Health Service Executive

OPEN PROCEDURE
SUITABILITY ASSESSMENT QUESTIONNAIRE ("SAQ")
Employer's Representative 2025 for HSE Capital works projects

Issue Date	As per etenders
Contracting Authority	Health Service Executive
Principle Services Required	Multi-Party Framework Agreement for Employer's Representative 2025 for Capital works projects
No. to be Appointed to Framework	Eight (8)
Project Type	HSE West health region (IHA Galway/Roscommon & IHA Mayo) FW05: Non-Acute Capital Works – Project Value €15M - €60M excluding VAT
Closing Date for Queries on this SAQ	As per etenders
Closing Date for Submission of Completed SAQ Submission	As per etenders
Contact for Queries	Through www.etenders.gov.ie
Format for submission of SAQ Submission	Via www.etenders.gov.ie only
IMPORTANT NOTE	
Please note that information relating to SAQ, including clarifications and changes, will be published on *www.etenders.gov.ie*. Registration is free of charge and there is no charge for documents. Please note that the Contracting Authority accepts no responsibility for information relayed (or not relayed) via third parties.	
The Contracting Authority has provided the SAQ Appendices for Tenderers to complete and submit as part of their response to this SAQ. These documents and format must be used for an Tenderer's SAQ Submission. A failure to use the SAQ Appendices may result in an Tenderer's Response being rejected as non-compliant.	

Preface

The Health Service Executive is making this document available to interested parties for tendering purposes only. These documents must not be used for any other purpose. The documents do not constitute, and shall not be interpreted as, an offer for sale, prospectus or the basis of a contract. No contractual rights, express or implied, arise out of the procedures set out in these documents.

In no circumstances shall the Contracting Authority, its advisers, consultants, servants and/or agents incur any liability or responsibility for the legality, validity, effectiveness, adequacy or enforceability of any documentation executed, or which may be executed, in relation to the services. The information does not purport to be comprehensive or to have been independently verified. Tenderers must make their own assessment of the adequacy, accuracy, and completeness of these documents. Any costs associated with the submission of a tender and any response to this Suitability Assessment Questionnaire ("**SAQ**") (an "**SAQ Application**") are the sole responsibility of the Tenderer and will not be reimbursed.

These documents are being made available by the Contracting Authority to potential Tenderers on the terms set out in these documents.

This SAQ should be read in conjunction with the Invitation to Tender (the "**ITT**") issued with this SAQ. Submitting an SAQ Application or submitting a tender in response to the ITT (collectively a "**Tender Response**") does not guarantee that the Tenderer will be admitted to the Framework Agreement. The Contracting Authority reserves the right to amend these documents, the requirements and any information contained herein at any time by notice, in writing, to Tenderers.

Nothing in these documents is, nor shall be relied upon as, a promise or representation as to the Contracting Authority's ultimate decision in relation to admission to the multiparty framework agreement (the "**Framework Agreement**") or award of any services contract pursuant to that Framework Agreement (a "**Call Off Contract**") for the services the subject of this procedure (the "**Services**"). However, the Contracting Authority reserves the right to take such steps as it considers appropriate, including (but not limited to):

- changing the basis of, or the procedures (including the timetable) relating to, the tender process;
- rejecting any, or all, of the tenders;
- not inviting an Applicant to proceed further;
- not furnishing an Applicant with additional information; or
- abandoning the procurement process.

The Contracting Authority is entitled to disclose to any person any information about this procurement process, including the identity of the Tenderers and details of their respective members, the Services, the tender process or the admission of Tenderers to the Framework Agreement or award of a Call-Off Contract (including, without limitation, details of the price) at any time.

If a Tenderer considers that information it supplies is commercially sensitive or confidential, this should be clearly stated and clear and substantive reasons should be given. Representations as to confidentiality or commercial sensitivity should give a time after which the information may be disclosed; this would not normally exceed 5 years.

The Contracting Authority will have regard to such a statement in considering a request for access to the information under the Freedom of Information Act 2014, but is not bound by the Tenderer's view.

All exchanges shall be kept confidential by the Tenderer and its advisors, consultants, contractors, servants and agents. Tenderers may also be asked to enter into undertakings of confidentiality should it become appropriate to release confidential information to them.

Irish law is applicable to this SAQ and the entire tender process. The Irish courts shall have exclusive jurisdiction in relation to any disputes arising from this SAQ, the ITT and the entire tender process.

Each Tenderer's submission of an SAQ Application and a Tender Response constitutes its agreement to, and acceptance of, the terms set forth herein.

1. Conduct of the Procurement Process

The procurement process is being conducted in one stage and Tenderer's are required to submit responses to this SAQ at the same time as a response to Invitation to Tender. The SAQ sets out minimum criteria which Tenderers are required to meet in order to permit their tender to be evaluated. The purpose of the SAQ is to obtain information to carry out a suitability assessment of Tenderers so as to establish if they should go forward to tender evaluation that may lead to admission to the Framework Agreement. Tenderers will be assessed on the basis of the rules and criteria set out in this SAQ and the ITT.

The ITT includes the award criteria and any associated rules and weightings aimed at identifying the most economically advantageous tenders.

