

Confidential

Health Service Executive

PROJECT INFORMATION MEMORANDUM

FOR

**Tender Process for the formation of Regional Design Team Capital Framework
FW:05 (€15m - €60m) 2025 for HSE West Region (IHA Galway/Roscommon &
IHA Mayo)**

(Open Procedure)

For **Formation of HSE Regional Design Team Services Capital Framework 2025**

For Frameworks

AR: Architect Services (including Planning and BIM Information Manager).
AS: Assigned Certifier
QS: Quantity Surveying Services.
ME: Building Services Engineering (M&E) Services.
CS: Civil/Structural Engineering Services.
FSC: Fire Safety Consultant Services.
PSDP: Independent Project Supervisor Design Process (PSDP) Services.
EED: Energy Efficient Designer
ER: Employer's Representative

In some of the above Frameworks there will be provision for the potential separate appointment of a Technical Advisor if required by the HSE

For

Framework:

HSE West health region (IHA Galway/Roscommon & IHA Mayo)

FW05: Non-Acute Capital Works – Project Value €15M - €60M excluding VAT

For

Health Service Executive (HSE) and the Framework Clients (as defined under the Framework Agreement)

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1. PROJECT INFORMATION MEMORANDUM

1.1 Introduction:

The information provided in this document, together with that in the appendices, the Suitability Assessment Questionnaire (SAQ) and the Invitation to Tender (ITT) is offered for the guidance of Tenderers.

The purpose of this document is to provide Tenderers with general information in relation to the structure of this competition and how the frameworks will operate.

Implementation of the Health Service Executive (HSE) Capital Plan is the responsibility of the Estates Directorate as part of the Health Service Executive, which ensures that the individual projects are assessed and managed in accordance with the DPER's *Public Spending Code* (as amended or replaced by an equivalent code or set of guidelines) and Capital Works Management Framework (CWMF).

It is now proposed to create nine (9) 'discipline specific' Frameworks for Capital Works Value €15M - €60M (excluding VAT) for Non-Acute projects in the HSE West Health Region (IHA Galway/Roscommon & IHA Mayo)

Section 1.3 below details the formation of these frameworks. Contracts for Design Team (DT) services shall be awarded by way of Cascade Mechanism or Mini Competition under the relevant HSE Regional Design Team Frameworks 2025 for the required DT services in accordance with the Contracting Authority requirements.

1.2 Contracting Authority (CA):

The Health Service Executive ("HSE") intends to invite suitably qualified services providers to tender for the provision of design team services for the purpose of establishing Multi-Party Framework Agreements to award call-off contracts for capital works projects with an indicative value of typically (€15M - €60M excluding VAT) at Non-Acute healthcare facilities in the HSE West Health Region (IHA Galway/Roscommon & IHA Mayo). The above band is indicative and the HSE reserves the right to use the Framework in respect of smaller or larger capital works projects. There will be an option for the HSE to procure design services for the minor works projects under this Framework where necessary. The HSE is acting as a central purchasing body procuring services on behalf of Framework Clients (as defined in the Framework Agreement). Whilst successful tenderers will enter into the Framework Agreement with the HSE, each relevant call-off contract may be with the HSE or any specific Framework Client as the case may be.

1.3 Framework 2025 Procurement Process:

1.3.1 Overview of Framework 2025 Procurement Process:

The Contracting Authority is issuing this document together with an SAQ and an ITT. The Suitability Assessment Questionnaire includes minimum criteria required to join the relevant Framework Agreement. The Invitation to Tender Document includes the award criteria and any associated rules and weightings aimed at identifying the most economically advantageous tenders. The 8 highest ranked tenderers for each framework discipline will be invited to join the relevant Framework

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Agreement in order of their rankings except where participants have the same scores as the 8th ranked, following the evaluation of tenders in which case such parties will be invited to join the Framework.

This tender process for the appointment to a **HSE Regional Design Team Framework 2025 – FW05: €15m - €60m, Non-Acute** is being conducted pursuant to the Open Procedure.

1.4 Framework Formation:

1.4.1 Framework Agreements:

The HSE is acting as a central purchasing body procuring services on behalf of the Framework Clients (as defined in the Framework Agreement). Whilst successful tenderers will enter into the Framework Agreement with the HSE, each relevant call-off contract may be with the HSE or any specific Framework Clients the case may be.

1.4.2 Framework Operational Period:

The Frameworks shall operate for a period of four (4) years.

1.4.3 Diagrammatic Explanation of HSE Framework Structure:

Table Nr. 1: Diagrammatic Explanation of HSE Framework Structure:

HSE DESIGN TEAM FRAMEWORK 2025	Framework Type:	Project (for all Framework types)
	AR: Architect Services (including Planning and BIM Information Manager)	➤ Capital Works Projects (circa €15M - €60M) – HSE West Health Region (IHA Galway/Roscommon & IHA Mayo) (Non-Acute)
	AS: Assigned Certifier	
	QS: Quantity Surveying Services	
	ME: Building Services Engineering (M&E) Services	
	CS: Civil/Structural Engineering Services	
	FSC: Fire Safety Consultant Services.	
	PSDP: Independent Project Supervisor Design Process (PSDP) Services	
	EED: Energy Efficient Designer	
	ER: Employer's Representative	

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Successful tenderers who become a framework member on the Employer's Representative framework and any of the following Frameworks:

- (a) Architectural Services;
- (b) Quantity Surveying Services;
- (c) Building Services Engineering (M&E) Services; or
- (d) Civil Structural Engineering Services,

may become a framework member of both framework types (i.e. Architectural Services and Employer's Representative) but can only be awarded a call off contract for one of these roles on a given project.

