

**Tender Information Memorandum (TIM): Framework Category Types 01 – 05:**

## HSE Design Team Services Frameworks 2024

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|----------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Document Title:</b>                                                                                               | <b>TENDER INFORMATION MEMORANDUM – MULTI-PARTY FRAMEWORK AGREEMENT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Version Nr.:</b>                                                                                                  | ITT_Memo_v.1.10-2025.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Procurement Procedure:</b>                                                                                        | Restricted / OPEN Procurement Procedure: Tender Process.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>For:</b>                                                                                                          | <p>The formation of Framework Category Types as follows:</p> <p>Framework Category <b>01</b>: Minor Capital Works – project value €0M - €1M excluding VAT.</p> <p>Framework Category <b>02</b>: Acute Capital Works – Project value €1M - €15M excluding VAT.</p> <p>Framework Category <b>03</b>: Non-acute Capital Works – Project value €1M - €15M excluding VAT.</p> <p>Framework Category <b>04</b>: Acute Capital Works – Project value €15M - €60M excluding VAT.</p> <p>Framework Category <b>05</b>: Non-acute Capital Works – Project value €15M - €60M excluding VAT.</p> |
| <b>For:</b>                                                                                                          | Health Service Executive                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Frameworks established on a regional / sub-regional basis by the following HSE Capital &amp; Estates Offices:</b> | <p>Note – The HSE Design Team Services Frameworks are being established to all areas as below under a Restricted Procedure or Open Procedure as detailed in each individual Procurement competition.</p> <ol style="list-style-type: none"> <li>Cherry Orchard;</li> <li>Carrickmines;</li> <li>Cork;</li> <li><b>Galway; (Galway/Roscommon IHA; Mayo IHA) – OPEN Procedure</b></li> <li>Kells;</li> <li>Kilkenny;</li> <li>Limerick;</li> <li>Sir Patrick Dun's (Corporate Estates office);</li> <li>Sligo + Letterkenny;</li> <li>Swords and</li> <li>Tullamore.</li> </ol>        |
| <b>For:</b>                                                                                                          | <i>The above mentioned Framework Category Types and all Lots (design team disciplines) associated with those Framework Category Types for the <b>HSE Capital &amp; Estates Office Galway (ONLY).</b></i>                                                                                                                                                                                                                                                                                                                                                                             |

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**Tender Information Memorandum (TIM): Framework Category Types 01 – 05:**  
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**Tender Information Memorandum (TIM): Framework Category Types 01 – 05:**

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**1.0 Introduction:**

- 1.1 Health Service Executive (the “Contracting Authority”) is making these documents available to candidates for the framework agreement, for tendering purposes only. These documents must not be used for any other purpose.
- 1.2 The information provided in this document, together with that in the appendices, Instructions to Tenders (ITT) and Sample Technical Requirement and Scope of Service document(s), is offered for the guidance of Tenderers.
- 1.3 Details in relation to how to complete the tender are set out in the Instructions to Tenderers (ITT) as a separate document. The purpose of this document entitled *Tender Information Memorandum (TIM)* is to provide Tenderers with general information in relation to the structure of this competition, clarify elements of the tender process and the operation of the framework.
- 1.4 Implementation of the Health Service Executive (HSE) Capital Plan is the responsibility of the Capital & Estates Directorate as part of the Health Service Executive which ensures that individual capital projects are assessed and managed in accordance with the DPER’s *Infrastructure Guidelines* (previously *Public Spending Code*) and *Capital Works Management Framework* (CWMF).
- 1.5 This Tender Information Memorandum document is updated to reflect the **Open Procedure** tender process for the establishment of the Frameworks 01 to 05 for the **HSE Capital & Estates Office Galway (West Region) (ONLY)** to include Galway/Roscommon IHA and Mayo IHA.

The framework will be tendered by **Open Procedure** in accordance with the *Capital Works Management Framework* (CWMF) as a single stage tender competition for each Framework 01-05. There is no pre-qualification process. The Suitability Assessment Questionnaire (SAQ) will be evaluated by Pass/Fail only. All tenderers who Pass the SAQ will then have their Quality and Cost Criterion submissions evaluated.

Any references in this document to *restricted procedure* is to be viewed as a discrepancy and should be appropriately viewed under the requirements for Open Procedure tender.

[End Section 1.0]

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**Tender Information Memorandum (TIM): Framework Category Types 01 – 05:**

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**2.0 The Contracting Authority (CA):**

2.1 The Health Service Executive (the “Contracting Authority”) was established in January 2005 as the single body responsible for meeting Ireland’s health and social care needs which are delivered through healthcare professionals, hospitals and through a network of Community Healthcare Organisations (CHOs), health centres and clinics at community level.

2.2 The Health Service Executive (HSE) (“Contracting Authority” or the “CA”) through this competition, is procuring multiple operator framework agreements (the “Framework Agreements 2024”) to facilitate the CA in its provision of design team services on its own behalf and on behalf of **HSE Group** comprising publicly funded healthcare bodies such as (a) all service providers to the HSE falling (now or in the future) under (or considered and/or treated by the HSE as falling under) Section 38 of the Health Act 2004 (as amended) (“a Section 38 Body”), (b) all bodies/entities falling (now or in the future) under (or considered and/or treated by the HSE as falling under) Section 39 of the Health Act 2004 (as amended) (“a Section 39 Body”) and (c) all other bodies corporate, statutory corporations, hospitals, partnerships, unincorporated associations, charities and other entities operating as part of the Irish Health Service and funded in any way directly or indirectly by the HSE or other public funding sources or any local, national or supra-national government or regulatory authority, as well as any employees or contractors of any of the foregoing and any other persons or hospitals assisting in the provision of the Irish health service.

It is envisaged that **Tusla**, the Child & Family Agency under the auspices of the Department of Children and Youth Affairs, and although not directly funded by the Health Service Executive and the Department of Health, shall utilise the frameworks to the extent of the frameworks’ formation and intent.

[End Section 2.0]

## Tender Information Memorandum (TIM): Framework Category Types 01 – 05:

### 3.0 HSE Design Team Services Framework 2024:

#### 3.1 Overview of Framework 2024:

- 3.1.1 It is now proposed to create five (5Nr) 'category specific' Frameworks based on project complexity and monetary value. The framework(s) will to be established on a regional/sub-regional HSE Capital & Estates Office basis.
- 3.1.2 There are ten (10Nr.) regional/sub-regional Estates offices and one (1Nr.) corporate office. The current Estates offices in alphabetical order are Cherry Orchard, Carrickmines, Cork, Galway, Kells, Kilkenny, Limerick, Sir Patrick Dun's (Corporate office), Sligo + Letterkenny, Swords, and Tullamore.
- 3.1.3 For note: New HSE Regional Health A Health Areas (RHA) are currently being formed and the HSE Capital & Estates function mentioned above will serve these health areas. The new HSE Regional Health Areas are:

Table Nr. 1: New HSE Regional Health Areas:

| Regions:                   | Location:                                                                             |
|----------------------------|---------------------------------------------------------------------------------------|
| HSE Dublin and North-East: | North Dublin, Meath, Louth, Cavan, and Monaghan.                                      |
| HSE Dublin and Midlands:   | Longford, Westmeath, Offaly, Laois, Kildare, and part of Dublin South and Wicklow.    |
| HSE Dublin and South-East: | Tipperary South, Waterford, Kilkenny, Carlow, Wexford, Wicklow, part of South Dublin. |
| HSE Mid-West:              | Limerick, Tipperary, and Clare.                                                       |
| HSE South-West:            | Kerry and Cork.                                                                       |
| <b>HSE West:</b>           | <b>Roscommon, Mayo, and Galway.</b>                                                   |
| HSE North-West             | Donegal, Sligo and Leitrim.                                                           |

- 3.1.4 Each regional/sub-regional office will be responsible for forming their own design team framework(s) as and when:
- (a) They have a relevant 'real' project meeting the requirements of the framework **or**
  - (b) Where the regional office generates a 'representative' project based on largely real information.

Both of the above options will align with the framework categories/types detailed elsewhere in this document.

HSE Capital & Estates Corporate Office will assume overall responsibility for the governance and assurance of the frameworks.