1.1 Anticipated Timeline

The following indicative timeline is envisaged for this procurement:

Closing date for Queries on the SAQ and the Invitation to Tender	**As per etenders**
Closing Date for Submission	**As per etenders**

The dates provided above are estimates at the time of publication of this SAQ. The Contracting Authority will endeavour to run the process to this timetable, but this cannot be guaranteed. The Contracting Authority reserves the right, in its sole discretion, to extend the timelines identified above by giving notice in writing via **www.etenders.gov.ie** to Tenderers at any point.

1.2 Small & Medium Size Enterprises (SME) Participation

The HSE is committed to the participation of SMEs and 'Start-Up' entities in the HSE Framework for Employer' Representative 2025. To encourage their participation, please refer to details at Section 1.6 of Project Information Memorandum (PIM) and criteria within the document relating to 'Start-Up' companies. For further details and alternative evidence permissible please refer to the individual criteria for details.

2. INSTRUCTIONS TO TENDERERS

The Contracting Authority is using the open procedure therefore, while the Tenderers may submit a response to the ITT , only those demonstrating that they meet the requirements set out in this SAQ will have their response to the ITT evaluated.

A person or entity (or group of persons) who submits a Tender Response is referred to as the "Tenderer".

It is the responsibility of Tenderers to log on to www.etenders.gov.ie regularly to ensure that they are aware of any new activity and should not rely solely on email notifications from the Contracting Authority via www.etenders.gov.ie. All Tenderers should include noreply@eu-supply.com in their spam filters (if they use a filtering tool) in order to receive notifications. The Contracting Authority shall have no liability in respect of a Tenderer not receiving email notifications or any failure on the part of a Tenderer to regularly check **www.etenders.gov.ie.**

In the event of any discrepancy or conflict between the documents such discrepancy or conflict will be resolved by the Contracting Authority in its absolute discretion.

2.1 Queries

All queries regarding this SAQ should be through the questions and answers facility on **www.etenders.gov.ie**. Please submit queries as soon as possible and before the closing date for queries.

In circulating responses, queries may be edited to avoid disclosing the identity of the querist and will be circulated to all parties who have expressed an interest in the procurement on the eTenders website.

It is the responsibility of the Tenderer to ensure that the correct incoming email address for the receipt of all electronic correspondence is stored on www.etenders.gov.ie. If the links are not working in any electronic correspondence (due to internal firewalls or IT security), Tenderers should log in directly via the www.etenders.gov.ie portal to view any new activity.

2.2 Submission of an Application

The Contracting Authority is using the tender post-box facility and relevant documents must be submitted electronically via the eTenders post-box facility on **www.etenders.gov.ie** only. Only a Tender Response including an SAQ Application submitted to the electronic post-box will be accepted. Documents submitted by any other means (including but not limited to by email, post or hand delivery) will **not** be accepted.

Tenderers must ensure that they give themselves sufficient time to upload and submit all required SAQ Application documentation before the submission deadline. Tenderers should consider the fact that upload speeds vary.

To submit a document to the electronic post-box, please note that Tenderers must click "Submit Response". After submitting Tenderers can still modify and re-send their submission up until the response deadline. Tenderers should be aware that the 'Submit Response' button will be disabled automatically upon the expiration of the response deadline.

Tenderers who are not familiar with uploading on eTenders should ensure they familiarise themselves with the process prior to the submission deadline.

2.3 Closing date for submission of SAQ

It is the responsibility of the Tenderer to ensure that their SAQ Application is complete and is uploaded and submitted by the designated deadline for the Tender Response.

2.4 Completing the SAQ

Tenderers are invited to submit a completed SAQ in accordance with the instruction contained in this SAQ and any contained within the Project Information Memorandum. SAQ Applications will be assessed in accordance with the selection criteria set out in Section 3 of this SAQ. Submitting an SAQ Application does not guarantee that the Tenderer will have their ITT response assessed as part of this procurement process.

When completing the SAQ, Tenderers should note the following conditions:

All questions must be completed in full and without reference to other documents or other parts of the SAQ Application. Failure to submit a complete response or failure to comply fully with the instructions in this document in any way may result in the SAQ Application being rejected as non-compliant.

All questions should be answered with relevance to the subject matter of this procurement process and must address the question asked. For the avoidance of doubt, it is emphasised that the information requested in the SAQ is aimed solely at determining the suitability and choice of the Tenderer.

All Tenderers must respond to this SAQ by completing and submitting the relevant documents issued with this SAQ.

The SAQ and the appendices must be completed in English or Irish and, where copies of original documents are provided in languages other than English or Irish, a complete and accurate English translation should be provided or the documents will not be considered during the evaluation process. Abbreviations will only be accepted where the abbreviation is commonly used in the English or Irish language. Words must be clearly separated by a space and have a font size no smaller than equivalent to 11 pt Arial. Answers failing to meet this standard may result in the Application being rejected.

A Tenderer based outside of Ireland is requested to answer any of the questions in the SAQ documents issued with this SAQ that specifically refer to Irish legislation by substituting, where relevant, the appropriate legislation or code of practice which is equivalent and applicable in its domestic jurisdiction.

All financial information should be denominated in euro (€), except where financial information is being provided in a certified or audited supporting document such as a set of financial statements in which case it is sufficient for the information to remain in its original currency.