1.4.4 Framework Type and Project Types:

For the purposes of establishing the HSE Regional Design Team Frameworks 2025, the CA intends to:

- Publish nine (9Nr.) contract notices on eTenders web portal aligned with the required design team disciplines (refer Table Nr. 1 above).

1.4.5 Range of Projects:

Within each framework there will be a range of projects which the CA may require over the course of the term of the Regional Design Team Framework 2025. The range of projects is likely to include the following project / building types (this is not an exhaustive list):

- (a) Hospital ward blocks;
- (b) Multi-department hospital – new build;
- (c) Extension projects;
- (d) Healthcare building – new build;
- (e) Refurbishment / Renovation projects;
- (f) Residential Units;
- (g) Primary Care Centres.
- (h) Community Nursing Units.
- (i) Staff and Office Accommodation;
- (j) Infrastructural Upgrade Works.
- (k) Enabling works

NB: Please note that the CA may establish frameworks for design team services within multiple value bands and at its own discretion, shall use what it considers to be the relevant Framework if, in the CA's opinion, the complexity and associated risks of proposed projects (i.e. Call Off projects) so warrants (notwithstanding it may not fall within the range of capital values referred to above).

This Framework Agreement is primarily for design services for works projects in the HSE health region indicated on the cover page of this Framework Agreement and in the tender documents. However, the HSE and/or the Framework Clients reserve the right to procure design services for projects in other HSE health regions where the HSE have identified significant similarities between (a) an existing project or ongoing project completed or being undertaken by a Framework Participant pursuant to this Framework Agreement and (b) a project proposed in another HSE health region. The exercise of this right will be in accordance with the rules and procedures set out in the Framework Agreement and subject to a maximum of 20% of the value of services awarded under the Framework Agreement.

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1.4.6 Types of Design Services:

It is envisaged that the design team services being procured from each discipline under the applicable Framework may comprise the following types of design services (not an exhaustive list):

- (a) Full Design Team services;
 - (b) Partial Design Team services;
 - (c) Replacement Design Team services;
 - (d) Technical Advisory services;
 - (e) Outline Development Control Planning (ODCP);
 - (f) Feasibility Studies;
 - (g) Procurement Support & General Advisory Services;
 - (h) Project Analysis;
 - (i) Floor Area Analysis;
 - (j) Other services of a similar nature as may be required by the Client such as support for Cost Benefit Analysis and preparation of Business Case preparations.
- Supporting the CA through each of the various project life cycle stages and approval gateways as defined with DPER's Infrastructural Guidelines (previously the *Public Spending Code*).
 - Input into the various deliverables (as set out in the Technical Requirements (TR) document) regarding the HSE achieving its Net Carbon Zero obligations, the HSE obligations in terms of Life Cycle Cost Assessment and reductions of Embodied Carbon as part of the HSE design and delivery of our Capital Build programme.

1.4.7 Acute / Non-Acute Healthcare Definition:

Note: Some Acute healthcare services may be provided on a Non-Acute healthcare site/campus, in which case, the Acute healthcare service shall be considered an Acute healthcare project due to the healthcare status of the project and/or its relationship with the site/campus on which it resides

Table Nr. 2: Complex Healthcare Definition:

1. <u>Definition of an Acute Healthcare Project:</u> 'Acute Healthcare' project is defined as a healthcare facility catering for tertiary and/or secondary healthcare services with in-patient and/or out-patient facilities. <u>'Acute Healthcare' facilities include but are not limited to and are for short-term medical care:</u> (a) Emergency Department, (b) Intensive Care / Theatres, (c) Coronary Care / Cardiology, (d) Diagnostic Imaging, (e) Maternity / Neonatal Intensive Care, (f) Hospital Ward Accommodation, etc. <u>Tertiary healthcare facilities/service are:</u> (a) Fully departmentalised and equipped facilities with the service capabilities needed to support the provision of specialised medical services in the field of Medicine, Paediatrics, Obstetrics and Gynaecology, Surgery, Radiation Oncology, their sub-specialties and ancillary services. <u>Secondary healthcare facilities/services are:</u> (a) Facilities equipped with the service capabilities needed to support the provision of medical services in the field of Medicine, Paediatrics, Obstetrics and Gynaecology, Medical Oncology, General Surgery and other ancillary services.

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2. Definition of Non-Acute Healthcare Project:

