported by evidence; and c) The Tender Commitments contain outputs based on the methodologies <p>and</p> <ul style="list-style-type: none"> • The methodology does not directly support the delivery of the ambition, or • The methodology and evidence are lacking in relevant detail, or • The Tender Commitments are either not time based or do not describe how they will support the achievement of the ambition <p>Overall the response provides Highways England with weak confidence that the ambition will be achieved.</p>

Classification	Score	Description
Good	6	<p>A good score will be applied if:</p> <ul style="list-style-type: none"> a) The response answers the question and addresses all the requirements; and b) The response is supported by methodology directly supporting the delivery of the ambition, which includes defined procedures, resources and systems, and is supported by evidence. The methodology and evidence may be lacking in detail but in minor areas only; and c) The Tender Commitments collectively support the delivery of the ambition, and capture the methodology, with defined time-based outputs <p>Overall, the response provides Highways England with good confidence that the ambition will be achieved.</p>
Very Good	9	<p>A very good score will be applied if:</p> <ul style="list-style-type: none"> a) The response meets the standard for good; and b) Both methodology and evidence are fully detailed; and c) The evidence demonstrates a very good likelihood of successful implementation; and d) The Tender Commitments contain outputs planned at times to optimise delivery of the ambition. <p>Overall the response provides Highways England with very good confidence that the ambition will be achieved.</p>
Excellent	10	<p>An excellent score will be applied if the response:</p> <ul style="list-style-type: none"> a) meets the standard for very good; and b) Demonstrates it will contribute to continuous improvement <p>Overall the response provides Highways England with excellent confidence that the ambition will be achieved.</p>

Appendix E – Commercial Scoring Worked Example

Lots 1 – 10 Commercial Evaluation

E1 Fee

Evaluation

- E1.1 Used for each Tenderer, a tendered total value of fee is calculated by first multiplying the tendered fee percentage from each defined cost banding (submitted by Tenderers using tab2. Fee of the Financial Submission Workbook) against a defined cost contract (sample schemes) value to produce a tendered value of fee in each defined cost banding.
- E1.2 The tendered value of fee in each defined cost banding shall be added together to produce the Tenderer's tendered total value of fee. An example has been provided below in Table 12 Worked example to calculate tendered total value of fee.

Table 12 Worked example to calculate tendered total value of fee

Defined cost banding	Tenderer's tendered fee percentage	Defined cost contract value	Tendered value of fee	Tendered total value of fee
Up to £50K	10%	£1,000,000	£100,000	£1,405,000
£50K to £500K	9%	£900,000	£81,000	
£500K to £2m	8%	£800,000	£64,000	
£2m to £5m	7%	£2,000,000	£140,000	
£5m to £10m	6%	£5,000,000	£300,000	
+£10m	6%	£12,000,000	£720,000	

- E1.3 The estimated defined cost contract values used for the purposes of fee evaluation in each subplot is detailed in Annex 3 (Commercial Evaluation Tables).
- E1.4 For clarity, the defined cost contract values in Annex 3 (Commercial Evaluation Tables) are used only for the purposes of commercial evaluation, and Tenderers should not rely on these values as a guarantee of any work as part of this Tender process or post contract award.
- ##### Scoring
- E1.5 The Tenderer with the lowest tendered total value of fee in each subplot is given a score of 100. The score of the other Tenderers, in each subplot is calculated by deducting one point from 100 for each 1% variance from the lowest tendered total value of fee. This will be calculated to two decimal places.
- E1.6 There is no negative scoring, the minimum score that any Tenderer can receive is capped at zero.
- E1.7 If the Tenderer with the lowest calculated tendered total value of fee is subsequently excluded from further Tender assessment due to a non-compliance issue the scores for other non-excluded Tenderers will be recalculated. If the highest scoring Tender is excluded, the second highest Tender will score 100 and points will be re-calculated as paragraph E1.5 for the remaining Tenderers.

E1.8 An example has been provided below in Table 13 Worked example of commercial assessment for fee.