## Tender Information Memorandum (TIM): Framework Category Types 01 – 05:

### 3.2 Framework Category Types and Call-Off Processes:

3.2.1 There are five (5) HSE Design Team Services Frameworks 2024 category types as follows:

Table Nr. 2: New HSE DT Services Framework Category Types and Call-Off Processes:

| Nr. | Framework Type:        | Framework Description:                                                                                              | Call-Off Process:             |
|-----|------------------------|---------------------------------------------------------------------------------------------------------------------|-------------------------------|
| 1   | Framework Category 01: | Minor Capital Works – project value €0M - €1M excluding VAT (no delineation between acute/non-acute capital works). | Rotational / Mini-competition |
| 2   | Framework Category 02: | Acute Capital Works – Project value €1M - €15M excluding VAT.                                                       | Cascade / Mini-competition    |
| 3   | Framework Category 03: | Non-acute Capital Works – Project value €1M - €15M excluding VAT.                                                   | Cascade / Mini-competition    |
| 4   | Framework Category 04: | Acute Capital Works – Project value €15M - €60M excluding VAT.                                                      | Cascade / Mini-competition    |
| 5   | Framework Category 05: | Non-acute Capital Works – Project value €15M - €60M excluding VAT.                                                  | Cascade / Mini-competition    |

### 3.3 Framework Category Types and associated Design Disciplines:

3.3.1 Each framework category type has a prescribed and differing set of Principal Service Providers.

3.3.2 As projects (refer sub-clause 3.1.4 above) emerge within an Estates Office for each of the framework category types that Estates Office will form the relevant framework with all of the required design disciplines (Lots).

3.3.3 The Principal Service Providers for each framework category type are listed below.

3.3.4 The Architect as Principal Service Provider includes a varying list of approved named Specialist Skills Providers depending on the framework category type and are listed below. These named Specialist Skills Providers can either be in-house specialisms to the Architect or external consultant firms.

3.3.5 The HSE reserves the right to use the frameworks for Technical Advisor (TA's) services if required (for example for a Design & Build project).

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**Tender Information Memorandum (TIM): Framework Category Types 01 – 05:**

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**3.3.6 Framework Category 01: Minor Capital Works – project value €0M - €1M ex. VAT (no delineation between acute/non-acute capital works).****Lots (DT Disciplines):**

1. Architect (AR): with the following Specialists domestic sub-consultants, or in-house specialisms:
  - (a) Planner (PL).
  - (b) Project Supervisor Design Process (PSDP).
  - (c) Employer's Representative (ER).
  - (d) Fire Safety Consultant (FSC).
  - (e) BIM Information Manager (BIM).
2. Quantity Surveyor (QS).
3. Building Services Engineer (M&E).
4. Civil / Structural Engineer (C&S).
5. Energy Efficient Design Facilitator (EEDF).
6. Assigned Certifier (AC).

**3.3.7 Framework Category 02 + 03: Acute/Non-acute Capital Works – Project value €1M - €15M ex. VAT.****Lots (DT Disciplines):**

1. Architect (AR): with the following Specialists domestic sub-consultants, or in-house specialisms:
  - (a) Planner (PL).
  - (b) Project Supervisor Design Process (PSDP).
  - (c) Fire Safety Consultant (FSC).
  - (d) BIM Information Manager (BIM).
2. Quantity Surveyor (QS).
3. Building Services Engineer (M&E).
4. Civil / Structural Engineer (C&S).
5. Employer's Representative (ER).
6. Energy Efficient Design Facilitator (EEDF).
7. Assigned Certifier (AC).

**3.3.8 Frameworks Category 04 + 05: Acute/Non-acute Capital Works – Project value €15M - €60M ex. VAT.****Lots (DT Disciplines):**

1. Architect (AR): with the following Specialists domestic sub-consultants, or in-house specialisms:
  - (a) Planner (PL).
  - (b) BIM Information Manager (BIM).
2. Quantity Surveyor (QS).
3. Building Services Engineer (M&E).
4. Civil / Structural Engineer (C&S).
5. Project Supervisor Design Process (PSDP).
6. Employer's Representative (ER).
7. Fire Safety Consultant (FSC).
8. Energy Efficient Design Facilitator (EEDF).
9. Assigned Certifier (AC).

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**Tender Information Memorandum (TIM): Framework Category Types 01 – 05:**

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**3.4 Range of Projects as part of the Framework 2024:**

HSE Design Team Services Frameworks 2024 are likely to include the following project / building types (this is not an exhaustive list and project types will vary on a region-by-region basis and will be subject to the requirements at that time):

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

**3.5 Types of Design Services as part of the Framework 2024:**

It is envisaged that the design team services being procured from each discipline under the applicable National Framework 2024 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 required by the Client such as:
  - 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.

## Tender Information Memorandum (TIM): Framework Category Types 01 – 05:

### 3.6 Acute / Non-acute Healthcare Definition:

3.6.1 Note: Some 'Non-Acute' healthcare services may be provided on an 'Acute' healthcare site/campus in which case the 'Non-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.

3.6.2 The following table describes 'Acute' and 'Non-Acute' healthcare services.

Table Nr. 3: Acute Hospital and Non-Acute Healthcare Definitions:

#### 1. Definition of Acute Hospital Project:

'**Acute Hospital**' project is defined as a healthcare facility catering for tertiary and secondary healthcare services with in-patient and out-patient facilities.

'Acute care' facilities include but are not limited to and are for short-term medical care:

- (a) Emergency Department,
- (b) Intensive Care / Theatres,
- (c) Coronary Care / Cardiology,
- (d) Diagnostic Imaging,
- (e) Maternity / Neonatal Intensive Care,
- (f) Hospital Ward Accommodation, etc.

Tertiary healthcare facilities/service are:

- (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.

Secondary healthcare facilities/services are:

- (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.

#### 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 non-hospital 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.

[End Section 3.0]

## Tender Information Memorandum (TIM): Framework Category Types 01 – 05:

### 4.0 Frameworks 2024 Procurement Process:

As detailed in Section 1.5, this Tender Information Memorandum document is updated to reflect the **Open Procedure** tender process for the establishment of the Frameworks 01 to 05 for the **HSE Capital & Estates Office Galway (West Region) (ONLY)** to include Galway/Roscommon IHA and Mayo IHA.

Any references in this document to *restricted procedure* is to be viewed as a discrepancy and should be appropriately viewed under the requirements for Open Procedure tender.

#### 4.1 General:

4.1.1 The Contracting Authority (CA) in forming a framework category type has dispatched a notice(s) to the Official Journal of the European Union. This will be tendered using the Open Procurement process.

4.1.2 The framework will be tendered by **Open Procedure** in accordance with the *Capital Works Management Framework (CWMF)* as a single stage tender competition for each Framework 01-05. There is no pre-qualification process. The Suitability Assessment Questionnaire (SAQ) will be evaluated by Pass/Fail only. All tenderers who Pass the SAQ will then have their Quality and Cost Criterion submissions evaluated.

#### 4.2 Project Supervisor Design Process

##### 4.2.1 Legal Obligations:

For all construction projects (including refurbishment & repairs) it is a legal requirement by the Client to appoint a competent person to act as Project Supervisor Design Process (PSDP).

It is a requirement of the Health Safety and Welfare at Work (Construction) Regulations that the Client satisfies itself that the individual engaged to act as PSDP is competent to carry out that role.

##### 4.2.2 Procurement of PSDP for this frameworks:

Project Supervisor Design Process (PSDP) is a Principal Service Provider for Frameworks 04 and 05 and the Client's legal obligations are met by the competition rules.

Where the Project Supervisor Design Process is a specialist skills provider under the Architect as Principal Service Provider (i.e. Frameworks 01 – 03 inclusive) and due to the nature of the PSDP service and the legal obligations relating to the engagement of a competent PSDP the following will be the process to ensure that the Client's legal obligations are met.

- (a) To be suitable to act as PSDP on a project an individual must both be aware of his/her responsibilities under the Safety, Health and Welfare at Work Act 2005 and the Safety Health & Welfare at Work (Construction) Regulations 2013 (or subsequent legislation/regulations) and have the resources and competency to carry them out.
- (b) Prequalification Process (Stage 1): For clarity please refer *Clause 3.1.3* of this document for the submission requirements for the Specialist Skills Providers (including the PSDP). This information shall be provided by the Specialist Skills Providers to the Architect as Principal Service Provider for inclusion in the Principal Service Provider's prequalification submission. Failure to provide this information may invalidate the Architect's prequalification submission.

## Tender Information Memorandum (TIM): Framework Category Types 01 – 05:

- (c) Tender Process (Stage 2): *As part of the Architect's tender submission* for Frameworks 01 – 03 inclusive the PSDP as specialist skills provider will be required to furnish the following information to the Architect as Principal Service Provider for ultimate submission to the Client for review purposes. Again, failure to do so may invalidate the Architect's tender submission.
- (d) PSDP requirements (as Specialist Skills Provider):
- (i) Responses to the criteria included in the Instructions to Tenderers (ITT) plus the following associated documentation:
    - ☐ Pricing Document.
    - ☐ CVs (Appendix M1 – Formal Application for Supplemental Staff).
    - ☐ Resource Allocation Schedule.
  - (ii) MF 2.5 (Health and Safety Compliance Declaration by PSDP/HSC) duly completed and signed. Where enforcement actions, legal proceedings, accidents, fatalities or incidents have been recorded, evidence must be provided that adequate measures have been put in place by the PSDP candidate firm to address any deficiencies in their H&S procedures.
  - (iii) An outline of the firm's management organisational structure with regard to allocation of duties, delegation of responsibilities, etc. in relation to Health and Safety (less than one (1) A4 page plus organogram; font size 10).
  - (iv) Arrangements for continuing professional development (less than one (1) A4 page).