Failure to provide a sufficient level of detail or to explain adequately any relevant matters may result in such data or information not being taken into account during the evaluation process. However, unless specifically requested in the SAQ, additional information, beyond that typed in the text boxes, will not be assessed. No general marketing or promotional material from any member of the Tenderer, either in answer to any of the questions or for any other reason, should be included.

Tenderers are directed to the relevant provisions of this SAQ document and the PIM in respect of submissions from groupings, consortia or joint ventures.

2.5 Collusion

If any Tenderer 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.

Tenderers are strictly prohibited from discussing any aspect of their SAQ Application and Tender Response with other Tenderers or otherwise exchanging information or colluding in respect of this procurement process. Any Tenderer that fails to comply with this requirement may be disqualified from this procurement process.

2.6 Clarification of SAQ Submissions

The Contracting Authority is entitled, but not obliged, to seek clarification of SAQ Applications in the course of the evaluation process. The Contracting Authority will not be obliged to seek clarification where any of the essential pass requirements set out in the SAQ and the PIM a have not been met.

The Contracting Authority shall be entitled to take all reasonable steps and make all reasonable enquiries to check information included in the Application or regarding any supporting evidence, including contacting referees.

2.7 Interference and Inducement to Purchase

Any effort by a Tenderer to unduly influence the Contracting Authority, relevant agency personnel or any other relevant persons or bodies in the process of examination, clarification, evaluation and comparison of submissions in this procurement process and in decisions concerning the admission of a Tenderer to the Framework Agreement shall have their Tender Response rejected. The presumptions (including as to any gift, consideration or advantage) and other provisions under the Criminal Justice Act 2018, and all other measures for the time being governing the subject-matter in any applicable jurisdiction, shall be applicable.

2.8 Conflict of Interest

Any conflict of interest involving a Tenderer (or any consortium member in the event of a consortium bid) must be fully disclosed to the Contracting Authority. 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 SAQ Application or should be communicated to the Contracting Authority immediately upon such information becoming known to the Tenderer. 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.

2.9 Publicity

Tenderers shall not undertake (or permit to be undertaken) at any time any publicity activity with any section of the media in relation to this procurement process, the Framework Agreement or any Call-Off Contract 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.

The Contracting Authority will have the right to publicise or otherwise disclose to any third-party information regarding this process and the agreement.

2.10 Freedom of Information

All SAQ Applications and Tender Responses 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).

Tenderers are asked to consider if any of the information supplied by them in response to this SAQ 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 in the relevant part of the Application. The Contracting Authority cannot guarantee that any information provided by Tenderers, either in response to this SAQ or in the course of any contract awarded as a result of this procurement process, 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.

3. EVALUATION OF SAQ APPLICATIONS

SAQ Applications will be evaluated in accordance with the selection criteria and minimum requirements specified in this document.

SAQ Applications will be opened in a closed meeting after the submission deadline in the presence of such persons as the Contracting Authority, at its absolute discretion, considers appropriate. Tenderers will not be present at the opening of SAQ Applications.

The Contracting Authority will evaluate Applications in two phases as set out below:

Phase 1: Completeness/compliance check;

Phase 2: Evaluation of pass/fail responses.

Tenderers must ensure that all information included within their SAQ Application is accurate. The inclusion of information that is found to be false or misleading will result in the Tenderer's exclusion from this procurement process.

Completeness and Compliance Check

In the first instance, SAQ Applications will be subject to a check for completeness to ensure that all Tenderers have provided a complete and compliant response to all questions and requirements contained in this SAQ document and have submitted all necessary supporting documentation, where required.

A Tenderer who has not provided a complete response in accordance with the requirements of the PIM and SAQ document may be eliminated from this procurement process unless the Contracting Authority considers, in its reasonable opinion, that the incompleteness or lack of compliance is clerical, administrative or otherwise minor in nature. The Contracting Authority reserves the right to allow Tenderers to complete their SAQ Application in these circumstances.

Tenderers whose SAQ Applications are considered to be complete will proceed to be assessed against the pass/fail requirements set out in SAQ.

Assessment Scheme

Pass/fail questions will be evaluated on the information provided by Tenderers in their SAQ Applications. Only Tenderers whose SAQ Applications are considered to have passed these criteria will proceed to have their responses to the ITT assessed.

The table below summarises the assessment criteria that will apply to your services provision, what you are required to submit in response to each criterion and how the criteria will be assessed. The Particulars set out whether the criteria will be assessed on a pass/fail or pass/fail plus qualitative basis. Where a criterion requires documentary evidence to be submitted, the relevant criterion will set out the extent of documentation and how it should be submitted.

No.	Requirement/Criterion	Response	Evaluation	Marks available (If Applicable)	Pass Mark (if applicable)
3.1	Declaration as to Personal Circumstances of Tenderer	Declaration Required	Pass/Fail	N/a	N/a
3.2	**Evidence of Economic and Financial Standing**				
3.2a	Evidence of Turnover	Evidence Required	Pass/Fail	N/a	N/a
3.2b	Other Financial/Economic Information/References'	Evidence Required	Pass/Fail	N/a	N/a
3.2c	Professional Indemnity Insurance'	Evidence Required	Pass/Fail	N/a	N/a
3.2d	Public Liability Insurance'	Evidence Required	Pass/Fail	N/a	N/a
3.2e	Employer's Liability Insurance	Evidence Required	Pass/Fail	N/a	N/a
3.3	**Evidence of Technical Capability**				
3.3a & 3.3.1a	Educational and Professional Qualifications (Management)	Evidence Required	Pass/Fail	N/a	N/a
3.3b & 3.3.1b	Educational and Professional Qualifications (Senior Personnel)	Evidence Required	Pass/Fail	N/a	N/a
3.3c	List Services of Similar Nature Provided over the past ten (10) Years	Evidence Required	Pass/Fail	N/a	N/a
3.3d	Measures for Ensuring Quality	Evidence Required	Pass/Fail	N/a	N/a

