Comhairle Contae Fhine Gall
Fingal County Council

TENDER RESPONSE DOCUMENT

(SUPPLIES)

Subject Matter of Request for Tender:	
Establishment of a Single Supplier Framework Agreement for the Supply of Backhoe Excavators and Associated Attachments for Fingal County Council with an initial contract for the Supply of 2 No. Backhoe Excavators - FCC/139/26	
Closing Date and Time for Receipt of Tenders	**as per etenders at 12 Noon**

Instructions for Completion

Tenderers should ensure they have read the Request for Tender before they attempt to complete this Tender Response Document.

If you consider that the Tender Response Document is missing any sections which would prevent you from preparing a comprehensive response, please contact the Contracting Authority as soon as possible using the Questions and Answers facility on www.etenders.gov.ie.

Where there is a discrepancy between the contents / instructions in this document and the Request for Tender, the Request for Tender will take precedence.

Tenderers must follow the instructions contained in this document in relation to attachments, format for submission, etc. Tenders must ensure that the document submitted is text searchable i.e. it must not be a document that has been scanned as an image or protected against search.

Where tenderers are relying on other parties to meet the selection criteria, those parties must be available to deliver elements of the contract.

Response to Selection Criteria

TENDERERS SHOULD NOTE THESE CRITERIA ARE ASSESSED ON A PASS/FAIL BASIS.

General Contact Information:

Organisation Name:		
Contact Person:		
Position:		
Address:		
Phone:		
Email:		
Website:		
Date of Establishment, if	**VAT Registration No:**	**Legal Structure – partnership,**

applicable		**limited co. Etc**
Details of any sub-contractors or consortium members:		
Name:	**Proposed Role in delivery of the contract**	**Confirmation relevant information is provided for each party (e.g. financial experience, or other selection criterion where applicable)**

Financial:

Tax Clearance	Please confirm:	
	Yes	No
I confirm and declare being tax compliant. The Contracting Authority can verify your tax clearance status through Revenue's online facility at http://www.revenue.ie/en/online/tax-clearance.html To this end please confirm:		

Tenderer Name:	
Tenderer PPSN/Tax Reference Number	
Access Number	

Or, I confirm that I hold a current valid paper Tax Clearance Certificate (generally relates to Non-Residents)

Registration Number		Certificate Number	

Or, I confirm that I have applied for Tax Clearance status or a Tax Clearance Certificate which will be made available on request		

Turnover

Tenderers must demonstrate that they have generated a minimum annual turnover of €400,000 for each of the three (3) immediately preceding financial years. Tenderers must, upon request, provide audited financial statements for each year, which must include an unqualified audit report on these financial statements. Details of the Tenderer's turnover for each of the three (3) immediately preceding years must be provided in the following format where Financial Year 1 is the most recent financial year:

Year	Financial Year 1	Financial Year 2	Financial Year 3
Month End (e.g. July)			
Turnover €			

I confirm that I will provide evidence of turnover promptly on request. **Note 1:** In case of sole traders or partnership this condition may be satisfied by a letter of confirmation from a senior partner.

Insurances

I confirm that I have the following insurances in place

Insurance Type	**Level required**	**Level in place**	**Details of any excess**	**Renewal Date**
Employers Liability	€13,000,000	€		
Public Liability	€6,500,000	€		
Product Liability	€6,5000,000	€		

In the case of Employer's Liability and Public Liability Insurances, an indemnity to Fingal County Council as Principals clause must be included. Insurances provided must be authorised for this jurisdiction. The Contractor shall be responsible and take due precautions for the safety and custody of any plant / equipment / materials required for the delivery of the supplies on the Client's premises.

And
I confirm that if successful, where the levels required under the panel are higher than those currently in our possession, I will be in a position to put the required forms and levels of insurances in place
And
I confirm that I will provide the following promptly on request: • Evidence of insurances in place or • Letter from Insurance Broker confirming that the required levels can be put in place if successful

Declaration Re Personal Circumstances/Statutory Obligations:

Economic Operators will be excluded from the procurement process if, within the past **five (5)** years, there is evidence of a conviction relating to a specific criminal offence listed below (see 1.1) or if they have been subject of a binding legal decision which found a breach of legal obligations to pay tax or social security contributions (see 1.2) (except where there is disproportionate e.g. where only minor amounts are involved).