**Very Important Note:** The Architect as Principal Service Provider **must** be certain that the PSDP specialist service provider being proffered as part of their integrated architect team meets the above as failure to do so may invalidate their tender and a place on the framework. This assurance also applies to the other named specialist skills providers.

Regarding PSDP competency, it is important that the CVs provided for the PSDP Personnel demonstrate project experience specific to that described at Section 2 Table 2.2 of the QC1-Part-1.

### 4.3 Tender Submission:

- 4.2.1 Tenderers shall submit to the CA a complete and valid tender submission for this stage of the procurement process (*Second Stage*). Any omission on the part of the tenderer and/or incomplete tender submission may invalidate their tender.
- 4.2.2 Tenderers **must** submit a valid tender to the eTenders webportal for the Lots for which they are interested.
- 4.2.3 Tenderers are invited to submit a tender(s) responding to the Award Criteria set out in the ITT.
- 4.2.4 Tenderers must submit their responses in full compliance with the instructions within the documents comprising the Invitation to Tender. Tenderers are referred to the '*Particulars*' section of the ITT for contact details, format of tender submission, etc., regarding this tender(s). Tenderers shall advise the CA of any ambiguity between any of the documents comprising the Invitation to Tender, including the Contract Notice. Tenderers shall be cognisant of the timescale applying to 'Queries' in this regard.

### 4.4 Compliant Tenders:

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**Tender Information Memorandum (TIM): Framework Category Types 01 – 05:**

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4.3.1 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 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:

- (a) Seeking written clarification from the Tenderer;
- (b) Seeking further information from the Tenderer; or
- (c) Waiving a requirement, which in the Contracting Authority's view, is non-material or procedural.

4.5 Appointment to the HSE Design Team Services Framework(s) 2024:

4.5.1 Appointment to the HSE Design Team Services Framework(s) 2024 will be in accordance with the requirements of:

- (a) The European Treaty.
- (b) European Directive 2014/24/EU and 89/665/EEC as amended by Council Directive 2007/66/EC.
- (c) S.I. Nr. 329 of 2006, S.I. 284 of 2016 and S.I. Nr. 130 of 2010.

4.5.2 HSE Capital & Estates Corporate Office will meet with each Design Team discipline cohort once a year to ensure that the frameworks are achieving their intended function, and that both HSE and the framework participants are satisfied with the operation of the framework(s). HSE Capital & Estates Corporate Office may also meet with the professional bodies if deemed necessary.

4.6 Framework Formation – Contractual documentation:

4.6.1 Each Framework will be formed by:

- (a) The Consultant's signed Form of Tender.
- (b) The CA's written notification to the Consultant of his/her inclusion on the list of Participants.
- (c) Framework Agreement 2024 (detailing the Framework Agreement and Framework Rules).

4.7 Documentation forming of the Contract (not an exhaustive list):

4.7.1 The INITIAL project forming the framework and all Call-Off projects whether by Cascade, Rotation of Mini-Competitions will be formed by:

- (a) The Letter of Acceptance.
- (b) The Consultant's signed Form of Tender.
- (c) Contract of Engagement (CoE1) signed and executed.
- (d) Confirmation that nothing has changed with the Tenderer / Framework Participant since the prequalification process / formation of the framework.
- (e) Confirmation that nothing has changed with the Tenderer/Framework Participants eESPD.
- (f) Current 'eTax Certificate'.
- (g) Health & Safety Compliance Declaration by All General Services Providers (MF2.4) completed and signed or
- (h) Health & Safety Compliance Declaration by PSDP/HSC (MF2.5) completed and signed (whichever is relevant to the contract).

## Tender Information Memorandum (TIM): Framework Category Types 01 – 05:

- (i) MF2.9 Reliance Guarantee (if relevant to the tenderer's structure) and as provided by the tenderer in their tender response.
- (j) MF2.10 Reliance Warranty (if relevant to the tenderer's structure) and as provided by the tenderer in their tender response.
- (k) MF2.3 Collateral Warranty as relevant to the tenderer
- (l) Post Tender Clarifications considered appropriate by the Contracting Authority.
- (m) All other documents deemed necessary by the CA as part of the contract documentation pack and as listed in the ITT.

**Note1:** In relation to MF2.9 and MF2.10 above please refer to Section 6.31.1 of this document.

**Note2:** For Mini-Competition Call-Off projects the design team fees will be based on a competitive percentage (%) fee bid / Daily Rates as they relate to the competition and NCV provided by the CA.

**Note3:** For rotational and cascade call-off projects the design team fees will be based on the INITIAL project competition forming the framework (percentage (%) fee / Daily Rates as applicable) and calculated on the call-off project's NCV provided by the CA.

**Note4:** Collateral Warranties (CWs) in the form of MF-2.3 or subsequent CWs published by Office of Government Procurement (OGP) will be executed between the CA and the Specialist Skills Providers for the INITIAL project and all framework Call-Off projects as mini-competitions for which the specialists are required. Refer Section 6.31.2 also.

### 4.8 Framework(s) 2024 Operational Period:

- 4.8.1 It is intended that the framework duration will be three (3Nr.) years with an additional one (1Nr.) year extension (maximum four (4Nr.) years duration) and this period will run from the official formation of the relevant framework as it is established.

### 4.9 Framework(s) 2024 Timeline / Timeline for Award of Framework(s):

- 4.9.1 Each framework will have differing commencement dates and concluding dates as frameworks will be established by each of the HSE Capital & Estates regional/sub-regional office as and when a relevant capital project emerges in that Estates office.

### 4.10 Application for Appointment to more than one Framework or more than one Lot:

- 4.10.1 Tenderers are permitted to submit expressions of interest / tenders for each and every framework (category specific) and each and every lot should they deem that they meet the minimum criteria for that framework and that lot. This also applies to Specialist Skills Providers.
- 4.10.2 To engender fairness and regionalism, the intention is that HSE Capital & Estates will look to establish fifty number frameworks for Design Team services nationally over the lifetime of the frameworks (3 years + 1 year) in the following manner detailed below.
- 4.10.3 For the avoidance of doubt, at tender stage tenderers will be eligible to win two (2) of the framework category types noted previously on a national basis and as outlined below:

## Tender Information Memorandum (TIM): Framework Category Types 01 – 05:

- (a) Be on only two (2) of the proposed ten (10) Minor Capital Frameworks (all five (5) parties on Rotational Framework are considered a winner).
  - (b) Be the number 1 ranked position on only two (2) of the proposed ten (10) Acute Services €1M-€15M framework(s).
  - (c) Be the number 1 ranked position on only two (2) of the proposed ten (10) Non- Acute Services €1M - €15M framework(s).
  - (d) Be the number 1 ranked position on only two (2) of the proposed ten (10) Acute Services €15M - €60M framework(s).
  - (e) Be the number 1 ranked position on only two (2) of the proposed ten (10) Non-Acute Services €15M - €60M framework(s).
- 4.10.4 For the cascade frameworks only those ranked two to five on the individual framework may still apply to win a first placed position on two other frameworks within that framework category type.
- 4.10.5 Being 1<sup>st</sup> ranked in two Frameworks category types or being on two Minor Capital Frameworks does not preclude a firm from competing for Frameworks in another framework category type.
- 4.10.6 Once a firm accepts work off a cascade framework as 1<sup>st</sup> ranked or off the Minor Capital Framework it cannot remove itself to be 1<sup>st</sup> ranked on two other frameworks within that framework category type or be on two other Minor Capital Frameworks.
- 4.10.7 Should a firm be on two Minor Capital Frameworks (and have accepted work) or be 1<sup>st</sup> ranked on two Cascade Frameworks (and have accepted work) their submission will be excluded from future tenders within the Framework category type.
- 4.10.8 The restrictions apply should a firm win as part of a joint venture and this will count towards all parties in the joint venture as one of each of their two wins allowable for that Framework category type.
- 4.10.9 The restrictions apply to the firm as a single entity regardless of the number of teams or number of different offices.
- 4.10.10 Should there be a difficulty in filling the frameworks the HSE reserves the right to amend the above restrictions on some or all the Framework Category Types.

### 4.10 Employer's Representative – Rule for Engagement:

- 4.10.1 The following only relates to Framework 02 – Framework 05 inclusive: Where a company applies for several design services Framework Lots and wins, and is awarded top place on any of the Framework Lots they cannot also be awarded top place on the Employers Representative Service Lot. For example a firm who is awarded top place on the Architectural, Quantity Surveying, Building Services Engineering, Civil & Structural Engineering, or Fire Consultancy Service Lots cannot also be awarded top place on the Employers Representative Service Lot. A firm may be admitted to multiple service lot frameworks and be ranked two to five. If however, through the cascade process a firm is being requested to provide Architectural, Quantity Surveying, Building Services Engineering, Civil & Structural Engineering, or Fire Consultancy Services, as well as Employers Representative the firm is required to choose which service they wish to provide as they cannot provide both to a Framework Call-Off project.