Table 13 Worked example of commercial assessment for fee

Commercial assessment for fee			
Lowest total value of fee	£1,050,000		
Tenderer	Tenderers total value of fee	Variance from lowest	Tenderer score
Tenderer A	£1,400,000	33.33%	66.67
Tenderer B	£1,300,000	23.81%	76.19
Tenderer C	£1,050,000	0.00%	100.00
Tenderer D	£1,100,000	4.76%	95.24
Tenderer E	£1,250,000	19.05%	80.95
Tenderer F	£1,275,000	21.43%	78.57

Staff rate price

Evaluation

E1.9 The Tenderer's staff rates submitted within the Financial Submission Workbook (tab1.Staff Rate Table) are to be applied to a resource schedule which generates the staff rates price, containing forecast resources based upon a forecast scope of works pre-determined by Highways England. Tenderers will not have visibility of this resource schedule.

E1.10 An example has been provided below in Table 14 Worked example to calculate Staff rate price

Table 14 Worked example to calculate staff rate price

Role	Tenderer's total hourly bill rate	Forecast resource (hrs)	Total role price	Staff rate price
Quality Manager	£50.00	200	£10,000	£34,000
Contracts Manager	£80.00	100	£8,000	
Health & Safety Manager	£60.00	100	£6,000	
Project Director	£100.00	100	£10,000	

Scoring

E1.11 The Tenderer with the lowest staff rate price in each subplot is given a score of 100. The score of the other Tenderers, in each subplot is calculated by deducting one point from 100 for each 1% variance from the lowest staff rate price. This will be calculated to two decimal places.

- E1.12 There is no negative scoring, the minimum score that any Tenderer can receive is capped at zero.
- E1.13 If the Tenderer with the lowest staff rate price is subsequently excluded from further Tender assessment due to a non-compliance issue the scores for other non-excluded Tenderers will be recalculated. If the highest scoring Tender is excluded, the second highest Tender will score 100 and points will be re-calculated as paragraph E1.11 for the remaining Tenderers.
- E1.14 An example is provided below in Table 15 Worked example of commercial assessment for staff rate price

Table 15 Worked example of commercial assessment for staff rate price

Commercial assessment for staff rate price			
Lowest total value of fee	£200,000		
Tenderer	Tenderers total value of fee	Variance from lowest	Tenderer score
Tenderer A	£200,000	0.00%	100.00
Tenderer B	£210,000	5.00%	95.00
Tenderer C	£220,000	10.00%	90.00
Tenderer D	£300,000	50.00%	50.00
Tenderer E	£250,000	25.00%	75.00
Tenderer F	£270,000	35.00%	65.00

E2 Sample scheme price

Evaluation

- E2.1 The Tenderer's submitted schedule of rates within the Financial Submission Workbook (tab 3.SOR) are to be applied to a portfolio of sample scheme schedules, containing forecast quantities based upon scope of works pre-determined by Highways England. Tenderers will not have visibility of the sample scheme schedule.
- E2.2 The portfolio of sample schemes used for the purposes of sample scheme evaluation will include for unit rate adjustments, outside of the standard unit rate for night working during the summer period.
- E2.3 The Commercial Assessment Panel will determine a tendered total price for each Tenderer on the following basis:
- E2.4 The Tenderer's submitted schedule of rates are applied against the quantities of the schedule of rates items contained with each sample scheme to generate a defined cost banding price for each sample scheme.
- E2.5 The Tenderer's submitted tendered fee percentage will then be applied against the defined cost banding price for each sample scheme.

- E2.6 For clarity and by way of an example, if the defined cost banding price for a sample scheme is £499K then the tendered fee percentage from the defined cost banding >£50K-£500K will be applied.
- E2.7 The total value of each sample scheme is added together in each separate defined cost banding to produce a total banding price.
- E2.8 The total banding price is then weighted against the order value %, to produce a weighted banding price. The order value % table for each subplot is contained within Annex 3 (Commercial Evaluation Tables).
- E2.9 The order by value % weighting is applied against a fixed number of sample schemes in each defined cost banding pre-determined by Highways England.
- E2.10 Each weighted banding price is added together to produce a tendered total price. An example is provided below in Table 16 Worked example to calculate tendered total price

Table 16 Worked example to calculate tendered total price

Defined cost banding	Defined cost banding price	Tenderer's defined cost fee percentage	Sample scheme price	Total banding price	Order by value %	Weighted banding price	Tendered total price
£0-50K	£25,000	10%	£27,500	£55,000	0.25%	£13,750	£154,150
£0-50K	£25,000	10%	£27,500				
£50K-£500K	£50,000	8%	£54,000	£162,000	0.70%	£113,400	
£50K-£500K	£100,000	8%	£108,000				
£500K-£2m	£500,000	8%	£540,000	£540,000	0.05%	£27,000	