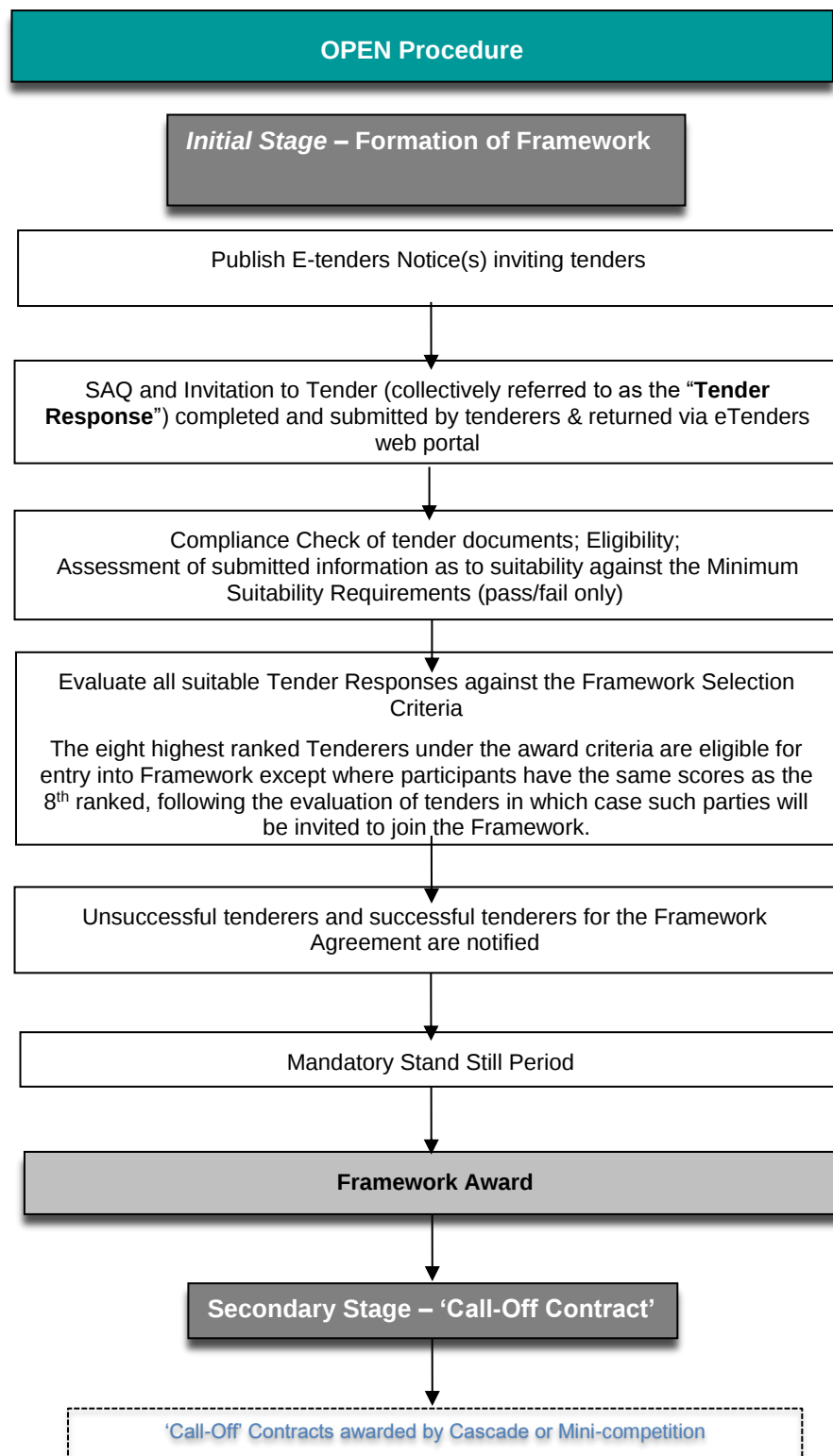
'Non-Acute Healthcare' project is defined as a healthcare facility catering for long term medical care, rehabilitation care and out-patient care other than that provided in an acute setting i.e. delivering nonhospital services. Typical facilities would be primary care services, community nursing units, and residential units. Non-Acute Healthcare projects may be provided on an acute hospital site, but the categorisation shall be at the discretion of the CA.

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1.5 Regional Design Team Framework 2025 Formation – Tender Evaluation:

1.5.1 Open Procurement Flowchart:

The CA intends to use the Open Procurement Procedure for this competition and the following is a flowchart representing the process.



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1.5.2 Tender Evaluation Process Overview:

Stage 1 - Minimum Suitability Requirements:

For appointment to a HSE Regional Design Team Framework 2025, initially SAQ responses will be assessed to see if they meet the minimum suitability requirements. This will be a pass/fail or a pass/fail (qualitative) assessment. Only those Tenderers who meet the minimum suitability requirements will have their Tenders considered further. Tenderers who fail to meet the minimum suitability requirements will be eliminated from further consideration.

The Minimum Suitability Requirements are set out in the SAQ published separately with this PIM.

Table Nr. 3: Minimum Suitability Requirement sections:

HSE – Suitability Assessment - Minimum Standards	All Principal Services including Specialist Services where required;
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In relation to Designers please note that the Health & Safety criteria have been amalgamated with the main criteria and shall be addressed by the Tenderer under the main criteria and as applicable to the relevant disciplines and specialists. Where Health & Safety is not deemed applicable to any particular discipline and specialists, it shall be so stated in the minimum standards of the SAQ.

Generally, the Health & Safety criteria **are not** applicable to the following disciplines:

- (a) Assigned Certifier
- (b) Energy Efficient Designer
- (c) Employers Representative

Health & Safety competence shall be assessed under the Safety, Health and Welfare at Work Act 2005 and any subsequent Safety, Health and Welfare legislation and specifically *Safety, Health & Welfare at Work (Construction) Regulations 2013 (SI 291)*¹ (as amended) for the following design discipline categories:

- Designer;
- Independent PSDP.

The CA has a statutory obligation under Irish law to retain a competent and adequately resourced Project Supervisor for the Design Process (PSDP) for projects. The relevant SAQ for this requirement will set out the minimum pass/fail criteria with regard to suitable qualifications.

¹ These Regulations replace and revoke the Safety, Health and Welfare at Work (Construction) Regulations 2006 (S.I. No. 504 of 2006), the Safety, Health and Welfare at Work (Construction) (Amendment) Regulations 2008 (S.I. No. 130 of 2008), the Safety, Health and Welfare at Work (Construction) (Amendment) (No. 2) Regulations 2008 (S.I. No. 423 of 2008), the Safety, Health and Welfare at Work (Construction) (Amendment) Regulations 2010 (S.I. No. 523 of 2010), the Safety, Health and Welfare at Work (Construction) (Amendment) Regulations 2012 (S.I. No. 461 of 2012), the Safety, Health and Welfare at Work (Construction) (Amendment) (No. 2) Regulations 2012 (S.I. No. 481 of 2012) and Safety, Health and Welfare at Work (Construction) (Amendment) Regulations 2013 (S.I. No. 182 of 2013).

