



Request for Tenders for Short Term Hotel Operator at Existing Dublin Airport Maldron Hotel
Qualification Response Document

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Guidance Notes

1 GENERAL

- (a) Tenderers are required to complete this Qualification Response Document.
- (b) Terms defined in this Qualification Response Document shall have the same meaning as in the RFT.
- (c) Tenderers are permitted to add additional lines to the pro-forma tables and boxes set out within the Qualification Response Document as required but are not permitted to adjust the headings or questions as they appear.
- (d) The information requested in this Qualification Response Document should be submitted in English and where copies of original documents are provided in languages other than English, a complete and accurate official English translation must be provided or the documents will not be considered. In the event of any discrepancy or difference between various languages, the version in the English language will prevail.
- (e) 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. Where financial information (such as financial statements) is provided in a foreign currency, the prevailing accounting year end inter-bank exchange rate for the relevant financial year shall be applied to convert the foreign currency values to Euro, as determined using the website www.oanda.com.
- (f) This Qualification Response Document must be completed fully.

2 LEAD TENDERER

The Lead Tenderer is the entity whom it is proposed will enter into the Contracts if the Tenderer is successful. The Lead Tenderer will be responsible for information provided in response to the Qualification Response Document and the Contracting Entity shall rely on its representations in this regard¹.

3 MISCELLANEOUS

- (a) This Qualification Response Document must be completed and returned to the Contracting Entity by the tender deadline referred to at paragraph 2.6.3 of the RFT. Do not leave any section blank. If a Tenderer considers a section not relevant, it should be clearly marked "not relevant" and include the reason why this is stated.
- (b) Where the same information is required in respect of more than one question, it need only be provided once, but its location within the submission should be noted clearly in all other responses to questions that seek to rely on it.
- (c) Tenderers are required to provide all of the details that they consider necessary to provide a sufficient response to each question or item set out in the Qualification Response Document. Tenderers should not assume that the Contracting Entity has any prior knowledge of them or of their experience or organisation. It should be

¹ Note to Tenderer: where the Tenderer is a single entity with no sub-consultants or other group members, the Lead Tenderer and the Tenderer will be the same entity. Where the Tenderer is a group, the Lead Tenderer is the group member who will enter into the Contracts.

noted that the non-provision of any information requested, insufficient detail to adequately explain any part of the Qualification Response Document, or any failure to comply with the express provisions of the RFT or to supply the information sought in this Qualification Response Document may be considered grounds for exclusion from the competition.

- (d) Any reference in this Qualification Response Document to experience gained within a previous number of years means experience gained in the required period of years prior to the date of issue of the OJEU notice for this competition, unless another date is explicitly stated
- (e) Reference contracts used to demonstrate experience should be limited in each case to the maximum number specified. If more than the maximum number is provided, the Contracting Entity will evaluate the reference contracts in the order in which they appear in the response to the Qualification Response Document up to the maximum number permitted and the remainder will be ignored.
- (f) All submissions must be in A4 format.

Part A: Aide Memoire

This Aide Memoire is provided to assist Tenderers. It is not intended to be exhaustive. It is each Tenderer's responsibility to ensure that its Tender is complete.

Please review and tick all boxes before submitting your Tender.

This Aide Memoire is provided for Tenderer's benefit only and will not be evaluated.

	Yes / No / N/A?
Have you addressed all the requirements specified in the RFT?	
Have you reviewed the form of Operating Agreement and are you satisfied that you can comply with same? Have you reviewed the terms of the Business Transfer Agreement and are you satisfied to enter into this agreement with the incumbent provider of the Services?	
Have you signed and completed all the relevant pages where so required?	
Have you completed and returned: - the Qualification Response Document? - the Award Criteria Response Document? - the Financial Proposal Response Document?	
Have you returned a broker's letter confirming the position in relation to insurance, as referred to in Part E of this Qualification Response Document?	
Have you returned a Declaration as to Personal Circumstances for each entity, as referred to in Part D of this Qualification Response Document?	
Have you provided a letter of support from any entity or undertaking on whose financial or technical resources you rely in order to meet the financial and/or technical standing requirements of the RFT? (see Part C7 below)	

Part B: Tenderer Statement

TO: daa plc

RE: Request for Tenders for Short Term Hotel Operator at existing Dublin Airport Maldron Hotel

We refer to the above.