Scoring

- E2.11 The Tenderer with the lowest tendered total price in each subplot is given a score of 100. The score of the other Tenderers, in each subplot is calculated by deducting one point from 100 for each 1% variance from the lowest tendered total price. This will be calculated to two decimal places.
- E2.12 There is no negative scoring, the minimum score that any Tenderer can receive is capped at zero.
- E2.13 If the Tenderer with the lowest tendered total price is subsequently excluded from further Tender assessment due to a non-compliance issue the scores for other non-excluded Tenderers will be recalculated. If the highest scoring Tender is excluded, the second highest Tender will score 100 and points will be re-calculated as paragraph E2.11 for the remaining Tenderers.
- E2.14 An example is provided below in Table 17 Worked example of commercial assessment for sample scheme evaluation

Table 17 Worked example of commercial assessment for sample scheme evaluation

Commercial assessment for sample scheme evaluation			
Lowest tendered total price	£5,850,000		
Tenderer	Tenderers tendered total price	Variance from lowest	Tenderer score
Tenderer A	£6,000,000	2.56%	97.44
Tenderer B	£6,250,000	6.84%	93.16
Tenderer C	£5,950,000	1.71%	98.29
Tenderer D	£6,100,000	4.27%	95.73
Tenderer E	£6,400,000	9.40%	90.60
Tenderer F	£5,850,000	0.00%	100.00

Lot 11 Commercial Evaluation

E3 Fee

Evaluation

E3.1 For each Tenderer, a tendered total value of fee is calculated by first multiplying the tendered fee percentage from each defined cost banding (submitted by Tenderers using tab2.Fee of the Financial Submission Workbook) against a defined cost contract value to produce a tendered value of fee in each defined cost banding.

E3.2 The tendered value of fee in each defined cost banding shall be added together to produce the Tenderer's tendered total value of fee. An example has been provided below in Table 18 Worked example to calculate tendered total value of fee.

Table 18 Worked example to calculate tendered total value of fee

Defined cost banding	Tenderer's tendered fee percentage	Defined cost contract value	Tendered value of fee	Tendered total value of fee
Up to £50K	10%	£1,000,000	£100,000	£1,405,000
£50K to £500K	9%	£900,000	£81,000	
£500K to £2m	8%	£800,000	£64,000	
£2m to £5m	7%	£2,000,000	£140,000	
£5m to £10m	6%	£5,000,000	£300,000	
+£10m	6%	£12,000,000	£720,000	

E3.3 The estimated defined cost contract values used for the purposes of fee evaluation in each subplot is detailed in Annex 3 (Commercial Evaluation Tables).

- E3.4 For clarity, the defined cost contract values in Annex 3 (Commercial Evaluation Tables) are used only for the purposes of commercial evaluation, and Tenderers should not rely on these values as a guarantee of any work as part of this Tender process or post contract award.
- Scoring
- E3.5 The Tenderer with the lowest tendered total value of fee in each subplot is given a score of 100. The score of the other Tenderers, in each subplot is calculated by deducting one point from 100 for each 1% variance from the lowest tendered total value of fee. This will be calculated to two decimal places.
- E3.6 There is no negative scoring, the minimum score that any Tenderer can receive is capped at zero.
- E3.7 If the Tenderer with the lowest calculated tendered total value of fee is subsequently excluded from further Tender assessment due to a non-compliance issue the scores for other non-excluded Tenderers will be recalculated. If the highest scoring Tender is excluded, the second highest Tender will score 100 and points will be re-calculated as paragraph E3.5 for the remaining Tenderers.
- E3.8 An example has been provided below in Table 19 Worked example of commercial assessment for fee.