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Stage 2 - Design Team Framework Selection Criteria - Ranking/Qualitative Assessment:

Tenderers which meet the minimum suitability requirements in the SAQ will then have their responses to the Invitation to Tender assessed against specified Award Criteria in the Instructions to Tender / Invitation to Tender document. Tenderers are required to achieve the minimum number of marks under each award criterion. At this stage, 8 Successful Tenderers will be selected for entry onto the relevant Framework for that role except where the 8th, 9th, 10th and 11th ranked participants have the same scores following the evaluation of tenders, in which case such parties will be invited to join the Framework.

Evaluation of Submissions forming Framework and Awarding of the INITIAL project:

The Process:

All tender submissions will be checked for compliance and depending on the result of the checking process tenderers may be requested to clarify aspects of their submission. Please note that any clarification will be strictly static in nature and not construed as additional information post tender.

Note: It is very important that the Tenderer provides all the necessary information required by the competition in their tender response. To assist the CA has provided a *Tender Checklist* as part of the tender pack and which can be discarded by the tenderer at tender submission date.

Once the compliance check has been completed and issues resolved satisfactorily the CA shall evaluate each compliant tender submission for Quality and Price. The evaluation of Quality Criteria and the Price Criteria will be assessed separately and once the total assessment has been completed the CA shall provisionally agree the preferred tenderer as the Most Economically Advantageous Tender (MEAT) for the INITIAL project and provisionally agree the shortlist of Framework Participants including the Reserves if relevant. The provisional status of each firm on the shortlist and the MEAT for the INITIAL project will be dependent on their response to CA requested information in the Letters of Intent.

Both Quality and Price Criteria are included in the ITT.

Quality Criteria and Marking System:

The Quality Criteria are detailed in the ITT including their maximum marks. All Principal Service Providers (Lots) must respond to each criteria including providing a completed RAS and Corresponding CVs for supplemental staff. Refer Section 6.34 for the definition of supplemental personnel.

Additionally, the Architect as Principal Service Provider must respond to one (1) additional quality criteria as part of their tender submission (refer ITT). The information to be provided through the Architect's tender submission for the Specialist Skills Providers will be a Resource Allocation Schedule and accompanying CVs (Appendix M1). The Architect's tender submission for quality will be evaluated in line with the requirements of the ITT as will all of the other Principal Service Providers quality responses.

In all cases across all tenders, the Tenderer with the highest overall quality score will receive the maximum marks for Quality and all other qualifying tender submission will receive a proportion of the total available marks equal to the proportion that their quality score represents of the highest scoring tenderer.

Note: Where calculation of scores produces fractions of points these shall be rounded to the nearest whole number.

Price Criteria and Marking System:

The Price Criteria are detailed in the ITT '*Particulars*' including their maximum marks. The Price

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Criteria is broken down into four (4) sub-criteria. The main sub-criterion will evaluate the INITIAL project percentage (%) design team fee based on the Notional Construction Value. The second and third sub-criteria will evaluate the percentage (%) fee for the other two (2) band values within the framework category type and will be calculated on the INITIAL project NCV issued. The fourth sub-criterion will evaluate the Daily Rates provided by the tenderer and based on Notional Days included in the Pricing Document.

Each sub-criterion will be evaluated based on the maximum marks allocated to that sub-criterion and lowest price will receive the maximum marks. The Tenderer's individual pricing scores for each of the sub-criteria will be totalled and the Tenderer with the highest combined score will be allocated the full Price marks and all other scores will be awarded a proportion of the total available marks equal to the proportion that their Price score represents of the highest scoring Tenderer.

1.5.3 Design Team Services Fees:

- (a) Tenderers are required to complete and provide both Form of Tender and the Pricing Document issued to them as part of the tender pack in their tender submission.
- (b) Where a tenderer is a consortium/joint venture each member of the consortium/joint venture must sign the Form of Tender. Failure to do so may invalidate the tender.
- (c) In the main, framework design team fees will be formed on a percentage (%) basis.
- (d) Where the ITT mentions 'hourly rates' this shall be read as daily rates.
- (e) Design Team Fees for framework Call-Off projects will be based on the Percentage (%) Design Team Fee tendered by the framework participant for the INITIAL project except in circumstances where:
 - The value band indicates that Daily Rates will apply **or**
 - The CA decides to run a mini-competition.
- (f) Daily Rates will apply to value bands for the prescribed staff types included in the Form of Tender and replicated in the Pricing Document and these rates will be used to agree fees for additional works that are demonstrably outside of the normal core design team service for the design discipline as clearly set out in the TRs document.
- (g) In all cases where Daily Rates are used to agree fees for an element of work, the Design Team disciplines will be provided with a tender pack/scope of services and a Lump Sum Fee will be agreed between the CA and each of the design team members for the work element.
- (h) Percentage (%) Design Team Fees will be based at preliminary project stage/tender stage on the Notional Construction Value (NCV) provided by the CA to the candidates.
- (i) Architectural Design Team tenderers as Principal Service Provider will provide named Specialist Skills Providers as part of their team. The Architect's tender must include a percentage (%) fee and daily rates whether the Specialist Skills Providers are external specialists to the Architect or Architect in-house specialists and failure to do so may invalidate the tender.
- (j) In all cases a Value for Money review will be conducted by the CA on design team fees prior to contracting with the consultant.
- (k) Design Team Fees will be subject to the '*indexation of Fees*' as advised by the Office of Government Procurement (OGP).
- (l) Percentage (%) Design Team Fees and Daily Rates will be in operation for the framework duration.
- (m) Any changes to the contract prior to the designated date for the competition will be applied to the competition and the project.
- (n) Tenderers will be requested through the INITIAL project tender, for forming the framework, to provide the following in relation to Price as it applies to the competition:
 - Percentage (%) fees and Daily Rates for the INITIAL project which will align with a particular

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value band within the framework category type. Tenderers will provide this information in their Form of Tender and will also transfer this information onto the Pricing Document provided by the CA in the tender pack.