Having examined your Request for Tenders (RFT) and draft Agreement, we hereby agree and declare as follows:

1. We confirm that we have complied with all requirements as set out in the RFT.
2. We understand and accept all the qualification and award criteria as set out in the RFT. Such criteria are clear and unambiguous.
3. We understand the nature and extent of the services required to be delivered as described in the Operating Agreement and the Award Criteria Response Document. We have taken account of our obligations relating to employment protection and working conditions that are in force in the place where the services sought under the RFT are to be carried out. We will, if successful, obtain and hold from the effective date of the Operating Agreement the types and levels of insurance as specified at paragraph 2.20.1 of the RFT.
4. We confirm that all prices quoted in our Tender will remain valid for the Tender Validity Period as specified at paragraph 2.10.2 of the RFT.
5. We confirm on behalf of the entirety of the consortium (including the consortium members, other entities and their sub-contractors, if applicable) that we do not come within the category of prohibited economic operators identified in Regulation (EU) No 833/2014 of 31 July 2014 (as amended by EU Regulation 2022/576 of 8 April 2022 or any subsequent amendments to same), and on request by the Contracting Entity each consortium member, other entity and any sub-contractors will provide a signed declaration of the statements included in Paragraphs 5 to 6 of this statement to confirm such compliance with these Regulations as amended.
6. That the subcontractors on whose capacity we rely as part of our Tender (where the value of the subcontract exceeds 10% of the value of the contract) do not come within the category of prohibited economic operators identified in Regulation (EU) No 833/2014 of 31 July 2014 (as amended by Council Regulation (EU) 2022/576 of 8 April 2022 or any subsequent amendments to same).
7. If successful with our Tender, we will be able to accept all of the terms and conditions of the Contracts and the Confidentiality Agreement issued with the RFT and provide the Services in accordance therewith. We acknowledge that the RFT does not constitute an offer to enter into a contract and neither the RFT nor any

document issued therewith should be regarded as a commitment or representation on the part of the Contracting Entity to enter into a contractual arrangement. We accept that no contract can or will come into effect and no commitment of any kind, contractual or otherwise, shall exist unless and until a formal written Contract has been executed by or on behalf of the Contracting Entity. Any notification of preferred Tenderer status shall not give rise to any enforceable rights by us. We acknowledge and accept that the Contracting Entity may, at its absolute discretion, cancel this competition at any time prior to a formal written Contract being executed by and on behalf of the Contracting Entity.

8. We confirm that the representative named in Part C2 of this Qualification Response Document is authorised to act as agent and principal contact for the Tenderer in dealings with the Contracting Entity.
9. We confirm that our responses to this Qualification Response Document are true, accurate and valid. We accept that the provision of false or misleading information or the omission of information could result in our exclusion from the competition.

SIGNED: _____

(Authorised Signatory for Lead Tenderer)

Print name: _____

Organisation: _____

Date: _____

Part C: Details about the Tenderer

Please see the Guidance Notes for information on how to complete this Part C. This Part C is to be completed by the Lead Tenderer on behalf of the Tenderer. It is for information only and will not be evaluated.

1 LEAD TENDERER

Please provide details of the proposed Lead Tenderer:

Name:	
Address:	
Registered office:	
Registered business name (if applicable):	
Companies Registration Number:	
Date of establishment:	
Telephone:	
Facsimile:	
Email Address:	
Website Address:	
Vat Registration No:	

2 LEAD TENDERER'S AUTHORISED REPRESENTATIVE

Please provide details of the Lead Tenderer's Authorised Representative.

Name:	
Title:	
Address:	
Telephone:	
Facsimile:	
Email Address:	

If the Tenderer is a group/consortium (see C3 below), each group/consortium member must sign this section C2 confirming that the Lead Tenderer's Authorised Representative is authorised to provide the information set out in the Qualification Response Document on its behalf as set out below.

Confirmation Tenderer's Authorised Representative		
I/We confirm that the Tenderer's Authorised Representative named above is authorised to act on behalf of the Tenderer, of which we are a group/consortium member, and be the principal contact for the Tenderer in all dealings with the Contracting Entity.		
Group/Consortium Member	Name and Title	Signature

3 STRUCTURE OF THE TENDERER

Please confirm whether the Tenderer is a single bidder or a Consortium.

If the Tenderer is a Consortium, the Tenderer's Authorised Representative should provide details of the structure proposed by means of an **organisational chart**, clearly indicating the role of each member and confirming which member is the Lead Tenderer.

Single Bidder

☐

Consortium/Group

☐

(Please tick as appropriate)

Sub-Contractors

Please list any sub-contractors to be used and their role:	
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4 LEGAL FORM

Is the Tenderer already a limited company or is it intended that it will (if successful) be incorporated?

Already a Limited Company

☐

Will be Incorporated

☐

(Please tick as appropriate)

If the Tenderer is already incorporated, please provide the following information:

Registered Number:	
Year of Incorporation:	
Issued Share Capital:	
Place of Registration:	

5 CONSORTIUM AGREEMENT

If the Tenderer is a group/consortium, is there a legal agreement that defines the rights and liabilities of each entity within the group/consortium? (Please note this refers to agreements between all entities).

Yes

☐

No

☐

(Please tick as appropriate)

If yes, please provide full details:	
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Please explain the role of each group/consortium member:	
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6 CONFLICTS OF INTEREST

Please confirm that there are no conflicts of interest or potential conflicts of interest in respect of the Tenderer or any entity comprising the Tenderer and (if applicable) provide details. Tenderers are referred to the RFT in this regard.

Any conflict of interest or potential conflict of interest must be fully disclosed in writing to the Contracting Entity as soon as the conflict or potential conflict becomes apparent. Following receipt of such information the Contracting Entity will, in its absolute discretion, decide on the appropriate course of action.

No conflict or potential conflict of interest

☐

Conflict of potential conflict of interest

☐

(Please tick as appropriate)

If a conflict or potential conflict of interest is indicated, please provide full details:	
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7 RELIANCE ON RESOURCES

Is the Tenderer (or any entity comprising the Tenderer) relying on the resources of entities with which it is directly or indirectly linked (including, for example, but not limited to, reliance on a parent company's resources) for the purposes of proving its financial standing (Part E) and/or technical ability (Part F).

Yes ☐ **No** ☐

(Please tick as appropriate)

If yes, the Tenderer or relevant entity must

- (a) establish to the Contracting Entity's satisfaction that it has available to it the resources/capacities of those entities or undertakings which are necessary for the performance of the contract (by providing a **letter of support** from such entity to the Contracting Entity confirming that it will make financial or technical resources available if the Tenderer is successful and that it will provide contractual confirmations satisfactory to the Contracting Entity if required to do so).

- ☐ Tick if appropriate written evidence of support for **financial standing** is enclosed

Reference to where enclosed:

- ☐ Tick if appropriate written evidence of support for **technical ability** is enclosed

Reference to where enclosed:

Part D: Eligibility

This Part D is to be completed by the Tenderer (and if the Tenderer is a consortium, each consortium member) and any entities whose resources are being relied on in accordance with Part C7 of this Qualification Response Document.

Declaration as to Personal Circumstances

1. Subject to the provisions of Regulation 57 of the European Union (Award of Public Authority Contracts) Regulations 2016 (below, the "**Regulations**") and the rights and obligations of the Contracting Entity thereunder:

- (a) if any of the conditions set out in Regulation 57(1) or 57(3) of the Regulations apply to:
 - (i) the Tenderer;
 - (ii) any member of the Tenderer's consortium (if applicable);
 - (iii) any entity whose resources are being relied upon in accordance with Part C7 of the Qualification Response Document; or
 - (iv) any member of the administrative, management or supervisory body of such organisations or any person who has powers of representation, decision or control therein

the Tenderer **shall** be excluded from the Competition.

- (b) if any of the conditions set out in Regulation 57(8) of the Regulations apply to:
 - (i) the Tenderer;
 - (ii) any member of the Tenderer's consortium (if applicable),
 - (iii) any entity whose resources are being relied upon in accordance with Part C7 of the Qualification Response Document,

the Tenderer **may** be excluded from the Competition.

- (c) Tenderer **must** complete the questionnaires in Sections 2, 3 and 4 below.

(As an alternative to sections 2 and 3 below, the Contracting Entity will also accept Part III of the European Single Procurement Document (ESPD).)

2. Tenderers **must** complete the below questionnaire.

OFFENCES Within the past five years, has the Tenderer or any member of your proposed consortium (if applicable) or any entity being relied upon for the purposes of Part C7 of the Qualification Response Document, or any member of the administrative, management or supervisory body of such organisation or any person having powers of representation, decision or control therein been convicted of any of the following offences?	Please indicate your answer by marking 'X' in the relevant box.	
	Yes	No

(a) participation in a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA;		
(b) corruption, as defined in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union and Article 2(1) of Council Framework Decision 2003/568/JHA as well as corruption as defined in the national law of the contracting entity or the economic operator;		
(c) fraud within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests;		
(d) terrorist offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA respectively, or inciting or aiding or abetting or attempting to commit an offence, as referred to in Article 4 of that Framework Decision;		
(e) money laundering or terrorist financing, as defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council; or		
(f) child labour and other forms of trafficking in human beings as defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council.		
If the answer to any of the above questions is “yes”, please provide full details, including date of conviction, identity of person convicted, and details of any measures taken to demonstrate reliability despite the existence of a relevant ground for exclusion.		

NON-PAYMENT OF TAXES Within the past five years, in respect of the Tenderer, or any member of your proposed consortium (if applicable) or any entity being relied upon for the purposes of Part C7 of the Qualification Response Document,	Please indicate your answer by marking 'X' in the relevant box.	
	Yes	No
has it been established by a judicial or administrative decision having final and binding effect in accordance with the legal provisions of Ireland or the legal provisions of the country in which the economic operator in question is established (if outside Ireland), that such economic operator is in breach of obligations related to the payment of tax or social security contributions?		

If the answer to any of the above questions is Yes, please provide further details. Please confirm whether the relevant economic operator has paid, or has entered into a binding arrangement with a view to paying, including, where applicable, any accrued interest and/or fines?

[insert response]

3. The Contracting Entity may also exclude any Tenderer where the answer is 'yes' to any of the following situations:

Within the past three years, please indicate if any of the following situations have applied, or currently apply, to the Tenderer or any member of the Tenderer in the case of a group/consortium or any entity being relied upon in accordance with Part C7 of the Qualification Response Document.	Please indicate your answer by marking 'X' in the relevant box.	
	Yes	No
(a) a violation of applicable obligations referred to in Regulation 18(4) of the Regulations (applicable obligations in the fields of environmental, social and labour law that apply at the place where the works are carried out or the services provided that have been established by European Union law, national law, collective agreements or by international, environmental, social and labour law listed in Schedule 7 of the Regulations);		
(b) the entity is bankrupt or is the subject of insolvency or winding-up proceedings, where its assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business activities are suspended or it is in any analogous situation arising from a similar procedure under national laws and regulations;		
(c) the entity is guilty of grave professional misconduct, which renders its integrity questionable;		
(d) the entity has entered into agreements with other economic operators aimed at distorting competition;		
(e) a conflict of interest within the meaning of Regulation 24 of the Regulations (which includes any situation where a relevant staff member has directly or indirectly a financial, economic or other personal interest which might be perceived to compromise his or her impartiality and independence in the context of the procurement procedure);		

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(f) a distortion of competition from the prior involvement of the entity in the preparation of the procurement procedure, as referred to in Regulation 41 of the Regulations;		
(g) the entity has shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity or a prior concession contract which led to early termination of that prior contract, damages or other comparable sanctions;		
(h) the entity has been guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria, has withheld such information or is not able to submit the supporting documents required pursuant to Regulation 59 of the Regulations; or		
(i) the entity has undertaken to unduly influence the decision-making process of the Contracting Entity to obtain confidential information that may confer upon it undue advantages in the procurement procedure or to negligently provide misleading information that may have a material influence on decisions concerning exclusion, selection or award.		
If the answer to any of the above questions is “yes”, please provide details. [insert response]		

4. The Contracting Entity may also exclude any Tenderer where the answer is ‘yes’ to the following situation:

Compliance with requirements of the COUNCIL REGULATION (EU) 2022/576 of 8 April 2022 amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia’s actions destabilising the situation in Ukraine	A. Subject to the provisions of Article 5k.1 of the Council Regulation (EU) 2022/576 of 8 April 2022 amending Regulation (EU) No 833/2014 ("Council Regulation"), the Contracting Entity shall be prohibited to award the Contract to: (a) a Russian national, or a natural or legal person, entity or body established in Russia; (b) a legal person, entity or body whose proprietary rights are directly or indirectly owned for more than 50 % by an entity referred to in point (a); or (c) a natural or legal person, entity or body acting on behalf or at the direction of an entity referred to in point (a) or (b),
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		including, where they account for more than 10 % of the Contract value, subcontractors, suppliers or entities whose capacities are being relied on within the meaning of the public procurement directives. B. If any of the conditions set out in Article 5k.1 of the Council Regulation apply, the Tenderer <u>shall</u> be excluded from the competition, unless specific grounds for derogation exist in accordance with Article 5k.2 of the Council Regulation. Do you or, if applicable, a subcontractor, supplier or entity whose capacities are being relied on, fall under one of the definitions under Section 5k.1 of the Council Regulation (please refer to scenario (a), (b), (c) above)?
		Yes ☐ No ☐

Part E: Financial Standing

Part E is to be completed by the Lead Tenderer or any entity whose financial resources are being relied upon by the Lead Tenderer.

Tenderers are required to demonstrate that they have the economic and financial standing to undertake the Contract that is the subject of this competition.

Financial Robustness: The Contracting Entity shall assess the information provided by a Tenderer in response to sections 1 and 2 below 'in the round' and determine if that Tenderer has sufficient economic and financial standing to undertake the Operating Agreement – this shall be assessed on a pass/fail basis. Should a Tenderer fail this assessment, it shall be eliminated from the Competition.

Minimum Revenue Threshold: As per paragraph 1(c) below, the Tenderer must be able to demonstrate the minimum revenue threshold. Should a Tenderer fail this assessment, it shall be eliminated from this Competition.

Insurance: The Contracting Entity shall also assess whether a Tenderer satisfies the insurance requirements specified in section 3 below. If a Tenderer is unable to confirm that it has all of these insurances or will have all of these insurances by the time the Operating Agreement is awarded, it shall be eliminated from the Competition. A letter of confirmation from the Tenderer's insurance broker to this effect should be included with the Tender submission.

1 FINANCIAL STATEMENTS / CREDIT RATING

Tenderers shall provide the following:

- (a) Copies of the full audited financial statements of the Lead Tenderer for the last three (3) financial years including all of the notes to the financial statements (including Balance Sheets, Profit & Loss and Cash Flow Statements). The latest set of such audited financial statements should be for an accounting period ending no earlier than twelve months before the date of submission of the Tender with an explanation if such statements are unavailable. The audited financial statements must show a clean audit opinion i.e. no going concern qualification. Should the auditor's report contain other statements regarding their findings, including an emphasis of matter, then the Contracting Entity will take this into account in its consideration of financial robustness.