3.1. Suitability Assessment – Minimum Suitability Requirements for Employer's Representative

Declaration as to Personal Circumstances of Tenderer (Criterion 3.1):			
Declaration as to Personal Circumstances of Tenderer (Criterion 3.1):			
Response:	Required	**Assessment Type:**	Pass/Fail Only

Minimum Suitability Requirement:

The Tenderer shall provide:

1. The Declaration at Appendix A: *Declaration as to Personal Circumstances of the Tenderer* properly executed by the Tenderer in the presence of a practicing solicitor or Commissioner for Oaths in the last twelve (12) months. Tenderers from Ireland and the UK must provide a Declaration on Oath.

AND

2. European Single Procurement Document (**ESPD**). The eESPD is the electronic eTenders form to be completed online and submitted by the Tenderer through eTenders website.

In order to create an ESPD on etenders as an EO you can follow the below process:

From the top bar menu the EO must select "EO Administration" > "EO Management" > "ESPD". From this function the EO can create and fill in an ESPD, save and download it as a PDF so you can submit it with your other documents

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Evidence shall be the completed Appendix A and ESPD duly completed, signed and dated. The CA reserves the right to inspect the originals at any time if considered necessary.

All Members of a Consortium / Joint Venture (unless they are already a legal entity) and External Sub-Consultant(s) including those providing specialist skills (as noted in the PIM document) must separately provide the evidence as stated above.

Note: *Where there is no provision for a Declaration on Oath in other EU jurisdictions, the Tenderers must provide one of the alternatives referred to in the Directive appropriate to the jurisdiction concerned. In countries where a Declaration on Oath does not exist, the Tenderer can instead make a solemn declaration before a competent judicial or administrative authority, a notary or a competent professional or trade body in the Member State or country of origin or in the Member State or country where the economic operator is established. The Declaration can be a certified copy signed by either the Tenderer or a person authorised to sign on the Tenderer's behalf.*

Evidence of Economic and Financial Standing (and all sub-criteria as requested) (Criterion 3.2):

Note: Information under Criterion 3.2 (and associated sub-criteria 3.2a – 3.2e) must be provided by the Tenderer as indicated. If the Tenderer is a subsidiary, it must be provided by the Tenderer's parent company.

Criterion 3.2a: 'Evidence of Turnover':

Response:	Required	**Assessment Type:**	Pass/Fail Only

Minimum Suitability Requirement:

The Tenderer shall provide evidence for the stated service.

Evidence shall be for the average minimum turnover over the three (3) **previous** financial years. Where a multi-disciplinary firm is applying evidence of the overall turnover of the firm should **also** be provided.

Minimum Turnover:	
Minimum Turnover in relation to Employer's Representative only	€500,000.00

Combined total turnover for all members of a consortium must meet the average minimum turnover. If only one member has the skills, resources and experience for a particular service, that member must have an average turnover that demonstrates financial capacity for the work.

If for any valid reason the Tenderer is not in a position to provide the requested turnover (e.g. Tenderers who are categorised as 'Start-Up' entities) consideration will be given to the provision of alternative financial evidence (**Note**[1]).

Note[1]: *For those 'Start-Up' companies who have been operating for more than three (3) years but no more than five (5) years these companies shall provide the evidence of turnover in accordance with this criterion.*

For those 'Start-Up' companies who have been operating for three (3) years or less and therefore cannot provide evidence of turnover for all three (3) financial years required by the competition they shall provide the 'Turnover' evidence for those years for which the company has that evidence. For the balance of years for which the company cannot provide the required evidence they shall provide a set of management accounts for those years and the current year signed off by their external auditor/accountant

Evidence to be provided as part of this submission shall be: (1) the Auditor's Letter or if the Tenderer is a partnership, then a signed letter from the partnership's Accountant evidencing turnover.

Evidence shall be not more than two (2) A4 pages.

External Sub-Consultant(s) providing specialist skills do not need to provide evidence for this sub-criterion.

Evidence of Economic and Financial Standing (and all sub-criteria as requested) (Criterion 3.2):			
Note: Information under Criterion 3.2 (and associated sub-criteria 3.2a – 3.2e) must be provided by the Tenderer as indicated. If the Tenderer is a subsidiary, it must be provided by the Tenderer's parent company.			
Criterion 3.2b: 'Other Financial/Economic Information/References':			
Response:	Required	**Assessment Type:**	Pass/Fail Only

Minimum Suitability Requirement:

The Tenderer shall provide the following:

1. eTax Clearance Certificate showing tax compliance no later than ten (10) days prior to SAQ submission date.