- Percentage (%) fees for the remaining value bands within the framework category type(s).

Note1: Regarding Architects as Principal Service Providers and in particular their named Specialist Skills Providers, their Form of Tender will include for separate percentage (%) DT Fees and Daily Rates for both the Architects as Principal Service Provider and their named Specialist Skills Providers.

- (o) Tenderers are requested to transcribe those fee % and Daily Rates included in their Form of Tender onto a Pricing Document issued as part of the tender pack.
- (p) Any discrepancy in the transcribing of these percentages (%) / Daily Rates onto the Pricing Document by the Tenderer will be adjusted by the CA and the CA shall notify the Tenderer of this adjustment prior to the CA commencing tender evaluation. Please note that the information included in the Form of Tender takes precedence over that included in the Pricing Document except for those % fees aligning with the value bands not the subject of the INITIAL project tender forming the framework
- (q) The Pricing Document will form part of the Price evaluation for the INITIAL project forming the framework AND the formation of the framework category type shortlist AND the design team services fee for call-off framework projects AND daily rates for works as described
- (r) For all Call-Off projects including the INITIAL project, the percentage (%) fee will be fixed upon successful completion of Office of Governments' ("OGP") Capital Works Management Framework ("CWMF") Stage (ii)B and will be based on a Client Approved Stage (ii)B cost report. Successful completion is defined as the completion of all Stage (ii)B deliverables as set out in the HSE Technical Requirements ("TRs") document and formal approval / sign-off of the Stage (ii)B report(s) by the CA.
- (s) Schedule B of Form of Tender & Schedules at Schedule B: Consultant's Services and Fees document will include the percentage (%) breakdown for each of the CWMF stages. These percentages (%) will generally be used for each of the framework Call-Off projects.
- (t) The CA at its own discretion may pay design team fees on an interim milestone basis on agreed clearly defined deliverables as set out in the TR document having been successfully achieved by the Tenderer. The successful achievement of such interim milestones will be at the decision of the CA
- (u) In all cases tendered Design Team Fees proposed are exclusive of VAT.
- (v) Tenderers are to include percentage (%) DT Fees to no more than two (2) decimal places in the Form of Tender and the Pricing Document. Percentage (%) DT Fees to more than two (2) places will be subjected to the 'Rounding Rule' either up or down to two (2) decimal places. NOTE: the 'Rounded' percentage (%) will be the tenderer's proposed fee for the competition and framework Call-Off projects

1.5.4 Evaluation Teams:

The Contracting Authority has established technical evaluation teams to evaluate each Framework independently. Evaluation team members have the requisite skills and resources necessary to conduct the assessments. Assessments will be made using objective evidence and the professional judgment of the evaluation teams.

Marks under the qualitative assessment (award criteria) will be awarded on a qualitative Pass/Fail basis against the Contracting Authority's requirements.

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1.5.5 Clarification of Information:

After the closing date of this procurement, Tenderers may be asked to clarify aspects of evidence supplied, by written submission, by interview or by both, for any of the information supplied by them in their submission. If such clarification is requested, any additional material supplied must be strictly to supplement material already provided in the original submission.

1.6 **'Start-Up' Companies:**

Where a company has commenced business no more than five (5) years prior to the publication of this notice and are unable to demonstrate their company experience in line with Criterion 3.3c & 3.3.1c, then consideration shall be given to projects where the Tenderer's management only (Criterion 3.3a & 3.3.1a) have gained relevant experience elsewhere. The projects for consideration/assessment under Criterion 3.3c & 3.3.1c must form part of the management's CVs under Criterion 3.3a & 3.3.1a (management). Tenderers must complete both 'Tenderer's Proposal & Declarations (MAIN)' and 'Consortium Member/Sub-Consultant Proposal & Declarations (MEMBER)' in this regard.

1.7 **Qualifications:**

As part of the SAQ and specifically pre-qualification criteria 3.3a / 3.3b / 3.3c the Contracting Authority is seeking Tenderers with experience in providing design team services for projects that demonstrate similar characteristics to the proposed project types. Tenderers will be measured against these characteristics on a pass/fail basis and the Contracting Authority requests that Tenderers pay particular attention to the characteristics in preparing their submissions for this competition. Please refer separate sub-section of this section for description of '*Project Characteristics*'.

1.7.1 Project Characteristics:

Tenderers are requested to pay particular attention to the framework project characteristics in preparing their submissions for these framework competitions.

(a) Complexity:

In relation to the complexity of the project types, Tenderers should consider the functional and operational requirement of the project types, the activities required to support the proper functioning of the project types, their hospital/healthcare settings, the required use of highly specialised equipment, technology and processes in controlled environments and design development of multi-storey facilities in urban environments.

(b) Size:

It is a matter for Tenderers to put forward projects which, in their view, demonstrate similarity or equivalency in terms of size or scale given the value range of project types expresses in the Criteria 3.3a, 3.3b and 3.3c.

(c) Completed Projects:

In relation to the requirements of Criteria 3.3 a, 3.3 b and 3.3 c of the SAQ, the experience of a Tenderer should be based on **completed** projects. Where a Tenderer cannot provide evidence of the requisite number of relevant completed projects, the Contracting Authority shall consider the stage of the development of the project and/or other relevant factors when determining the score (i.e. pass/fail). Tenderers are referred to the definition of 'completed' projects in criterion 3.3 c of

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the SAQ. Tenderers are advised that the reference to the time period in criterion 3.3 c relates to criterion 3.3 c only. Time period for criteria 3.3a and 3.3b is career wide.