Table 19 Worked example of commercial assessment for fee

Commercial assessment for fee			
Lowest total value of fee	£1,050,000		
Tenderer	Tenderers total value of fee	Variance from lowest	Tenderer score
Tenderer A	£1,400,000	33.33%	66.67
Tenderer B	£1,300,000	23.81%	76.19
Tenderer C	£1,050,000	0.00%	100.00
Tenderer D	£1,100,000	4.76%	95.24
Tenderer E	£1,250,000	19.05%	80.95
Tenderer F	£1,275,000	21.43%	78.57

E4 Staff rate price

Evaluation

- E4.1 The Tenderer's staff rates submitted within the Financial Submission Workbook (tab1.Staff Rate Table) are to be applied to a resource schedule which generates the Staff Rates Price, containing forecast resources based upon a forecast scope of works pre-determined by Highways England. Tenderers will not have visibility of this resource schedule.
- E4.2 An example has been provided below in Table 20 Worked example to calculate staff rate price.

Table 20 Worked example to calculate staff rate price

Role	Tenderer's total hourly bill rate	Forecast resource (hrs)	Total role price	Staff rate price
Quality Manager	£50.00	200	£10,000	£34,000
Contracts Manager	£80.00	100	£8,000	
Health & Safety Manager	£60.00	100	£6,000	
Project Director	£100.00	100	£10,000	

Scoring

- E4.3 The Tenderer with the lowest staff rate price in each subplot is given a score of 100. The score of the other Tenderers, in each subplot is calculated by deducting one point from 100 for each 1% variance from the lowest staff rate price. This will be calculated to two decimal places.
- E4.4 There is no negative scoring, the minimum score that any Tenderer can receive is capped at zero.
- E4.5 If the Tenderer with the lowest staff rate price is subsequently excluded from further Tender assessment due to a non-compliance issue the scores for other non-excluded Tenderers will be recalculated. If the highest scoring Tender is excluded, the second highest Tender will score 100 and points will be re-calculated as paragraph E4.3 for the remaining Tenderers.
- E4.6 An example is provided below in Table 21 Worked example of commercial assessment for staff rate price.

Table 21 Worked example of commercial assessment for staff rate price

Commercial assessment for staff rate price			
Lowest total value of fee	£200,000		
Tenderer	Tenderers total value of fee	Variance from lowest	Tenderer score
Tenderer A	£200,000	0.00%	100.00
Tenderer B	£210,000	5.00%	95.00
Tenderer C	£220,000	10.00%	90.00
Tenderer D	£300,000	50.00%	50.00
Tenderer E	£250,000	25.00%	75.00
Tenderer F	£270,000	33.00%	65.00

E5 Sample scheme price

Evaluation

- E5.1 For works procured on a target price basis, the tendered total of the prices for each of the sample schemes in the Financial Submission Workbook tested against an estimated number of each sample scheme type, for the duration of the service period.
- E5.2 Tenderers are to provide detailed schedules of the resources and the resource costs for all lump sum items identified for the sample schemes, which must follow the requirements of the templates.
- E5.3 The tendered total of the prices for each of the sample schemes are added together to produce a tendered total price. An example is provided below in Table 22 Worked example to calculate tendered total price.

Table 22 Worked example to calculate tendered total price

Sample scheme	Tendered total of the prices	Tendered total price
1	£100,000	£750,000
2	£250,000	
3	£350,000	
4	£50,000	

- E5.4 For clarity, sample schemes have been provided for pricing and Tender evaluation purposes only. The activity schedule or items shall represent current specifications and be in accordance with current standards.

Scoring

- E5.5 The Tenderer with the lowest tendered total price in each subplot is given a score of 100. The score of the other Tenderers in each subplot, is calculated by deducting one point from 100 for each 1% variance from the lowest tendered total price. This will be calculated to two decimal places.
- E5.6 There is no negative scoring, the minimum score that any Tenderer can receive is capped at zero.
- E5.7 If the Tenderer with the lowest tendered total price is subsequently excluded from further Tender assessment due to a non-compliance issue the scores for other non-excluded Tenderers will be recalculated. If the highest scoring Tender is excluded, the second highest Tender will score 100 and points will be re-calculated as paragraph E5.5 for the remaining Tenderers.
- E5.8 An example is provided below in Table 23 Worked example of commercial assessment for sample scheme evaluation.