1.1 Has the economic operator or a member of their proposed consortium, (if applicable), director, or partner of any other person who has powers of representation, decision or control been convicted of any of the following offences?		**Yes**	**No**
		Please indicate your answer by marking X in the relevant box	
1.1a	Participation in a criminal organisation, as defined in Article of Council Framework decision 2008/841/JHA;		
1.1b	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 Irish Law or the jurisdiction in which the Economic Operator is established;		
1.1c	Fraud within the meaning of Article 1 of the Convention on the protection of the European Communities financial interests;		

1.1d	The subject of a conviction for terrorist offences or offences linked to terrorist activities or for inciting or aiding or abetting or attempting to commit an offence;		
1.1e	The subject of a conviction for money laundering or terrorist financing;		
1.1f	The subject of a conviction of child labour and other forms of trafficking in human beings;		
Non-payment of taxes or social security obligations 1.2 has it been established by a judicial or administrative decision having final and binding effect in accordance with Irish Law or the legal provisions of the country in which the Economic Operator is established (if outside Ireland), that the Economic Operator is in breach of obligations related to the payment of tax and social security contributions? *Note: if the response to 1.2 above is in the affirmative, please provide further information on the decision and the amounts involved*			
2.1 Please indicate if any of the following situations have applied within the past three (3) years, or currently apply, to your organisation		Please indicate your answer by marking X in the relevant box	
2.1a	Has, in the performance of any public contract, failed to comply with applicable obligations in the field of environmental, social and labour law applying at the place where the works were carried out or the services provided, as established by EU law, national law, collective agreements or by international, environmental, social and labour law listed in Annex X of Directive 2014/24/EU;		
2.1b	Is bankrupt or the subject of insolvency or winding-up proceedings, its assets are being administered by a liquidator or by the court, or has entered into an arrangement with creditors, suspended its business activities or is in any analogous situation arising from a similar procedure under national laws and regulations;		
2.1c	Is guilty of grave professional misconduct which renders its		

	integrity questionable;		
2.1d	Has entered into agreements with other economic operators aimed at distorting competition;		
2.1e	Has a conflict of interest within the meaning of Article 24 of 2014/24/EU that cannot be effectively remedied by other less intrusive, measures;		
2.1f	Confirms that it has had prior involvement in the preparation of the procurement procedure which has resulted in a distortion of competition, as referred to in Article 41 of 2014/24/EU, that cannot be remedied by other, less intrusive, measures;		
2.1g	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;		
2.1h	• 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; or • Has withheld such information or is not able to submit supporting documents required under Article 59 of Directive 2014/24/EU		
2.1i	Has undertaken to: • Unduly influence the decision-making process of the contracting entity obtain confidential information that may confer upon the Tenderer undue advantages in the procurement procedure; or • Negligently provide misleading information that may have a material influence on decisions concerning exclusion, selection or award		
We confirm that we are fully compliant with the following legislation or equivalent legislation in our country of establishment/operation:		**Yes**	**No**
a)	Employment Equality Acts 1998-2011		

b)	Equal Status Acts 2000-2011		
c)	National Minimum Wage Act 2000 as amended		
d)	Organisation of Working Time Act 1997 as amended		
e)	Safety, Health and Welfare at Work Act 2005 and Safety, Health and Welfare at work (General Application) Regulations 2007		
f)	Disability Act 2005		
g)	We have procedures in place to ensure that our subcontractors, if any are used for this contract, apply the same standards		

This Declaration is made for the benefit of the Contracting Authority

I certify that the information provided in the Declaration re Personal Circumstances and the Declaration re Statutory Obligations is accurate and complete to the best of my knowledge and belief. I understand that the provision of inaccurate or misleading information in these Declarations will lead to my organisation being excluded from participation in this and future tenders ad I am signing on behalf of:

Name of Tenderer	
Name of Authorised Signatory	
Position	
Signature	
Date	

Article 5k Declaration:

EU REGULATION 2022/576 ON RESTRICTIVE MEASURES IN THE CONTEXT OF RUSSIAN ACTIONS IN THE UKRAINE			
A.	In the light of Russian actions in the Ukraine, the European Council adopted a new regulation – EU Regulation 2022/576, aimed at restricting participation in economic activity by economic operators from the Russian Federation. Article 5k of the Regulation prohibits the award or continuation of contracts falling within the scope of the Public Procurement Directives to persons or undertakings related to the Russian Federation. To comply with EU Regulation 2022/576, the Contracting Authority is seeking a declaration from economic operators to this effect.		
B.	I declare that **[enter name of Tenderer]** none of the exclusions specified in EU Regulation 2022/576 to any party associated with this tender.	**Yes**	**No**

This Declaration is made for the benefit of the Contracting Authority

I/We certify that if a Trade Union refers a case concerning such employees of this company, whom they represent, to the Workplace Relations Commission conciliation service or to the Labour Court for investigation, that the company will accept the invitation and participate in such conciliation conferences or hearings, as appropriate.

I certify that the information provided in the **Declaration of Bona Fides**, the **Declaration re Statutory Obligations**, and the **Article 5k Declaration** is accurate and complete to the best of my knowledge and belief. I understand that the provision of inaccurate or misleading information in these Declarations will lead to my organisation being excluded from participation in this and future tenders and I am signing on behalf of:

Name of Tenderer	
Name of Authorised Signatory	
Position	
Signature	
Date	

Previous Contracts / Experience: Pass/Fail Criteria

Reference Contract 1				
Customer Name				
Contact Name				
Contact Number				
Delivery Date(s)	**From**		**To**	
Contract Value		**Period value refers to**		
Detailed description				
Taking account of the features of the contract / scope of the framework agreement, please provide information demonstrating comparability with the contract / framework being awarded under this procurement:				

Reference Contract 2				
Customer Name				
Contact Name				
Contact Number				
Delivery Date(s)	**From**		**To**	
Contract Value		**Period value refers to**		
Detailed description				
Taking account of the features of the contract / scope of the framework agreement, please provide information demonstrating comparability with the contract / framework being awarded under this procurement:				

Health & Safety:

Do you comply with the Safety Health & Welfare at Work Act 2005		**Yes**	**No**
Name of Manager Responsible for Health & Safety			
Is it 3rd party certified or managed in-house?		**3rd Party**	**In-House**
If 3rd party certified please provide the following information:	Date of most recent certification		
	Scope of Certification		
	Name of Certification Body		
	Evidence will be provided on request	**Yes**	**No**
I confirm that evidence of compliance will be provided promptly on request			

Quality Management System

Do you operate a quality management system?	Yes		No	
Name of Manager responsible for Quality				
Is it 3rd party certified or in-house?	3rd Party Certified			

	In-House		
If 3rd party certified, please provide the following information:	Date of most recent certification		
	Scope of Certification		
	Name of Certification Body		
	Evidence will be provided on request	Yes	
		No	
If in-house, please provide summary of system:			

Environmental Management Systems

Do you operate an Environmental Management System / Policy?	Yes		No	
Name of Manager responsible for Environmental Management				
Is it 3rd party certified or in-house?	3rd Party Certified			
	In-House			
If 3rd party certified, please provide the following information:	Date of most recent certification			
	Scope of Certification			
	Name of Certification Body			
If in-house, please provide summary of system:				

Technical Resources

Tenderers must complete the Tables below to confirm that the vehicles comply with the specification:

Make:	
Model:	
Power:	
Torque:	

	Yes/No
Engine	
Direct injection Diesel Engine with a minimum power output of 80 kW and a minimum torque of 500 Nm.	
Engine fitted with efficient silencer arrangement together with high level discharge exhaust pipe.	
The engine cooling system protected to -25 degrees C.	
Cab - Fully enclosed and vibration isolated cab includes the following:	
a) Full instrumentation. b) Approved Fire Extinguisher and First Aid box suitably mounted. c) Cab roof to be fitted with LED beacon bar. d) Laminated windscreen. e) Heater and demister. f) Airconditioning. g) Hazard warning flashers. h) Body steps allowing safe convenient access. i) Front and rear LED working lights. j) Air suspension seat with head rest k) Bluetooth radio	
General Requirements	
a) Machine compatible with the rock breaker Hammermaster 360. b) Towing attachment provided at front of vehicle. c) Power steering. d) Battery isolation switch and easily accessible battery for maintenance purposes. e) Rear light protective guards. f) Automatically engaged reverse alarm and warning lights. g) Reflective marking strips at side and rear. h) Front and rear mudguards i) Rear Light guards j) Clam Ram guards	

k) Front Bumper and stabiliser street pads l) Large mirrors	
Excavator Loader	
a) Selectable four-wheel drive. b) 6 speed Power Shift Transmission. c) Limited slip differential d) Lock up torque convertor. e) Hammer lines fitted. f) Extending dipper arm. g) Joystick control for back actor h) Hydraulic operator sliding back actor i) High volume oil pump to power the road planer j) Minimum front bucket loading height 2600 mm. k) 6 in 1 direct mount bucket with pallet forks. l) 600 mm bucket m) Toeplate to protect the bucket floor from wear n) Self levelling front bucket lift. o) Enclosed quiet cab 82 dB (A) SPL. p) 40 or 50 km/hr top speed q) Tyres selected for road use. r) Rubber street pads. s) Red rear chevrons for the stabiliser legs t) Auxiliary hydraulic service with quick release coupling to boom, for vibrating compactor or hammer. u) System to reduce machine pitching & bouncing giving smooth ride in all applications. v) Boom, dipper, loader and bucket ram check valves	
Legislation	
Each Backhoe Loader is complete with all standard equipment to comply with **all relevant current** Road Traffic Acts and EC Directives with particular reference to EC Machinery Directive (2006/42/EC). The equipment shall have a separate CE mark. It is the obligation of the manufacturer and the local supplier (distributor, agent) to see that the mark is applied and that the requirements are fulfilled.	

Response to Qualitative Award Criteria:

Criterion 1:	Weighting	Maximum Marks	Minimum Marks Required
Contract Management	**10%**	**1,000**	**600**
Description	Tenderers shall submit a comprehensive proposal outlining how they will manage the Framework Agreement and support Fingal County Council throughout the life of the contract. Tenderers should address, at a minimum, the following areas: • The proposed contract management structure including a named Contract Manager, and support team. • Procedures for handling complaints and escalation of issues. Please note the page limit for responses to Award Criterion is **4 x A4 pages.** Any pages beyond this will NOT be considered. Any additional information included as appendices, for example in the form of tables, graphics, or charts is NOT permitted in response to the award criteria. Any such information if submitted will NOT be considered.		

Tenderers Response: (Please use the free text area below for your response)

Criterion 1:	Weighting	Maximum Marks	Minimum Marks Required
Product Support, Spare Parts and Service Level Agreement	**20%**	**2,000**	**1,200**
Description	Tenderers must outline their provision for ongoing technical support capability and coverage to include, at a minimum, the following: • A description of support capability and coverage for Fingal County Council including: the provision of repair tools; availability and stockholding of spare parts within Ireland and/or Europe and typical lead times; on-site and off-site maintenance and repair services; location of workshops, authorised repair centres and mobile service engineers; capacity to meet or exceed the minimum response requirements specified in the tender; details of any preventative maintenance, operator support or technical assistance included within the Tendered Price. • Proposed service level agreement, including but not limited to: Response time to written, verbal requests; Lead time to book: off-site maintenance; on-site maintenance; breakdown response procedures and escalation arrangements; response times for: off-site repair; on-site repair; lead time for spare parts; measures to minimise equipment downtime and maximise equipment availability. Please note the page limit for responses to Award Criterion is **4 x A4 pages** (excluding Manufacturer's product literature)**.** Any pages beyond this will NOT be considered. Any additional information included as appendices, for example in the form of tables, graphics, or charts is NOT permitted in response to the award criteria. Any such information if submitted will NOT be considered. Product Brochures are permitted to be submitted separately.		

Tenderers Response: (Please use the free text area below for your response)

Criterion 2:	Weighting	Maximum Marks	Minimum Marks Required
Fuel Consumption at Maximum Load	**10%**	**1,000**	**N/A**

Description	**Tenderers are required to state the fuel consumption (at maximum load) of the loader in the tender response document.** Supporting evidence such as manufacturer's fuel consumption figures should be included. The Tender that offers the best Fuel Consumption will receive 100% of the maximum marks available for Fuel Consumption. All other Tenders will be scored using the following formula as per Section 5.2

Tenderers Response: (Please use the free text area below for your response)

Response to Cost Award Criteria:

Criterion 3: Cost

Pricing Schedule / Form of Tender - Supplies

Prices quoted shall remain firm for the first twelve (12) months.

Thereafter quoted prices will only be considered for review in consultation with appointed Fingal County Council personnel, any increases will not exceed inflation as per CPI.

All prices quoted must be inclusive of all charges for packaging, packing, loading, unloading, shipping, carriage, insurance and delivery of the Goods to the Delivery Address and any duties, taxes or levies other than VAT.

All prices quoted to be exclusive of VAT.

The lowest cost valid tender will receive the maximum score achievable under the heading Ultimate Cost Score. The methodology for calculating Ultimate Cost Score is outlined in Section 5.2.

Item Description	**A. Cost per Unit (ex VAT)**	**B. No. of Units**	**Vat Rate (%)**	**TOTAL (A x B) € ex VAT**
New 180 deg. Backhoe Excavator as per Section 2.3 of the SCFT	€	2		€
Make:				
Model:				
TOTAL				€

Additional Requirements – Notional

Note 1 – The figures below are notional volumes and provide no guarantee of contracts to be awarded under this framework agreement. It is being used purely to enable assessment of the notional cost for the framework agreement and ensure certainty of prices of goods under the framework.

Item Description	Cost per Unit (ex VAT)	Vat Rate (%)
Clam shell front bucket with pallet forks	€0	
Road breaker hammer	€0	
Hydraulic vibrating road compactor	€0	
Bucket size: 300mm	€0	
Bucket size: 600mm	€0	
Bucket Size: 900mm	€0	
Ditching Bucket - Without teeth	€0	
Ditching Bucket – With Teeth	€0	

€0

I/We have examined the Request for Tender Document and the details contained within the tender documentation.

I/We confirm that I/we:

- Fully understand the Request for Tender (RFT) Documents, the Client's requirements and we agree to provide the Contracting Authority with the Goods in accordance with the RFT and our tender,
- We accept all of the Terms and Conditions of the RFT, the Framework Agreement, the Goods Contract and the Confidentiality Agreement and agree if awarded a Goods Contract to execute the Goods Contract and the Confidentiality Agreement,
- All rates are inclusive of out of pocket (i.e. mileage, subsistence, phone, postage, etc.) and account / contract management related costs.

- Will keep this offer for the contract / framework open for acceptance by you for a period of 6 months from the date of deadline for submission of Tenders,
- Agree that you are not bound to accept the most economically advantageous or any Tender you may receive,
- Undertake to treat the details of this Invitation to Tender, its Tender and any subsequent agreements as private and confidential,
- Acknowledge that acceptance by the Contracting Authority of this tender will not constitute a binding and enforceable agreement and that a legally enforceable agreement will not exist until and unless the contract is awarded / framework agreement has been established between the and the Tenderer,
- Have availed of all offers for additional information or have otherwise satisfied myself/ourselves as to conditions that may in any manner affect the performance of the contract,
- Have included all elements necessary for the performance of the specified requirements, which are either expressly stated in the Tender Document or contained in any supplementary information or which could reasonably be inferred therefrom,
- Have found no errors, omissions, conflicts or ambiguities in the Tender Document except those which I/We have brought to the attention of the Contracting Authority before the latest date for submitting queries,
- Have included for compliance with all statutory requirements applicable in Ireland and those applicable in any country where parts of the contract may be performed that are in force 7 days prior to the deadline for receipt of Tenders and we agree that, if awarded any Goods Contract, we shall, in the performance of such contract, comply with all applicable obligations in the field of environmental, social and labour law.
- We confirm that all Data Subjects whose Personal Data is provided in our Tender have consented to the processing of such Personal Data by us, the Contracting Authority, the Evaluation Team and the supplier of the etenders.gov.ie website, for the purposes of our participation in this Competition or that we otherwise have a legal basis for providing such Personal Data to the Contracting Authority for the purposes of our participation in this Competition and that we will provide evidence of such consent and/or legal basis to the Contracting Authority upon request,
- Agree that as a condition of award, it shall be our sole responsibility to fulfil the obligations under the Contract, notwithstanding any changes in circulars, laws, regulations, taxation, duties or other factors which might arise following the withdrawal of the United Kingdom from membership of the EU.

Signed:	
Name (in Capital Letters):	
Position / Authorised Person:	
On behalf of:	

Address:			
Telephone:		**Fax:**	
Email:		**Date:**	