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**Tender Information Memorandum (TIM): Framework Category Types 01 – 05:**

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**4.11 Integrated Architectural Team (IAT):**

- 4.11.1 The format of the Frameworks is such that the Architect as Principal Service Provider will provide the named Specialist Skills Providers as part of their team.

**Note:** Named Specialist Skills Providers can be in-house specialists within the Architect's firm or external consultants.

- 4.11.2 The Architect is required to provide the following in their Tender submission for themselves and each of the Specialist Skills Provider separately:

- (a) Response to the Quality Award Criteria as described in the ITT.
- (b) Form of Tender in response to the Price Award Criterion as described in the ITT. This shall include percentage (%) fee and Daily Rates for the Architect and each of the specialist skills providers.
- (c) Pricing Document for the Architect and each of the Specialist Skills Providers (in-house or external).

**4.12 Details of Contracts under the Framework:**

- 4.12.1 There is no guarantee of additional contracts or call-off contracts under the Framework. The appointment of successful tenderers to the Framework does not constitute a commitment or a guarantee from the Contracting Authority to enter into any contract with that tenderer or any Framework Participant and does not confer any exclusivity on them. In the event that the Contracting Authority wishes to award a call-off contract, it will do so in line with the provisions of the Framework Agreement.

**4.13 Obligation to form Frameworks 2024:**

- 4.13.1 HSE Capital & Estates as CA is not obliged to establish all or any of the aforementioned framework category types.

**4.14 Right to Tender Outside of Frameworks 2024:**

- 4.14.1 The Contracting Authority intends to use the framework for the procurement of requirements falling within its scope during the specified period; however, it reserves the right to go outside the framework for the procurement of any requirement without reference to the framework operators. Admission to a framework does not guarantee the award of any contract to any economic operator, nor does it give the members the right to be consulted in respect of, or tender for, any contract.

**4.15 Right Not to Award:**

- 4.15.1 The Contracting Authority does not bind itself to accept the most economically advantageous tender or any tender. It also reserves the right to accept or reject in whole or in part any or all tenders received, and, in particular, to source the requirement with more than one service provider.
- 4.15.2 The 'Invitation to Tender' is issued in good faith; however, the Contracting Authority at its sole discretion shall not be obliged to award a contract or proceed to further stages in the procurement process and reserves the right to cancel the procurement process at any time.

[End Section 4.0]

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**Tender Information Memorandum (TIM): Framework Category Types 01 – 05:**

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**5.0 Framework Agreement 2024:**

**5.1 Framework Rules:**

- 5.1.1 The Framework Agreement 2024 will be issued to all candidates shortlisted for the HSE Design Team Services Framework(s) 2024.
- 5.1.2 The Framework Agreement 2024 shall be treated by the Tenderer/Framework participant as private and confidential.
- 5.1.3 The framework rules are set out clearly within the Framework Agreement 2024. It will be an absolute requirement of the Framework Participants to adhere to the rules which govern the HSE Design Team Services Framework 2024 which will include Key Performance Indicators (KPIs).
- 5.1.4 Should Framework Participants not adhere to these rules the HSE as the Contracting Authority (CA) will have the ability to remove such Framework Participants from the framework process for a defined period of time or permanently.
- 5.1.5 The Framework Agreement will be issued to the shortlisted candidates / tenderers.

[End Section 5.0]

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**Tender Information Memorandum (TIM): Framework Category Types 01 – 05:**

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**6.0 Formation of Framework 2024 - Tender Process for INITIAL Project:**

As detailed in Section 1.5, this Tender Information Memorandum document is updated to reflect the **Open Procedure** tender process for the establishment of the Frameworks 01 to 05 for the **HSE Capital & Estates Office Galway (West Region) (ONLY)** to include Galway/Roscommon IHA and Mayo IHA.

Any references in this document to *restricted procedure* is to be viewed as a discrepancy and should be appropriately viewed under the requirements for Open Procedure tender.

**6.1 The Process:**

- 6.1.1 The Estates office(s) as Contracting Authority (“CA”) has dispatched a notice to the Official Journal of the European Union for each tender process.
- 6.1.2 Candidates for each relevant design discipline by framework category type will have their respective Suitability Assessment Questionnaire (SAQ) assessed on a Pass:Fail basis as detailed.
- 6.1.3 Following the SAQ assessment, all tenderers who ‘Pass’ will have their respective Tender evaluated (Quality and Price). The preferred tenderer (first ranked) from the competition will be offered the initial project forming the framework and they and the next four (4) ranked tenderers will be placed on the framework. The next two (2) ranked tenderers will be nominated as ‘Reserve’ participants to the framework. These seven (7) ranked tenderers forming the framework will enter into a framework agreement contract with the CA. Where the 5th, 6th, 7th and/or 8th ranked participants have the same scores following the evaluation of tenders in which case such parties will be invited to join the Framework and, in such case, there will be no ‘Reserve’ participants.
- 6.1.4 The two (2) ranked ‘Reserves’ per design discipline per framework category are on hand in case one or more of the first five (5) participants are removed from the framework due to a significant failure in performance, insolvency, refusal to accept the next project in line with the rules outlined in this document, or a material breach of the framework rules. The Framework Agreement will clearly state the specific framework rules to which members must adhere.
- 6.1.5 For Note: The ‘Reserves’ will be awarded a place on the framework shortlist(s).
- 6.1.6 Once a framework(s) is formed, subsequent capital projects will be offered to the framework participants through a Call-Off (*Third Stage*) process using three different methods as follows which depend on the applicable framework category:
  - (a) Rotational,
  - (b) Cascade, and/or
  - (c) Mini competition.
- 6.1.7 The *Third Stage* process is described further on in this document.

**6.2 Framework Process relating to Awarding of Call-Off Projects (*Third Stage*):**

- 6.2.1 Call-Off projects will be provided through three (3Nr.) different processes as listed below. The choice of process will be determined by the framework category and the CA can at their absolute discretion choose to run a mini competition through the framework(s).

## Tender Information Memorandum (TIM): Framework Category Types 01 – 05:

- (a) **Rotational:** this process will be used for all services delivered through Framework Category 01: Minor Capital Works – project value €0M - €1M ex. VAT due to the high volume of projects within this framework type.
- (b) **Cascade:** this process will be used for all works delivered through the other four (4Nr.) framework (Framework Category 02 – 05 inclusive).
- (c) **Mini competition:** HSE reserves the absolute right at any time to run a **mini competition** for any/all framework types and design disciplines.

### 6.3 Rotational (Framework Category 01):

6.3.1 For Framework Category 01 subsequent projects to the initial project forming the framework(s) will be awarded on a **rotational basis** to the next ranked framework participant. Refusal by the 'rotational' framework participant to accept the next project occurring will result in one or more of the following outcomes:

- (a) Rotation to the next framework participant,
- (b) Suspension of the framework participant if HSE is of the view that the refusal was illegitimate or in bad faith and/or,
- (c) Running a mini competition tender.

6.3.2 Where contracts are awarded on a **rotational basis**, the intention is that each participant will be awarded a minimum amount of work corresponding to a particular monetary fee value excluding VAT before there is rotation to the next participant. This is in order to promote more balanced distribution of contracts by value. The threshold value (€) will be made up of an accumulative number of awards (not the outturn value of the commission). This will apply for example where the rotational top Architectural company is in line for a very low value call-off project or that they are only required to provide one or a number of sub-consultancy services (not architectural) amounting to one or two commissions which are cumulatively below the threshold value. This rule is included to be fair and equitable to that company. Where a company exceeds the threshold, they will automatically, through the rotational process, drop to the bottom of the list. This process will be monitored and managed by the Estates office(s) and overseen by Capital & Estates Corporate office.

6.3.3 The following tables denotes the threshold value (€) of consecutive projects allowable before a company will rotate to the bottom of the framework list.

Table Nr. 4: Value (€) Thresholds associated with rotation:

|   | Principal Service Provider          | Value (€)<br>ex. VAT |
|---|-------------------------------------|----------------------|
| 1 | Architect**                         | 100,000              |
| 2 | Quantity Surveyor                   | 70,000               |
| 3 | Building Services Engineer          | 70,000               |
| 4 | Civil / Structural Engineer         | 70,000               |
| 5 | Fire Safety Consultant              | 30,000               |
| 6 | Project Supervisor Design Processor | 30,000               |
| 7 | Employer's Representative           | 30,000               |
| 8 | Energy Efficient Design Facilitator | 30,000               |
| 9 | Assigned Certifier                  | 30,000               |

\*\* denotes a Principal Service Provider with associated named Specialist Skills Providers.