Table 23 Worked example of commercial assessment for sample scheme evaluation

Commercial assessment for sample scheme evaluation			
Lowest tendered total Price	£732,000		
Tenderer	Tenderers total value of fee	Variance from lowest	Tenderer score
Tenderer A	£750,000	2.46%	97.54
Tenderer B	£745,000	1.78%	98.22
Tenderer C	£767,000	4.78%	95.22
Tenderer D	£789,000	7.79%	92.21
Tenderer E	£745,000	1.78%	98.22
Tenderer F	£732,000	0.00%	100.00

E5.9 The estimates, allowances and adjustments above are estimates for Tender evaluation purposes only and there is no guarantee that work to evaluation values will be carried out during the contract period.

Lot 12 Commercial Evaluation

E6 Staff rate price

Evaluation

- E6.1 The Tenderer's staff rates submitted within the Financial Submission Workbook are to be applied to a resource schedule built up using a model number of design team members (DTMs) working within either the Region or Super Region pre-determined by Highways England. Tenderers will not have visibility of this DTM resource schedule.
- E6.2 The estimated number of DTMs are apportioned as a percentage against an office location. Tenderers have visibility of the apportionment table, as set out in Annex 3 (Commercial Evaluation Tables).
- E6.3 Where non-UK (offshore) rates are tendered within table 1B of the Financial Submission Workbook, Scenario A or C within the apportionment table shall form the basis of the office apportionment within the calculation (dependant on which sub-lot is tendered).
- E6.4 Where non-UK (offshore) rates are not tendered within table 1B of the Financial Submission Workbook, Scenario B or D within the apportionment table shall form the basis of the office apportionment within the calculation (dependant on which sub-lot is tendered).
- E6.5 An annual cost will then be calculated for each office location by multiplying the daily staff rate by the DTM model working days per year. A price adjustment factor, based on historical data, will be added to the annual cost, to derive a total contract staff rate price for the duration of the 6-year framework. The total contract staff rate price will be used for the purposes of Tender evaluation.

E6.6 For clarity, the number of working days per year is derived from the values inputted into the staff rate tables for each of the staff roles.

E6.7 An example has been provided below in Table 24 Worked example to calculate total contract staff rate price.

Table 24 Worked example to calculate total contract staff rate price

Grade	<u>All in rate £/day from Staff Rate Table</u> (hourly rate x working hours per day)			HE Model Design Team Members (DTM)	Model Estimated DTM by output, by location per year (Based on Scenario A)		
	Consultant's Office UK	Highways England Office	Consultant's Office (Outside the UK)		Consultant's Office UK (30%)	Highways England Office (60%)	Consultant's Office Outside the UK (10%)
Senior Civil Engineer	£500.00	£460.00	£359.00	12	3.60	7.20	1.20
Civil Engineer	£450.00	£410.00	£350.00	18	5.40	10.80	1.80

Grade	<u>Model FTE working days over 1 calendar year</u> (Model DTM by output x working days*)			<u>Cost for Year 1 (assuming no inflation increase)</u> (Model FTE working days x All in Rate £/day)		
	Consultant's Office UK	Highways England Office	Consultant's Office Outside the UK	Consultant's Office UK	Highways England Office	Consultant's Office Outside the UK
Senior Civil Engineer	784.8	1569.6	267.6	£392,400.00	£722,016.00	£96,068.40
Civil Engineer	1177.2	2354.4	401.4	£529,740.00	£965,304.00	£140,490.00

*working days = Total annual hours available / working hours per day

Total Contract Staff Rate Price								
Role	Yr1	Yr2	Yr3	Yr4	Yr5	Yr6	Total role contract price	Total contract staff rate price
Senior Civil Engineer	£1,210,484.40	£1,246,798.93	£1,283,113.46	£1,319,428.00	£1,355,742.53	£1,392,057.06	£7,807,624.38	£18,356,818.68
Civil Engineer	£1,635,534.00	£1,684,600.02	£1,733,666.04	£1,782,732.06	£1,831,798.08	£1,880,864.10	£10,549,194.30	

Scoring

E6.8 The Tenderer with the lowest total contract staff rate price in each subplot is given a score of 100. The score of the other Tenderers in each subplot, is calculated by deducting one point from 100 for each 1% variance from the lowest total contract staff rate price. This will be calculated to two decimal places.

E6.9 There is no negative scoring, the minimum score that any Tenderer can receive is capped at zero.