Where the most recent audited financial statements have not been filed with the CRO (or equivalent outside Ireland) within the statutory filing period and remain unsigned by an auditor, the draft financial statements for that period must be provided with a reasonable and comprehensive explanation as to why such accounts remain unsigned. The Contracting Entity may, at its absolute discretion, elect to accept such unsigned accounts. Where the most recent annual financial statements remain unsigned, draft financial statements for the last year should be provided in addition to the signed audited financial statements for the three previous financial years.

- (b) Copy of current (must be issued within the last 3 months) Credit Rating Report for the Lead

Tenderer, issued by a recognised Credit Rating Agency. Reference letters from Banks or other financial institutions are not acceptable.

- (c) In addition to the above financial robustness requirement, the Lead Tenderer must be able to demonstrate that it currently owns, operates and/or manages a hotel portfolio generating a minimum annual turnover of €36,000,000. This must be submitted for the Lead Tenderer's last three financial years.

If, for some valid reason, the above forms of evidence of financial standing cannot be provided, other documentation (e.g. unaudited financial statements) may be accepted at the discretion of the Contracting Entity in order to demonstrate that the Tenderer has sufficient economic and financial standing to undertake the Contract.

2 LEGAL PROCEEDINGS

- (a) A statement of any material outstanding judgments against or court orders affecting the Lead Tenderer or material pending or threatened litigation or other legal proceedings for which specific provision has not been made within the latest set of audited accounts or confirmation that no such judgments, court orders, litigation or proceedings are outstanding, pending or threatened.
- (b) A description of any material pending or threatened tax or other regulatory investigations into the affairs of the Lead Tenderer or confirmation that no such investigations are pending or threatened.

3 INSURANCE

Tenderers should confirm that they have at the date of tendering or (if successful) will have by the date of execution of the Contract the following minimum insurance cover:

Type of Insurance	Indemnity Limit
Employer's Liability	€13m – limit for any one claim or series of claims arising out of a single occurrence.
Public Liability	€13m – limit for any one claim or series of claims arising out of a single occurrence.
Product Liability	€13m – limit on any one occurrence and in the aggregate per insurance year.
Cyber Insurance	Insurance to include cover for 3 rd party losses (no minimum specified)
We confirm that:	
Please indicate your answer by marking 'X' in the relevant	

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- we have at the date of tendering or (if successful) will have by the date of execution of any Contract the insurances required above and we attach a letter of confirmation from our insurance broker to this effect; - the territorial limits of the above insurance policies include, or will include, Ireland; and - we are not aware of any exclusions, restrictions, conditions, warranties or outstanding claims which could have an adverse impact on the level of coverage specified above.	box.	
	Yes, confirmed	No, not confirmed

Part F: Technical Ability

Part F is to be completed by the Lead Tenderer or any entity whose technical ability is being relied upon by the Lead Tenderer to meet this requirement.

Tenderers must provide details of maximum 3 hotel (current or previous) examples which they have operated and/or managed as supporting evidence.

- (i) The example(s) must include at least one example of one hotel of 200 or more guest bedrooms.
- (ii) Evidence that the example(s) are or have been operated in accordance with a minimum **Failte Ireland 4-star hotel standard (or equivalent)**
- (iii) References

Tenderers must demonstrate details of the current operation and/or management of a hotel portfolio comprising a minimum 1,000 operational guest bedrooms.

The information provided should be sufficient to enable the Contracting Entity to determine if the requirements above are satisfied.

Each reference project should be maximum 2 x A4 page (Tahoma 10 font).

Each reference contract must meet the requirements above. If any of the reference contracts does not meet these requirements and/or the Tenderer cannot satisfy the minimum hotel portfolio requirement, the Tenderer shall be eliminated from the Competition.

PLEASE NOTE: The Contracting Entity reserves the right to conduct direct reference checks with all named hotels prior to any Contract being concluded, in order to verify the information provided in a Tenderer's response. It is the responsibility of each Tenderer to ensure that its nominated referees are aware that the Contracting Entity may make contact and are willing to provide such verification information.