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**Tender Information Memorandum (TIM): Framework Category Types 01 – 05:**

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**6.4 Cascade (Framework Categories 02 – 05 inclusive):**

- 6.4.1 For Framework Categories 02 – 05 inclusive subsequent projects to the initial project forming the framework will be awarded on a **cascade basis** to the top ranked framework participant in every instance. Only where the top ranked framework participant refuses the project offered (for whatever reason) or is in breach of the framework rules will the next framework participant be offered the project.

**6.5 Mini Competitions:**

- 6.5.1 Where the Contracting Authority utilises their right under the Framework Agreement 2024 to run a **mini competition** in lieu of the rotation or the cascade processes, the mini competition can be run for:
- a) A single discipline.
  - b) Multi disciplines or
  - c) All disciplines within a framework.

**6.6 'Drop Down' from higher value / Acute Frameworks:**

- 6.6.1 The HSE at its own discretion, shall use what it considers to be the relevant framework within the Frameworks 2024 categories if, in the CA's opinion, the complexity and associated risks of the proposed projects (i.e. Call-Off projects) so warrants (notwithstanding the project not falling within the value or complexity range of the framework category).

**6.7 IMPORTANT NOTE: Form of Tender + Pricing Document:**

- 6.7.1 The Form of Tender is the tenderer's fee proposal for the INITIAL project. The Form of Tender also requests that the tenderer submit daily rates for varying personnel type. Incomplete Form of Tenders may invalidate the Tenderer's submission for both the INITIAL project and membership of the Framework Shortlisting.
- 6.7.2 The Pricing Document is both a framework formation evaluation tool PLUS the information included in the document will be the Tenderer's fee for call-off projects from the framework(s). Tenderers are to complete the Pricing Document for the different percentage % value bands including the fee proposal for the INITIAL project. Failure to complete this document may invalidate the tenderer's submission for both the INITIAL project and membership of the Framework Shortlisting. The Pricing Document must be signed and witnessed.
- 6.7.3 The Form of Tender will take precedence over the Pricing Document where there are discrepancies between the two documents (i.e. the fee proposal for the INITIAL project and the daily rates). Where discrepancies occur the Tenderer will be informed through a Clarification Point Request (CPR) process prior to the CA amending the tenderer's Pricing Document.

**6.8 Design Team Services Fees:**

- 6.8.1 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.
- 6.8.2 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.
- 6.8.3 In the main, framework design team fees will be formed on a percentage (%) basis with the exception of band 01 of Framework Category Type 01 - Minor Capital Frameworks projects with a capital build cost of less than €100k where tendered Daily Rates will apply exclusively. Refer Section 6.8 of this document.

## Tender Information Memorandum (TIM): Framework Category Types 01 – 05:

- 6.8.4 Where the ITT mentions ‘*hourly rates*’ this shall be read as ***daily rates***.
- 6.8.5 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.
- 6.8.6 Subject to sub-clause 6.7.3, Daily Rates will also apply to all Framework Category Types and 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. Refer Section 6.8 of this document.
- 6.8.7 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.
- 6.8.8 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.
- 6.8.9 Architectural Design Team tenderers are referred to Section 4.9 ‘*Integrated Architect 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.
- 6.8.10 In all cases a Value for Money review will be conducted by the CA on design team fees prior to contracting with the consultant.
- 6.8.11 Design Team Fees will be subject to the ‘*indexation of Fees*’ as advised by the Office of Government Procurement (OGP).
- 6.8.12 Percentage (%) Design Team Fees and Daily Rates will be in operation for the framework duration and subject to sub-section 6.7.7 above if applicable.
- 6.8.13 Any changes to the contract prior to the designated date for the competition will be applied to the competition and the project.
- 6.8.14 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 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:** The Daily Rates provided by the Tenderer for the INITIAL project specific value band will be the Daily Rates for all the other value bands within the framework category type.
- Note2:** Regarding Architects as Principal Service Providers and in particular their named Specialist Skills Providers, their Form of Tender will include for separate

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**Tender Information Memorandum (TIM): Framework Category Types 01 – 05:**

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percentage (%) DT Fees and Daily Rates for both the Architects as Principal Service Provider and their named Specialist Skills Providers.

- 6.8.15 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.
- 6.8.16 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.
- 6.8.17 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.
- 6.8.18 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.
- 6.8.19 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.
- 6.8.20 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.
- 6.8.21 In all cases tendered Design Team Fees proposed are exclusive of VAT.
- 6.8.22 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) decimal 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.

## 6.9 The Framework Categories band values:

### 6.9.1 Framework Category Type 01 (Minor Capital Framework less than €1M):

- (a) Less than €100K – Tendered Daily Rates apply.
- (b) €100K to €500K - Tendered % fee.
- (c) €500K to €1M - Tendered % fee.
- (d) Where the scope of service being sought does not align with standard scope of services as defined within the TR, the HSE has the option to use the Tendered Daily Rates where it is considered this offers best value for money, and the value for money aspect can be clearly demonstrated.

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**Tender Information Memorandum (TIM): Framework Category Types 01 – 05:**


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**6.9.2 Framework Category Types 02 + 03 (Acute & Non-acute €1M - €15M):**

- (a) €1M to €5M - Tendered % fee.
- (b) €5M to €10M - Tendered % fee.
- (c) €10M to €15M - Tendered % fee.
- (d) Where the scope of service being sought does not align with standard scope of services as defined within the TRs, the HSE has the option to use the Tendered Daily Rates where it is considered this offers best value for money, and the value for money aspect can be clearly demonstrated.

**6.9.3 Framework Category Types 04 + 05 (Acute & Non-acute €15M - €60M):**

- (a) €15M to €30M - Tendered % rate.
- (b) €30M to €45M - Tendered % rate.
- (c) €45M to €60M - Tendered % rate.
- (d) Where the scope of service being sought does not align with standard scope of services as defined within the TRs, the HSE has the option to use the Tendered Daily Rates where it is considered this offers best value for money, and the value for money aspect can be clearly demonstrated.

**6.10 Public Works Contracts:**
**6.10.1 The main public works contracts being utilised for these frameworks are:**

- (a) PW-CF1 (Building Works designed by the Employer) for projects of construction value greater than €1M.
- (b) PW-CF6 (Public Works, Short Form of Contract) for projects of construction value less than €1M, where there is no requirement for direct tendering of Reserved Specialists and no mandatory production of a fully measured Bill of Quantities.

6.10.2 However, the CA reserves the right to use other forms of public works' contracts and construction contracts.

**6.11 Framework 2024 Evaluation Teams:**

6.11.1 The CA will establish technical evaluation teams to evaluate each framework and their design discipline independently. Evaluation team members will 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. This applies to both the SAQ and the tender evaluation.

**6.12 Clarification of Information:**

6.12.1 After the closing date of the tender stage, 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 material supplied must be strictly to corroborate material already provided in the original submission.

**6.13 Post Tender Clarifications:**

6.13.1 At the discretion of the Contracting Authority, tenderers may be invited, in writing, to clarify certain aspects of their tender, particularly where information or documentation to be submitted

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**Tender Information Memorandum (TIM): Framework Category Types 01 – 05:**

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appears to be incomplete or erroneous. However, all such requests will be made in full compliance with the principles of equal treatment and transparency and avoid any distortion of competition.

- 6.13.2 Responses to requests for clarification must not materially change any of the elements of the tenders submitted and the Contracting Authority will not accept any additional submissions, other than clarifications, as part of that process. Tenderers who do not provide the clarifications sought within a specified time period of receipt of such a request via email/eTenders from the Contracting Authority may be excluded from the competition. No unsolicited communications from tenderers will be entertained during the evaluation period.

6.14 Ambiguity in documentation:

- 6.14.1 If a Tenderer becomes aware of any ambiguity, discrepancy, error, or omission in or among these Instructions, it must immediately notify the Contracting Authority's contact person, even after the time for submitting queries has expired.
- 6.14.2 Responses to queries will relate solely to this competition and will not be part of the Framework Agreement or any 'Call-Off' Contract; unless the CA at their own discretion decides that amendments / supplemental information is required to the contract documents.

6.15 General Data Protection Regulations (GDPR):

- 6.15.1 Tenderers, as part of their submissions in relation to the formation of frameworks under this process and/or 'Call-Off' tenders, must provide personal CVs for management, senior personnel, specialists, and supplemental staff as relevant to the criteria for each competition. In doing so, Tenderers are confirming that those whose personal data is provided by them have consented to the issuing of such data by the Tenderer to the CA, their Evaluation Teams and legal advisors, and the supplier of the etenders.gov.ie website for processing purposes for this Framework Formation competition and subsequent 'Call-Off' competitions.