N.B.1: Tenderers are reminded that assessment in respect of the requirements of criteria 3.3a and 3.3b and 3.3c will be based on the completed SAQ. The Contracting Authority may, at its absolute discretion, reject any modified version of this document, save to complete the various form fields.

(d) Combined Projects:

Tenderers **are advised not** to combine multiple projects from a single campus in order to seek to demonstrate similar characteristics (in circumstances where the projects individually do not demonstrate similar characteristics). Project experience ought to be based on individual projects completed under a single contract. Phasing of projects is acceptable provided the works have been completed under a single contract.

(e) Scope of Services Performed:

Tenderers should carefully consider the scope of service they have actually performed on the projects that are put forward as relevant experience. Delivering partial or non-relevant design team services (perhaps in the context of a larger, relevant project) will be judged on that basis and may fail to meet the particular criterion.

(f) Experience of Management Personnel, Senior Personnel and Tenderer Company:

Tenderers' response to criteria 3.3a, 3.3b and 3.3c will be judged solely on their response to each of these criteria. For example, scores (i.e. pass/fail) awarded in respect of criterion 3.3c will be based solely on Tenderers' response in respect of this criterion and Tenderers' cannot rely on the response presented in respect of either criterion 3.3a or 3.3b. This does not mean that projects used in response to criterion 3.3a cannot be used in response to criterion 3.3b or 3.3c and vice versa.

1.8 Compliant Tenders:

If a Tenderer fails to comply in any respect with the requirements of this competition, the CA reserves the right to reject the Tenderer's Tender Response as non-compliant or, without prejudice to this right and subject to its obligations at law, to take any other action it considers appropriate including but not limited to:

- seeking written clarification from the Tenderer;
- seeking further information from the Tenderer; or
- waiving a requirement, which in the Contracting Authority's view, is non-material or procedural.

1.9 Self-Declaration by Tenderers & European Single Procurement Document (ESPD):

Tenderers are required to:

Complete, sign and submit as part of their submission the European Single Procurement Document ("ESPD") as part of this tender pack for Tenderers' convenience. Alternatively, Tenderers may submit an *ESPD* which has already been used in a previous procurement procedure PROVIDED THAT they confirm that:

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- (a) the information contained in it continues to be correct; and
- (b) they satisfy the Selection Criteria for this Competition as set out in the SAQ.

Tenderers must also complete, sign and submit, as part of their submission *Tenderer's Proposal & Declarations (MAIN)* and, if relevant, the *Consortium Member/Sub-Consultant Proposal & Declarations (MEMBER)*.

Evidence of Suitability Assessment Criteria stated as 'REQUIRED' in the SAQ shall be provided with the SAQ submission. Where Evidence is 'SUBMIT ON REQUEST' Tenderers who are deemed compliant will be required to submit, generally **within five (5) Business Days** of the request by the CA.

1.10 'Call-Off' Contracts – Procurement Process (Secondary Stage):

Following the formation of the HSE Regional Design Team Framework 2025, contracts for particular services will be awarded by using a 'Call-Off' procedure. It is intended for the purposes of the 'Call-Off' competitions (*Secondary Stage*) that projects will be procured on an individual basis, but projects of a similar nature and complexity may be bundled as one procurement competition. The nature, number and make up of any bundles will not be decided until the 'Call-Off' stage of the competition is initiated, and this will be at the CA's sole discretion.

Design Teams for Call-Off projects will be formed through all or a combination of frameworks which align with the design disciplines.

For details of how the 'Call-Off' procedure operates please refer Clause 1 and Rule 3 of the Framework Agreement. In summary however, the CA shall consult in writing the framework members that appear to it to be capable of performing the contract the subject of the 'Call-Off' competition. In making this determination the CA may take account of factors such as:

- the financial and technical capacity of framework members, including: where the framework member is currently performing works under the Framework Agreement or otherwise;
- where there are several projects being procured simultaneously through the Framework Agreement;
- or where the Tenderer is applying for more than one project or to provide more than one service
- experience of participants; or
- such other factors as the CA considers appropriate in assessing whether any framework member shall be invited to tender for a particular 'Call-Off' contract.

The default method for award of contracts at 'Call-Off' Stage will be by way of cascade. However, the CA reserve the right at their discretion to award contracts by mini-competition among the capable tenderers identified by the CA based on the award criteria set out in Clause 1 and Rule 3 of the Framework Agreement. The marks to be applied to each award criterion may vary, depending on the requirements for a given contract.

1.11 'Call-Off' Contracts – Minimum Suitability Requirements (Secondary Stage):

Tenderers shall note that they will be required to declare at each 'Call-Off' competition stage that their circumstances have not altered since the formation of Framework Agreement and remains valid. This shall include the Tenderers' organisation and business operations. Should there be any change in circumstances or out of date the approved Framework Participant (i.e. company/firm) is required to

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update their information to the CA for review and approval. Such information shall be (not an exhaustive list):

- Appendix H: Tenderer Declaration that Minimum Suitability Requirements for Framework formation remains valid;
- Appendix 1: Letter of Undertaking from Parent company regarding availability of their resources to the Tenderer (if relevant);
- Appendix A: Declaration as to Personal Circumstances of Tenderer;
- European Single Procurement Document (ESPD).