E6.10 If the Tenderer with the lowest total contract staff rate price is subsequently excluded from further Tender assessment due to a non-compliance issue the scores for other non-excluded Tenderers will be recalculated. If the highest scoring Tender is excluded, the second highest Tender will score 100 and points will be re-calculated as paragraph E6.8 for the remaining Tenderers.

E6.11 An example is provided below in Table 25 Worked example of commercial assessment for total contract staff rate price.

Table 25 Worked example of commercial assessment for total contract staff rate price

Commercial assessment total contract staff rate price			
Lowest total contract staff	£18,356,818.68		
Tenderer	Tenderers total contract staff rate price	Variance from lowest	Tenderer score
Tenderer A	£21,204,050	15.51%	84.49
Tenderer B	£32,094,853	74.84%	25.16
Tenderer C	£20,193,832	10.01%	89.99
Tenderer D	£19,148,604	4.31%	95.69
Tenderer E	£18,356,819	0.00%	100.00
Tenderer F	£25,003,950	36.21%	63.79

E7 Sample scheme

Evaluation

- E7.1 For works procured on a target price basis, the tendered total of the prices for each of the sample schemes in the Financial Submission Workbook is tested against an estimated number of each sample Scheme type.
- E7.2 Tenderers are to provide detailed schedules of the resources and the resource costs for all lump sum items identified for the sample schemes, which must follow the requirements of the templates.
- E7.3 Tenderers shall comply with the pricing rules relating to Lots 12.1 & 12.2 when pricing the Sample Schemes. For the purposes of the tender evaluation no allowance for producing the Sample Scheme using non-UK (offshore) resource shall be considered. An assessment of offshore capability shall be made within the Staff Rate Price element.
- E7.4 The activity schedule or items shall be priced in accordance with the latest specifications and current standards.
- E7.5 The tendered design costs for each of the sample schemes is multiplied by a weighted value to produce a tendered total of the prices for each sample scheme type.
- E7.6 The weighted value applied to each of the sample schemes is calculated using a percentage of total historical construction spend for each sample scheme type, across each of the subplot.
- E7.7 The weighted value will vary dependent on the subplot. The weighted values for each sample scheme per subplot are set out in Annex 3 (Commercial Evaluation Tables).
- E7.8 The tendered total of the prices for each of the sample schemes are added together to produce a tendered total price. An example is provided below in Table 26 Worked example to calculate tendered total price.

Table 26 Worked example to calculate tendered total price

Worked example to calculate tendered total price				
Sample scheme	Tendered design costs	Weighted Value	Tendered total of the prices	Tendered total price
1	£25,000.00	x7	£175,000.00	£2,919,000.00
2	£35,000.00	x23	£805,000.00	
3	£45,000.00	x13	£585,000.00	
4	£5,000.00	x2	£10,000.00	
5	£12,000.00	x8	£96,000.00	
6	£45,000.00	x4	£180,000.00	
7	£34,000.00	x2	£68,000.00	
8	£12,000.00	x29	£348,000.00	
9	£51,000.00	x4	£204,000.00	
10	£56,000.00	x8	£448,000.00	

E7.9 For clarity, sample schemes have been provided for pricing and Tender evaluation purposes only.

Scoring

E7.10 The Tenderer with the lowest tendered total price in each subplot is given a score of 100. The score of the other Tenderers in each subplot, is calculated by deducting one point from 100 for each 1% variance from the lowest tendered total price. This will be calculated to two decimal places.

E7.11 There is no negative scoring, the minimum score that any Tenderer can receive is capped at zero.

E7.12 If the Tenderer with the lowest tendered total price (highest scoring Tender) is subsequently excluded from further Tender assessment due to a non-compliance issue the scores for other non-excluded Tenderers will be recalculated. If the highest scoring Tender is excluded, the second highest Tender will score 100 and points will be re-calculated as paragraph E7.10 for the remaining Tenderers.

E7.13 An example is provided below in Table 27 Worked example of commercial assessment for sample scheme evaluation.

