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Guidance Notes (“Guidance Notes”)

1 GENERAL REQUESTS

- (a) Applicants are requested to complete the pro-forma RFI Questionnaire as attached.
- (b) Terms defined in this RFI Questionnaire shall have the same meaning as in the RFI.
- (c) Applicants are permitted to add additional lines to the pro-forma tables and boxes set out within the RFI Questionnaire as required but are not permitted to adjust the headings or questions as they appear.
- (d) The information requested in the RFI Questionnaire should be submitted in English and where copies of original documents are provided in languages other than English, a complete and accurate English translation must be provided or the documents will not be considered during the pre-qualification process. 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) The response to this RFI Questionnaire should be completed fully and submitted in separate parts and each part should be submitted with its contents clearly marked. Each Part should be fully paginated with an index, annotated and cross-referenced as appropriate.

2 LEAD APPLICANT

The Lead Applicant is the entity whom it is proposed will enter into the contract with the Contracting Authority, if the Applicant is successful. The Lead Applicant will be responsible for information provided in response to the RFI Questionnaire and the Contracting Authority shall rely on its representations in this regard. The RFI Questionnaire identifies where questions must be responded to by the Lead Applicant only, and where questions must be responded to by the Lead Applicant on behalf of the whole Applicant group.¹

3 MISCELLANEOUS

- (a) Each part of the RFI Questionnaire must be completed. Do not leave any section blank. If an Applicant considers a Part 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 in the Pre-Qualification Questionnaire, it need only be provided once, but its location within

¹ Note to Applicant: where the Applicant is a single entity with no sub-consultants or other group members, the Lead Applicant and the Applicant will be the same entity. Where the Applicant is a group, the Lead Applicant is the group member who will enter into the contract with the Contracting Authority. See Part 5 of the RFI Volume 1.

the submission should be noted clearly in all other responses to questions that seek to rely on it.

- (c) Applicants 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 RFI Questionnaire. Applicants should not assume that the Contracting Authority has any prior knowledge of them or of their experience or organisation. It should be noted that the non-provision of any information requested, insufficient detail to adequately explain any part of the response to the RFI Questionnaire, or any failure to comply with the express provisions of the RFI or to supply the information sought in the RFI Questionnaire may be considered grounds for exclusion from the competition.
- (d) Any reference in the RFI Questionnaire 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 the Framework, unless another date is explicitly stated. In response to Part D of the RFI Questionnaire, projects awarded under separate contracts should not be aggregated for the purpose of determining their status in relation to the required timeframe. Similarly, in response to Part D of the RFI Questionnaire, single projects (or related contracts where one contract has more than one site or building) may not be split and put forward as separate examples of experience within the required timeframe.
- (e) Projects 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 Authority will evaluate the projects in the order in which they appear in the response to the RFI Questionnaire up to the maximum number permitted and the remainder will be ignored.
- (f) All submissions shall be in A4 format. The response to Part D shall be no longer than [30] (A4) pages (with minimum size ten font). Applicants should note, that the page numbers excludes, Financial Statements and Health & Safety documentation. Applicant should also note that if they exceed the page numbers limit, only that number of pages stated above will be reviewed and any information contained in pages beyond this will not be reviewed.

RFI Questionnaire

Part A: Details about the Applicant

Please see the Guidance Notes for information on how to complete this Part A. Part A is to be completed by the Lead Applicant on behalf of the Applicant.

1 LEAD APPLICANT

Please provide details of the proposed Lead Applicant

Lead Applicant

Name:	
Address:	
Registered Office (if different):	
Date of establishment:	
Telephone:	
Facsimile:	
Email Address:	

2 APPLICANT'S AUTHORISED REPRESENTATIVE

Please provide details of the Applicant's Authorised Representative.

Name:	
Address:	
Telephone:	
Facsimile:	
Email Address:	

If the Applicant is a consortium (see A3 below), each consortium member must sign this section A2 confirming that the Applicant's Authorised Representative is authorised to provide the information set out in the response to this RFI Questionnaire on its behalf as set out below.

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

3 STRUCTURE OF THE APPLICANT

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

If the Applicant is a Consortium, the Applicant'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 Applicant.

Single Bidder ☐ **Consortium** ☐

(Please tick as appropriate)

4 LEGAL FORM

Is the Applicant 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 Applicant is already incorporated, please provide the following information:

Registered Number:	
Year of Incorporation:	
Issued Share Capital:	
Place of Registration:	
Memorandum of Association / Articles of Association:	

5 CONSORTIUM AGREEMENT

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

Yes

☐

No

☐

(Please tick as appropriate)

If yes, please provide full details:

6 CONFLICTS OF INTEREST

Please confirm that there are no conflicts of interest or potential conflicts of interest in respect of the Applicant or any entity comprising the Applicant and (if applicable) provide details. Applicant are referred to Section 8 (Conflicts of Interest) of the RFI Vol 1 in this regard.