**Note:** Tenderers are hereby notified that they have already provided this consent through signing Part2: Applicant Details & Declaration of QC1-Part-2 as part of the pre-qualification process.

6.16 Confidentiality:

- 6.16.1 This Tender Information Memorandum (TIM) and all accompanying documents for the prequalification, tender(s) and call-off processes shall be treated as private and confidential by the Applicant/Candidate/Tenderer, who shall not release details of this Tender Information Memorandum and/or any documentation associated with HSE Design Team Services Frameworks 2024, 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 proposals.

6.17 Amendments to and/or Clarifications to the Tender Information Memorandum (TIM):

- 6.17.1 If the CA is of the opinion that a clarification / amendment is required to be made to the Tender Information Memorandum (TIM - this document), 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 TIM and issue such additional information, at any time, notwithstanding the time periods stated for any process within the overall procurement processes forming this framework.

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**Tender Information Memorandum (TIM): Framework Category Types 01 – 05:**

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**6.18 Conflict of Interest:**

- 6.18.1 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.
- 6.18.2 Where a consultant or group of consultants propose to be on more than one team bidding for a competition, the relevant Applicants / Tenderers must provide a statement that they are aware of this multiple participation, and that it has been brought to the attention of all concerned.
- 6.18.3 The CA will then investigate the circumstances to see if this multiple participation could result in a distortion of competition. Where it is felt that competition may be distorted, the consultant (or group of consultants) will be informed of this and instructed that if it still wishes to participate in the competition, it must go forward on only a number of bidding teams considered appropriate by the Contracting Authority.
- 6.18.4 Any conflict of interest involving a tenderer (or tenderers in the event of a consortium bid) must be fully disclosed to the Contracting Authority.
- 6.18.5 Any registrable interest involving the tenderer and the Contracting Authority or employees of the Contracting Authority or their relatives must be fully disclosed in the tender submission or should be communicated to the Contracting Authority immediately upon such information becoming known to the tenderer, in the event of this information only coming to their notice after the submission of a bid and prior to the award of the contract.
- 6.18.6 Failure to disclose a conflict of interest may disqualify a tenderer or invalidate an award of contract, depending on when the conflict of interest comes to light

**6.19 Publicity:**

- 6.19.1 Tenderers shall not undertake (or permit to be undertaken) at any time, whether at this stage or after the award of the contract, any publicity activity with any section of the media in relation to this tender/agreement other than with the prior written consent of the Contracting Authority. Such consent shall extend to the content of any publicity. For the purposes of this paragraph, the word “media” includes (but is not limited to) radio, television, newspapers, trade and specialist press, the Internet and e-mail, accessible by the public at large and the representatives of such media.
- 6.19.2 The Contracting Authority will have the right to publicise or otherwise disclose to any third-party information regarding this process and the agreement.

**6.20 Compliance with the Terms and Conditions of the Framework Agreement:**

- 6.20.1 Admission to the Framework Agreement will be conditional upon acceptance of the Contracting Authority's Framework Agreement included in the tender pack to each of the prequalified candidates.

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**Tender Information Memorandum (TIM): Framework Category Types 01 – 05:**

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**6.21 Right to Novate Design Team Discipline Appointments to Design & Build Contractors:**

- 6.21.1 The HSE or relevant Framework Client reserves the right to novate the relevant Design Team Appointments on any project to a Design and Build Contractor who will assume full design responsibility.
- 6.21.2 In the event that a Technical Advisor is required to be appointed on any project under the Framework as a result of any such novation, the HSE or the relevant Framework Client reserves the right to award such Technical Advisor appointment to the next ranked Participant (under the cascade method) or by way of mini-competition in accordance with the rules set out in the Framework.

**6.22 Formatting of Tenders / Amending Tender Documentation:**

- 6.22.1 Tenderers must use the Tender Response Document, where this has been provided.
- 6.22.2 Tenderers are prohibited from amending any text or content of forms or declarations or templates provided as part of this tender competition in their tender responses. Where amendments have been identified, the Contracting Authority may at its discretion eliminate the tenderer from further consideration. Likewise, failure to use the template documentation provided particularly in relation to costing / pricing may result in tenders being eliminated.

**6.23 Collusive Tendering:**

- 6.23.1 If any tendering party is found to have, at any time, offered to give or to have agreed to offer or give to any person, any bribe, gift, gratuity, commission or consideration of any kind as an inducement or reward for taking or forbearing to take any action in relation to the obtaining of its tenders, or for showing or forbearing to show any favour or disfavour to any person in relation to its tenders, the bid submitted by such tendering party shall be automatically disqualified and the circumstances surrounding such action shall be referred to the appropriate authority.

**6.24 Anti-Competitive Conduct:**

- 6.24.1 Tenderers attention is drawn to the Competition Act 2002-2017 (the “2002 Act”). The 2002 Act makes it a criminal offence for tenderers to collude on prices or terms in a public procurement competition.

**6.25 Notification of Tender Evaluations:**

- 6.25.1 All tenderers will be informed of the outcome of their tenders following tender evaluation and any necessary clarifications.
- 6.25.2 Potential outcomes can be:
- (a) Establishment of framework.
  - (b) Award of contract.
  - (c) Letter to Unsuccessful Tenderers
  - (d) Decision not to proceed with the establishment of the framework which is a right that the CA reserves to exercise at its sole discretion.

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**Tender Information Memorandum (TIM): Framework Category Types 01 – 05:**

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**6.26     Right to Confirm Suitability:**

6.26.1 Tenderers should note that the Contracting Authority reserves the right to confirm that the financial and technical capacity of the tenderer is valid and unchanged prior to the establishment of the framework and award of any contract.

**6.27     Copyright:**

6.27.1 The Contracting Authority will have copyright ownership of any material developed for use by the Contracting Authority under the terms of this tender. The service provider may have a non-exclusive license to use such material but only for its own purposes (to be agreed with the successful tenderer).

**6.28     Freedom of Information:**

6.28.1 All responses to this Invitation to Tender will be treated in confidence and no information contained therein will be communicated to any third party without the written permission of the tenderer except insofar as is specifically required for the consideration and evaluation of the response or as may be required under law, including, but not limited to, the Freedom of Information Act 2014, EU and Irish procurement procedures, or in response to questions, debates or other parliamentary procedures in or of the Oireachtas (the Irish Parliament).

6.28.2 Tenderers are asked to consider if any of the information supplied by them in response to this invitation to tenders should not be disclosed because of its sensitivity. If this is the case, tenderers should specify the information that is sensitive and the reasons for its sensitivity. The Contracting Authority cannot guarantee that any information provided by tenderers, either in response to this tender or in the course of any contract awarded as a result thereof, will not be released pursuant to the Contracting Authority's obligations under law, including the Freedom of Information Act 2014, or to those under EU and Irish government procurement rules. The Contracting Authority accepts no liability whatsoever in respect of any information provided which is subsequently released, or in respect of any consequential damage suffered as a result of such disclosure.

**6.29     Changes in Legislation:**

6.29.1 As a condition of award, it shall be the sole responsibility of the tenderer (in the event of success in this competition) to fulfil the obligations under the contract/framework, notwithstanding any changes in circulars, laws, regulations, taxation, duties or other factors which might arise as a result of the United Kingdom having ceased to be a member of the European Union.

**6.30     Key Account Manager:**

6.30.1 The Contracting Authority requires Tenderers to nominate a dedicated Key Account Manager who will act as the main point of contact for the duration of the Framework. This Key Account Manager is to be named in the Resource Allocation Schedule (RAS) to be completed as part of the Tenderer's tender submission.

6.30.2 The Key Account Manager may also be the Design Discipline's Project Lead also to be named in the RAS but the duties of the Key Account Manager will not be billable to the framework, INITIAL project or any subsequent call-off projects.

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**Tender Information Memorandum (TIM): Framework Category Types 01 – 05:**

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6.30.3 The Key Account Manager shall have the authority to deal with all matters in relation to contracts and be responsible for the satisfactory delivery of the services required. The duties of the contract manager will include the following:

- (a) Overall responsibility for a good working relationship with the Contracting Authority;
- (b) Provide regular reports on performance as agreed with the Contracting Authority;
- (c) Meet as and when required to review and examine performance;
- (d) Deal with disputes, complaints or concerns that cannot be adequately resolved;
- (e) Proactively discuss with the Contracting Authority ways of improving efficiency regarding service delivery in general and providing suggestions for improvement and cost savings.

6.31 Resource Allocation Schedule:

6.31.1 The Resource Allocation Schedule is an important document and each Tenderer will be required to complete it. The purpose/function of the RAS is to provide the CA with information to evaluate the Tenderer's understanding of the provision of their design consultancy services to the CA and the project plus listing the Tenderer's lead personnel and their proposed team for the project.