Evidence to be provided as part of this submission shall be: (1) eTax Clearance Certificate showing tax compliance no later than ten (10) days prior to the deadline for submission of the Prequalification Responses. The evidence to be provided shall be an electronic 'screen capture' of the Applicant's tax clearance certificate

Note[1]: *Where a Tenderer is a Consortium / Joint Venture, each party must provide this evidence.*

External Sub-Consultant(s) providing specialist skills do not need to provide evidence for this sub-criterion

Evidence of Economic and Financial Standing (and all sub-criteria as requested) (Criterion 3.2):

Note: Information under Criterion 3.2 (and associated sub-criteria 3.2a – 3.2e) must be provided by the Tenderer as indicated. If the Tenderer is a subsidiary, it must be provided by the Tenderer's parent company.

Criterion 3.2c: 'Professional Indemnity Insurance':

Criterion 3.2d: 'Public Liability Insurance':

Criterion 3.2e: 'Employer's Liability Insurance':

Response:	Required	**Assessment Type:**	Pass/Fail Only

Minimum Suitability Requirement:

The Tenderer shall provide the following:

Professional Indemnity Insurance:

General:

- The following applies to both Principal Service Providers and named Specialist Skills Providers.
- In relation to named Specialist Skills Providers associated with Architect discipline as Principal Service Provider, these specialists are required to provide evidence of professional indemnity insurance which will be assessed on a Pass/Fail basis.
- The Applicant must be capable of obtaining professional indemnity insurance (PII) cover in the sum of and complying with the conditions listed below and that the cover will be maintained for six (6) years after completion of the construction works in respect of the services provided. Both the Principal Service Provider(s) and named Specialist Skills Provider(s) must submit 'Appendix C – Letter of Undertaking from Insurance Undertaking/Insurance Intermediary regarding Insurances' at this stage of the competition. Evidence in the form of a properly executed certificate, Model Form MF2.1 will be required from the successful candidate(s) prior to award of the service contract.
- The Contracting Authority's preferred option for Professional Indemnity Insurance (PII) by Principal Service Providers and Specialist Skills Providers, as required, is cover on "Each and Every" claim basis. Unless a preferred Tenderer cannot attain PII at the date of the Contract being formed by the acceptance of their tender (this tender forming the framework or Call-Off competition or Mini-competition) then cover on an Annual Aggregate basis will be acceptable on the understanding that the Framework Participants shall monitor the EU and UK market at no longer than yearly intervals to establish whether (a) the 'Each and Every' Insurance, or (b) better cover than the cover in place at the later of the date of the Contract formed by the acceptance of the Tender (initial tender forming the framework or call-off competition or mini-competition) or the latest relevant annual renewal, can be obtained at the Increased Premium Rates; and if the "Each and Every" Insurance (a) becomes available to the Tenderer at the Increased Premium Rates or (b) is not available (or not available at the Increased Premium Rates) but better cover than the Annual Aggregate Insurance in place at the later of the date of the Contract formed by the acceptance of this Tender forming the framework (or Call-Off competition or Mini-competition) or the latest relevant annual renewal becomes available at the Increased Premium Rates, such cover shall immediately come into effect (subject to the Contracting Authority's prior approval and such approval not being unreasonably withheld or delayed) and the preferred Tenderer shall notify the Contracting Authority within seven (7) days that such cover has been effected.

For the purposes of this Tender:
the "Increased Premium Rates" means premium rates that do not exceed 125% of the premium rates payable by the preferred Tenderer for cover on an annual aggregate basis at the time of the applicable annual renewal PROVIDED THAT any difference between (a) premium rates for cover on an annual aggregate basis and (b) premium rates for the Required Insurance or better cover than the cover in place at the later of the date of the Contract formed by the acceptance of this Tender or the latest relevant annual renewal (whichever is applicable), is not due to any act, omission, default, claim, notice of claim, negligence or otherwise of or against the preferred Tenderer;

"Each and Every Insurance" means professional indemnity insurance on an each and every claim basis at the level set out in the Schedule; and

"Annual Aggregate Insurance" means professional indemnity insurance on an annual aggregate basis at the level set out in the Schedule.

- The PII cover for both Principal Service Provider and named Specialist Skills Provider(s) must comply with the following conditions:
- Level of cover and excess as stated in the tables as part of this criterion.
- Cover is provided for legal defence costs in excess of the minimum level of cover.
- The conditions provide for claims for breach of professional duty or civil liability as well as negligence.
- Cover extends to include claims arising out of the sub-contracting of professional services by the Applicant.
- Cover is provided in respect of Joint & Several liability where the service provider is operating in a Joint Venture or a Consortium.
- The level of excess is capped at that listed in the tables as part of this criterion. Where the Applicant is a multi-national organisation and its level of excess for insurance purposes is based upon the turnover of the multi-national organisation, a higher level of excess may be accepted providing a parent company guarantee is provided to cover the level of excess.
- The jurisdiction in which claims can be lodged and settled is IRELAND.

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Public Liability Insurance:

The Tenderer must be capable of obtaining Public Liability Insurance with a minimum level of cover as stated in the table below for any one accident from their Insurance Company with a maximum permitted excess for property only (no excess is permitted in respect of death, injury or illness) as stated in the table below.

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Employer's Liability Insurance:

The Tenderer must be capable of obtaining Employer's Liability Insurance with a minimum level of cover as stated in the table below with no permitted excess.

