



RURAL TRANSPORT SERVICES QUALIFICATION SYSTEM

Information Memorandum and Qualification Questionnaire

National Transport Authority

Dún Scéine

Iveagh Court

Harcourt Lane

Dublin 2

Important Notice

This document is issued on the terms set out below for the exclusive use of parties considering applying for admission to the NTA's Rural Transport Services Qualification System and their advisers. The information in this document is preliminary only, given for the guidance of Applicants at this stage of the process and does not purport to be comprehensive. It may be altered without notice at any time.

The National Transport Authority (the "Authority") does not warrant or represent that this document, or any other information given to Applicants, is accurate or complete. The Authority and its advisers do not accept liability for any error, misstatement, or omission (negligent or otherwise) in this document, or in any other information given to Applicants. None of the Authority, any TCU, their advisers or any of their respective directors, officers, employees, agents or any other person owes any duty of care to any recipient either in relation to this document or any other information that a potential contractual party is provided with at any time. Recipients must undertake such investigations as they see fit before entering into any contract.

Save for the provisions regarding confidentiality in section 3.7 and any Applicant's undertakings in the Qualification Submission or in any tender documents associated with a particular Contract, this document is neither a contract, nor part of a contract, nor an offer to make a contract, and there will be no contract, express, implied or collateral, between the Authority and any Applicant unless and until a Contract is entered pursuant to the Qualification System. The Authority has no obligation to enter into any Contract with any Applicant.

The Authority is not liable for Applicants' costs arising in connection with the qualification process outlined in this Information Memorandum, irrespective of the outcome of the competition, or if the competition is cancelled or postponed.

The Authority has the right at any time and without notice to (i) terminate the competition (or part of it), (ii) change the competition's basis or procedures, (iii) procure any transport services contract by other means, (iv) negotiate with one or more parties at any time, or to do any combination of the foregoing or anything else deemed appropriate. In no instance will the Authority be required to give any reason for any alteration or termination of the process.

If any past or future contracts or other documents are summarised or described in this document, or in other information given to Applicants, the summary or description must not be taken as comprehensive, or as a substitute for reading any contract or other document itself when it becomes available.

The Authority is subject to the Freedom of Information Act 2014. If Applicants consider that any of the information they give in this procurement procedure should not be disclosed because it is commercially sensitive or is confidential information that relates to matters affecting the Applicant's business (such as technical or trade secrets or the confidential aspects of tenders) or otherwise, they must, when providing the information, clearly identify the specific information they consider should not be disclosed and clearly specify the reasons. The Authority will take this into consideration if they receive a request for disclosure of an Applicant's information but the Authority may decide to disclose the information despite the Applicant's view. It is not sufficient for an Applicant to include a statement that all its information is commercially sensitive or confidential.

In this Important Notice, references to the Information Memorandum include all information contained in it, its accompanying documentation, or information/opinions made available during the competition period by or on behalf of the Authority, its advisers, contractors, servants and/or agents in connection with the Information Memorandum or the services including, without limitation, the information made available in response to any

queries. Irish law is applicable to this Information Memorandum. The Irish courts shall have exclusive jurisdiction in relation to any disputes arising from this Information Memorandum.

Each Applicant's acceptance of delivery of this Information Memorandum constitutes its agreement to, and acceptance of, the terms set forth in this Important Notice.

Contents

Important Notice	2
1. Introduction	5
1.1 Definitions	5
1.2 Background to the Competition.....	5
1.3 Purpose of this PQQ.....	6
1.4 The National Transport Authority	6
1.5 Overview of Scope of Services required	7
2. The Procurement Process	10
2.1 Outline of the procurement process.....	10
2.1.1 Overview	10
2.2 Qualification: evaluation methodology, provisions applicable to all Applicants.....	10
2.2.1 Evaluation methodology	10
2.2.2 The Pre-qualification Questionnaire	11
2.2.3 Conditions justifying exclusion.....	11
2.3 Minimum qualification criteria – Pass/Fail	11
3. Information required	13
3.1 Pre-qualification Questionnaire.....	13
3.2 Format of Qualification Submission.....	13
3.3 Reliance on resources	14
3.4 Conflicts of Interest.....	14
3.5 Queries	15
3.6 Amendments to and/or clarifications of the Information Memorandum.....	16
3.7 Change in Circumstances	17
4. Indicative timetable.....	18
5. Initial Deadline for Qualification Submissions.....	18
6. Post-Submission Procedures	18
Appendix A: Pre-qualification Questionnaire	20
Appendix B	28
Appendix C	32

1. Introduction

1.1 Definitions

Save where the context otherwise admits or requires the following words and expressions shall have the meanings assigned to them below for the purposes of this Information Memorandum and Pre-qualification Questionnaire.

“2008 Act” means the Dublin Transport Authority Act 2008, as amended;

“Applicant(s)” means the interested party/parties seeking to be admitted to the Qualification System. Where the Applicant is comprised of one or more legal persons (whether in joint venture or otherwise), each such person shall be an “Applicant Member”);

“Contract” means a rural transport services contract which is awarded pursuant to a competition run under the Qualification System;

“NTA” or “the Authority” means the National Transport Authority;

“Pre-qualification Questionnaire” or “PQQ” means Appendix A;

“Qualified Applicant” means an Applicant who is admitted to the Qualification System;

“Qualification Submission” means the completed Pre-qualification Questionnaire, including requested documentation submitted in response to this Information Memorandum and Pre-qualification Questionnaire;

“Qualification System” means the system (divided into Lots by reference to each TCU area) to be operated whereby, during its term, Qualified Applicants may be considered for the award of Contracts within the relevant TCU from time to time ;

“Transport Co-Ordination Unit” or “TCU” means each of the new regionally based structures that have been put in place for the delivery of rural transport under the restructuring of the Rural Transport Programme as envisaged in the ‘Strengthening the Connections in Rural Ireland’ Report of 9th July 2013 and includes the entities listed in Appendix C.