Any conflict of interest or potential conflict of interest must be fully disclosed in writing to the Contracting Authority as soon as the conflict or potential conflict becomes apparent. Following receipt of such information the Contracting Authority 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:

7 RELIANCE ON RESOURCES

Is the Applicant (or any entity comprising the Applicant) 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 and/or technical standing, as set out in Part 6 (Reliance on Resources) of RFI Vol 1.

Yes

☐

No

☐

(Please tick as appropriate)

If yes, the Applicant or relevant entity must

- (a) establish to the Contracting Authority'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 (for example by way of a letter from such entity to the Contracting Authority confirming that it will make such resources/capacities available if the Applicant is successful and that it will provide contractual confirmations satisfactory to the Contracting Authority 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 standing is enclosed

Reference to where enclosed:

RFI Questionnaire

Part B: Eligibility

Part B is to be completed by all members of the Applicant individually, and any entities being relied on in accordance with Part 6 of RFI Volume 1.

Subject always to the provisions of Regulation 37 of SI 203 of 2017, the Contracting Authority will treat an Applicant as ineligible, or, at a later date during the competition, disqualify an Applicant if any of the circumstances specified in (a) below apply; and may, at its discretion, treat an Applicant as ineligible or, at a later date during the Competition, disqualify an Applicant if any of the circumstances specified in (b) below apply:

- a) The Applicant (or any entity comprising the Applicant, or member of the administrative, management or supervisory body of the Applicant or such entity, or person who has powers of representation, decision or control thereof) has been the subject of a conviction by final judgment, of which the Contracting Authority is aware, for one or more of the reasons listed at (i) to (vii) below:
- i. participation in a criminal organisation;
 - ii. corruption;
 - iii. fraud;
 - iv. terrorist offences or offences linked to terrorist activities, or inciting, aiding or abetting or attempting to commit an offence;
 - v. money laundering or terrorist financing; or
 - vi. child labour and other forms of trafficking in human beings' or

the Contracting Authority is aware that the Applicant is in breach of its obligations relating to the payment of taxes or social security contributions and this breach has been established by a final, binding judicial or administrative decision

in each case as defined in Regulation 37 of SI 203 of 2017. Applicants requiring further details in relation to the above may contact the Contracting Authority.

- b) The Applicant (or any entity comprising the Applicant):
- i. has failed to comply with applicable obligations in the fields of environmental, social and labour law within the meaning of Regulation 29(4) of SI 203 of 2017; or
 - ii. is bankrupt or is the subject of insolvency or winding-up proceedings, its assets are being administered by a liquidator or by the court, it has entered into an arrangement with creditors, where he has suspended business activities or is in any analogous situation arising from a similar procedure under national laws and regulations; or
 - iii. the Contracting Authority can demonstrate, by any appropriate means, has been guilty of grave professional misconduct, which renders its integrity questionable; or
 - iv. has entered into agreements with other economic operators aimed at distorting competition, for which the Contracting Authority has sufficiently plausible indications; or
 - v. has a conflict of interest within the meaning of Regulation 34 of SI 203 of 2017, that cannot be effectively remedied by other, less intrusive, measures; or

- vi. has shown significant or persistent deficiencies in the performance of a prior public contract, which led to early termination of such contract, damages or other comparable sanction; or
- vii. the Contracting Authority can demonstrate by any appropriate means that the Applicant is in breach of its obligations relating to the payment of taxes or social security contributions, unless the Applicant has fulfilled its obligations by paying, or entering into a binding arrangement with a view to paying, the taxes or social security contributions due, including where applicable, any interest accrued or fines; or
- viii. is 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, or has withheld such information or is not able to submit the supporting documents required under SI 203 of 2017; or
- ix. has undertaken to unduly influence the decision-making process of the Contracting Authority, or obtain confidential information that may confer upon it undue advantages in the procurement procedure or has negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award.

Each Applicant (and any entity comprising the Applicant, and any entity being relied on by the Applicant or such entity comprising the Applicant, and in each such case the reference to Applicant above shall be read as a reference to each such entity/entity being relied on) must submit a statement to the Contracting Authority advising whether or not any of the circumstances listed above apply to it at the date of the RFI Submission. If an entity being relied upon or a subcontractor is in one of the situations listed above, the Contracting Authority may require that the Applicant replaces such entity/subcontractor with another entity/subcontractor to whom the grounds do not apply. In the event that the entity/subcontractor cannot be replaced with another entity/subcontractor to whom the grounds do not apply (including where the Contracting Authority concludes that to permit such replacement would be contrary to law), the Contracting Authority reserves the right to eliminate the Applicant from the Competition.