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Minimum Suitability Requirement (Continued):

Level of Insurance Required:	
Min. Professional Indemnity Ins:	
Employer's Representative	€6.5M
Max. Level of Excess:	*€5K or **2%** of turnover whichever is the*
Min. Public Liability Ins:	€6.5M
Max. Level of excess **for** property only:	*€10K*
Min. Employer's Liability Ins:	€13.0M

Evidence to be provided as part of this submission by Both Principal Service Provider(s) and named Specialist Skills Provider(s)shall be: (1) Appendix E (PI), Appendix F (PL) and Appendix G (EL) as described above in the form of Tenderer Self-Certification Letters regarding Insurances.

Evidence and details of policy in place will be required from the successful candidate(s) prior to award of the service contract.

Evidence of Technical Capability (Criterion 3.3 and Supplement 3.3.1 Health & Safety Competence of Designer):			
Criterion 3.3a & 3.3.1a: 'Educational and Professional Qualifications (Management)'			
Response:	Required	**Assessment Type:**	Pass/Fail Only

Educational and Professional Qualifications:
The Tenderer shall provide evidence of professional qualifications (with dates obtained) for Management staff of the proposed principal services.

Minimum number of appropriately qualified management:

Discipline:	ER
Capital Works projects in HSE West health region (IHA Galway/Roscommon & IHA Mayo)	**1**

The relevant professional qualifications for Management are:

- Option 1:
  Chartered membership of a relevant professional institution and the provision of evidence of same (**Note**[1]). A minimum of five (5) years' experience post attaining chartered status of relevant professional institution is required. Also a minimum of three (3) years' experience at senior management/project director level is required. In relation to Architects, registered membership of Royal Institute of Architects of Ireland (RIAI) or equivalent shall meet the chartered membership condition. In relation to Quantity Surveyors, chartered status with SCSI or equivalent shall meet this condition. In relation to Engineers, chartered status with Engineers Ireland (EI) or equivalent shall meet this condition. Engineers relying on equivalency with Engineers Ireland (EI) chartered status must do so under the mutual recognition agreement between EI and the other agreed bodies/institutions (**Note 1**) and this shall be demonstrated and evidenced by the Applicant in their submission. Where the Applicant is relying on 'equivalency' the Applicant must demonstrate and provide evidence in their submission.

  OR

- Option 2:
  Chartered Membership of a relevant professional institution for either project management, construction management or engineering and this shall be demonstrated and evidenced by the Applicant in their submission (**Note 2**). A minimum of five (5) years' experience post attaining membership status of the relevant professional institution is required. Also a minimum of three (3) years' experience at senior management/project director level is required.

  AND

  Where the Applicant is an Architect / Engineer under Option 1 above, then BCAR Registered membership on the appropriate discipline register in accordance with the Building Control Act 2007 or evidence of eligibility for membership of that register or other appropriate discipline register without further assessment is required (Note3). In relation to Engineers, chartered membership of Engineers Ireland or evidenced equivalency shall meet this condition. In relation to Architects, registered membership of RIAI or evidenced equivalency shall meet this condition. In relation to Quantity Surveyors, registered membership of SCSI or evidenced equivalency shall meet this condition.

Where the Applicant is relying on equivalency this shall be demonstrated and evidenced by the Applicant in their submission. Please note that 'registered membership' under the Building Control Act 2007 is a prerequisite for award of contract **UNLESS the Applicant is relying on Option 2 above where they may not be eligible for membership of such BCAR register**.

Note1: Demonstration of Chartered Membership of a relevant professional institution shall be by copy of that chartered membership issued by the professional body; **date and year of attaining chartership must be evidenced**. This also applies to those Applicants who are relying on Option 2 above.

In the event that a copy of the person's charter certificate/membership certificate is not available then evidence shall be signed correspondence from the professional body on the professional body's letterhead confirming chartered membership/membership status and the **date and year** on which the Applicant received such chartered/membership status. Where this written confirmation has been obtained by the Applicant from the professional body previously, i.e., for other competitions, then the Applicant can provide this existing confirmation as evidence here. Please note that evidence **is not** the annual certificate of registration under the Building Control Act 2007.

Note2: Engineers relying on equivalency with the EI chartered status must clearly state that they are relying on the Mutual Recognition Agreement between EI and the other agreed bodies/institutions. The Applicant must state the equivalent body/signatory to the agreement on which they are relying and that the chartered status they hold is recognised by Engineers Ireland.

Note3: Evidence of registered membership on the appropriate discipline register in accordance with the Building Control Act 2007 shall mean a copy of the current 'Certificate of Registration'.

Where the Applicant does not hold registered membership then <u>written confirmation from the registering body</u> for that discipline register is required on the registering bodies letterhead stating that the individual in question is eligible for membership on the appropriate discipline register in accordance with the Building Control Act 2007. Where this written confirmation has been obtained by the Applicant from the Registering Body previously, i.e., for other competitions, then the Applicant can provide this existing confirmation as evidence here. This applies to those Applicants availing of **Option 1** above.

At Framework award stage the person will be required to hold registered membership on the appropriate discipline register and evidence will be required at that stage of the competition. **Please note that this is a prerequisite for award of contract / participation in the framework <u>EXCEPT</u> in the case where the Applicant is relying on Option 2 noted above.**

The relevant project experience for Management is:

- Each of the required Management staff shall provide evidence of the provision of service for two (2) projects with similar characteristics to the proposed project, where the individual has been involved in a similar role. The Applicant, when completing Appendix D (CV) shall describe any technical complexities relating to the projects offered for those management staff. Health & Safety experience must be evidence in the Applicant's CV (Appendix D) under the projects presented.