Table 27 Worked example of commercial assessment for sample scheme evaluation

Commercial assessment for sample scheme evaluation	
Lowest tendered total price	£1,650,000

Tenderer	Tenderers tendered total price	Variance from lowest	Tenderer score
Tenderer A	£1,650,000	0.00%	100.00
Tenderer B	£1,758,900	6.60%	93.40
Tenderer C	£1,653,400	0.21%	99.79
Tenderer D	£1,678,910	1.75%	98.25
Tenderer E	£2,100,760	27.32%	72.68
Tenderer F	£1,897,000	14.97%	85.03

E7.14 The estimates, allowances and adjustments above are estimates for Tender evaluation purposes only and there is no guarantee that work to evaluation values will be carried out during the contract period.

Tenderers Commercial Score

E7.15 The score for each price element (out of 100) is weighted in accordance with the Table 7 Commercial Evaluation Weightings to give a weighted score for each tendered price element. The weighted scores for all the tendered price elements are combined to give an overall Commercial Score for each Tenderer within each subplot, out of 100 percent. Tenderers' overall Commercial Score is rounded to two decimal places.

E7.16 The weighting of commercial is out of 100 percent at this stage. The commercial score is carried forward to Stage 5 Total Score.

E7.17 A worked example for Lot 5 of the commercial evaluation is provided below in Table 28 Worked example Lot 5 commercial evaluation.

Table 28 Worked example Lot 5 commercial evaluation

Tenderer	Fee		Sample scheme		Staff rate price		Commercial Score /100
	Tenderer score / 100	Weighted score (*.30)	Tenderer score / 100	Weighted score (*0.60)	Tenderer score / 100	Weighted score (*0.10)	
A	87.50	26.25	87.50	52.50	100	10.00	88.75
B	100	30.00	100	60.00	75	7.50	97.50
C	75	22.50	75	45.00	87.50	8.75	76.25

E7.18 A worked example for Lot 12 of the commercial evaluation is provided below in Table 29 Worked example Lot 12 commercial evaluation.

Table 29 Worked example Lot 12 commercial evaluation

Tenderer	Sample scheme		Staff rate price		Commercial Score /100
	Tenderer score / 100	Weighted score (*0.65)	Tenderer score / 100	Weighted score (*0.35)	
A	87.50	56.88	100	35.00	91.88
B	100	65.00	75	26.25	91.25
C	75	48.75	87.50	30.63	79.38

Appendix F – Tender Briefing Note (updated)

Appendix G – Non-Disclosure Statement

Tenderers are reminded, as per section 4.2 (Disclosure Requests and Transparency) Highways England will, acting reasonably but at its sole discretion. Tenderers must only identify aspects which are genuinely commercially sensitive or any other relevant FOIA or EIRs exemption.

INSERT COMPANY NAME & LOT

Our Tender is submitted in confidence, and aspects of which contain details which are commercially sensitive. The following are particular aspects of our Tender submission which we consider should be exempt from disclosure in response to any FOIA, EIRs or the Regulations.

INFORMATION TO BE WITHHELD	REASON	PERIOD

Appendix H – Selection Questionnaire Confirmation of Standing

The Selection Questionnaire Confirmation of Standing is a self-declaration, made by you (the potential supplier), that your companies standing has not altered following receipt of your Selection Questionnaire on 14th September 2020.

If there are adjustments, there is an opportunity to explain the background, how this may affect your Tender and any measures you have taken to rectify the situation.

If you seriously misrepresent any factual information in submitting the Selection Questionnaire, and so induce an authority to enter into a contract, there may be significant consequences. You may be excluded from the procurement procedure, and from bidding for other contracts for three years. If a contract has been entered into you may be sued for damages and the contract may be rescinded. If fraud, or fraudulent intent, can be proved, you or your responsible officers may be prosecuted and convicted of the offence of fraud by false representation, and you must be excluded from further procurements for five years.

Contact details and declaration

I declare that to the best of my knowledge the answers submitted, and information contained in the Selection Questionnaire are still correct and accurate.

I declare that, upon request and without delay I will provide the certificates or documentary evidence referred to the submitted Selection Questionnaire.

I am aware of the consequences of serious misrepresentation.

Contact Details and Declaration	
Please confirm that there have been no changes to the information submitted in your Selection Questionnaire.	<input type="checkbox"/> I confirm there are no changes <input type="checkbox"/> Yes, there are changes as detailed below
If you answered yes, please provide the relevant details	
Contact Name	
Name of Organisation	
Role in Organisation	
Phone Number	
Email Address	
Postal Address	
Signature (electronic is acceptable)	
Date	