Any Applicant, member of an Applicant, entity being relied upon or subcontractor which is in one of the situations referred to above is invited to provide details of any factors or circumstances which it believes are relevant to the Contracting Authority's assessment of these grounds for exclusion. For example, where an Applicant is in one of the situations referred to above but has taken measures which it believes are sufficient to demonstrate its reliability, such Applicant may provide evidence of such measures to the Contracting Authority for consideration. Applicants should note that, with regard to the situations listed in a) above, the circumstances which the Contracting Authority may take into account before deciding whether or not to exclude an Applicant are prescribed by law, and Applicants are directed to Regulation 37 of the 2017 Regulations in this regard.

Tick as appropriate:

None of the circumstances set out above apply

☐

One or more of the circumstances set out above apply

☐

If any of the circumstances set out above apply, please provide details below:

RFI Questionnaire

Part C: Minimum Requirements and Financial Robustness

Part C is to be completed by the Lead Applicant and any entities being relied on in accordance with section 6 of RFI Volume 1

1 FINANCIAL STATEMENTS

- (a) Copies of the full audited financial statements of the Lead Applicant for the last three 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 completed RFI Questionnaire 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 Authority will take this into account in its consideration of financial robustness.

A minimum turnover of €500,000 per annum from the Lead Applicant in each of its last 3 financial years will be required.

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 Authority 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) Provide copy of current (must be issued within the last 3 months) Credit Rating Report for the Lead Applicant, issued by a recognised Credit Rating Agency. Reference letters from Banks or other financial institutions are not acceptable.

2 LEGAL PROCEEDINGS

- (a) A statement of any material outstanding judgments against or court orders affecting the Lead Applicant 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 Applicant or confirmation that no such investigations are pending or threatened.

3 INSURANCE

Please provide evidence of ability to secure the following minimum insurance levels for the design as appropriate:

Insurance Type	Minimum Limit of Liability Retail & Food & Beverage Concessions
Employers Liability	€13 million with specific indemnity to daa plc
Public & Product Liability	Where the Licensed Premises are located Airside, there is Kitchen/extraction any hot or electrical works/and there is access to the ramp but no airside driving, a minimum limit of indemnity applies in the sum of €127m Or €13 million where the Licensed Premises are located Airside or Landside (ii) There is no Kitchen for Hot Cooking and/or there is no food preparation using electricity or gas (iii) and no hot or electrical works. There is no access to the Airside Ramp <u>Daa to be noted as a co-insured with cross liabilities clause to apply</u> Insurance is to be placed with reputable insurers or underwriters with a minimum of BBB+ or similar rating to be approved of by daa
Property	To provide adequate cover for own property/ fittings etc. To note requirement to indemnify daa in respect of its Excess on daa's building / property policy. Currently this Excess is €250,000
Successful Tenderer will be obliged to indemnify daa against any Contractors or Sub-Contractors works carried out on behalf of the Tenderer at the Airport.	

Insert details. Where applicable, indicate where supporting information has been provided.

Please confirm if an application for any type of insurance cover by the Applicant has ever been refused.

Tick as appropriate:

Application for any type of insurance has not been refused

☐

Application for any type of insurance has been refused

☐

If any type of insurance has been refused please provide details below:

Applicant must also provide details of any insurance claims made against the Applicant (or any entity comprising the Applicant) in connection with providing Christmas Decoration installation services within the past five years (or in the process of being determined in the last five years), and where the Applicant (or any entity comprising the Applicant) has been found

to have caused or contributed (through act or omission) to the relevant act or acts which gave rise to the claim. Where that is the case, please provide details of the mitigating measures put in place since that incident to ensure against future events.

Responses to this section shall be taken into account when assessing Applicant' experience pursuant to Part D below, under the sub-criterion which the Contracting Authority thinks is most relevant to the incident in question and regardless of whether the project to which the incident relates is one of the projects which has been identified by the Applicant in its response to Part D.

RFI Questionnaire

Part D: Experience

Part D is to be completed by the Lead Applicant on behalf of the Applicant (including any entities being relied on in accordance with section 6 of RFI Volume 1).

Applicant shall respond to D(a) to (e) below, limiting their response as more fully described at section 3(f) of the Guidance Notes.