  In relation to the characteristics of the project, (i.e., scale, size, and complexity), Applicant's attention is drawn to the description of the project included in this tender. The Applicant's attention is also drawn to the relevant section in the Project Information Memorandum which forms part of the prequalification pack for this competition in relation to qualitative assessment

Evidence to be provided as part of this submission shall be: (1) Appendix D (2) Evidence of Professional Qualifications plus any other relevant documentation as required under this criterion for both Main applicant & named specialists skills providers.

It will be at the discretion of the CA to contact Tenderer's referees to substantiate evidence supplied by the Tenderer in the Appendices.

Criterion 3.3.1a: SAFETY + HEALTH SUPPLEMENT – Assessed on Pass/Fail Basis (Management):

- **Not Required for Employer's Representative (Note[4]):** Health & Safety competence must be evidenced as part of this criterion requirement for Designers (refer Criterion 3.4.1a Safety and Health Supplement further on in this criterion) and included in each management personnel Appendix E (CV). Please note that H&S competence will be assessed on a Pass/Fail basis and once passed the Applicant's submission under Criterion 3.3a will then be qualitatively assessed. Please refer to Sub-Criterion 3.3.1a Safety & Health Supplement further on in this criterion.

Note[4]: Employer's Representatives **are not required** to evidence Health & Safety training in discharging duties as designers under the current Health & Safety legislation.

Evidence of Technical Capability (Criterion 3.3 and Supplement 3.3.1 Health & Safety Competence of Designer):			
Criterion 3.3b & 3.3.1b: 'Educational and Professional Qualifications (Senior Personnel)			
Response:	Required	**Assessment Type:**	Pass/Fail Only

Educational and Professional Qualifications:

The Tenderer shall provide evidence of professional qualifications (with dates obtained) for Senior Personnel staff of the proposed principal services.

Minimum number of appropriately qualified Senior personnel:

Disciplines:	**ER**
Capital Works projects in HSE West health region (IHA Galway/Roscommon & IHA Mayo)	**2**

The relevant professional qualifications for Senior Personnel are:

- Option 1:
  Chartered membership of a relevant professional institution and demonstration of same (**Note1**). A minimum of three (3) years' experience post attaining chartered status of relevant professional institution is required. Also a minimum of two (2) years' experience at senior professional level managing projects of similar scale and complexity is required. In relation to Architects, registered membership of Royal Institute of Architects of Ireland (RIAI) or equivalent shall meet the chartered membership condition. In relation to Quantity Surveyors, chartered status with SCSI or equivalent shall meet this condition. In relation to Engineers, chartered status with Engineers Ireland (EI) or equivalent shall meet this condition. Engineers relying on equivalency with Engineers Ireland (EI) chartered status must do so under the mutual recognition agreement between EI and the other agreed bodies/institutions (**Note2**) and this shall be demonstrated and evidenced by the Applicant in their submission. Where the Applicant is relying on 'equivalency' the Applicant must demonstrate and provide evidence in their submission.

  OR

- Option 2:
  Chartered Membership of a relevant professional institution for either project management, construction management or engineering and this shall be demonstrated and evidenced by the Applicant in their submission (**Note1**). A minimum of three (3) years' experience post attaining membership status of the relevant professional institution is required. Also a minimum of two (2) years' experience at senior professional level managing projects of similar scale and complexity is required.

  AND

  Where the Applicant is an Architect / Engineer under Option 1 above, then BCAR Registered membership on the appropriate discipline register in accordance with the Building Control Act 2007 or evidence of eligibility for membership of that register or other appropriate discipline register without further assessment is required (**Note3**). In relation to Engineers, chartered membership of Engineers Ireland or evidenced equivalency shall meet this condition. In relation to Architects, registered

membership of RIAI or evidenced equivalency shall meet this condition. In relation to Quantity Surveyors, registered membership of SCSI or evidenced equivalency shall meet this condition. Where the Applicant is relying on equivalency this shall be demonstrated and evidenced by the Applicant in their submission. Please note that 'registered membership' under the Building Control Act 2007 is a prerequisite for award of contract **UNLESS the Applicant is relying on Option 2 above where they may not be eligible for membership of such BCAR register**.

Note1: Demonstration of Chartered Membership of a relevant professional institution shall be by copy of that chartered membership issued by the professional body; **date and year of attaining chartership must be evidenced**. This also applies to those Applicants who are relying on Option 2 above.

In the event that a copy of the person's charter certificate/membership certificate is not available then evidence shall be signed correspondence from the professional body on the professional body's letterhead confirming chartered membership/membership status and the **date and year** on which the Applicant received such chartered/membership status. Where this written confirmation has been obtained by the Applicant from the professional body previously, i.e., for other competitions, then the Applicant can provide this existing confirmation as evidence here. Please note that evidence is not the annual certificate of registration under the Building Control Act 2007.

Note2: Engineers relying on equivalency with the EI chartered status must clearly state that they are relying on the Mutual Recognition Agreement between EI and the other agreed bodies/institutions. The Applicant must state the equivalent body/signatory to the agreement on which they are relying and that the chartered status they hold is recognised by Engineers Ireland.