Preferred Tenderers shall be required to provide the following (not an exhaustive list):

- [Evidence of a current Tax Clearance Certificate;
- Evidence of insurance terms and compliance with insurance obligations in accordance with the Invitation to Tender, for:
 - Professional Indemnity Insurance;
 - Public Liability Insurance;
 - Employers Liability Insurance.
- Professional Indemnity Insurance Certificate ([MF 2.1]) completed;
- Appendix A (Article 45 Solemn Declaration) properly executed (dated within 12 months of the Letter of Intent);
- Appendix A1: Letter of Confirmation that Declaration on Oath is still valid (if relevant to the Call-Off Competition);
- Appendix 1 (Letter of Undertaking from Parent Company or Supporting Company regarding availability of their resources to the Tenderer (if relevant)) on supporting entity's letterhead and duly signed;
- Where you, as the preferred tenderer, comprise a consortium, confirmation that there has been no material change in the membership of that consortium;
- Collateral Warranty for Sub-Consultants ([MF 2.3]), if relevant, duly completed and signed;
- Health and Safety Compliance Declaration by All General Services Providers ([MF 2.4]) completed and signed or Health and Safety Compliance Declaration by PSDP/HSC ([MF 2.5]) completed and signed (*whichever is relevant to the contract*);
- Evidence of compliance with any other legal requirements as may be required.]

1.12 Tenders by Consortium / Joint Venture / Sub-Consultant:

1.12.1 Tenderer Entity Tenders and Legal Form:

It is a matter for each Tenderer to determine the manner in which they submit their Tender Response. Where a Tenderer Entity comprises a number of companies, the Main/Lead Tenderer is reminded to set out in their submission the relationship between the companies in a clear and unequivocal manner. While a Tenderer Entity (i.e. consortium / joint venture, etc.) is not required to assume any particular form for the purposes of making its SAQ Submission, the Contracting Authority reserves the right, prior to the award of any contract for services under any particular Framework / Discipline, to require the successful tenderer to assume a particular form.

Where a joint venture/consortium is an incorporated body then:

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- they and all their members shall sign the Form of Tender, and
- they and all their members shall be jointly and severally liable to the CA for all or any Call-Off contract for which they shall be engaged under the Framework Agreement 2025.

Where a joint venture/consortium is an unincorporated body then:

- they and all their members shall sign the Form of Tender, and
- all members of the joint venture/consortium shall be jointly and severally liable to the CA for all or any Call-Off contract for which they shall be engaged under the Framework Agreement 2025, and
- each member of the joint venture/consortium shall hold their own insurances and these insurances shall cover the activities of the joint venture/consortium.

1.12.2 Form of Tender Response:

Tenders shall be completed and submitted as follows:

Single Entity Submission: Where a Tenderer is a single entity, the Tenderer shall complete the *Tenderer's Proposal & Declarations (MAIN)* document on its own behalf.

Consortium / Joint Venture Submission: Where a Tenderer Entity is a consortium, joint venture or where the Tenderer is including a sub-consultant, each member of the consortium, joint venture or the sub-consultant shall complete the submission on their own behalf and this shall also mean that the Tenderer's Proposal & Declarations shall be signed by all parties to a consortium, joint venture or sub-consultancy. One member of the Tenderer Entity shall be identified as and designated the Main/Lead Tenderer and the other members shall be designated consortium / joint venture / sub-consultant members. A Sub-Consultant shall not be designated the Main/Lead Tenderer.

Main/Lead Tenderer: The Main/Lead Tenderer shall be responsible for coordinating all parts of the team's Tender Response (regardless of whether it is a consortium / joint venture or other structure) and shall submit the proposal as a whole and complete submission in the format required by the CA. They shall also complete, sign and submit the '*Tenderer's Proposal & Declarations (MAIN)*' document as part of the Tender Response. In completing the Pass/Fail (Suitability Assessment Criteria), the lead member shall incorporate inputs from the other members relating to the reference projects, management and personnel CVs. The Main/Lead Tenderer shall complete all the required Suitability Questionnaire information required of them.

Other Consortium / Joint Venture / Sub-Consultant Members: The other members shall complete and sign the '*Consortium Member/Sub-Consultant Proposal & Declarations (MEMBER)*' which shall be submitted by the Main/Lead Tenderer as part of the overall Tender Response. External sub-consultants shall also complete and sign the '*Consortium Member/Sub-Consultant Proposal & Declarations (MEMBER)*' which shall be submitted by the Main/Lead Tenderers part of the overall submission. The other Members shall complete all the information required of them with the exception of providing reference projects, management and personnel CVs (as required) which shall be included within the lead members' response.

Specialist Service Providers: HSE Suitability Assessment Overview (DT)): Specialist Service Providers shall be defined as either Sub-Consultants or In-house specialists to the Tenderer. In-house Specialist Service Providers shall submit, through the SAQ, the required information under Section 3: Criteria 3.3a and 3.3b. In addition to that required of the In-house Specialist Service Providers, the Sub-Consultant shall provide the completed and signed Consortium Member/Sub Consultant *Proposal &*

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Declarations (MEMBER) plus requirements as stated under Section 3: Criteria 3.1, 3.2c, 3.2d, 3.2e, 3.3c and 3.3d of the SAQ as and when requested.

1.12.3 Reliance on Resources:

Where, in order to prove its financial, economic and technical standing with a view to being admitted to participate in the tendering procedure, a Tenderer or a member of a Tenderer Entity relies on the resources of entities or undertakings with which it is directly or indirectly linked, whatever the legal nature of those links may be, (including, for example, but not limited to, reliance on a parent company's resources), it must establish that the resources of the entities or undertakings, which are necessary for the performance of the contract, are available to it.