6.31.2 The RAS will require that the Tenderer name their own Project Lead for the project competition, the Key Account Manager, their prequalified and approved Named Management and Senior Personnel and their proposed team. CVs for the tenderer's proposed team (i.e., the supplemental staff only, refer Section 6.34 of this document for description) will be required as part of the Tenderer's tender submission.

6.31.3 The RAS will require that the Tenderer name their already approved Named Management and Senior Personnel as part of their proposed team.

6.31.4 The Project Lead shall be one of the approved Named Management Personnel.

6.32 Reliance on Entities / Collateral Warranties:

6.32.1 Depending on the structure of the Tenderer and their reliance on other entities to secure their place on the framework, the Tenderer and their entities being relied upon shall provide to the CA as part of their tender response for all competitions including this INITIAL project competition forming the framework the following model forms duly completed and as relevant to the tenderer. Refer Sections 4.6, 4.7 and 4.8 of this document also.

- (a) MF2.9 Reliance Guarantee where the Tenderer has relied on the entity for financial or economic standing criteria.
- (b) MF2.10 Reliance Warranty where the Tenderer has relied on the entity for technical competency criteria.

**Note1:** As it pertains to the circumstances of each of the Framework Participants please note that the CA will require copies of MF2.9 and MF2.10 for each of the call-off projects from the framework(s) and where the entities relied upon have not been substituted this will be a copy of the original signed and authorised form. Where the structure of the Framework Participant(s) is altered and the Framework Participant through the substitution process is relying on other different entities to

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**Tender Information Memorandum (TIM): Framework Category Types 01 – 05:**

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approve their membership of the framework(s) then new corroborating forms will be required.

- 6.32.2 Collateral Warranties MF2.3 shall be executed for all Specialist Skills Providers and any other entity providing skills that the Principal Service Provider will be relying on to provide their service to the CA. Refer Section 4.6 of this document also.

6.33 Declarations:

- 6.33.1 The preferred tenderer for the INITIAL project and all of the qualifying shortlisted framework candidates will be required to provide the following at contract award stage / the formation of the framework stage and subsequent to the eESPD which would have been provided by the tenderer at prequalification stage:

- (a) MF-1.32 Declaration RE Regulations 57 of SI 284 of 2016<sup>1</sup> and
- (b) MF-1.33 Declaration Oath Still Valid.

- 6.33.2 Prior to the engagement of a Framework Participant for subsequent Call-Off, projects that Framework Participant will be required to provide the following:

- (a) MF-1.33 Declaration Oath Still Valid to corroborate their MF-1.32 is still valid so long as the MF-1.32 is dated within 12months of the framework Call-Off contract being signed.
- (b) MF-1.32 Declaration RE Regulations 57 of SI 284 of 2016<sup>1</sup> if the date of this document is 12months outside of the date of the framework Call-Off contract being signed.

6.34 Substitute Personnel for Named Management and Senior Personnel for the INITIAL project forming the framework(s) and during the tenure of the framework(s):

- 6.34.1 Tenderers are entitled to substitute their Named Management and Senior Personnel, with appropriately qualified personnel in line with the original competition forming the framework category type and design discipline (i.e., the criteria set for the prequalification process forming the framework(s)) and also during the tenure of the framework(s).

- 6.34.2 Tenderers are also entitled to substitute their Specialist Skills Providers whether in-house specialists within the Architect's firm or external consultants either at INITIAL project stage forming the framework(s) or during the tenure of the framework(s) by providing the information as requested at prequalification stage (refer Section 3 of the Project Information Memorandum (PIM)).

- 6.34.3 Substitution of the Named Management and Senior Personnel and sub-consultants (per sub-section 6.33.1 + 6.33.2 above) will be in accordance with the Instructions to Tenderers Clause 2.4 and the corresponding section in the '*Particulars*'. Candidates / Tenderers / Framework Participants must provide all relevant information to the CA by the required date stated within the '*Particulars*'. Following assessment by the CA of the information the Candidate / Tenderer / Framework Participant will be informed of the result of the assessment and if the CA concludes that the Candidate / Tenderer / Framework Participant would not have been invited to tender with the changed Named Management and Senior Personnel and/or sub-consultant, the Candidate / Tenderer / Framework Participant will not be permitted to make the change.

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**Tender Information Memorandum (TIM): Framework Category Types 01 – 05:**

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6.34.4 Appendix M: CV for Permanent Substitution of Named Management and Senior Personnel is provided in this tender pack should the Candidate require to change their named personnel from the framework formation process. The same document may be used during the period of the frameworks for substitution of personnel.

6.34.5 Candidates/Tenderers should be cognisant of the fact that substitute personnel **must** meet the minimum standards set for that personnel type at the framework formation process. Failure to provide suitably qualified substitute personnel may affect the candidate/tenderer in their admittance to the framework formation competition / engagement to contract on a framework Call-Off project.

6.35 Supplemental Personnel:

6.35.1 Description of Supplemental Staff are those personnel included on a Candidates/Tenderers team other than the already approved Named Management and Senior Personnel for that Candidate/Tenderer. Additionally for Architects this also means their Specialist Skills Providers whether they are external consultants or in-house specialists to them.

6.35.2 Supplemental Staff are those personnel forming the tenderer's proposed team other than the already approved Named Management and Senior Personnel.

6.35.3 Appendix M1: CV for Supplemental Personnel is provided in this tender pack and should be used by the Candidates/Tenderers for:

- (a) Specialist Skills Providers (external sub-consultant or in-house specialist to the Architect).
- (b) Any other personnel as part of the Candidate's/Tenderer's team and as mentioned in the Resource Allocation Schedule.

6.36 Substitution of Specialist Skills Providers as part of the Integrated Architects Team (IAT):

6.36.1 Should the Architect as Principal Service Provider require to substitute any of their Specialist Skills Providers who have been registered to them on a framework category type, the Architect must request this change of specialist to the CA prior to this INITIAL project competition forming the framework or any future framework call-offs and must provide to the CA the information for that specialist in accordance with the requirement of Section 3 of the *Project Information Memorandum* document that formed part of the prequalification information for the formation of the framework and Appendix D: Letter of Undertaking from Entity being relied upon.

6.36.2 The CA must be informed by the Architect as Principal Service Provider of any proposed substitution of Specialist Skills Providers in accordance with ITT Clause 2.4 Prequalification and the directions in the relevant clause in the '*Particulars*' entitled *Change of Sub-consultants [Instructions Section 2.4]*. With regard to Call-off projects by rotational or cascade processes the CA must be informed in good time of any proposed substitution to Specialist Skills Providers **and** before any submission of tenders for the framework call-off project. In relation to mini-competition call-offs the Architect as Principal Service Provider must abide by the directions in the ITT applying to that competition.

6.36.3 The Architect as Principal Service Provider / Framework Participant must advise the CA if their substitute Specialist Skills Providers is affiliated to any other Framework Participant across any of the Framework Category Types.

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**Tender Information Memorandum (TIM): Framework Category Types 01 – 05:**

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6.36.4 Regarding percentage (%) fees and Daily Rates for the substituted Specialist Skills Providers, it will be understood by both the CA, the Architect company as Framework Participant and the substituted Specialist Skills Provider that the original percentage (%) fees and Daily Rates applying to the previous Specialist Skills Provider will apply to the new substituted Specialist Skills Provider.

6.37 Joint Ventures / Consortia:

6.37.1 Where, through the prequalification process, the Tendering Entity is a consortium or joint venture and now or during the tenure of the framework one or more of the companies/personnel forming the consortium/joint venture is required to be substituted then they shall advise the CA in writing and provide information relating to the new member(s) of the consortium/joint venture. This information must be in accordance with the prequalification criteria for the forming of the framework and where the consortium/joint venture was relying on the financial and/or technical abilities of the previous member then the new proposed member must meet the financial and/or technical abilities of the previous member.

6.37.2 **Note:** The CA must be informed of such a scenario in good time and before any submission of tenders for framework call-off projects so that they may evaluate and advise the Framework Participant of their status on the framework. It is the responsibility of the Framework Participant to provide a suitably qualified new proposed member of the consortium/joint venture.

[End Section 6.0]

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**Tender Information Memorandum (TIM): Framework Category Types 01 – 05:**

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**7.0 Evaluation of Submissions forming Framework 2024 and Awarding of the INITIAL project:****7.1 The Process:**

7.1.1 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 provide 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.

7.1.2 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.

7.1.3 Both Quality and Price Criteria are included in the ITT.

**7.2 Quality Criteria and Marking System:**

7.2.1 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.

7.2.2 Additionally, the Architect as Principal Service Provider must respond to one (1) additional quality criteria as part of their tender submission (refer ITT) and they must also include a response for each of the Specialist Skills Providers that are part of their IAT. 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.

7.2.3 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.