Note3: Evidence of registered membership on the appropriate discipline register in accordance with the Building Control Act 2007 shall mean a copy of the current 'Certificate of Registration'.

The relevant project experience for Senior Personnel is:

- Each of the required Senior Personnel shall provide evidence of the provision of service for two (2) projects with similar characteristics to the proposed project, where the individual has been involved in a similar role. The Applicant, when completing Appendix D (CV) shall describe any technical complexities relating to the projects offered for those senior staff. Health & Safety experience must be evidence in the Applicant's CV (Appendix D) under the projects presented.

  In relation to the characteristics of the project, (i.e., scale, size, and complexity), Applicant's attention is drawn to the description of the project included in this tender. The Applicant's attention is also drawn to the relevant section in the Project Information Memorandum which forms part of the prequalification pack for this competition in relation to qualitative assessment

Evidence to be provided as part of this submission shall be: **(1) Appendix D (2) Evidence of Professional Qualifications plus any other relevant documentation as required under this criterion for both Main applicant & named specialists skills providers.**

It will be at the discretion of the CA to contact Tenderer's referees to substantiate evidence supplied by the Tenderer in the Appendices.

Criterion 3.3.1b: SAFETY AND HEALTH SUPPLEMENT – Assessed on Pass/Fail Basis (Senior Personnel):

- **Not Required for Employer's Representative (Note[4]):** Health & Safety competence must be evidenced as part of this criterion requirement for Designers (refer Criterion 3.4.1b Safety and Health Supplement further on in this criterion) and included in each senior personnel Appendix E (CV). Please note that H&S competence will be assessed on a Pass/Fail basis and once passed the Applicant's submission under Criterion 3.4b will then be qualitatively assessed. Please refer to Sub-Criterion 3.4.1b Safety & Health Supplement further on in this criterion.

Note[4]: Employer's Representatives **are not required** to evidence Health & Safety training in discharging duties as designers under the current Health & Safety legislation.

Evidence of Technical Capability			
Criterion 3.3c: 'List Services of Similar Nature Provided over the past ten (10) Years':			
Response:	Required	**Assessment Type:**	Pass/Fail Only

Provide evidence and details of three (3) projects completed (Refer **Note1** below) by the Applicant Company over the past ten (10) years.

Only three (3) projects shall be taken into account in considering the Applicant Company's relevant experience and the Applicant must rank their projects by relevance to this project at Appendix B1 document and details of each project provided at Appendix B3 document. Please refer to Project Information Memorandum document in relation to 'Applications by Consortium/Joint Venture/Sub-consultant'

Relevant Experience: The Applicant Company must demonstrate their suitability by reference to previous experience on projects of similar nature, size, and complexity to the proposed facilities. The Applicant may provide details of any technical complexities regarding the offered projects they deem relevant.

For these purposes, please note the description of the project set out in the tender documentation.

Please note that projects do not have to be identical to the project that is the subject to this tender.

Note1: 'Completed' means substantial completion / practical completion or the completion of the defects liability period or equivalent has been achieved at the time of the issuing of this SAQ to the market.

If for any valid reason the Applicant is not in a position to provide the requested information (e.g. applicants who are categorised as 'Start-Up' entities) consideration will be given to projects where the Applicants' management has gained relevant experience. The Applicant's attention is drawn to the relevant section regarding 'Start-Up' Companies in the Project Information Memorandum which forms part of the prequalification pack for this competition.

It will be at the discretion of the CA to contact Tenderer's referees to substantiate evidence supplied by the Tenderer in the Appendices.

Evidence of Technical Capability			
Criterion 3.3d: 'Measures for Ensuring Quality':			
Response:	Required	**Assessment Type:**	Pass/Fail Only

Minimum Suitability Requirement:

The Tenderer shall provide the following evidence in relation to Quality Assurance Systems:

Evidence of effective (internal or external) Quality Control procedures describing the technical facilities and measures used by the Tenderer for studying, researching and ensuring quality including measures for ensuring quality both in the administration of the service and in the delivery of a high-quality end-product.

The Tenderer must provide evidence that their Quality Assurance system is:

- Third party accredited **OR**
- Pending third party accreditation **OR**
- In-house.

Evidence shall be provided as stated below (a maximum of 2Nr. A4 page excluding supporting documentation):

(a) Date of accreditation and period covered by providing a copy of the Certificate with details of the scope of quality assurance accreditation clearly identifying that the accreditation applies to the Tenderer's company (in the case of multi-disciplinary companies/subsidiaries) and covers the Tenderer's office (in the case of multi-office companies) **OR**

(b) In the case of third party accreditation pending, please supply evidence of date of application with details of the scope of quality assurance accreditation confirming that quality accreditation applies to the Tenderer's company (in the case of multi-disciplinary companies/subsidiaries) and covers the Tenderer's office (in the case of multi-office companies). Evidence shall be provided on two (2) A4 pages or less **OR**

(c) In the case of 'In-house' Quality Assurance system, evidence supplied shall detail the scope of quality assurance system as it applies to the Tenderer's company (in the case of multi-disciplinary companies/subsidiaries) and covers the Tenderer's office (in the case of multi-office companies). Evidence shall be provided on two (2) A4 pages or less.

Evidence to be provided as part of this submission shall be: (1) evidence in the form as identified above.