1.2 Background to the Competition

In April 2012, responsibility for the Rural Transport Programme (RTP), previously managed by Pobal, was assigned to the NTA. A review of the existing 35 RTP Groups was undertaken and the Groups were restructured into 17 TCUs. Following the establishment of the TCUs, the existing private operators previously contracted to the RTP Groups had their contracts for services novated to the NTA in late 2014 and the TCUs at regional level assumed the daily management of the services for the NTA. In addition to their primary role of managing rural transport provision, the TCUs have an important role to play in embedding integration within transport services planning, primarily by co-ordinating requirements for access to employment, health, social and education opportunities. The TCUs will liaise on the ground with the HSE and other state organisations to establish

opportunities for more efficient and cost effective transport provision. Furthermore, the co-ordination and oversight of voluntary transport services are also embedded in the work of the TCUs.

1.3 Purpose of this PQQ

The purpose of this Information Memorandum and Pre-qualification Questionnaire is to provide information to Applicants and facilitate the submission of a completed Qualification Submission by interested Applicants in order to admit Applicants to the Qualification System.

1.4 The National Transport Authority

The Authority is a statutory non-commercial body, which operates under the aegis of the Department of Transport, Tourism and Sport. It was established on foot of the 2008 Act.

While it was originally conceived as a transport authority for the Greater Dublin Area under the 2008 Act, it was renamed the National Transport Authority in the Public Transport Regulation Act 2009. The 2009 Act, the Taxi Regulation Act 2013, and various Statutory Instruments have greatly extended the Authority's functions and geographic remit. There remain some specific additional functions in respect of infrastructure and the integration of transport and land use planning in the Greater Dublin Area, reflecting the particular public transport and traffic management needs of the Eastern region of the country comprising approximately 40% of the State's population and economic activity.

In broad terms, the Authority's statutory functions can be summarised as follows:

National (including the Greater Dublin Area)

- Procure public transport services by means of public passenger transport services contracts;
- Provide integrated ticketing, fares and public transport information;
- Develop an integrated, accessible public transport network;
- License Public Bus Services that are not subject to a public transport services contract;
- Manage the Rural Transport Programme and the successor structure of Transport Co-ordination Units;
- Provide Bus infrastructure and fleet and cycling facilities and schemes;
- Develop and implement a single public transport brand;
- Develop and maintain a regulatory framework for the control and operation of small public service vehicles (taxis, hackneys and limousines) and their drivers;
- Prepare statutory submissions on Regional Planning Guidelines;
- Collect statistical data and information on transport;

- Enforce EU passenger rights in rail, maritime and Bus and coach transport;
- Validate EU authorisations and journey forms in relation to Bus and coach travel in accordance with EU Regulation No. 1073/2009; and
- Operate as the national conciliation body for electronic toll service providers.

Greater Dublin Area alone

- Undertake strategic planning of transport;
- Invest in all public transport infrastructure;
- Develop the effective management of traffic and transport demand.

In addition to its statutory functions the Authority also undertakes a number of functions on behalf of the Department of Transport, Tourism and Sport on a non-statutory basis. The non-statutory functions include:

- Planning and funding of sustainable transport projects in the regional cities of Cork, Galway, Limerick and Waterford;
- Administration of the Smarter Travel Workplaces programme;
- Management of the Green Schools Travel programme; and
- Provision of accessibility funding to transport operators and other relevant bodies.

The Authority is governed by a Board of up to twelve members appointed by the Minister for Transport, Tourism and Sport. Three positions on the Board are *ex officio* positions reserved for the Chief Executive, another senior manager of the Authority, and the Dublin City Manager.

Board members may be appointed for a period of up to five years and may be re-appointed. However, Board members may serve a maximum of ten years. This restriction does not apply to the *ex officio* members who stand appointed for as long as they occupy the relevant position.

The role of the Advisory Committee on Small Public Service Vehicles is to provide advice to the Authority or the Minister for Transport, Tourism and Sport, as appropriate, in relation to issues relevant to small public service vehicles and their drivers.

Members of the Advisory Committee are appointed by the Minister for Transport, Tourism and Sport.

1.5 Overview of Scope of Services required

The services within the scope of the Qualification System are summarised in this section 1.5. The scope of services that may be required under each specific Contract will be set out in detail in the tender documents in respect of such Contract.

The Authority may conduct competitions pursuant to this Qualification System in respect of the following services:

- Operating public transport services as required by TCUs and/or the Authority, including (without limitation) any combination of Fixed, Flexible, Once Off and/or Demand Responsive (DRT) services (described below):
 - Fixed services are services that operate to a fixed scheduled timetable and route
 - Flexible services are services that operate to a scheduled timetable and route but may deviate in time and route travelled to accommodate passenger needs
 - Once Off are services operated on a once off basis
 - Demand Responsive (DRT) are scheduled services that operate only when there is a requirement of passengers booked to use the service on that particular day.

Transport services may be funded, or part-funded, either directly or indirectly by;

- The Department of Transport, Tourism and Sport and/or the National Transport Authority
- Bodies in the in the Irish health sector including the Health Service Executive (HSE), Hospitals, Funded Agencies and the Health Information and Quality Authority (HIQA)
- The education sector including primary, post primary, special and secondary schools, vocational and third level educational establishments including but not limited to education training boards, institutes of technology, colleges of education and universities.
- Other public sector bodies or entities as deemed appropriate

Any Operator chosen to operate rural transport services following a competition run pursuant to this Qualification System will be required to adhere to terms and conditions established by the Authority and/or the relevant TCU(s). In particular (but without limitation), Applicants should note that:

- as outlined in 1.2 above, in addition to managing rural transport, the TCUs have an important role integrating transport services planning, primarily by co-ordinating requirements for access to employment, health, social inclusion, unmet needs, community involvement and education opportunities through liaison on the ground with the HSE and other organisations in establishing opportunities for more efficient and cost effective transport provision. An operator chosen to operate rural transport services contract(s) will be required to assist the TCU in the performance of these functions in particular by proposing initiatives for improvement of the services to the TCU and by complying with all instructions of the TCU with regard to the matters identified herein.
- the services currently operated by the TCUs already have a high level of accessibility. The Authority plans to improve on this level of accessibility through

the specifications in the new tenders for the services. Applicants should therefore note that it may be a condition of participation in competitions for rural transport services contracts let pursuant to this Qualification System that the Qualified Applicant's fleet is of a certain minimum standard with regard to accessibility.

2. The Procurement Process

This section of the Information Memorandum provides detailed information on the qualification process, i.e. the procedures that will be followed and the criteria that will be applied in deciding which of the Applicants responding to the OJEU Notice and the Information Memorandum and Pre-qualification Questionnaire [“PQQ”] will be admitted to the Qualification System.

Information regarding the operation of the Qualification System once established is provided in Appendix B to this document.

2.1 Outline of the procurement process

2.1.1 Overview

The Qualification System is a staged process, described further in this section 2. In summary, interested parties may apply to be admitted to the Qualification System at any time. The criteria for admission to the Qualification System are set out at sections 2.2.3 and 2.3 below.

Once admitted to the Qualification System, Qualified Applicants may be asked to tender for Contracts at any time, or may be subject to a further qualification process (which may include a shortlisting process) to select tenderers for particular Contracts. The details of the system operation are set out in Appendix B (Operation of the Qualification System).

The Qualification System will be divided into Lots corresponding to each TCU area (as set out in part A4 of Appendix A), and Applicants are asked to indicate in their Qualification Submission the Lots in respect of which they are seeking qualification.

The term of the Qualification System shall be 5 years.

2.2 Qualification: evaluation methodology, provisions applicable to all Applicants

2.2.1 Evaluation methodology

It is intended that the procedure whereby Applicants may be admitted to the Qualification System will consist of the following steps (which may, for the avoidance of doubt, be conducted in parallel):

- Qualification Submissions will be checked to ensure completeness and compliance with the provisions of this Information Memorandum. Applicants who do not comply with the provisions of this Information Memorandum may be eliminated;
- Qualification Submissions will be checked to ensure that none of the criteria for exclusion are applicable to the Applicant or any Applicant Member (see Section 2.2.3). Applicants to whom exclusionary criteria do apply will be eliminated at this point in respect of those circumstances set out in Section 2.2.3(A) and may be eliminated in

- respect of those circumstances set out in Section 2.2.3(B);
- Qualification Submissions will be checked to ensure that the Applicant meets the minimum qualification criteria (see Section 2.3). Applicants who do not meet the minimum qualification criteria will be eliminated;
 - The Authority will inform Applicants of the outcome of the evaluation of their Qualification Submissions.

2.2.2 The Pre-qualification Questionnaire

Applicants intending to participate in the qualification process are required to complete the Pre-qualification Questionnaire as set out in Appendix A.

Qualification Submissions must be completed in accordance with the instructions set out in this Information Memorandum and the PQQ. Applicants' attention is drawn to the fact that failure to provide the requested information in the prescribed form, the omission of supporting documentation where requested and the provision of incomplete or misleading information, may result in their exclusion from the procurement process.

It is recognised that an Applicant may be comprised of a number of Applicant Members. Where this is the case, each Applicant Member must supply the information required in the PQQ to the extent specified in the PQQ. Further instructions on this point are provided in the PQQ. Applicants' attention is drawn to the fact that the failure to provide the requested information as it relates to each Applicant Member may result in the Applicant's exclusion from the procurement process.

2.2.3 Conditions justifying exclusion

Applicants will be excluded from participation in the competition if any of the conditions specified in Regulation 53 paragraph (1), (a) to (d) inclusive, of the European Communities (Award of Public Authorities' Contracts) Regulations 2006 (S.I. No. 329 of 2006) (the "Public Sector Regulations") as set out in Appendix A, Part B1 apply. These conditions apply to any Applicant (and for the avoidance of doubt any of its Members), that has been the subject of a conviction by final judgement for one or more of the reasons listed in Appendix A, Part B1.

Applicants may be excluded from participation in the competition if any of the conditions specified in Regulation 53 paragraph (4), (a) to (f) inclusive, of the Public Sector Regulations (as set out in Appendix A, Part B2) apply to an Applicant (and for the avoidance of doubt any Applicant Member).

2.3 Minimum qualification criteria – Pass/Fail

Applicants who are not excluded on the basis of the completeness and compliance check, or on the basis of the exclusionary conditions set out in Section 2.2.3, will be assessed to establish whether they fulfil the minimum qualification criteria. Applicants not fulfilling these criteria will be eliminated from the qualification process. For the avoidance of doubt, all entities being relied upon in this competition must complete the sections of the Qualification Questionnaire relevant to the criteria in respect of which the entity is being relied upon (to the extent that such reliance is permitted by this section 2.3). The minimum qualification criteria that each Applicant must satisfy in order to avoid elimination are:

(a) Possession of a Road Passenger Transport Operator Licence (Question A6 of the PQQ)

The Applicant must possess a current, valid, Road Passenger Transport Operator Licence.

The Authority reserves the right to seek a copy of such Road Passenger Transport Operator Licence before admission of the Applicant onto the Qualification System (and the Authority also reserves the right to verify that the Applicant continues to hold a valid Road Passenger Transport Operator Licence before award of any Contract pursuant to the Qualification System).

Where the Applicant is relying on the resources of a parent or other entity for the purpose of compliance with this criterion (a)(i), the information required in Question A6(i) of the PQQ must be provided in respect of the entity being relied upon.

(b) Possession of a valid Tax Clearance Certificate (Question A7 of the PQQ)

The Applicant (as well as each individual Applicant Member, where applicable) must possess a valid Tax Clearance Certificate. For the purpose of responding to this PQQ, provision of a valid Tax Clearance Certificate Number and associated Registration Number will suffice. The Authority reserves the right to seek a copy of such Tax Clearance Certificate before admission of the Applicant onto the Qualification System (and the Authority also reserves the right to verify that the Applicant continues to hold a valid Tax Clearance Certificate before award of any Contract pursuant to the Qualification System). For the avoidance of doubt, each Applicant Member must possess a valid Tax Clearance Certificate and it is not permitted to rely on the resources of another entity in this regard.

(c) Safety Statement (Question A8 of the PQQ)

The Applicant must possess a valid Safety Statement, meeting the requirements set out in Section 20 of the Safety, Health and Welfare at Work Act, 2005 (as amended).

The Authority reserves the right to seek supporting evidence (including a copy of such Safety Statement) to form a view as to whether the Safety Statement is satisfactory in its opinion before admission of the Applicant onto the Qualification System (and the Authority also reserves the right to verify that this continues to be the case before award of any Contract pursuant to the Qualification System).

Where the Applicant is relying on the resources of a parent or other entity for the purpose of compliance with the above criterion (d), the information required in Question A9 of the Qualification Questionnaire must also be provided in respect of the entity being relied upon.

Declaration of Eligibility (Part B of the PQQ).

Further detail on these criteria is set out in the PQQ.

Applicants should note that, when operating the Qualification System (see Appendix B) the Authority reserves the right at any time to seek further supporting information to verify that the applicant meets (and continues to meet) the above criteria. In the event that,

having been admitted to the Qualification System, the Authority determines that an Applicant does not meet, or no longer meets, one or more of the relevant criteria, the Authority may remove the Applicant in question from the Qualification System by notifying the Applicant to that effect.

When operating the Qualification System the Authority may also impose further qualification requirements, for the purpose of qualifying Applicants in respect of a particular Contract, having regard to the nature of the Contract in question (and the Authority reserves the right to limit the number of Applicants which it will invite to tender for a particular Contract, by way of a shortlisting process). The fact that an Applicant can satisfy the Authority with regard to the criteria set out above in this section 2.3 does not necessarily mean that such Applicant will be considered to be suitable for all or any Contracts awarded pursuant to the Qualification System.

3. Information required

3.1 Pre-qualification Questionnaire

Applicants must complete the PQQ and provide any other information or documentation which is requested therein (or elsewhere in this Information Memorandum) in their Qualification System. Information required by more than one Part in the PQQ is only required to be provided once, but its location within the Qualification Submission must be clearly noted in all other responses to Parts that seek to rely on it. It should be noted that non provision of information requested may be considered grounds for exclusion.

3.2 Format of Qualification Submission

Applicants seeking admission to the Qualification System must complete the Qualification Questionnaire on e-tenders website. Submissions must be via the Questionnaire on e-tenders website only.

Qualification Submissions submitted by hard copy or fax will NOT be accepted. An economic operator may request entry to the Qualification System at any time during the term of the Qualification System. Applicants seeking admission to the Qualification System (at any time) must present one electronic copy of their Qualification Submission via the Questionnaire on e-tenders website only.

The completed Qualification Submission shall be prepared in English. Where copies of original documents are provided in languages other than English, an accurate English translation (or explanation) must be provided or the documents may not be considered for evaluation.

Unless otherwise stated, documents provided are not required to be signed, sworn, notarised or legalised at this stage nor is a power of attorney required at this stage for an Applicant's authorised representative. However, the Authority reserves the right subsequently to seek a signature, solemn declaration, power of attorney, notarisation or legalisation. Where any document required by or subsequently sought pursuant to this Information Memorandum/PQQ (or pursuant to any tender document pertaining to a Contract) originates outside Ireland, the Authority also reserves the right to seek a legal

opinion from a lawyer practising in such other jurisdiction as to the validity and due execution of such document, at the Applicant's expense.

Applicants are required to provide all details which they consider necessary to provide a sufficient response to each Part including client contact details where requested.

3.3 Reliance on resources

Where the Applicant is relying on the resources of another entity, in respect of all or some of the criteria the Applicant must include with its Qualification Submission a letter from the entity being relied upon, confirming:

- (a) that it is committed to supporting the Applicant for the duration of the Qualification System; and
- (b) that it will make available to the Applicant any specific resources being relied upon; and
- (c) that it will enter into a binding arrangement satisfactory to the Authority (for example a guarantee) if the Applicant is successful in being awarded any Contract(s) pursuant to the Qualification System.

Applicants should note that each Applicant (and each Applicant Member, where applicable) must possess a valid Tax Clearance Certificate, and it shall not be permissible to rely on the resources of another entity in order to meet this requirement.

During the operation of the Qualification System the Authority may set further qualification or shortlisting criteria (see Appendix B). The Authority will inform Qualified Applicants at the relevant time whether, and to what extent, a Qualified Applicant will be permitted to rely on the resources of another entity or entities in respect of all or some of the criteria in such further qualification/shortlisting process. For the avoidance of doubt, Applicants should note that, during the operation of the Qualification System, the Authority may determine that the Applicant (or, where applicable, each Applicant Member) must itself meet one or more qualification/shortlisting criteria in respect of a particular Contract, and may inform Qualified Applicants at that stage that reliance on resources of another entity will not be permitted in respect of such qualification/shortlisting criteria. Further details in respect of the extent to which reliance on resources will be permitted in respect of particular Contracts will be communicated to Qualified Applicants at the relevant time.

If sufficient evidence from any entity being relied upon is not provided, the Applicant (or Applicant Member) will be evaluated based on its own financial and economic standing and technical capability (as applicable).

3.4 Conflicts of Interest

Any conflict of interest or potential conflict of interest must be fully disclosed to the Authority as soon as such conflict or potential conflict becomes apparent. In the event of any conflict or potential conflict of interest, the Authority shall, in its absolute discretion, decide on the appropriate course of action. Failure to disclose a conflict of interest or potential conflict of interest may disqualify an Applicant, or invalidate an award of a

Contract, depending on when the conflict of interest, or potential conflict of interest comes to light.

Without prejudice to the foregoing, any registrable interest, involving the Applicant and the Authority, members of the Board of the Authority, members of the Government, members of the Oireachtas or employees of the Authority or their relatives must be fully disclosed in the Qualification Submission, or should be communicated to the Authority immediately upon such information becoming known to the Applicant, if later. The terms 'registrable interest' and 'relatives' shall be interpreted in line with the Ethics in Public Office Act 1995 as amended .

Unwarranted or inappropriate attempts (including canvassing) to influence the decision of the Authority by an Applicant or any Applicant Member may result in the Applicant being disqualified.

3.5 Queries

Applicants may not address queries to, or communicate with, the Authority other than in the manner provided for in this section 3. All enquiries regarding any element of this request to participate must be forwarded to the Authority via the eTenders website (Question and Answer function) at www.etenders.gov.ie.

Queries may not be made verbally or by any other means, and any activity deemed by the Authority to be canvassing may lead to disqualification. Any verbal communication shall not be binding on the Authority and Applicants are directed to raise all queries in writing in accordance with the procedure set out in this section 3.5.

Any communication shall state clearly that it relates to “Rural Transport Services Qualification System”.

The Authority will endeavour to respond to all reasonable queries/requests received in a timely manner but does not undertake to respond to all queries/requests received.

The Authority does not accept responsibility for any communications issued by it, which are missed or not received by Applicants, or for communications issued by Applicants, which are not received by the Authority.

The Authority will, if appropriate, circulate copies of all queries submitted pursuant to this section 3.5, together with the Authority’s responses thereto, to all Applicants by posting the responses to the queries via the Irish Government’s e-tenders website; namely, www.etenders.gov.ie. Accordingly, it is critical that Applicants record their interest in this request via the www.etenders.gov.ie website. Otherwise, an Applicant may not receive a breakdown of queries submitted, together with the Authority’s responses thereto.

The Authority reserves the right to respond separately to an Applicant’s query if, in the Authority’s absolute opinion, the response is particular to that particular Applicant.

If an Applicant believes a query and/or its response relates to a confidential aspect of its Qualification Submission it must mark the query as “confidential”. If the Authority agrees

that the query and/or its response should be answered confidentially, the Authority will (subject to section 3.6) send a response only to the Applicant that submitted the query. If the Authority is of the opinion that it would be inappropriate to answer the query/request on a confidential basis it will notify the Applicant and require the Applicant to either withdraw the query or to raise any objection within 2 days of such notification and state the grounds for its objection. If the Applicant does not withdraw the query/request or raise any objection within the specified period, or if the Authority is of the opinion that notwithstanding the objection of the Applicant, the query/request is not confidential, the Authority may issue the query and its response to all of the Applicants.

Subject to the above, it will be a requirement that all exchanges shall be kept confidential by the Applicants and their respective advisers, consultants, funders, contractors, servants and agents. Applicants may also be asked to enter into undertakings of confidentiality should it become appropriate to release confidential information to them.

Notwithstanding the provisions of the paragraph above, the Authority shall have the right to publicise or otherwise disclose to any third party information regarding the Contract, the identity of the Applicants and/or Applicant Members, the procurement process and the qualification and tender documentation at any time (including where arising as part of a confidential query).

3.6 Amendments to and/or clarifications of the Information Memorandum

Notwithstanding the provisions of section 3.5, if, as a result of:

- queries/ requests;
- any discussion or other communication with an Applicant in relation to a Qualification Submission;
- developments in the procurement programme, the market or legal requirements

and/ or for any other reason a clarification of and/ or amendment is required to be made to the Information Memorandum and the Pre-qualification Questionnaire and/ or additional information is required to be issued, then the Authority shall be entitled to make any such clarification of and/ or amendment to the Information Memorandum and the Pre-qualification Questionnaire and/ or issue such additional information, at any time.

For the avoidance of doubt, where the Initial Submission Deadline has passed, the Authority will continue to respond to queries/requests for clarification relating to applications by any economic operator for admission to the Qualification System, or admission in respect of additional Lot(s) (which applications may, pursuant to section 5 of this document, take place at any time during the term of the Qualification System).

All clarifications and responses to queries/requests for clarification will be directed to the Messaging facility on www.etenders.gov.ie. Where appropriate, questions may be amalgamated. Tenderers should note that the Authority will not make responses or clarifications to individual Tenderers privately.

The Authority reserves the right to issue or seek written clarifications.

The Authority reserves the right to update or alter the information contained in this document at any time up to ten (10) days before the Initial Submission Deadline (or thereafter at any time during the term of the Qualification System). Applicants will be so informed through the eTenders website. In the event of such updates or alterations the Authority reserves the right to postpone the Initial Submission Deadline (or any other deadline set by the Authority) for the receipt of submissions so as to allow Applicants sufficient time to respond.

3.7 Change in Circumstances

The information submitted in response to the PQQ may only be changed following the submission of the Qualification Submission with the consent of the Authority. Any proposed change (including for example a request to join with another Qualified Applicant for the purpose of competing for one or more Contracts) must be notified to the Authority in advance. The Authority reserves the right, at its absolute discretion, to withhold such approval for any such change and to remove any such Applicant from the Qualification System. If it comes to the Authority's attention that the information submitted in any Qualification Submission is no longer accurate, or was not accurate when submitted, or was or is misleading, the Authority reserves the right to remove such Applicant from the Qualification System.

The Applicant's choice of legal structure (e.g. joint venture/ incorporated/ unincorporated) will not be relevant in assessing eligibility at this time (however the Authority reserves the right to require the Applicant to assume a specific legal form for the purpose of entry into any Contract, if successful).

4. Indicative timetable

The following table contains the indicative timetable:

STAGES IN PROCUREMENT PROCESS	INDICATIVE TARGET DATES
Publication of Contract Notice in OJEU	20 th April 2016
Evaluation of Qualification Submissions	Ongoing

* As set out in section 3.2 above, an economic operator may seek to qualify for the Qualification System (or in respect of additional Lots) at any time during the term of the Qualification System.

The Authority reserves the right to alter this timetable at its discretion.

5. Initial Deadline for Qualification Submissions

The Qualification Submission must be submitted via the online questionnaire available on www.etenders.gov.ie. Submissions submitted by hard copy or fax will NOT be accepted.

The Initial Submission Deadline is

12.00 hours Irish time on 31st December 2020

For the avoidance of doubt, an economic operator may request entry to the Qualification System (or seek to qualify in respect of additional Lots) at any time during the term of the Qualification System.

6. Post-Submission Procedures

Without prejudice to the Authority's other rights, if a Qualification Submission fails to comply in any respect with this Information Memorandum and/or the PQQ or is ambiguous, the Authority shall be entitled at its absolute discretion (but shall not be obliged) to take such steps as it considers appropriate including but not limited to the following:

- (a) to reject the relevant Qualification Submission; or
- (b) without prejudice to the Authority's right to reject the Qualification Submission:
 - (i) to meet with, raise issues and/or seek clarification from the Applicant in respect of the relevant Qualification Submission;
 - (ii) to request the Applicant provide the Authority with information or items which have not been provided or have been provided in an incorrect form;
 - (iii) to waive a requirement which, in the opinion of the Authority, is minor or procedural; and/or

- (iv) to amend a requirement and invite all Applicants to adjust their respective Qualification Submissions on the basis of such amended requirement subject to compliance with applicable law.

Appendix A: Pre-qualification Questionnaire

The Applicant's Qualification Submission will consist of this Pre-Qualification Questionnaire completed with its response. The Pre-Qualification Questionnaire must be completed via the e-tenders website and Applicants may be requested to add additional sections as required by the Authority.

Where the Applicant is a group, the Pre-Qualification Questionnaire sets out the entity(ies) that should complete the relevant sections.

Applicants are directed to the provisions of the Information Memorandum for guidance as to how to complete the pre-qualification questionnaire.

Where information is required by more than one Part in this Pre-Qualification Questionnaire, it need only be provided once and its location within the Qualification Submission should be referenced clearly in all other Parts to which it relates.

Please note that Appendix A below is included for indicative purposes only setting out the contents and requirements of this Pre-Qualification Questionnaire. The Pre-Qualification Questionnaire is to be completed on www.etenders.gov.ie.

A1 Applicant (information purposes only)

To be completed jointly on behalf of the Applicant:

Applicant

Name:	
Address:	
Eircode:	
Telephone Number:	
e-mail Address:	

Applicant's authorised representative:

Name:	
Address:	
Eircode:	
Telephone Number:	
e-mail Address:	

A2 Members of Applicant (information purposes only)

To be completed jointly on behalf of the Applicant.

If there is more than one member of the Applicant, please provide the name of each Applicant Member, as well as their proposed role in any Contract awarded on foot of the Qualification System.

A3 Applicant Authorisation

To be completed by the Applicant. Where the Applicant is comprised of more than one Applicant Member, each Applicant Member should complete this section.

We confirm that the representative named above is authorised to act as agent on behalf of and to bind the Applicant and each Applicant Member and is the principal contact for the Applicant in dealings in respect of the Rural Transport Qualification System tender process.

(Please note: Submission of a Power of Attorney is not required at this stage, although the Authority reserves the right to request submission of such a Power of Attorney)

Entities on behalf of whom the authorised representative named in section A1 is entitled to act **(to be completed by the Applicant (where relevant, each Applicant Member))**

Each Applicant Member's name to be stated in full

A4 Lot(s) being applied for:

To be completed jointly on behalf of the Applicant

Please indicate the Lot(s) in respect of which the Applicant is seeking qualification:

Lot No	✓ as appropriate	Lot No	✓ as appropriate
Lot 1 Carlow Kilkenny Wicklow Dun Laoghaire Rathdown		Lot 10 Longford Westmeath	
Lot 2 Cavan Monaghan		Lot 11 Louth Meath Fingal	
Lot 3 Clare		Lot 12 Limerick	
Lot 4 Cork		Lot 13 Mayo	
Lot 5 Donegal		Lot 14 Sligo Leitrim Roscommon	
Lot 6 Galway		Lot 15 Tipperary	
Lot 7 Kerry		Lot 16 Waterford	
Lot 8 Kildare South Dublin		Lot 17 Wexford	
Lot 9 Laois Offaly			

A5 Reliance on Resources

A5(a) Letter from entities being relied upon

To be completed jointly on behalf of the Applicant

Where the Applicant is relying on the resources of another entity as provided for in section 3.3 of the Information Memorandum, the Applicant must include with its Qualification Submission a letter from the entity being relied upon, confirming:

- (d) that it is committed to supporting the Applicant for the duration of the Qualification System; and
- (e) that it will make available to the Applicant any specific resources being relied upon; and
- (f) that it will enter into a binding arrangement satisfactory to the Authority (for example a guarantee) if the Applicant is successful in being awarded any Contract(s) pursuant to the Qualification System.

A5(b) Details of entities being relied upon *To be completed jointly on behalf of the Applicant*

Provide details of the name of each entity being relied upon for the purpose of admission to the Qualification System, as well as the criteria in respect of which such entity is being relied upon:

Full Name and Address of entity being relied upon	Criteria in respect of which entity is being relied upon

A6 Qualification Criterion [A] - Possession of Appropriate Transport Licence

To be completed by the Applicant, and any parent or other entity being relied on in respect of this criterion, as set out in A5(b) above, (and where applicable any Applicant Member)

The Applicant must confirm they possess a current, valid, Road Passenger Transport Operator Licence, and must submit the licence number.

A7 Qualification Criterion [B] Possession of a tax clearance certificate

To be completed the Applicant (and where applicable any Applicant Member)

The Applicant must confirm they possess a valid Tax Clearance Certificate and submit the appropriate Registration Number and Tax Clearance Certificate Number. The Applicant must also tick a box to indicate that the Authority has the permission of the holder of the Tax Clearance Certificate to verify his/her tax cleared position online.

The Authority reserves the right to seek a copy of such Tax Clearance Certificate before admission of the Applicant onto the Qualification System (and the Authority also reserves the right to verify that the Applicant continues to hold a valid Tax Clearance Certificate before award of any Contract pursuant to the Qualification System).

A8 Qualification Criterion [C] Safety Statement

To be completed by the Applicant, and any entity being relied on in respect of this criterion, as set out in A5(b) above (and where applicable any Applicant Member)

The Applicant must confirm that it possesses a valid Safety Statement, meeting the requirements of Section 20 of the Safety, Health and Welfare at Work Act, 2005 (as amended), and that they are in a position to furnish this to the Authority upon request. The Authority reserves the right to seek supporting evidence (including a copy of such Safety Statement) to form a view as to whether the Safety Statement is satisfactory in its opinion before admission of the Applicant onto the Qualification System (and the Authority also reserves the right to verify that this continues to be the case before award of any Contract pursuant to the Qualification System).

PART B – Declaration of Eligibility

To be completed by the Applicant (or, where there is more than one Applicant Member, each Applicant Member)

Applicant: _____

Member: _____

B1. Applicants will be excluded from participation in the competition if any of the conditions specified in Regulation 53 paragraph (1), (a) to (d) inclusive, of the European Communities (Award of Public Authorities' Contracts) Regulations 2006 apply. These conditions apply to any Applicant (and for the avoidance of doubt any Applicant Member), that has been the subject of a conviction for one or more of the reasons listed below:

- (a) Participation in a prescribed criminal organisation; or
- (b) Corruption; or
- (c) Fraud; or
- (d) Money laundering.

Further information on these provisions may be obtained from the Authority if required.

B2. Applicants may be excluded from participation in the competition if any of the conditions specified in Regulation 53 paragraph (4), (a) to (f) inclusive, of the European Communities (Award of Public Authorities' Contracts) Regulations 2006 apply. These conditions apply where, at the time of submission of the completed PQQ, the Applicant (and for the avoidance of doubt any Applicant Members):

- (a) is subject to a bankruptcy or insolvency procedure; or
- (b) has been found guilty of professional misconduct by a competent authority that is authorised by law to hear and determine allegations of professional misconduct against persons that include the Applicant or Applicant Member; or
- (c) has committed grave professional misconduct provable by demonstrable means; or
- (d) has not fulfilled an obligation to pay social security contributions as required by a law of (i) the country or territory where the Applicant or Applicant Member ordinarily resides or carries on business, and (ii) in Ireland; or
- (e) has not fulfilled an obligation to pay a tax or levy imposed by or under a law of (i) the country or territory where the Applicant or Applicant Member ordinarily resides or carries on business, and (ii) in Ireland; or

(f) has provided a statement or information to the Authority or another contracting authority or contracting entity knowing it to be false or misleading, or has failed to provide to the Authority or another contracting authority or contracting entity a statement or information that is reasonably required by the Authority for the purpose of awarding the Contract.

None of the above circumstances apply

☐

One or more of the above circumstances apply

☐

If any of the circumstances apply, please supply details separately.

Tick if enclosed:

☐

Reference to where enclosed:

PART C – Applicant Declaration

DECLARATION

Please ensure that:

1. You have completed all applicable Parts.
2. You have attached all documents requested.
3. Where additional sheets are used, they clearly identify the Part being answered.
4. You have read and completed the section below.

The Applicant certifies that the information supplied is true, accurate and valid to the best of its knowledge and it accepts the conditions and undertakings requested in the Pre-Qualification Questionnaire. The Applicant understands and accept that the provision of false or misleading information or the omission of information could result in exclusion of the Applicant from the procurement process or rejection of our Qualification Submission.

Name of Applicant:

Date:

Appendix B

Operation of the Qualification System

1. General

During the term of the Qualification System, the Authority may commence competitions for Contracts in any TCU area(s) by inviting some or all of the Qualified Applicants for the Lot(s) in question to participate in the relevant competition.

For the avoidance of doubt, the Authority may, at its discretion, conduct a further qualification stage in respect of each Contract, which may involve a shortlisting process in order to limit the number of Qualified Applicants invited to tender for the Contract in question (see further section 3 – *Further Qualification Stage/Shortlisting prior to Award of Contracts* - below).

While the Authority anticipates that it will generally award Contracts under each Lot separately, the Authority reserves the right to combine two or more Lots for the purpose of awarding any Contract.

For the avoidance of doubt, the Authority also reserves the right to procure rural transport service contracts through other means and admission to the Qualification System shall not be a guarantee that any Applicant will be awarded a Contract.

It is envisaged that the Authority will conduct the award procedures for Contracts, however for the avoidance of doubt, Applicants should note that:

- (a) the procedure leading to award of a Contract may be conducted by the relevant TCU(s), either itself or in conjunction with the Authority. References to the Authority in this Appendix B should therefore be read as including TCUs; and
- (b) the TCU(s) in question may be a counterparty to any individual Contract.

Applicants seeking to be considered for Contracts that may be let by the Authority in the near future (if any) should return their Qualification Submissions in advance of the Initial Submission Deadline set out in Section 5. However, an economic operator may request entry to the Qualification System (or seek qualification in respect of additional Lots) at any time during the term of the Qualification System.

2. Notification of Opportunities

The Authority reserve the right to publish information regarding Contracts on the e-tenders website. The Authority will circulate this information to Qualified Applicants for the relevant Lot(s). Details of the award process to be adopted (in particular relevant deadlines and details of any further qualification assessment or shortlisting stage) will be set out at that stage.

The Authority reserves the right to award a Contract directly to one or more Qualified Applicants without conducting a process as set out in this Appendix B where, in the opinion of the Authority, the need for the Contract is urgent.

3. Further Qualification Stage/Shortlisting prior to Award of Contracts

During the term of the Qualification System, the Authority may (but is not obliged to) conduct a further qualification process (which may involve performing a shortlisting process in order to limit the number of Qualified Applicants from whom tenders will be invited for a particular Contract). If the Authority chooses to perform such a qualification/shortlisting process it envisages that it will do so having regard to the following selection criteria (the weightings of which will be notified to Qualified Applicants for the relevant Lot, and for the avoidance of doubt one or more of the selection criteria may be assessed on a scored basis, may be weighted at zero, may be designated as “pass/fail” or may be designated as a minimum requirement):

- (a) Demonstrating that the Qualified Applicant continues to meet the Minimum Qualification Criteria set out in section 2.3 of the Information Memorandum and Qualification Questionnaire by which the Qualified Applicant was admitted to the Qualification System and that none of the exclusion criteria in section 2.2.3 apply to the Qualified Applicant
- (b) Suitability of bus(es) and associated equipment for the Contract (which may include, by way of example, capacity of bus, age of bus, low floor access, wheelchair accessibility, ticketing equipment)
- (c) Certificate of Roadworthiness for bus(es)
- (d) Minimum level of turnover
- (e) Satisfactory financial standing (having regard to the Contract in question)
- (f) Possession of an appropriate driver licence, for example driver CPC, as may be required having regard to the Contract in question
- (g) Possession of an appropriate operator licence, having regard to the Contract in question
- (h) Possession of required level of insurance, having regard to the Contract in question
- (i) Possession of a valid current Tax Clearance Certificate
- (j) Operator CPC and other relevant up to date health and safety training and certification
- (k) Agreement to brand buses for use in service with the “Localink” livery.
- (l) Satisfactory experience in providing transport services that are similar in nature and scope to the Contract in question (and in this regard the Authority reserves the right to require the Qualified Applicant to identify referees who can be contacted to verify information supplied regarding previous projects).

- (m) Suitability of the personnel and/or sub-contractors that the Qualified Applicant proposes to use to operate the tendered services. (Applicants should note that sub-contracting may not be permitted in respect of some services).

Qualified Participants should note that they may be required to achieve:

- a minimum mark for any of the qualification/shortlisting criteria, and/or
- a minimum mark out of the total marks available at further qualification/shortlisting stage,

in order to be taken through to the Contract award stage.

The Authority reserves the right to amend the above criteria at any time during the term of the Qualification System, and will notify Qualified Applicants accordingly should it make such amendments.

The Authority reserves the right to require that Qualified Applicants submit their further qualification submission (if any) at the same time as their tender submission in respect of any Contract. Alternatively, the Authority reserves the right to require any further qualification/shortlisting information to be provided in advance of being invited to tender for a Contract (and may treat such submission as being the first stage in any restricted or negotiated procedure). In either case the Authority will notify Qualified Applicants accordingly.

For the avoidance of doubt the Authority is not obliged to perform a further qualification/shortlisting process but may elect, for any Contract, to treat the process whereby the Qualified Applicants were admitted to the Qualification System as being the only suitability assessment required in respect of the Contract(s) in question.

It is envisaged that Qualified Applicants will be permitted to team up with other Qualified Applicants for the purpose of competing for a Contract, subject to any conditions that may be imposed by the Authority having regard to the Contract in question.

4. Award stage

The invitation to submit a tender ("ITT") in respect of such Contract(s) will be issued to those Qualified Applicants who:

- (a) have been deemed suitable following a further qualification stage or have been shortlisted in accordance with section 3 above (in respect of Contracts for which the Authority has chosen to conduct a further qualification phase or shortlisting process); or
- (b) have been admitted to the Qualification System for the Lot in question (where the Authority does not intend to conduct a further qualification/shortlisting process).

The ITT will contain greater detail about the scope of services, the draft Contract, supporting material, and detailed information regarding the award process (including timeframes for response) and award criteria. The Authority currently envisages that the

outline award criteria to be included in the ITTs for Contract(s) will include (but may not necessarily be limited to):

1. Price
2. Quality

The outline award criteria set out above may be divided into sub-criteria having regard to the features of the Contract in question. For the avoidance of doubt, either of the outline award criteria set out above may in respect of particular Contract(s) be weighted at zero.

Appendix C

List of TCU entities

- **Carlow Kilkenny Wicklow Dun Laoghaire Rathdown**
- **Cavan Monaghan**
- **Clare**
- **Cork**
- **Donegal**
- **Galway**
- **Kerry**
- **Kildare South Dublin**
- **Laois Offaly**
- **Longford Westmeath**
- **Louth Meath Fingal**
- **Limerick**
- **Mayo**
- **Sligo Leitrim Roscommon**
- **Tipperary**
- **Waterford**
- **Wexford**