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

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**Tender Information Memorandum (TIM): Framework Category Types 01 – 05:**

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**7.3      Price Criteria and Marking System:**

- 7.3.1      The Price Criteria are detailed in the ITT '*Particulars*' including their maximum marks. The Price 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.
- 7.3.2      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.

[End Section 7.0]

## Tender Information Memorandum (TIM): Framework Category Types 01 – 05:

### 8.0 Documentation Index:

8.1 Note that the following is a non-exhaustive list and the HSE may require additional information or documents at Call-Off stage)

8.2 Documentation Index – Table Nr. 5:

Table Nr. 5: Documentation Index (full list of Tender Documentation):

| Document Reference / Title |                                                                                                                                                                          |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.                         | Contract Notice (already issued).                                                                                                                                        |
| 2.                         | Invitation Letter.                                                                                                                                                       |
| 3.                         | Tenderer's Document Checklist (to assist Tenderer in providing a complete tender submission).                                                                            |
| 4.                         | Framework Agreement 2024.                                                                                                                                                |
| 5.                         | Tender Information Memorandum (TIM); this document.                                                                                                                      |
| 6.                         | Instructions to Tenderers – Open Procedure – where hourly rates are to be tendered.                                                                                      |
| 7.                         | Form of Tender (Tender & Schedules).                                                                                                                                     |
| 8.                         | Pricing Document.                                                                                                                                                        |
| 9.                         | Resource Allocation Schedule.                                                                                                                                            |
| 10.                        | Sample Technical Requirements & Scope of Services plus associated documents as listed:                                                                                   |
| 11.                        | Specific Project Information.                                                                                                                                            |
| 12.                        | HSE Capital & Estates Organisational Information Requirements (OIR).                                                                                                     |
| 13.                        | HSE Capital & Estates Asset Information Requirements (AIR).                                                                                                              |
| 14.                        | HSE Capital & Estates Information Management Plan – Appointing Party.                                                                                                    |
| 15.                        | HSE Capital & Estates Information Management Plan – Organisational.                                                                                                      |
| 16.                        | HSE Capital & Estates File Naming Convention.                                                                                                                            |
| 17.                        | HSE Capital & Estates O&M – Warranty Contracts – Data Load Template.                                                                                                     |
| 18.                        | HSE Capital & Estates Safety File Template.                                                                                                                              |
| 19.                        | HSE Capital & Estates Indoor Environmental Conditions & Natural Ventilation Building Guidelines.                                                                         |
| 20.                        | HSE Capital & Estates Energy Efficient Design and Net Carbon Zero Design Process Guidance.                                                                               |
| 21.                        | Project Information Pack to include Outline Brief, Schedule of Accommodation, Site Information, etc.                                                                     |
| <b>Appendices:</b>         |                                                                                                                                                                          |
| 22. MF-1.32                | Declaration RE Regulations 57 of SI 284 of 2016 <sup>1</sup> and                                                                                                         |
| 23. MF-1.33                | Declaration Oath Still Valid                                                                                                                                             |
| 24. Appendix D:            | Letter of Undertaking from Entity being relied upon (required if the Architect wishes to substitute any of their Specialist Skills Providers (external sub-consultants). |
| 25. MF-2.9                 | Reliance Guarantee.                                                                                                                                                      |
| 26. MF-2.10                | Reliance Warranty.                                                                                                                                                       |

[End Section 8.0]

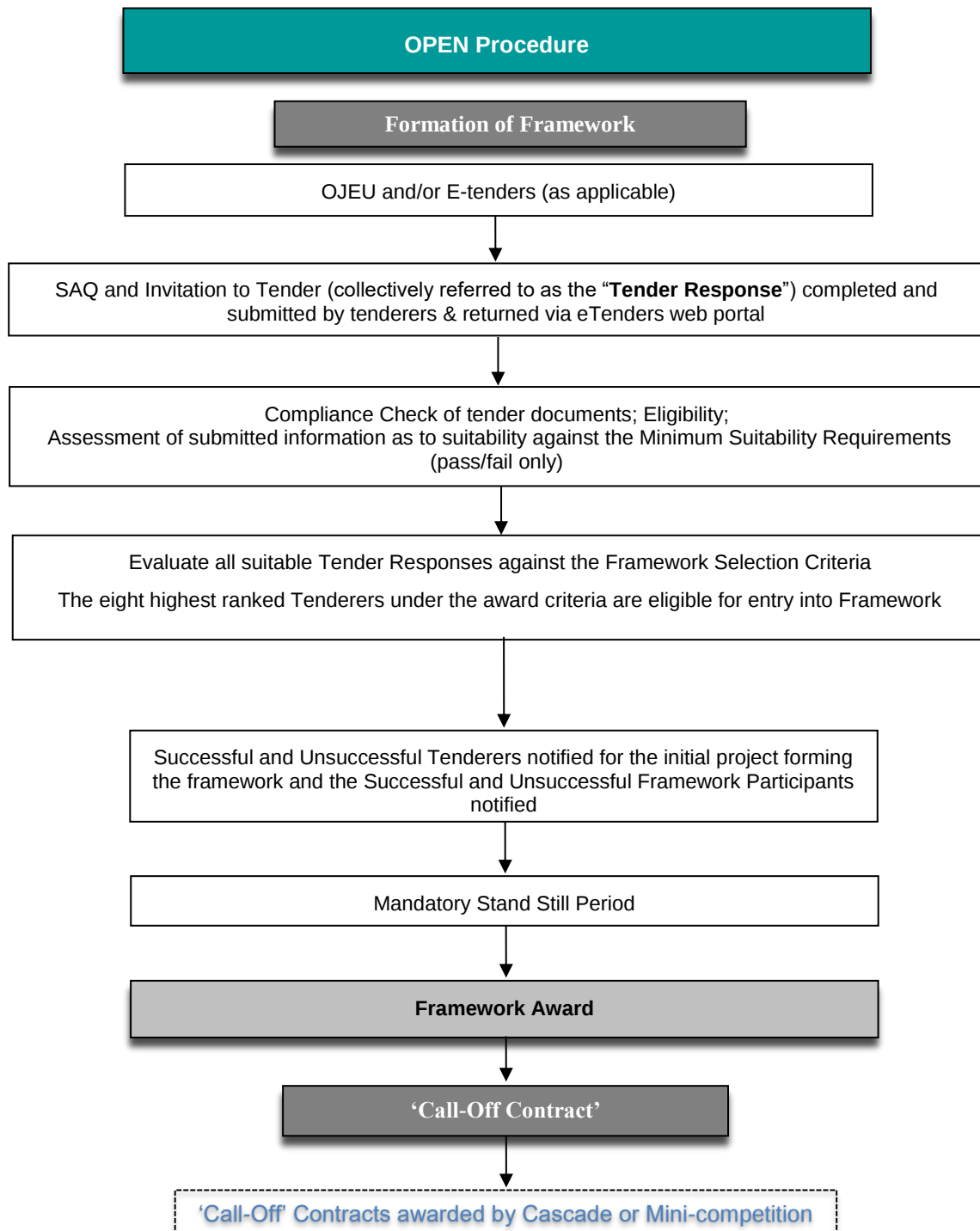
## Tender Information Memorandum (TIM): Framework Category Types 01 – 05:

### 9.0 Restricted & Open Procedure Process Flow Chart for HSE DT Services Framework – 4. GALWAY

9.1 Restricted Procedure Process Flow Chart for Initial Project and forming the Framework: - N/A

9.2 Open Procurement Flowchart for Initial Project and forming the Framework:

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



[End Section 9.0]

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**Tender Information Memorandum (TIM): Framework Category Types 01 – 05:**

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**10.0 Payment Mechanism:****10.1 Invoicing:**

- 10.1.1 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](mailto:vendorinvoices@hse.ie).
- 10.1.2 Withholding Tax shall be deducted from all payments as is required and dependent on the Framework Participant.
- 10.1.3 **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).
- 10.1.4 The invoice should contain at a minimum the following details:
- (a) The name and address of the Service Provider.
  - (b) An invoice number (that of the Service Provider).
  - (c) An invoice date (please note that the date should be the date of issue to the HSE Payment Section).
  - (d) An official Purchase Order Number (provided by the CA).
  - (e) The Service Provider's VAT Registration Number.
  - (f) The design team discipline (for clarity).
  - (g) The Framework Category Type.
  - (h) The name of the project.
  - (i) 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.
  - (j) VAT percentage and monetary value as a separate figure to the net value of the service and totalled.
- 10.1.5 **Note1:** Each CWMF project stage fee is independent of each other and interim payments are solely for the project stage to which they apply.
- 10.1.6 **Note2:** Generally withholding tax will be deducted from the invoice and the Service Provider will be paid the balance of the invoice amount.
- 10.1.7 **Note3:** For clarity percentage (%) Design Team Fees and Daily Rate will be inclusive of all profit, costs including travel and subsistence.
- 10.1.8 **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.

[End Section 10.0]