For example, a letter from such other entity confirming that it will provide the necessary support will suffice (refer as part of this tender pack *Appendix 1: Letter of Undertaking from Parent/Supporting Company regarding availability of their resources to the Tenderer*). If sufficient evidence is not provided, the Tenderer (and the Tenderer member, where required) will be evaluated with regard to its own financial, economic and technical standing. Please note that prior to entry into any contract for services, the Contracting Authority intends to request that any entity that is listed as providing resources upon which a Tenderer is relying, enter into contractual arrangements which safeguard and promote the delivery of the services from the point of view of the Contracting Authority. Such contractual arrangements may include joint and several liability, lead/sub-contract structures, parent company guarantees, direct agreements or collateral warranties.

1.12.4 Collateral Warranties:

Prior to award of a 'Call-Off' contract, Sub-Consultants shall be required to execute a Collateral Warranty for Sub-Consultants ([MF 2.3]) with the Contracting Authority.

1.12.5 Multiple Participations of Consortium Members / Joint Venture Members / Sub-Consultants:

If any individual Tenderer or member of a Tenderer's consortium or joint venture or a Sub-Consultant is included in more than one submission for the same discipline/service, a statement should be provided to the Contracting Authority confirming that the Tenderer is aware of the multiple participation by the relevant member and that it has been brought to the attention of all the consortium/joint venture of which that individual or group is a member.

1.13 Confidentiality

This Project Information Memorandum (PIM) and all accompanying documents shall be treated as private and confidential by the Tenderer, who shall not release details of this PIM and/or any accompanying documentation, other than on a confidential basis, to those who have a legitimate need to know or to whom they need to consult for the purpose of preparing their Tender Response.

1.14 Amendments to and/or Clarifications of the Project Information Memorandum:

If the CA is of the opinion that a clarification or and/or amendment is required to be made to the PIM, and/or additional information is required to be issued, then the CA shall be entitled to make any such clarification and/or amendment to the PIM and issue such additional information, at any time.

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1.15 Conflict of Interest:

Any conflict of interest or potential conflict of interest must be fully disclosed to the CA as soon as such conflict or potential conflict becomes apparent. In the event of any conflict of interest, the CA shall, in its absolute discretion, decide on the appropriate course of action.

2.16 Payment Mechanism:

2.16.1 Invoicing:

- a) All invoices shall be '*draft*' until approved by the CA. On CA approval of the invoice from the Framework Participant the Framework Participant shall then issue the invoice for payment to HSE Payment Section at vendorinvoices@hse.ie.
- b) Withholding Tax shall be deducted from all payments as is required and dependent on the Framework Participant.
- c) **Note:** All services arising from the frameworks whether on a percentage (%) fee basis or a daily rate basis shall in all cases be brought to an agreed lump sum (refer sub-sections 6.7.7 and 6.7.18 of this document for details).
- d) The invoice should contain at a minimum the following details:
 - The name and address of the Service Provider.
 - An invoice number (that of the Service Provider).
 - An invoice date (please note that the date should be the date of issue to the HSE Payment Section).
 - An official Purchase Order Number (provided by the CA).
 - The Service Provider's VAT Registration Number.
 - The design team discipline (for clarity).
 - The Framework Category Type.
 - The name of the project.
 - A description of the service / CWMF project stage and the milestone achieved. In cases where several interim milestone payments for a CWMF project stage has been agreed with the CA and as each interim milestone invoice has been issued the information on the invoice should be the summation of any previous interim milestone payments for that project stage and noting the current invoiced amount with its agreed milestone deliverable.
 - VAT percentage and monetary value as a separate figure to the net value of the service and totalled.
- e) **Note1:** Each CWMF project stage fee is independent of each other and interim payments are solely for the project stage to which they apply.
- f) **Note2:** Generally withholding tax will be deducted from the invoice and the Service Provider will be paid the balance of the invoice amount.
- g) **Note3:** For clarity percentage (%) Design Team Fees and Daily Rate will be inclusive of all profit, costs including travel and subsistence.

Note4: The HSE will pay the amount due on the invoice, less any deduction permitted under the Service Providers (Framework Participant's) agreement with the HSE. The current rules are that HSE must inform the Provider in writing with twenty (20) days of receipt of invoice, if it disputes in good faith the amount specified in any invoice.

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2.17 Documentation Index:

The Project Information Memorandum includes this document and the attached schedules and all supporting and supplemental information (refer Table Nr. 4 below).

Table Nr. 4: Documentation Index (full list of Tender Documentation):

Document Reference / Title	
0.0	Contract Notice.
1.0	Invitation letter
2.0	Instructions to Tender (ITT)
3.0	Suitability Assessment Questionnaire
4.0	Project Information Memorandum (PIM)
5.0	Framework Agreement 2025.
6.0	Technical Requirements and Ancillary documents
7.0	NCV Memo
8.0	Tender and Schedule
9.0	Resource Allocation Schedule (RAS)
10.0	Pricing Schedule
11.0	Technical Advisor Scope of Services
12.0	Project Brief
13.0	HSE Exemplar Design Guidance
14.0	Capital Project Protocol Document
15.0	Site Information
Appendices:	
Appendix 1:	Proposals and Declarations (Main)
Appendix 2:	Proposals and Declarations (Member)
Appendix A:	Declaration as to Personal Circumstances of Tenderer.
Appendix B:	List of Previous Projects/Certificate of Satisfactory Execution.
Appendix B1:	Certificate of Satisfactory Delivery of Services.
Appendix C:	Health & Safety Declaration - All General Service Providers
Appendix C1:	Health & Safety Declaration - PSDP Appointment Only.
Appendix D:	Evidence of Professional Qualifications
Appendix E:	Tenderer Self-Certification Letter regarding Professional Indemnity Insurance.
Appendix F:	Tenderer Self-Certification Letter regarding Public Liability Insurance.
Appendix G:	Tenderer Self-Certification Letter regarding Employer's Liability Insurance.
Appendix H:	Letter of Undertaking from Parent/Supporting Company regarding availability of their resources to the Tenderer.