(a) Capability – Part 1 (Similar Experience)

1	Submit details of similar projects, valued between €100k and €300k undertaken in the past 5 years (up to a maximum of five projects) indicating the value, the client and referees for each project. as per the details listed in Part D (a) of the RFI Questionnaire.	Mandatory Marked out of 40 24 marks required to pass
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(b) Capability – Part 2 Design, Manufacturing and Supply

1	Submit detailed information that align with the requirements set out in 3.2, 3.3 and 3.4	Mandatory Marked out of 30 18 marks required to pass
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(c) Capability – Part 3 Account Management

1	Submit detailed information regarding account manager support as per the requirements set out in 3.5	Mandatory Marked out of 10 6 marks required to pass
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(d) Capability – Part 4 Restrictive Working

1	Please submit detailed information of your experience working in similar operational areas where restrictive working procedures were in place.	Mandatory Marked out of 20 12 marks required to pass
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(e) Sustainability

Please also populate the mandatory pass / fail sustainability questionnaire below.

	Tenderer Response	Proof Required
Does the tenderer have a company ESG Strategy outlining key commitment areas, associated targets and timelines?	Yes / No	Copy of strategy, including targets, timeframes, and reported results against key commitments to date
Does the tenderer have an Environmental Management System accredited to ISO 14001, or equivalent?	Yes / No	ISO accreditation. or equivalent
Is the tenderer collecting (and publishing) Scope 1 and Scope 2 emissions data and preparing strategies for Scope 3?	Yes / No	Copy of most recent emissions disclosures or evidence of tracking
Does the tenderer have a Diversity, Equality and Social Inclusion policy?	Yes / No	Copy of policy
Does the tenderer have an Anti-Corruption Policy?	Yes / No	Copy of policy
All suppliers and service providers working with daa contribute to our greenhouse gas emissions. daa are seeking providers who will supply daa with data at agreed intervals of their emissions associated with their product and service to support our scope 3 emission reporting and other associated data points in line with mandated reporting requirements. I confirm I will provide this data to daa at agreed intervals	Yes / No	Written commitment/tick box

(f) Capability Part 5- Health & Safety

1	Has your company been served any Prosecutions, Prohibitions Reports of Inspection or Improvement notices (any jurisdiction) in the last 5 years? Please state the number served in each year. Please state the reasons for and the corrective actions taken.	Mandatory (Pass/Fail)
2	Please provide a copy of your company's Safety Statement in compliance with Section 20 of the Safety Health and Welfare at Work Act 2005, or Candidate's national equivalent. Ensure the Health and Safety Statement is signed.	Mandatory (Pass/Fail)
3	Is your company's Safety Management System certified to ISO 45001 or another recognised standard? Please provide a copy of your Certificate from your Certification Body.	Mandatory (Pass/Fail)
4	Please provide Accident Frequency Rates (AFR) for the last 3yrs, including all accident / incident data and man hours worked.	Mandatory (Pass/Fail)
5	a) How does your company assess all of the workplace risks? Please provide an example of your company's Risk Assessments, at least three of which must be specific to a similar previous project. b) How are the risks and control measures communicated to employees and other relevant parties? i.e. do you do Toolbox Talks, Method Statement Briefings, etc. Please provide copies of Toolbox Talks and Method Statements for similar projects.	Mandatory (Pass/Fail)
6	Provide details of your company's Safety Management Structure including any Consultants who provide advice on Safety, Health and Environment. (Please provide names and competency details of your Head of Safety and/or Safety Consultants).	Mandatory (Pass/Fail)
7	Demonstrate that all project staff have undertaken appropriate Health & Safety Training, demonstrating that they have access to competent H&S advice.	Mandatory (Pass/Fail)
8	a) How frequently does your company carry out EHS inspections / audits? Please attach copies of past inspections/audits for similar projects. b) How does your company ensure EHS corrective actions are completed? i.e. how do you resolve a Health and Safety issue to prevent recurrence? Please attach copies of 'Close Out' forms for similar projects.	Mandatory (Pass/Fail)
9	How does your company ensure that the EHS concerns or	Mandatory (Pass/Fail)

Project: Christmas Decorations and Festive Installation Services

Title: Volume 2 of 2; Request for Information

	suggestions of contractor's employees and staff are represented? i.e. do you have a Safety Rep in your company? Do you hold safety meetings? Please provide copies of past minutes.	
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RFI Questionnaire

Part E: Confirmations and Acknowledgements

Part E is to be completed by the Lead Applicant on behalf of the Applicant (including any entities being relied on in accordance with section 6 of RFI Volume 1).

We confirm that the representative named in Part A2 (Applicant's Authorised Representative) of this RFI Questionnaire is authorised to act as agent and principal contact for the Applicant in dealings with the Contracting Authority in relation to the Project.

We confirm that the replies to the RFI Questionnaire are true, accurate and valid as to their content.

We understand and accept that the provision of false or misleading information or the omission of information could result in the exclusion of the Applicant from the bidding process or rejection of our bid.

We confirm that we agree to and accept the requirements, terms and conditions set out in the RFI and the RFI Questionnaire.

Signed:

Signature

Name

Title

**On behalf of:
Applicant**

Date: