Comhairle Cathrach Bhaile Átha Cliath
Dublin City Council

CALL FOR HOUSING:

MULTI PARTY FRAMEWORK AGREEMENTS

FOR THE AWARD OF DEVELOPMENT AGREEMENTS

FOR DELIVERY OF SOCIAL HOUSING PROJECTS IN THE DUBLIN CITY COUNCIL AREA

(TYPE 2 – PROJECTS WITHOUT PLANNING (MINIMUM 100 UNITS, PLANNING APPLICATION NOT SUBMITTED))

DCC Ref: CALL FOR HOUSING 2A

PROJECT INFORMATION MEMORANDUM

Procedure:	Competitive Dialogue
eTenders Ref:	9382887
Issue Date:	6 November 2026
Query Closing Date and Time:	26 November 2026 at 12:00 (Dublin time)
PQQ Closing Date and Time:	10 December 2026 at 12:00 (Dublin time)
PQQ Response Document / Queries to be submitted via:	www.etenders.gov.ie only
Note: Information relating to this pre-qualification stage, including clarifications and changes, will be published on www.etenders.gov.ie.	

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1. CONTRACTING AUTHORITY & THE PROJECT

1.1 The Contracting Authority

Dublin City Council (the Contracting Authority) is the contracting authority conducting the Competitions described herein.

Dublin City Council is the largest local authority in Ireland, employing approximately 6,100 staff. It provides a wide and diverse range of services to the citizens of Dublin city (population in excess of 500,000), to businesses and to visitors to the city. Activities are carried out in both the physical works area (e.g. provision and maintenance of housing, roads) and in the areas of arts, sports, recreation and social services (e.g. libraries, sports facilities, parks, community development and housing welfare services). The Council also provides emergency services through Dublin Fire Brigade.

The Council's facilities are spread throughout the city and are also located outside the Dublin City Council area. Its headquarters are located at Wood Quay, Dublin 8.

The Council is responsible for the social, economic, infrastructural and cultural development of the city. The range of services provided by the Council is summarised as follows:

- Housing and Building
- Road Transportation and Safety
- Development Incentives & Controls
- Environmental Protection
- Recreation & Amenity
- Education, Health and Welfare
- Miscellaneous Services.

The Council's total Capital Expenditure Budget for 2026-2028 amounts to €3.879bn, of which approximately 70% (€2.713bn) is allocated to capital expenditure on Housing and Building.

Further information is available at the website www.dublincity.ie

The Council is hereinafter referred to as the Contracting Authority.

1.2 Introduction to the Competition

The Contracting Authority's Call for Housing Programme was announced on 26 January 2026[1]. This is a significant programme to seek Partnership Development Opportunities through development agreements with developers and landowners to deliver large-scale mixed-tenure residential developments across the city. This initiative aims to accelerate housing delivery to 2030 promoting tenure diversity while ensuring high-quality design that aligns with the City Development plan and Department of Housing, Local Government and Heritage housing design standards and guidelines.

[1] Dublin City Council to Seek Partnership Development Opportunities for Large-Scale Housing Delivery | Dublin City Council

The Call for Housing Programme will underpin the Contracting Authority's delivery of new social and affordable homes between 2026 and 2030 and will contribute significantly to the Government's national housing plan, *Delivering Homes, Building Communities 2025 - 2030*[2].

There will be significant targets to be delivered in Dublin and these Competitions will form a major part of the Contracting Authority's response to *Delivering Homes, Building Communities 2025 – 2030* and any subsequent national housing delivery programme.

Funding for the Call for Housing programme is being provided by the Department of Housing, Local Government and Heritage ("**DHLGH**") Social Housing Investment Programme (SHIP).

"This Call for Housing proposals will allow Dublin City Council to work collaboratively with landowners and the development sector to bring forward ambitious, high-quality housing schemes at scale. It is designed to unlock development sites across the city and will deliver best value while meeting our social and affordable housing objectives." **Mick Mulhern, Assistant Chief Executive, Housing, Dublin City Council**

"This will seriously complement Dublin City Council's ambitious plan for the delivery of social and affordable homes on Dublin City Council-owned land to support reaching their social and affordable delivery. Under the Government's new Housing Action Plan, 'Delivering Homes, Building Communities', we have pledged to build 300,000 homes by 2030. All of this work is about each new dwelling which will provide a secure home for individuals and families where they can put down roots - grow up and grow old in. I want to back ambition in our local authorities, and I want to see more of this." **Minister for Housing, Local Government and Heritage, James Brown TD**

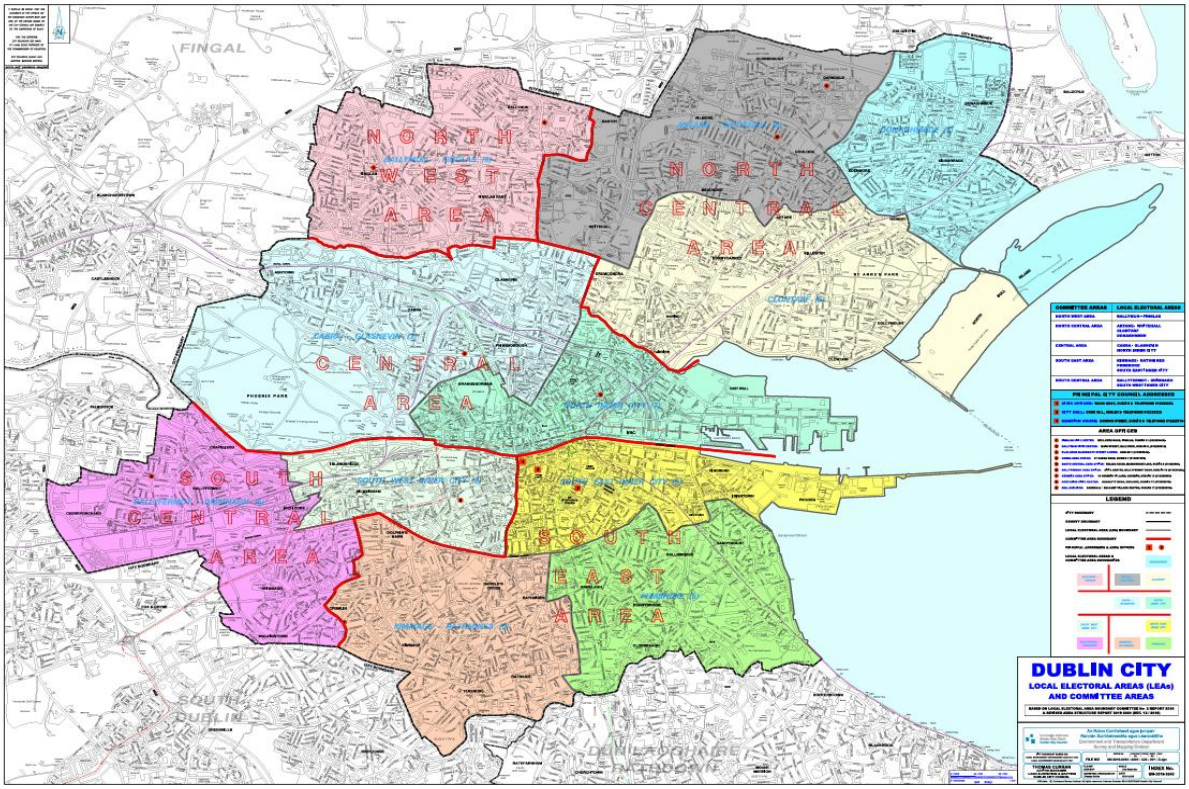
Market Engagement

A Prior Information Notice (PIN) for the programme was published in January 2026 (OJ S 16/2026) and a preliminary market consultation took place between January and March 2026, which generated significant interest in the programme.[3] A public briefing session was held on 19 February 2026.[4] A positive market response has helped inform the funding and procurement approach and drafting of the proposed Development Agreement and Contract for Sale.

Call for Housing Competition

In the Competitions that are the subject of this Project Information Memorandum, the Contracting Authority invites proposals from Candidates who can deliver large-scale social and sustainable housing schemes in the DCC Administrative Area delimited by the coloured areas on the map below.

[2] See 20251218_Delivering_HomesBuilding_Communities_18_Dec_Web_Version.pdf. This Competition may include schemes that will be delivered beyond the lifetime of the plan.
[3] https://www.etenders.gov.ie/epps/pmc/viewPmc.do?resourceId=7329573
[4] https://www.dublincity.ie/sites/default/files/2026-05/dcc-partnership-development-agreements-feb-2026.pdf
14097184.3



As explained further below, the Competitions are divided into three separate Lots, each which will be procured separately. Lots are unlikely to be awarded at the same time.

In respect of any proposed development for which an application is to be made under any Lot:

- It should relate to a single Development Site in the DCC Administrative Area;
- The Development Site must include a minimum of 100 social housing units[5];
- It can be a single (social) tenure Development Site (i.e. not part of any Wider Scheme) or a Development Site that is part of a Wider Scheme which has mixed tenure.[6];
- The Candidate (or if the Candidate is a Consortium, a Consortium Member) shall, by the time it submits its final tender, have good and marketable title to the Development Site;
- The Candidate (or if the Candidate is a Consortium, a Consortium Member) **must not have submitted an application for planning permission by the PQQ Closing Date and Time** in order to participate in a Competition. During the Dialogue Stage, the Contracting Authority will engage with Candidates who are successful at the PQQ Stage (referred to as "**Tenderers**" below) regarding their proposed planning applications. Tenderers must not submit an application for planning permission in respect of the Development Site until the Contracting Authority has discussed the proposed application with them. For the avoidance of doubt, any discussions (during the Dialogue Stage) regarding the Tenderer's application for planning permission shall relate solely to the proposed social housing units forming part of the development and shall not extend to the remainder of the proposed development save for discussions concerning the provision of community and public realm space and to the extent necessary to assess the social housing element. Participation in such discussion shall not constitute an endorsement of the development, a commitment to acquire any units, or a representation that the Tenderer will be awarded a Framework Agreement or a Development Agreement. The award of any Framework Agreement or Development Agreement shall remain subject to the requirements of the Competitions and the Contracting Authority's approval process, including the obtaining of funding approval. If a Tenderer submits an application for planning permission in respect of its

[5] For these purposes, a unit is a house or apartment.
[6] For the avoidance of doubt, the Development Agreement will apply to the development and funding of the social units only.

Development Site after the PQQ Closing Date and Time but before the Contracting Authority has discussed their application with them, that Tenderer will be eliminated from this Competition;

- To the best of the Candidate's knowledge, there is:
    - no material or adverse issues which would impact connection of its proposed Development Site to primary power, water, surface water and foul sewage and similar services; and
    - no known constraint on development of the Development Site (for example - contamination, tree protection orders, archaeology, protected structures, third party right of ways, outstanding legal disputes) that does not have satisfactory mitigants.
- The Candidate must have the ability to obtain a Performance Bond in accordance with the Development Agreement;
- At least 25% of all new social units to be delivered by the Candidate under the Development Agreement at the Development Site will be built using modern methods of construction in line with the DHLGH Delivering Homes, Building Communities 2025 – 2030 plan;[7] and
- The proposed development at the Development Site will be subject to approval and capital appraisal by the Department of Housing, Local Government and Heritage and its Housing Advisory Unit (Architects and Quantity Surveyors) with regard to Design Standards[8] and the Single Approval Process for Social Housing Construction Projects[9] requirements (which are subject to change). This will involve the Contracting Authority applying for funding from a competitive public funding programme within which a proposed development may or may not be funded. If the Contracting Authority is unable to obtain funding approval for a proposed development this will result in the elimination of the Candidate's application for that development from the Competition; the Contracting Authority shall not be liable to the Candidate in these circumstances and it is a condition of participation in the Competitions that the Candidate accepts this.

Please note: Other (non-social) tenures will be subject to separate funding and/or subventions processes which are outside the scope of this Competition and are the sole responsibility of the Candidate to progress with relevant entities. For example, Cost Rental units in any Wider Scheme may be eligible for support under the Cost Rental Equity Loan scheme (CREL) or the Secure Tenancy Affordable Rental (STAR) scheme, subject to meeting the relevant criteria. Affordable Purchase units may qualify for a subvention of up to €100,000 under the Affordable Housing Fund (AHF), contingent on achieving a minimum 15% discount to market value. Potential delivery options for Affordable Purchase units could include the advanced purchase of Turnkey homes similar to existing delivery models - see Advance Purchase of Turnkey Housing | Dublin City Council.

The Contracting Authority is seeking to establish Framework Agreements and award Development Agreements using the competitive dialogue procedure. Through this procedure, the Contracting Authority wishes to engage with experienced Candidates to identify and define the best means suited to meeting its requirements. The overall potential estimated value of all Framework Agreements shall be between €1.2 billion and €1.5 billion. The Framework Agreements shall be for thirty-six (36) months.

Successful Tenderers will be expected to conclude a Framework Agreement, Development Agreement and a Contract for Sale of the relevant Development Site (and ancillary documents, such as collateral warranties) with the Contracting Authority. Any such Development Agreement and Contract for Sale will relate to the development and funding of social housing units only.

Draft Development Agreement

[7] 20251218_Delivering_HomesBuilding_Communities_18_Dec_Web_Version.pdf

[8] 1. Planning Design Standards for Apartments NPS Final.pdf and design-manual-for-quality-housing.pdf. Where proposed detailed design deviates from the Design Standards Candidates will be expected to provide (at tender stage) details of how their design is comparable to the Design Standard and supports efficient delivery. It is envisaged that a design which aligns fully with the Design Standards will, at the Tender Stage of the Competition for each Lot, be considered more favourably than a design that does not.

[9] https://assets.gov.ie/static/documents/ef111763/Guidance_Note_Social_Housing_Approval_Process_for_Social_Housing_Construction_Projects.pdf

An initial draft of the proposed Development Agreement is issued with the Competition Documents. This is provided for information purposes only at this stage. Candidates are strongly advised to review the provisions of the draft Development Agreement. The Contracting Authority reserves the right to amend the draft during the Competitions. Candidates are not required to comment on the draft Development Agreement in their PQQ Response Document; however, queries may be raised in relation to the draft Development Agreement pursuant to the process specified in section 3.1 below.

Candidates' attention is drawn to the requirements of the Development Agreement in relation to employment (clause 14).

Competition Documents

The purpose of the Competition Documents is to:

(i) provide interested Economic Operators with the information they need to decide whether to participate in this Competitions;

(ii) facilitate the submission of completed PQQ Response Documents by Candidates;

(iii) explain how the Candidates (and their legal, financial and technical capacity to meet the requirements of a Development Agreement) will be assessed and invited to the Dialogue Stage of the Competitions; and

(iv) explain how Candidates who are successful at the PQQ Stage will be placed in different Lots;

1.3 Future Competitions

The Contracting Authority is conducting a separate competition (and may conduct additional competitions) for Economic Operators who have sites for social housing and have already obtained full planning permission (*Type 1 schemes*).

The Contracting Authority may (but shall not be obliged to) conduct a separate competition (or competitions) for Economic Operators who have sites for social housing and have submitted an application for planning permission but have not yet received planning permission (*Type 3 schemes)*.

2. PROCEDURE AND TIMELINE

2.1 The Procedure

The Competitions for each Lot are being conducted in accordance with the Procurement Directive, the Procurement Regulations and other Applicable Public Procurement Law.

The Competitions have been advertised on www.etenders.gov.ie and in the OJEU.

The Contracting Authority is employing the competitive dialogue procedure for these Competitions, as provided for in Regulation 30 of the Procurement Regulations. The Competitions are divided into three Lots, as set out below.

The competitive dialogue procedure for each Lot involves a number of stages. Through the dialogue procedure, the Contracting Authority aims to identify suitable solutions which meet its requirements and will contribute to the delivery of social housing units in the DCC Administrative Area.



The Competition Documents commence the first stage of the Competitions - the PQQ Stage. A single PQQ stage shall be common to all Lots.

Stage 1 – PQQ Stage

The purpose of the PQQ Stage is to select those Candidates who demonstrate the most ability and capacity to obtain planning permission and undertake a Development Agreement for their nominated Development Site.

Candidates commence their participation in this Competition by submitting a PQQ Response Document.

Multiple applications

Candidates should submit a separate PQQ Response Document for each Development Site they are proposing. There is no obligation to propose more than one Development Site and submit more than one PQQ Response Document. Each PQQ Response Document will be evaluated separately.

Where two or more applications are made for different Development Sites, separate PQQ Response Documents must be submitted – one for each Development Site; each PQQ Response Document shall be considered and evaluated separately.[10]

If a Candidate is successful at the PQQ Stage with, say, two applications, that Candidate will occupy two separate places in the Lot(s) applied for. In these circumstances, the Candidate will be expected to deal with the Contracting Authority separately in relation to each Development Site and it would be expected that separate Tenders would ultimately be submitted in respect of each Development Site (following the

[10] Where more than one PQQ Response Document is submitted and the same financial documentation is being relied on in response to Part B or Part C1 of the PQQ Response Document, this need only be submitted once by the Candidate provided it is made clear by the Candidate that it is relying on that information for all applications.

conclusion of dialogue); these Tenders would be considered and evaluated separately under the relevant Lots that they fall under.

Election of Lots

Candidates are required to elect in their PQQ Response Document the Lot which they would prefer to participate in. The Lot selected by a Candidate will be determined by the timeframe within which it intends to submit its application for planning permission.

- **Lot 1** is for Candidates who intend to submit an application for planning permission within **6 months** of the PQQ Closing Date and Time.

- **Lot 2** is for Candidates who intend to submit an application for planning permission within **12 months** of the PQQ Closing Date and Time.

- **Lot 3** is for Candidates who intend to submit an application for planning permission within **18 months** of the date of the PQQ Closing Date and Time.

Candidates will be placed in Lots based on the scores that they achieve at the PQQ Stage and the Lot preference that they express in their PQQ Response Document. Candidates will be scored based on their PQQ Response Documents. Candidates will be ranked based on those scores.

Up to 10 places are available on each Lot initially following PQQ evaluation (although it is possible that additional places on a Lot will later be occupied by Candidates who drop down from another Lot in accordance with the procedure set out below).

Placement on Lots will be carried out as follows:

Lot 1

The ten (10) Candidates who have expressed a preference for Lot 1 in their PQQ Response Document and are the highest scoring will be awarded a place on Lot 1.

If a Candidate has expressed a preference for Lot 1 but is not among the ten (10) highest scoring Candidates who have expressed a preference for that Lot, that Candidate will then fall to be considered for Lot 2.

Lot 1 will proceed with less than ten (10) Candidates if less than ten (10) Candidates expressed an interest in that Lot.

The Candidates who are placed on Lot 1 will be removed from the ranking list.

Lot 2

The Candidates who have expressed a preference for Lot 2 in their PQQ Response Document and the Candidates who expressed a preference for Lot 1 but were not awarded a place on Lot 1 following the procedure set out above, will be ranked based on the scores achieved at the PQQ Stage.

The ten (10) highest scoring such Candidates will be awarded a place on Lot 2.

Any such Candidates who are not placed on Lot 2 will then fall to be considered for Lot 3.

If such Candidates who are awarded places on Lot 2 number less than ten (10), Lot 2 will still proceed with those Candidates.

The Candidates who are placed on Lot 2 will be removed from the ranking list.

Lot 3

The Candidates who have expressed a preference for Lot 3 in their PQQ Response Document and the Candidates who expressed a preference for Lot 1 or Lot 2 but were not placed on Lot 1 or Lot 2 following the procedure set out above, will be ranked based on the scores achieved at the PQQ Stage.

The ten (10) highest scoring such Candidates will be placed on Lot 3.

Any such Candidates who are not placed on Lot 3 will be eliminated from the Competitions.

If such Candidates who are placed on Lot 3 number less than ten (10), Lot 3 will still proceed with those Candidates.

There is no guarantee that that Framework Agreements will be established in respect of any Lot pursuant to these Competitions.

If a selected Candidate later withdraws or is excluded from a Competition for a Lot during the Dialogue Stage, the Contracting Authority may, at its sole discretion, invite the next-ranked and eligible Candidate (who did not initially proceed from the PQQ Stage in accordance with the procedures above) to participate in the Dialogue Stage for that Lot (but shall not be obliged to). In such circumstances, the Contracting Authority will notify Candidates accordingly and may amend the indicative timetable for the conduct of the Competition for the Lot in question.

Construction Contractor

Please note that while the Candidate's proposed construction contractor is not being assessed at the PQQ Stage (unless that entity is a Consortium Member or a Supporting Entity), it will be condition precedent under the Development Agreement that:

(i) The Contracting Authority shall receive and be satisfied with copies of signed audited financial statements of the construction contractor for each of the last two (2) financial years that confirms a minimum turnover which is equal to or greater than the DCC Consideration (as defined in the Development Agreement) in each of the last two (2) financial years and there is a clearly demonstrable and material proportion of turnover derived from housing or comparable development activity in those two previous financial years; and

(ii) An unqualified clean audit opinion is provided in the audited financial statement for the latest completed financial year of the construction contractor.

Stage 2 – Dialogue Stage

Following the conclusion of the PQQ Stage, an Invitation to Participate in Dialogue (ITPD) will be issued to those Candidates who have been successful in the PQQ Stage of the Competition (referred to as "**Tenderers**" in this section 2.1). Candidates will be informed of the Lot that they have been placed on. Candidates who have not been placed in a Lot will be advised that they have not been successful.

The ITPD for Lot 1 will be issued to those Candidates who have been placed on Lot 1.

The ITPD for Lot 2 will be issued to those Candidates who have been placed on Lot 2.

The ITPD for Lot 3 will be issued to those Candidates who have been placed on Lot 3.

Tenderers shall be invited by the Contracting Authority to participate in the Dialogue Stage, through the issue of the ITPD. However, the Dialogue Stage for each Lot will not commence at the same time. The Lot 1 Dialogue Stage will commence first. It is currently envisaged that the Dialogue Stage for Lot 2 will commence 3-6 months after the commencement of the Dialogue Stage for Lot 1 and the Dialogue Stage for Lot 3 will commence 9-12 months after the commencement of the Dialogue Stage for Lot 1, however these are indicative timeframes only and the Contracting Authority reserves the right to commence any Dialogue Stage earlier or later.

The Dialogue Stage under each Lot will comprise three phases.

Candidates who are invited to participate in a Dialogue Stage are referred to as 'Tenderers' below.

DIALOGUE PHASE 1:

During this phase, the Contracting Authority will engage with each Tenderer regarding its proposed planning application for the Development Site. Tenderers shall not submit an application for planning permission in respect of the Development Site unless and until the Contracting Authority has reviewed and discussed the proposed application with the Tenderer. For the avoidance of doubt, any discussions (during the Dialogue Stage) regarding the Tenderer's application for planning permission shall relate solely to the proposed social

housing units forming part of the development and shall not extend to the remainder of the proposed development save for discussions concerning the provision of community and public realm space and to the extent necessary to assess the social housing element. Participation in such discussion shall not constitute an endorsement of the development, a commitment to acquire any units, or a representation that the Tenderer will be awarded a Framework Agreement or Development Agreement. The award of any Framework Agreement or Development Agreement shall remain subject to the requirements of the Competitions and the Contracting Authority's approval process, including the obtaining of funding approval.

The Contracting Authority will operate a 'longstop' system during Dialogue Phase 1.

In Dialogue Phase 1, Tenderers must submit a planning application in respect of their Development Site to the relevant planning authorities by the "**First Longstop Date"**.

The First Longstop Date applicable to each Lot is as follows:

- Lot 1: 6 months from the PQQ Closing Date and Time.
- Lot 2: 12 months from the PQQ Closing Date and Time.
- Lot 3: 18 months from the PQQ Closing Date and Time.

If a Tenderer participating in Lot 1 fails to submit its application for planning permission by the First Longstop Date for Lot 1, that Tenderer shall be eliminated from Lot 1 and offered a place on Lot 2 (notwithstanding that there may already be ten (10) Tenderers on Lot 2).

- If that Tenderer does not accept the offer of a place on Lot 2 within seven (7) days, it shall be eliminated from all Competitions; and
- If that Tenderer does accept the offer of a place on Lot 2 within seven (7) days, it will join Lot 2 and will compete against other Tenderers in Lot 2. The Contracting Authority will determine at its sole discretion whether it is necessary to hold any additional dialogue meeting with that Tenderer in Lot 2, Dialogue Phase 1.

Similarly, if a Tenderer participating in Lot 2 fails to submit an application for planning permission by the First Longstop Date for Lot 2 that Tenderer shall be eliminated from Lot 2 and offered a place on Lot 3 (notwithstanding that there may already be ten (10) Tenderers on Lot 3).

- If that Tenderer does not accept the offer of a place on Lot 3 within seven (7) days, it shall be eliminated from all Competitions; and
- If that Tenderer does accept the offer of a place on Lot 3 within seven (7) days, it will join Lot 3 and will compete against other Tenderers in Lot 3. The Contracting Authority will determine at its sole discretion whether it is necessary to hold any additional dialogue meeting with that Tenderer in Lot 3, Dialogue Phase 1.

If a Tenderer participating in Lot 3 fails to submit an application for planning permission by the First Longstop Date for Lot 3 that Tenderer will be eliminated from the Competition for Lot 3.

DIALOGUE PHASE 2:

Dialogue Phase 2 shall commence following the expiry of the First Longstop Date in a Lot.

The remaining Tenderers in the Lot will participate in Dialogue Phase 2, during which they will be required to keep the Contracting Authority fully informed of the progress of their respective planning applications.

The Contracting Authority will operate a 'longstop' system during Dialogue Phase 2.

In Dialogue Phase 2, the following planning requirements ("**Planning Requirements**") must be met by the "**Second Longstop Date":**

(i) Tenderers must obtain a final grant of planning permission in respect of their Development Site; and

(ii) The applicable statutory period for appealing and/or challenging by way of judicial review the grant of planning permission has expired and no such appeal and/or judicial review has been brought within such period.

The Second Longstop Date applicable to each Lot is as follows:

- Lot 1: 20 months from the PQQ Closing Date and Time.
- Lot 2: 26 months from the PQQ Closing Date and Time.
- Lot 3: 32 months from the PQQ Closing Date and Time.

If a Tenderer participating in Lot 1 fails to meet the Planning Requirements by the Second Longstop Date for Lot 1, that Tenderer shall be eliminated from Lot 1 and offered a place on Lot 2 (notwithstanding that there may already be ten (10) or more Tenderers on Lot 2).

- If that Tenderer does not accept the offer of a place on Lot 2 within seven (7) days, it shall be eliminated from all Competitions; and
- If that Tenderer does accept the offer of a place on Lot 2 within seven (7) days, it will join Lot 2 and will compete against other Tenderers in Lot 2. The Contracting Authority will determine at its sole discretion whether it is necessary to hold any additional dialogue meeting with that Tenderer in Lot 2, Dialogue Phase 2.

Similarly, if a Tenderer participating in Lot 2 fails to meet the Planning Requirements by the Second Longstop Date for Lot 2, that Tenderer shall be eliminated from Lot 2 and offered a place on Lot 3 (notwithstanding that there may already be ten (10) or more Tenderers on Lot 3).

- If that Tenderer does not accept the offer of a place on Lot 3 within seven (7) days, it shall be eliminated from all Competitions; and
- If that Tenderer does accept the offer of a place on Lot 3 within seven (7) days, it will join Lot 3 and will compete against other Tenderers in Lot 3. The Contracting Authority will determine at its sole discretion whether it is necessary to hold any additional dialogue meeting with that Tenderer in Lot 3, Dialogue Phase 2.

If a Tenderer participating in Lot 3 fails to meet the Planning Requirements by the Second Longstop Date for Lot 3, that Tenderer will be eliminated from the Competition for Lot 3.

DIALOGUE PHASE 3

Dialogue Phase 3 shall commence following the expiry of the Second Longstop Date in a Lot.

The remaining Tenderers in the Lot will participate in Dialogue Phase 3, during which they will be required to discuss their proposals for the Development Site. It is currently envisaged that these discussions may relate to the following:

- Overall acquisition cost and affordability of each housing unit.
- Delivery time for the completed development.
- Overall suitability of the proposal, the location, tenure mix and design considerations.
- Sustainability and maintenance.
- Energy rating (BER) particularly energy conservation measures to prevent 'fuel poverty' in the future.
- Type of construction, e.g. traditional masonry, timber frame, offsite construction.
- Landscape treatment, amenity areas and overall environmental impact.
- Amount of retention monies for a defects liability period.

In respect of a Lot, the Contracting Authority will continue Dialogue Phase 3 with the Tenderers remaining in that Lot until it can identify a solution or solutions which are capable of satisfying its requirements and contributing to the delivery of social housing units in the DCC Administrative Area. The Contracting Authority will then declare the Dialogue Stage for that Lot concluded.

It is not proposed that the Contracting Authority will seek to reduce the number of Candidates or solutions in successive stages throughout the Dialogue Stage by application of the Award Criteria.

The Contracting Authority reserves the right to amend and reissue the draft Development Agreement at any point during the Dialogue Stage.

An overview of the Dialogue Stage, including the longstop mechanisms described above, is included at Appendix 1.

Stage 3 – Tender Stage

Following the conclusion of the Dialogue Stage in any Lot, the Contracting Authority will issue an Invitation to Submit Final Tenders (ISFT) to the remaining Tenderers in that Lot. Tenders shall contain all the elements required and necessary for the performance of a Development Agreement and will be expected to meet the Contracting Authority's technical, legal and commercial requirements. Tenders must reflect the proposals presented by Tenderers during the dialogue meetings. Tenders must not contain any elements that were the subject of objection by the Contracting Authority during the Dialogue Stage.

Tenderers must, by the closing date and time for the submission of a final tender for the relevant Lot, have good and marketable title to the Development Site.

A Tenderer participating in Lot 1 that fails to obtain good and marketable title to its Development Site by the closing date and time for the submission of final tenders in Lot 1 shall be eliminated from Lot 1 and invited to participate in Lot 2. That Tenderer shall then be afforded an opportunity to submit a final tender in Lot 2.

Similarly, a Tenderer participating in Lot 2 that fails to obtain good and marketable title to its Development Site by the closing date and time for the submission of final tenders in Lot 2 shall be eliminated from Lot 2 and invited to participate in Lot 3. That Tenderer shall then be afforded an opportunity to submit a final tender in Lot 3.

A Tenderer participating in Lot 3 that fails to obtain good and marketable title to its Development Site by the closing date and time for the submission of final tenders in Lot 3 shall be eliminated from the Competition.

Tenders submitted by Tenderers may be clarified, specified and optimised at the request of the Contracting Authority but such clarification, specification, optimisation or additional information may not involve changes to the essential aspects of any Tender or of the Competition where variations to those aspects, needs and requirements are likely to distort competition or have a discriminatory effect.

Following the submission and evaluation of Tenders against the Award Criteria, the Contracting Authority will select up to eight (8) of the highest-scoring Tenders in each Lot (that otherwise meet all minimum requirements and are not eliminated for any reason set out in the ISFT) ("**Preferred Tenderers**"). The Contracting Authority reserves the right (at its sole discretion) to select less than eight (8) Preferred Tenderers in respect of each Lot to proceed to the next stage of the Competition. Preferred Tenderers for each Lot shall be ranked in accordance with the scores they have obtained against the Award Criteria.

The Contracting Authority is under no obligation to proceed with any Lot and reserves the right, at its sole discretion, to abandon the Competition, in whole or in part, without selecting Preferred Tenderers in respect of any or all Lots.

Once the Preferred Tenderers in a Lot are identified, a notice of the award decision(s) will be communicated to all Tenderers in that Lot, and a 'standstill' process shall follow in accordance with the Remedies Regulations. Unsuccessful Tenderers in that Lot will be provided with feedback.

Stage 4 - Preferred Tenderer Stage

Tenderers will be required to maintain the validity of their Tenders for a period of 180 days from the date of Tender submission to the Contracting Authority (or such longer period as the Contracting Authority and a Preferred Tenderer may agree) ("**Tender Validity Period**").

The Contracting Authority may carry out negotiations with any Preferred Tenderer to confirm financial commitments or other terms contained in their Tenders. Such negotiations will not materially modify essential aspects of the Tenders or the Competition or risk distorting competition or causing discrimination.

The Contracting Authority may establish a Framework Agreement and conclude Development Agreements with up to eight (8) of the highest scoring tenderers in each Lot. A Development Agreement will relate to a single site/application only. A Preferred Tenderer may be awarded more than one Development Agreement (i.e. one for each Development Site that it has tendered successfully).

The Contracting Authority will commence engagement with Preferred Tenderers on a Lot in the order in which their Tenders are ranked against the Award Criteria for that Lot. However, there is no guarantee that:

(i) the Contracting Authority will conclude a Framework Agreement for any Lot;
(ii) the Contracting Authority will commence engagement with all Tenderers on a Lot;
(iii) any Tenderer will be awarded a Development Agreement; or
(iv) Development Agreements will be concluded in the order in which Preferred Tenderers are ranked or engagement commences.

The execution of a Framework Agreement does not guarantee that a Development Agreement will be concluded.

It is currently envisaged that a Development Agreement will be subject to internal Council approval and will not be concluded with a Tenderer if:

(a) the Contracting Authority's due diligence on the Preferred Tenderer's Development site does not satisfy the Contracting Authority that the Tenderer (or Consortium Member, where relevant) has good and marketable title to the Development Site; or

(b) risks (which the Contracting Authority considers to be material) arise or become apparent in respect of the Development Site that have not been identified in the Tenderer's Tender and/or the Contracting Authority is not satisfied with the Tenderer's proposed mitigation measures for any identified risks at the Development Site; or

(c) all necessary approvals have not been obtained by the Contracting Authority, including but not limited to relevant funding approval from Department of Housing, Local Government and Heritage; or

(d) evidence of the following has not been provided to the Contracting Authority upon request:

- required Insurances; and
- relevant tax clearance; or

(e) there has been (in the opinion of the Contracting Authority) any material adverse change to financial robustness or other aspects of the Candidate's PQQ Response Document; or

(f) the Development Agreement cannot be concluded within a timeframe specified by the Contracting Authority.

Further information will be set out in the ITPD.

Subject to the terms of the Development Agreement, the rights and obligations of the parties thereunder will be conditional upon the satisfaction or waiver of the Conditions Precedent set out in the Development Agreement.

2.2 Indicative Timeline

Candidates are referred to the table below, which sets out an indicative timetable for the Competition. Candidates should note that the timescales shown in the table below are indicative only and are subject to change at the Contracting Authority's sole discretion.

Lot 1:


PQQ Stage
• Publish Contract Notice in the OJEU inviting PQQ Response Documents from Candidates.
• PQQ Response Documents completed and submitted by Candidates
• Evaluation of PQQ Response Documents and shortlisting of Candidates
Dialogue Phase 1
• Issue of ITPD to Tenderers
• Dialogue meetings on Tenderers' planning applications.
• Tenderers must submit an application for planning permission within **six (6) months of PQQ Closing Date and Time (First Longstop Date)**.
Dialogue Phase 2
• Tenderers keep Contracting Authority up to date on status of planning application.
• Tenderers must satisfy Planning Requirements within **twenty (20) months of PQQ Closing Date and Time (Second Longstop Date)**.
Dialogue Phase 3
• Dialogue meetings on legal, technical and commercial aspects.
• Tenderers submit a mark-up of the draft Development Agreement / Contract for Sale.
• Contracting Authority closes dialogue.
Tender Evaluation
• Contracting Authority issues ISFT and revised form of Development Agreement / Contract for Sale.
• Tenderers prepare and submit Tenders.
• Tenders evaluated and ranked against the Award Criteria.
Standstill
• Letters notifying award decision(s) issued to Tenderers.
• Standstill Period (14 days).
Tender Validity Period
• Conclude Framework Agreements (180 day Tender Validty Period)

Lot 2:


PQQ Stage
• Publish Contract Notice in the OJEU inviting PQQ Response Documents from Candidates.
• PQQ Response Documents completed and submitted by Candidates
• Evaluation of PQQ Response Documents and shortlisting of Candidates
Dialogue Phase 1
• Issue of ITPD to Tenderers
• Dialogue meetings on Tenderers' planning applications.
• Tenderers must submit an application for planning permission within **twelve (12) months of PQQ Closing Date and Time (First Longstop Date)**.
Dialogue Phase 2
• Tenderers keep Contracting Authority up to date on status of planning application.
• Tenderers must satisfy Planning Requirements within **twenty six (26) months of PQQ Closing Date and Time (Second Longstop Date)**.
Dialogue Phase 3
• Dialogue meetings on legal, technical and commercial aspects.
• Tenderers submit a mark-up of the draft Development Agreement / Contract for Sale.
• Contracting Authority closes dialogue.
Tender Evaluation
• Contracting Authority issues ISFT and revised form of Development Agreement / Contract for Sale.
• Tenderers prepare and submit Tenders.
• Tenders evaluated and ranked against the Award Criteria.
Standstill
• Letters notifying award decision(s) issued to Tenderers.
• Standstill Period (14 days).
Tender Validity Period
• Conclude Framework Agreements (180 day Tender Validty Period)

Lot 3:


PQQ Stage
• Publish Contract Notice in the OJEU inviting PQQ Response Documents from Candidates.
• PQQ Response Documents completed and submitted by Candidates
• Evaluation of PQQ Response Documents and shortlisting of Candidates
Dialogue Phase 1
• Issue of ITPD to Tenderers
• Dialogue meetings on Tenderers' planning applications.
• Tenderers must submit an application for planning permission within **eighteen (18) months of PQQ Closing Date and Time (First Longstop Date)**.
Dialogue Phase 2
• Tenderers keep Contracting Authority up to date on status of planning application.
• Tenderers must satisfy Planning Requirements within **thirty three (32) months of PQQ Closing Date and Time (Second Longstop Date)**.
Dialogue Phase 3
• Dialogue meetings on legal, technical and commercial aspects.
• Tenderers submit a mark-up of the draft Development Agreement / Contract for Sale.
• Contracting Authority closes dialogue.
Tender Evaluation
• Contracting Authority issues ISFT and revised form of Development Agreement / Contract for Sale.
• Tenderers prepare and submit Tenders.
• Tenders evaluated and ranked against the Award Criteria.
Standstill
• Letters notifying award decision(s) issued to Tenderers.
• Standstill Period (14 days).
Tender Validity Period
• Conclude Framework Agreements (180 day Tender Validty Period)

3. INSTRUCTIONS TO CANDIDATES

3.1 Queries

The Query Closing Date and Time for the PQQ Stage is specified on the cover page of these Competition Documents. This may change at the discretion of the Contracting Authority.

All queries should be submitted through the messaging facility on www.etenders.gov.ie. Candidates are strongly encouraged to submit any queries as soon as possible.

When circulating responses, the Contracting Authority will avoid disclosing the identity of the Candidate who has raised the query. Save as provided in the following paragraph, query responses will be circulated to all persons who have expressed an interest in the Competition on the eTenders website.

If a Candidate believes that a query and/or its response relates to a confidential or commercially sensitive matter it must clearly mark the query as a "Confidential Query". If the Contracting Authority, at its discretion, is satisfied that the query and/or its response should be properly regarded as confidential or commercially sensitive, the nature of the query and its response shall be kept confidential (subject to any applicable legal requirements). If the Contracting Authority is of the opinion that it would be inappropriate to answer the query on a confidential basis, it will notify the Candidate and require the Candidate to either withdraw the query or permit the query (and the Contracting Authority's response) to be circulated to all Candidates. Please note that information relating to this document, including clarifications and changes, will be published on www.etenders.gov.ie. Registration is free of charge and there is no charge for documents. Please note that the Contracting Authority accepts no responsibility for information relayed (or not relayed) via third parties.

3.2 SMEs

The Contracting Authority seeks to encourage participation on a fair and equal basis by Small and Medium Enterprises (SME) in this Competition. SMEs that believe the scope of this Competition is beyond their technical or business capacity are encouraged, subject to this paragraph, to explore the possibilities of forming relationships with other SMEs or with larger enterprises. Through such relationships they can participate and contribute to the successful implementation of any contract that may result from this Competition and therefore increase their social and economic benefits. Larger enterprises are also encouraged, subject to this paragraph, to consider the practical ways that SMEs can be included in their proposals to maximise the social and economic benefits of any Development Agreement that may result from this Competition.

3.3 Consortia

It is accepted by the Contracting Authority that, in order to offer the resources and the range and depth of skills required, Economic Operators may wish to collaborate to form a Consortium which will then apply as a Candidate for pre-qualification and award of a Development Agreement.

Such Candidates should specify in the PQQ Response Document the identity of the proposed Consortium Members.

For the avoidance of doubt, **Consortium Members are those entities which are proposed by a Candidate to enter into a Development Agreement with the Contracting Authority if the Candidate is successful in this Competition**. If the Candidate is successful in this Competition, the Consortium Members shall enter into a Development Agreement together on a joint and several basis unless the Contracting Authority (at is sole discretion) requires them to form a new legal entity to enter into a Development Agreement (in which case, each Consortium Member will be required to execute legally binding guarantees with the Contracting Authority in respect of the obligations of the new legal entity).

For the further avoidance of doubt, any proposed subcontractors (e.g. works contractors) are not Consortium Members (unless it is proposed that they too will enter into the Development Agreement with the Contracting Authority).

Where the Candidate is a Consortium, all relevant information requested in the PQQ Response Document must be provided for all Consortium Members. Where a Candidate is a Consortium, it shall designate a Consortium Lead Member in the PQQ Response Document who will be the point of contact for the Competition. The Consortium Lead Member must remain the same throughout the Competition.

3.4 Reliance on Resources of Supporting Entities

Where, in order to meet the economic and financial standing requirements and/or the technical and professional ability requirements of the PQQ Response Document, a Candidate or any Consortium Member relies on the resources of an entity with which it is directly or indirectly linked, (including, for example, but not limited to, a parent company or a sub-contractor) it must provide with its PQQ Response Document a letter of support from the Supporting Entity, in the form set out in Annex 2 of the PQQ Response Document (or such other form that is approved in advance by the Contracting Authority), confirming that if the Candidate is successful in a Competition and is awarded a Development Agreement, it will (i) provide the resources being relied upon and (ii) (if required by the Contracting Authority) enter into a legally binding agreement (in such form as may be specified by the Contracting Authority) in respect of such support – for example, a parent company guarantee.

Please note that if a Supporting Entity is being relied upon to meet the economic and financial standing requirements and/or the technical and professional ability requirements of the PQQ Response Document, the Supporting Entity shall be required to submit for evaluation the necessary information or documentation specified in PQQ Response Document.

In the event that the Contracting Authority deems that the evidence provided to demonstrate that resources will be made available is insufficient, the Candidate (or relevant Consortium Member (as the case may be)) shall be evaluated based on its own information.

3.5 Conflicts of Interest

Any conflict of interest or potential conflict of interest must be fully disclosed in writing to the Contracting Authority at the earliest opportunity.

Any conflict of interest or potential conflict of interest arises in respect of the Candidate, Consortium Member or Supporting Entity (including any parent, subsidiary or associated company thereof or any director, partner or person in an equivalent position in any of those entities) with regards to this Competition, it must be fully disclosed to the Contracting Authority at the earliest opportunity via eTenders.ie.

Without prejudice to the generality of the above, the following must be disclosed:

(a) any situation involving any persons identified above and any staff member of the Contracting Authority who is involved in the conduct of the Competition or may influence the outcome of the Competition where this might be perceived to compromise the impartiality and independence of the Competition; and

(b) where a Candidate or a Consortium Member or Supporting Entity (or any proposed sub-contractor) is also:

  (i) a Consortium Member or Supporting Entity of another Candidate in relation to this Competition; or

  (ii) a proposed sub-contractor of another Candidate in relation to this Competition.

When a conflict of interest or a potential conflict of interest arises, this must be immediately drawn to the attention of the Contracting Authority and the Contracting Authority's prior written approval must be sought. Full written details of the conflict of interest or potential conflict of interest must be provided to the Contracting Authority. Following receipt of such information the Contracting Authority will, in its sole discretion, decide on the appropriate course of action. This may require ethical barriers and/or non-disclosure agreements to be put in place in certain circumstances.

In the PQQ Response Document, each Candidate is required to confirm that there is no actual or potential conflict of interest that has not been previously drawn to the attention of the Contracting Authority and resolved to its satisfaction.

3.6 Confidentiality

All PQQ Response Documents will be treated in confidence and no information contained therein will be communicated to any third party (other than the Contracting Authority's professional advisors) without the written permission of the Candidate except insofar as is specifically required for the consideration and evaluation of the PQQ Response Document or as may be required under law, including the Freedom of Information Act 2014 and Applicable Public Procurement Law.

Candidates are requested to consider if any of the information supplied by them in their PQQ Response Document should not be disclosed by the Contracting Authority to third parties on the grounds that it is commercially sensitive or confidential. If that is the case, Candidates should specify the information that it considers is commercially sensitive or confidential and explain why it this is so. Notwithstanding that certain information may have been identified as commercially sensitive or confidential by a Candidate, the Contracting Authority cannot guarantee that any information provided by Candidates in their PQQ Response Document will not be released pursuant to the Contracting Authority's legal obligations including pursuant to the Freedom of Information Act 2014 and Applicable Public Procurement Law. The Contracting Authority will use reasonable endeavours to consult with a Candidate about information identified by it as being confidential or commercially sensitive information before making decisions on any disclosure request from a third party. The Contracting Authority accepts no liability whatsoever in respect of any disclosure of the information in question or in respect of any consequential damage suffered as a result of such disclosure.

The Competition Documents shall be treated as confidential by Candidates. Candidates shall not release or disclose any information contained in the Competition Documents (that is not otherwise in the public domain) publicly or to any third-party other than on a confidential basis to those persons whom they need to consult for the purpose of preparing their PQQ Response Documents (who shall also be obliged to treat the Competition Documents as confidential).

Candidates (and Consortium Members) are expressly and strictly prohibited from discussing with other Candidates (or Consortium Members of other Candidates) any aspect of their PQQ Response Documents or otherwise exchanging information or colluding in relation to any Competition or Lot. Where any Candidate (or Consortium Member) fails to comply with this requirement, the relevant Candidate may be disqualified from the Competition.

Copyright in the Competition Documents and any other materials supplied by the Contracting Authority and/or its professional advisers during the Competition, in whatever format, belongs to the Contracting Authority and/or its appointed advisers. Such documentation and materials may not, either in whole or in part, be copied or reproduced without the prior written consent of the Contracting Authority except to the extent that this is necessary for the preparation of a PQQ Response Document.

3.7 Costs

The Contracting Authority is not responsible for and shall have no liability for any loss, expense or cost (including but not limited to travel or accommodation cost) incurred or suffered by a Candidate in the

preparation of submissions, attending meetings or otherwise participating in any Competition or Lot, including if the Competition or Lot is abandoned or terminated without any contract award.

3.8 Reserved Rights

The Contracting Authority reserves the right at any time without liability (but shall not be obliged) to:

(i) amend or change any Competition Document and/or the procurement procedure (or any aspect of its) on written notice to Candidates;
(ii) contact any referees whose details have been provided by any Candidate in order to validate or verify information provided by that Candidate;
(iii) refrain from considering any PQQ Response Document if it is not in accordance with the requirements, conditions and instructions of the Competition Documents;
(iv) reject any or all of the PQQ Response Documents received;
(v) reject or disqualify a Candidate where that Candidate or any Consortium Member contravenes any terms and conditions of a Competition, is guilty of material misrepresentation during the course of a Competition, or is subject to any other grounds for exclusion which materialise during a Competition.
(vi) not to appoint any Tenderer, ultimately, to enter into a Development Agreement; or
(vii) terminate and abandon a Competition for any Lot at any time (whether or not Competitions for any other Lot or Lots are terminated or abandoned.

The Contracting Authority reserves the right, in its absolute discretion to take such steps as it considers appropriate to ensure that genuine competition and transparency are maintained throughout the Competition.

3.9 Amendments to Competition Documents

If, as a result of:

(i) queries / requests or proposals;
(ii) any discussion or other communication between the Contracting Authority and a Candidate;
(iii) developments in the Contracting Authority's requirements, procurement programme, a Competition or Lot, or the market;
(iv) for legal reasons or otherwise,

the Contracting Authority is of the opinion that a clarification of, and/or amendment to, the Competition Documents and/or additional information is required to be issued, then the Contracting Authority will be entitled to make any such clarification and/or amendment at any time. It will be assumed that Candidates will have had regard to all such clarifications and/or amendments when preparing their PQQ Response Documents. The Contracting Authority shall be under no obligation to explain any such clarifications or amendments to Candidates.

3.10 Non-Participation

Candidates are requested to inform the Contracting Authority by notice in writing if at any stage after they submit their PQQ Response Document they decide to withdraw from the Competition for any Lot.

3.11 Acceptance of Terms

Each Candidate's participation in the Competition for any Lot constitutes its agreement to, and acceptance of, the terms set forth in the Competition Documents. Candidates must comply with the requirements and

instructions specified and include all information specified in the Competition Documents when preparing their PQQ Response Documents.

3.12 Ambiguity

Candidates shall immediately notify the Contracting Authority (via www.etenders.ie) should they become aware of any ambiguity, discrepancy, error or omission in the Competition Documents. The Contracting Authority shall, upon receipt of such notification, notify all Candidates in writing of its ruling in respect of any such ambiguity, discrepancy, error or omission.

3.13 Registrable Interests

Any 'registrable interest' involving a Candidate or Consortium Member any of the elected members of the Contracting Authority, members of the Government, members of the Oireachtas, or employees or officers of the Contracting Authority, or relatives of the foregoing must be fully disclosed to the Contracting Authority.

In the event of such information only coming to a Candidate's notice after submitting a PQQ Response Document, it should be communicated to the Contracting Authority immediately upon it becoming known to the Candidate.

The terms 'registrable interest' and 'relative' shall be interpreted as per Section 2 and Schedule 2 of the Ethics in Public Office Act 1995 a copy of which is available to download at www.finance.gov.ie.

The Contracting Authority shall, in its absolute discretion, decide on the appropriate course of action, which may without limitation, include exclusion of the Candidate from the Competition for any Lot.

3.14 Canvassing

If any Candidate or Consortium Member (or a person associated with a Candidate or Consortium Member), in connection with the Competition for any Lot, either:

(i) canvasses or offers any inducement, fee or reward to any employee, servant or agent of the Contracting Authority or its professional advisors; or
(ii) does anything which would constitute a breach of the Criminal Justice (Corruption Offences) Act 2018 or the Registration of Lobbying Act 2015; or
(iii) approaches any employee, servant or agent of the Contracting Authority or its professional advisors except as authorised in the Competition Documents, including for the purposes of soliciting the employment of any such persons or soliciting information about the Competition or the Development Agreement,

that Candidate may be eliminated from the Competition for that Lot, without prejudice to any other civil remedies available to the Contracting Authority and without prejudice to any criminal liability which such conduct may attract.

3.15 Collusion

If a Candidate or any Consortium Member, in connection with the Competition for any Lot, either:

(i) fixes or adjusts the manner or context of its PQQ Response Document by or in accordance with any agreement or arrangement with any other Candidate; or
(ii) enters into any agreement or arrangement with any other Candidate that it shall refrain from participating in the Competition for that Lot or any other Lot (or any part of it); or
(iii) causes or induces any person to enter such agreement as is mentioned in this paragraph; or
(iv) offers or agrees to pay or give or does pay or give any sum of money, inducement or valuable consideration directly or indirectly to any person for doing or having done or causing or having caused

to be done any act or omission which is likely to affect the Competition for that Lot or any other Lot or any other PQQ Response Document; or

(v) communicates to any person other than the Contracting Authority the contents of its PQQ Response Document (except where such disclosure is permitted by the Competition Documents) or carries on any other form of co-operation or collusion which the Contracting Authority considers has actually or potentially undermined the Competition for that Lot or any other Lot;

the Candidate may be disqualified without prejudice to any other civil remedies available to the Contracting Authority and without prejudice to any criminal liability which such conduct may attract.

Candidates' attention is drawn to the Competition Acts 2002 to 2022, which make it a criminal offence for Candidates to collude on prices or terms in a public procurement competition.

3.16 Candidate's Warranties

By its participation in the Competition for any Lot each Candidate (and Consortium Member) warrants, represents and undertakes to the Contracting Authority that:

(i) all information, representations and other matters of fact communicated or to be communicated to the Contracting Authority by the Candidate, Consortium Members and their employees, servants or agents in connection with or arising out of any PQQ Response Document are true, complete and accurate as at the date communicated;

(ii) it has made its own investigations and undertaken its own research and due diligence and has satisfied itself in relation to the opportunity offered by the Competition and the environment and conditions under which the contractual obligations are to be performed; and

(iii) it has full power and authority to make a PQQ Response Document and, if appointed, to enter into and perform a Development Agreement and Contract for Sale.

3.17 Data Protection

Should any personal data (as defined in the Data Protection Legislation) be made available as part of the Competition for any Lot, the Candidate will ensure it complies (and ensure that Consortium Members comply) with the provisions of the Data Protection Legislation including, without limitation:

(i) ensuring that it has in place an appropriate notification on the register maintained by the Information Commissioner (as referred to in the Freedom of Information Legislation);

(ii) only processing such personal data in accordance with the instructions of the Contracting Authority;

(iii) ensuring it destroys all such personal data when it is no longer required for the purposes for which it was made available to the Candidate; and

(iv) taking all necessary organisational and technical measures to protect the personal data from unauthorised disclosure or from loss.

Candidates undertake (and will ensure their Consortium Members undertake) to:

(i) observe the policies of the Contracting Authority with respect to the security of any personal data used in connection with the Competition, should these be made known to them by the Contracting Authority; and

(ii) notify the Contracting Authority of any unauthorised use or disclosure of personal data made by the Candidate, Consortium Members, and their employees, servants or agents.

In the Competition Documents, **"Data Protection Legislation"** means the data protection and information privacy laws of Ireland and the European Union and includes to the extent applicable, any legislation in force from time to time which implements Directive 95/46/EC or Directive 2002/58/EC of the European

Community, the Data Protection Acts 1988 to 2018 (as amended), and any replacement regulation including Regulation (EU) 2016/679, known as the General Data Protection Regulation or GDPR.

3.18 Change in Information

If, as a result of a change in circumstances or otherwise, any information given by a Candidate to the Contracting Authority in a PQQ Response Document or otherwise, was (when submitted) or has become (by reference to the facts as they then stand) untrue, incomplete or misleading, the Candidate must so inform the Contracting Authority as soon as it becomes aware of this.

If it comes to the attention of the Contracting Authority that:

(i) there has been a change in circumstances concerning a Candidate that could affect the Contracting Authority's assessment of that Candidate's PQQ Response Document; or

(ii) information submitted by a Candidate or any Consortium Member was (when submitted) or has become (by reference to the facts as they then stand) untrue, incomplete or misleading,

the Contracting Authority may (but is not required to) revise its assessment of the Candidate's PQQ Response Document on the basis of the information then available to the Contracting Authority.

3.19 Disqualification

Unless otherwise expressly provided herein or by the Contracting Authority, a Candidate that contravenes any of the terms and conditions set out in the Competition Documents may, at the sole discretion of the Contracting Authority, be disqualified and prohibited from any further participation in the Competition for a Lot. The disqualification of a Candidate will not prejudice any other civil or legal remedies available to the Contracting Authority and will not prejudice any criminal liability that such conduct by the Candidate may attract.

3.20 Interference

Any Candidate seeking to unduly influence the Contracting Authority, or any other relevant persons or bodies, in the process of examination, clarification, and evaluation of PQQ Response Documents and/or in decisions concerning the award of the Development Agreement shall have its PQQ Response Document rejected.

3.21 Provision of false or misleading information

Candidates must ensure that all information included within their PQQ Response Document is accurate. The inclusion of information that is found to be false or misleading may result in the Candidate's exclusion from the Competition for any Lot. In the event that false or misleading information comes to light after a Candidate has been successful in the Competition and has been awarded a Development Agreement, this may result in termination of the Development Agreement.

3.22 Publicity

The Contracting Authority reserves the right to make any announcements in respect of the project at any time during the Competition for any Lot.

3.23 No Contract

The Contracting Authority shall not be obliged to enter into a contract or agreement with any Candidate. No legal relationship or other obligation in relation to the project shall arise between a Candidate and the

Contracting Authority unless and until a Development Agreement is formally executed in writing by the Contracting Authority and the Preferred Tenderer(s) (if any) and all Conditions Precedent to the effectiveness of any such Development Agreement have been fulfilled.

3.24 Sanctions against Russia

Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine as amended by Council Regulation (EU) 2022/576 of 8 April 2022, Council Regulation (EU) 2022/1269 of 21 July 2022 and Council Regulation (EU) 2023/1214 of 23 June 2023 (and as may be further amended), prohibits the award of any public or concession contract to any of the entities set out in Article 5k 1(a) to (c).

It is a requirement of the Competition for any Lot that all Candidates, and where the Candidate is a Consortium, all Consortium Members and Supporting Entities do not fall within the category of economic operators identified in Article 5k 1(a) to 1(c) of Regulation (EU) No 833/2014 as amended.

If this requirement is not satisfied, the Candidate will be eliminated from the Competition for the Lot, save where an entity falling within the category of economic operators identified in Article 5k 1(a) to 1(c) is a Supporting Entity, in which case the Contracting Authority reserves the right to permit the Candidate to replace such Supporting Entity (where the Contracting Authority is satisfied that this would be permitted by applicable law).

All Candidates and, where the Candidate is a Consortium, all Consortium Members, and Supporting Entities are required to confirm, in the Declaration as to Personal Circumstances, that they are not a person or entity set out in Article 5k 1(a) to 1(c) of Regulation (EU) No 833/2014 as amended.

3.25 Foreign Subsidies

Candidates are referred to Regulation (EU) 2022/2560[11] on foreign subsidies distorting the internal market (the "**FSR Regulation**") and to Commission Implementing Regulation (EU) 2023/1441[12] (the "**Implementing Regulation**") which they must comply with as a matter of law. Candidates and Relevant Parties are required to familiarise themselves and comply with the FSR Regulation and the Implementing Regulation. These rules seek to ensure that financial subsidies or contributions granted by countries outside of the EU are not used to distort the internal market.

The estimated value of all Lots (net of VAT) is equal to or greater than €250 million. If, in addition, the value of the Lot that a Candidate is tendering for or the aggregate value of all Lots that a Candidate is tendering for is equal to or greater than €125 million, the following provisions apply.

Pursuant to Article 29 of the FSR Regulation, a Candidate is required to either:

(a) make a **Declaration of No Notifiable Foreign Financial Contribution**; or
(b) make a **Notification of Foreign Financial Contribution**.

If a Candidate is unclear as to whether a Declaration or a Notification is to be made, it should seek clarification from the European Commission (DG Comp).

A Candidate is required to submit, on its own behalf and on behalf of all Relevant Parties:

[11] Regulation (EU) 2022/2560 of the European Parliament and of the Council of 14 December 2022 on foreign subsidies distorting the internal market. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02022R2560-20221223

[12] Commission Implementing Regulation (EU) 2023/1441 of 10 July 2023 on detailed arrangements for the conduct of proceedings by the Commission pursuant to Regulation (EU) 2022/2560 of the European Parliament and of the Council on foreign subsidies distorting the internal market. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02023R1441-20231027

(a) a Foreign Subsidies Letter on its headed paper and addressed to the Contracting Authority, in the form set out in Annex 3 of the PQQ Response Document; and

(b) either:

(i) a single Declaration of No Notifiable Foreign Financial Contribution comprising only completed sections 1, 2, 7 and 8 of Form FS-PP in the Implementing Regulation;
or
(ii) a single Notification of Foreign Financial Contribution in the form of Form FS-PP of the Implementing Regulation;

and

(c) written confirmation from each Relevant Party on its headed notepaper that the Candidate is authorised to submit the above information on its behalf.

Form FS-PP is available as part of the Implementing Regulation.

Please note that this step will be repeated at the Tender Stage of the Competitions.

For these purposes, "**Relevant Parties**" are as follows:

(a) the Candidate (including consortium members where the Candidate is a consortium);
(b) subsidiary companies of the Candidate (which do not have commercial autonomy) and holding companies of the Candidate (and, where the Candidate is a consortium, such subsidiary and holding companies of the consortium members);
(c) the Candidate's main sub-contractors and suppliers for the Framework Agreement and any subsequent Development Agreement known at the date of submission of the PQQ Response Document – i.e. persons involved in the performance of key elements of the Framework Agreement and any subsequent Development Agreement or whose economic share of the Framework Agreement and any subsequent Development Agreement will exceed 20%; and
(d) any Supporting Entities.

Candidates and their Relevant Parties shall ensure that they comply with the FSR Regulation and the Implementing Regulation and that any Declaration or Notification is correct and complete. Candidates shall not make arrangements to circumvent the requirements of the FSR Regulation. Candidates should draw Relevant Parties' attention to the FSR Regulation and the Implementing Regulation and the requirements specified herein.

Candidates and Relevant Parties are required to determine whether a Declaration of No Notifiable Foreign Financial Contribution or Notification of Foreign Financial Contribution should be submitted in accordance with the FSR Regulation and the Implementing Regulation.

Failure to submit a full and accurate Declaration of No Notifiable Foreign Financial Contribution or Notification of Foreign Financial Contribution (as the case may be) may result in the Candidate being eliminated from the Competition for any Lot without prejudice to any other penalties that may be imposed pursuant to the FSR Regulation.

Candidates shall notify the Contracting Authority of any relevant new information that arises following submission, including changes in facts, which they would have had to notify if they had known about it earlier.

Where a Declaration of No Notifiable Foreign Financial Contribution is made but the Contracting Authority nevertheless suspects the presence of foreign subsidies, such suspicions shall be communicated to the European Commission without delay.

A Declaration of No Notifiable Foreign Financial Contribution or a Notifiable Foreign Financial Contribution (and any supporting documents) shall be submitted by the Contracting Authority to the European Commission without delay.

The provisions of this document are without prejudice to any rights or obligations, including any rights or obligations of the European Commission, which may arise from the FSR Regulation and/or the Implementing Regulation.

By participating in the Competition for any Lot, Candidates and Relevant Parties accept that the Contracting Authority may be required to provide the European Commission with copies of documents submitted by them during the course of the Competition for any Lot and they authorise the Contracting Authority to do so.

Where the European Commission determines that the Framework Agreement may not be awarded to a Candidate by virtue of a distorting subsidy, the Contracting Authority shall eliminate the Candidate in question from the Competitions and it shall not be eligible for the award of a Framework Agreement.

The European Commission may not make a determination on whether there has been a distorting subsidy until a later stage in the Competition for any Lot. Any progression of a Candidate in the Competition for any Lot pending any such determination shall not be interpreted as meaning that it will be necessarily eligible for the award of a Framework Agreement.

No Framework Agreement may be awarded pursuant to the Competition for any Lot while any preliminary review or in-depth investigation is being carried out by the European Commission pursuant to the FSR Regulation.

3.26 International Procurement Instrument

Candidates should refer to the provisions of Regulation (EU) 2022/1031 on the access of third country economic operators, goods and services to the Union's public procurement and concession markets and procedures supporting negotiations on access of Union economic operators, goods and services to the public procurement and concession markets of third countries.

In particular, Candidates should note in Article 6 of Regulation (EU) 2022/1031, the obligations for a Contracting Authority in the context of a procurement procedure where the European Commission has adopted an IPI measure.

Where an IPI measure applies to the Competition for any Lot, the Contracting Authority may be obliged to give effect to that IPI measure by way of:

(i) imposing a score adjustment on a Tender which was submitted by an entity which originates in a country which is subject to an IPI measure;

(ii) excluding a Candidate which originates in a country which is subject to an IPI measure; and/or

(iii) taking such other steps as may be determined by the European Commission and set out in the relevant IPI measure.

Candidates should note that the Contracting Authority may seek information from Candidates, should it deem appropriate to do so, to ascertain the country of origin of any Candidate or any Consortium Member for the purposes of verifying whether it is subject to an IPI measure.

3.27 Law and Jurisdiction

Irish law applies to the Competition for any Lot and the Competition Documents. The courts of Ireland shall have exclusive jurisdiction in relation to any disputes arising from the Competition for any Lot and the Competition Documents.

Recipients of the Competition Documents in jurisdictions outside the Republic of Ireland should inform themselves about and observe all applicable legal requirements in such jurisdictions. In particular, the distribution of the Competition Documents in certain jurisdictions may be restricted by law and, accordingly, each recipient represents that it is able to receive the Competition Documents without contravention of any unfulfilled registration requirements or other legal restrictions in the jurisdiction in which they reside or conduct business.

4. SUBMISSION OF PQQ RESPONSE DOCUMENTS

4.1 eTenders

The Contracting Authority is using the postbox facility on eTenders, and PQQ Response Documents must be submitted electronically via the eTenders postbox facility on www.etenders.gov.ie only. Candidates should familiarise themselves with the eTenders platform in advance of the PQQ Closing Date and Time.

Only PQQ Response Documents submitted to the electronic postbox will be accepted. PQQ Response Documents submitted by any other means (including but not limited to by email, post or hand delivery) **will not be accepted**.

Candidates must ensure that they give themselves enough time to upload and submit all required documentation before the PQQ Closing Date and Time.

An overview of the key steps is set out below. Please note that the Contracting Authority takes no responsibility for these steps being the totality of the steps required as different processes may require different actions.

If in doubt, the eTenders helpdesk should be contacted as follows:

Email: irish-eproc-helpdesk@eurodyn.com

Phone: +353-818001459

4.1.1 Accessing documents

In the first instance, Candidates must ensure they **ASSOCIATE** their company with this Competition. To do this, Candidates must:

(i) Log-in to the eTenders system;
(ii) Locate the Competition using the Advanced Search by Contracting Authority or Resource ID;
(iii) Click on the hyperlink for the Competition which will bring you to the CfT Workspace;
(iv) In the Show CfT Menu for the Competition click on the “Expression of Interest” in the drop-down menu; and
(v) Complete the “Association with the CfT” tab.

This will then provide a link to “Tender” under the Show CfT Menu.

4.1.2 Submitting PQQ Response Documents

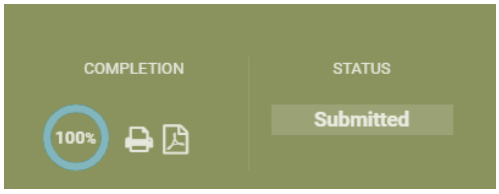
It is the responsibility of the Candidate to ensure that their PQQ Response Document is complete and uploaded in accordance with the instructions provided on eTenders prior to the PQQ Closing Date and Time.

Candidates should consider the fact that upload speeds vary. Candidates should note that responses submitted via the eTenders system are subject to a maximum file size of 250 MB per uploaded document, a maximum aggregate upload size of 2 GB and a maximum file name length of 64 characters (including spaces). In order to submit a document to the electronic post-box, please note that the “**Submit Response**” button must be clicked. After submitting you can still modify and re-send your response up until the PQQ Closing Date and Time. Candidates should note that the "Submit Response" button will be disabled automatically upon the expiration of the PQQ Closing Date and Time.

It is important to note that only persons who have downloaded and accepted a document can submit an upload.

When submitting PQQ Response Documents to the electronic postbox, Candidates must ensure they have submitted the response completely.

The final step involves clicking on the "Submit Response" button and receiving the following status:



If a message similar to above is not received, the Candidate has not submitted its PQQ Response Document.

Please note that the screen may say **OFFLINE**; this is a technical feature of eTenders and does not mean a Candidate cannot submit. Also please note Candidates may see the percentage field also saying 100% before submission; this still requires the Candidate to go through the "Submit Response" button.

PLEASE UPLOAD PQQ RESPONSE DOCUMENTS AS A **ZIP FILE** TO PROTECT THE INTEGRITY OF THE FILE NAMES.

4.2 PQQ Closing Date and Time

The PQQ Closing Date and Time is specified on the title page of this document. The Contracting Authority reserves the right to change the PQQ Closing Date and Time.

It is the responsibility of each Candidate to ensure that its PQQ Response Document is complete and is uploaded by the PQQ Closing Date and Time. PQQ Response Documents received late **will not** be considered in this Competition.

4.3 Completing the PQQ Response Document

Candidates must complete the form of the PQQ Response Document that accompanies this Project Information Memorandum and must include all information specified therein.

5. EVALUATION

5.1 Evaluation of PQQ Response Documents

PQQ Response Documents will be evaluated in accordance with the process and criteria set out herein and in the PQQ Response Document itself.

The Contracting Authority will evaluate PQQ Response Documents as follows:

- Basic completeness/compliance check;
- Check legal requirements are satisfied - PQQ Response Document, Part A;
- Evaluation of Pass/Fail Criteria (Financial) - PQQ Response Document, Part B;
- Evaluation of Scored Criteria - PQQ Response Document, Part C.

5.2 Basic Completeness and Compliance Check

In the first instance, PQQ Response Documents will be subject to a basic check to ensure that all Candidates have provided a complete and compliant response and have submitted all necessary supporting documentation, where required.

If a PQQ Response Document fails to comply in any respect with the requirements set out herein or is ambiguous or if information/documentation is omitted from a PQQ Response Document, the Contracting Authority will be entitled at its discretion (but will not be obliged) to take such steps as it considers appropriate including (but not limited to):

(i) rejecting the relevant PQQ Response Document as non-compliant;

(ii) assessing/evaluating the PQQ Response Document 'as is';

(iii) without prejudice to the Contracting Authority's right to reject the PQQ Response Document and in accordance with Regulation 56(4) of the Procurement Regulations, where it appears to the Contracting Authority that information or documentation submitted by a Candidate is incomplete, erroneous or missing, the Contracting Authority may:

(a) seek clarification from a Candidate in respect of the relevant PQQ Response Document;
(b) request a Candidate to provide the Contracting Authority with information or items which have not been provided or have been provided in an incorrect form or on an incorrect basis;
(c) request a Candidate to complete any aspect of the relevant PQQ Response Document;

provided however that no clarification or additional information will be sought if, in the opinion of the Contracting Authority, such clarification or additional information would be material.

5.3 Check legal requirements are satisfied

A1. Candidate Summary and Confirmations

Part A1 should be completed by the Candidate and if the Candidate is a Consortium, it must be completed by the Lead Consortium Member in respect of each Consortium Member.

Failure to provide the required information may (at the discretion of the Contracting Authority) result in elimination.

Without prejudice to the foregoing, if a Candidate is unable to provide the required "Confirmations" in Part A1, it shall be eliminated from the Competition.

A2. Declaration as to Personal Circumstances

Candidates and (where the Candidate is a Consortium) Consortium Members, and any Supporting Entities, must:

- submit a sworn Declaration as to Personal Circumstances in the form set out in Annex 1 of the PQQ Response Document.

Failure to provide the required information may result in elimination.

If grounds for exclusion apply, the Candidate may (or in certain circumstances, shall) be eliminated from the Competition subject to and in accordance with the provisions of the Procurement Regulations.

In addition, it is a requirement of this Competition that all Candidates, and where the Candidate is a Consortium, all Consortium Members and Supporting Entities do not fall within the category of economic operators identified in Article 5k 1(a) to 1(c) of Regulation (EU) No 833/2014 as amended by Council Regulation (EU) 2022/576 of 8 April 2022, Council Regulation (EU) 2022/1269 of 21 July 2022 and Council Regulation (EU) 2023/1214 of 23 June 2023. If this requirement is not satisfied, the Candidate will be eliminated from the competition, save where an entity falling within the category of economic operators identified in Article 5k 1(a) to 1(c) is a Supporting Entity, in which case the Contracting Authority reserves the right to permit the Candidate to replace such Supporting Entity (where the Contracting Authority is satisfied that this would be permitted by applicable law).

There is no obligation to submit (or advantage in submitting) an Electronic Single Procurement Document (ESPD), however if a Candidate wishes to do so this can be facilitated.

A3. Tax Compliance

Candidates and (where the Candidate is a Consortium) Consortium Members, and any Supporting Entities, must complete Part A3 of the PQQ Response Document in relation to tax compliance.

If the requirements of Part A3 are not met, the Candidate shall be eliminated from the Competition.

5.4 Evaluation of Pass/Fail Criteria (Financial) (B1 & B2)

There are two (2) Pass/Fail selection criteria – B1 and B2.

Candidates that fail to pass both of the Pass/Fail Criteria shall be excluded from the Competition.

For the avoidance of doubt,

- where a Candidate is a Consortium and any Consortium Member fails to pass any Pass/Fail Criterion, the Candidate shall be eliminated from the Competition; and

- where a Candidate or Consortium Member relies on a Supporting Entity in respect of a Pass/Fail Criterion, if that Supporting Entity fails to pass the Pass/Fail Criterion the Candidate shall be eliminated from the Competition.

5.5 Evaluation of Scored Criteria (C1 & C2)

Candidates that pass all of the Pass/Fail Criteria will proceed to have their responses to the Scored Criteria (C1 and C2) evaluated.

Parts C1 and C2 shall be evaluated in accordance with the instructions in the PQQ Response Document. **Part C1 has a weighting of 60 % and Part C2 has weighting of 40%.**

PQQ Responses will be evaluated and scored against each of the sub-criteria set out in Part C1 in accordance with the applicable scoring methodologies set out therein.

PQQ Responses will be evaluated and scored against the sub-criteria set out in Part C2 in accordance with the scoring methodology set out therein.

If any required minimum scores are not achieved the Candidate shall be eliminated from the Competition.

Candidates which are not eliminated shall have their PQQ Response Document(s) ranked in accordance with their overall scores out of 100%, with the highest scoring PQQ Response Document being ranked first.

5.6 Shortlisting for Dialogue Stage

The process for short-listing Candidates is set out above in section 2.1.

If in any Lot a Candidate is successful with more than one PQQ Response Document, that Candidate will occupy more than one of the available places on that Lot at the Dialogue Stage.

In the event of a tie between two or more Candidates for tenth place on a Lot (i.e. they have identical aggregate scores for the Scored Criteria),

- the Candidate whose PQQ Response Document scored the highest mark for criterion C1 (Financial Robustness) shall be ranked 10th; the other tied Candidate(s) PQQ Response Document will rank lower; and

- where Candidates' PQQ Response Documents are tied for their marks against criterion C1 (Financial Robustness), the Candidate whose PQQ Response Document scored the highest mark for criterion C2 (Project Experience) shall be ranked 10th; the other tied Candidate(s) PQQ Response Document will rank lower.

Subject to the tie-break rule outlined above, the Contracting Authority reserves the right to select fewer than ten (10) Candidates per Lot, including if there are less than ten (10) Candidate participate in the competition for a Lot or if there are less than ten (10) PQQ Response Documents for a Lot that meet all requirements and are not otherwise eliminated.

Candidates who do not qualify for the Dialogue Stage will be notified in writing by the Contracting Authority.

6. IMPORTANT INFORMATION & GLOSSARY

The Competition Documents are for information only and do not constitute, and shall not be interpreted as, an offer for sale, prospectus, or the basis of a contract with the Contracting Authority.

The Competition Documents replace and supersede all previous documentation, communications and correspondence issued by the Contracting Authority in relation to the subject matter of this Competition (including anything stated during any pre-market consultation exercise) and Candidates should not place any reliance on any such previous documentation, communications or correspondence.

Candidates should read this document carefully.

The information set out in the Competition Documents is being made available on the condition that it is used only in connection with the pre-qualification exercise associated with this Competition and for no other purpose whatsoever. The information is indicative only and does not purport to contain all the information that a Candidate may require in connection with the Competition for any Lot. Candidates must rely on their own enquiries in this regard. Neither the Contracting Authority, nor its employees, servants, agents or professional advisors shall be liable for any claim due to a lack of knowledge or misunderstanding on the part of any Candidate. The information set out in the Competition Documents may be superseded in due course by any ITPD or ISFT as may be issued to those Candidates who are successful at the PQQ Stage of the Competition for any Lot.

While all reasonable steps have been taken to ensure that the information set out in the Competition Documents is accurate and up to date, no representation or warranty, express or implied, is or will be made or given in relation to the accuracy or the completeness of any information contained therein or otherwise provided by or on behalf of the Contracting Authority (in writing or otherwise) to any interested party or its advisers. No responsibility or liability for any loss or damage arising as a result of reliance on the Competition Documents, or for the information contained in the Competition Documents or for any omission is or will be accepted by the Contracting Authority or by any of its officers, employees, agents or professional advisers. No officer, employee, agent, or professional adviser of the Contracting Authority has any authority to give or make any representation or warranty, express or implied, in relation to such information. The Contracting Authority's officers, employees, agents, and professional advisers expressly disclaim any and all liability arising out of such documentation or information and any errors or omissions in or from the documents and information.

If it is necessary for the Contracting Authority to amend the Competition Documents in any way prior to the PQQ Closing Date and Time, all Candidates will be notified via the eTenders website (www.etenders.gov.ie). If appropriate (and at the sole discretion of the Contracting Authority), the PQQ Closing Date and Time may be extended. No amendments to the Competition Documents shall be made by any Candidate, saved as expressly stated therein or agreed to in advance by the Contracting Authority.

At its absolute discretion, the Contracting Authority may elect to terminate the Competition for any Lot at any time, and without any liability or compensation including in relation to costs incurred by Candidates while participating in the Competition.

Candidates are advised the Contracting Authority is subject to the Freedom of Information Act, 2014. If a Candidate considers that any of the information supplied in a PQQ Response Document is either commercially sensitive or confidential in nature, this should be highlighted and the reasons for its sensitivity specified. In such cases the relevant material will, in response to a request under the FOI Act, be examined in the light of the exceptions provided for in the FOI Act.

Glossary

Defined terms referred to in this PIM and PQQ include defined terms contained in the Competition Documents. The definitions outlined below are those definitions relevant to the PIM and PQQ which are not provided in the Competition Documents.

"**Applicable Public Procurement Law**" means Directive 2014/24/EU, the Regulations and other applicable Irish and EU public procurement law.

"**Award Criteria**" means the award criteria to be used to evaluate Tenders at the Tender Stage. High level award criteria are set out below for information only. The Contracting Authority reserves the right to amend sub-criteria and/or provide weightings for sub-criteria at the Tender Stage (in which case Tenderers will be notified prior to tenders being submitted)**.**

High Level Award Criteria	Weighting
1. Site Suitability It is envisaged that this will include but not be limited to consideration of: 1. extent to which the proposed Development Site is part of a Wider Scheme with mixed tenure; 2. extent to which the proposed Development Site meets the social housing needs of the area; 3. the proposed unit mix; 4. access to services and amenities; 5. local infrastructure; 6. Development Site specific risks; and 7. Development Site constraints and conditions	30%
2. Developer's Tender Design It is envisaged that this will include but not be limited to consideration of: 1. how the proposed detailed design aligns with the Design Standards or (if it is not aligned) how the design is comparable to the Design Standards[13] and supports efficient delivery; and 2. application and integration of Modern Methods of Construction (MMC) into the design.	20%
3. Programme It is envisaged that this will include but not be limited to consideration of:	10%

[13] 1. Planning Design Standards for Apartments NPS Final.pdf and design-manual-for-quality-housing.pdf. It is envisaged that a design which aligns fully with the Design Standards will, at the Tender Stage of the Competition, be considered more favourably than a design that does not.

1. programme Gantt chart; 2. methodology (informed by project risk assessment); 3. logistics plan; and 4. dependencies on third parties and utilities.	
4. Cost	40%

"Candidate" means a single bidder or consortium that expresses an interest in participating in the Competition for any Lot (by submitting a PQQ Response Document) and being awarded a Development Agreement.

"Competition" means the competition advertised in the contract notice despatched to the OJEU on 6 November 2026 and further described in the Competition Documents.

"**Competition Documents**" means this Project Information Memorandum and the accompanying PQQ Response Document, draft Framework Agreement, draft Development Agreement and draft Contract for Sale (as may be amended, clarified or supplemented by the Contracting Authority).

"**Conditions Precedent**" means the conditions precedent specified in the Development Agreement.

"**Consortium"** means a partnership, consortium, joint venture or other grouping of Economic Operators who come together to jointly participate in the Competition for a Lot and who, if successful, will ultimately conclude a Framework Agreement with the Contracting Authority.

"**Consortium Lead Member**" means the lead Consortium Member identified by a Candidate in a PQQ Response Document.

"**Consortium Member**" mean an individual member of a Consortium.

"**Contract for Sale**" means the contract for sale of the site to the Contracting Authority in the form proposed by the Contracting Authority, a draft of which is issued with this PIM and PQQ Response Document.

"**Contracting Authority**" means Dublin City Council, its lawful successor and assigns.

"Data Protection Legislation" has the meaning given to it in Section 3.17.

"DCC Administrative Area" means the coloured area delimited in the map located here - areaboundarymap.pdf

"Declaration as to Personal Circumstances" means the declaration set out at Annex 1 of the PQQ Response Document.

"Development Agreement" means a Development Agreement to be awarded under a Framework Agreement, an initial draft of which is issued as part of the Competition Documents. A Contract for Sale will also be concluded with successful Tenderers, as provided for in the Development Agreement. Any reference to a Development Agreement herein shall be interpreted as referring to the Contract for Sale also.

"**Dialogue Stage"** means the dialogue stage of the Competition for any Lot, as further described herein.

"Economic Operator" has the meaning given to it in the Procurement Regulations.

"Exclusion Grounds" means the exclusion grounds, including mandatory and discretionary exclusion grounds, set out in Regulation 57 of the Procurement Regulations.

"First Longstop Date" has the meaning given to it in Section 2.1.

"Framework Agreement" means the multi-party framework agreement to be awarded pursuant to the Competition for any Lot.

"**FSR Regulation**" has the meaning given to it in Section 3.25.

"**Implementing Regulation**" has the meaning given to it in Section 3.25.

"ISFT" means Invitation to Submit Final Tenders issued to Tenderers by the Contracting Authority following the Dialogue Stage for any Lot.

"ITPD" means Invitation to Participate in Dialogue issued to Tenderers by the Contracting Authority following the PQQ Stage.

"OJEU" means the Official Journal of the European Union.

"Pass/Fail Criteria" means the criteria identified as such in Part B of the PQQ Response Document.

"**PQQ Stage"** means the current pre-qualification stage of the Competition as further described herein.

"PQQ Response Document" means the document of that name which accompanies this PIM and which Candidates must complete to participate in the Competition.

"PQQ Closing Date and Time" is the latest date and time for return of completed PQQ Response Documents as specified on the front cover of the Competition Documents (subject to any amendment thereof by the Contracting Authority).

"**Preferred Tenderers"** has the meaning given to it in Section 2.1.

"Procurement Directive" means Directive 2014/24/EU.

"Procurement Regulations" means the European Union (Award of Public Authority Contracts) Regulations 2016.

"Project Information Memorandum" or "PIM" means this document.

"Query Closing Date and Time" is the latest date and time for submission of queries by Candidates, as set out on the front cover of the Competition Documents (subject to any amendment thereof by the Contracting Authority).

"**Relevant Parties**" has the meaning given to it in Section 3.25.

"Remedies Regulations" means the European Communities (Public Authorities' Contracts) (Review Procedures) Regulations 2010, as amended.

"Scored Criteria" means the criteria identified as such in Part C of the PQQ Response Document.

"Second Longstop Date" has the meaning given to it in Section 2.1.

"**Substantial Completion**" for the purposes of the PQQ Response Document, means that (a) the reference project works have been carried out and completed in accordance with the relevant works contract and have reached a stage where they can be taken over and used for their intended purpose, and any items of outstanding work are of a type or nature which would normally and typically be included in a snagging list; (b) the reference project works have been left in good repair and clean condition, cleared of all unused building materials, plant and equipment used in the works and temporary structures; and (c) all other documents required by the contract have been delivered to the satisfaction of the reference project client.

"**Supporting Entity(ies)"** means an entity (or entities) upon whose resources a Candidate (or Consortium Member) relies in order to meet one or more of the financial or technical selection criteria specified in the PQQ Response Document, as further described in Section 3.4.

"Tender" means a tender submitted by a Tenderer at the Tender Stage of the Competition for any Lot.

"Tender Validity Period" means has the meaning given to it in Section 2.1.

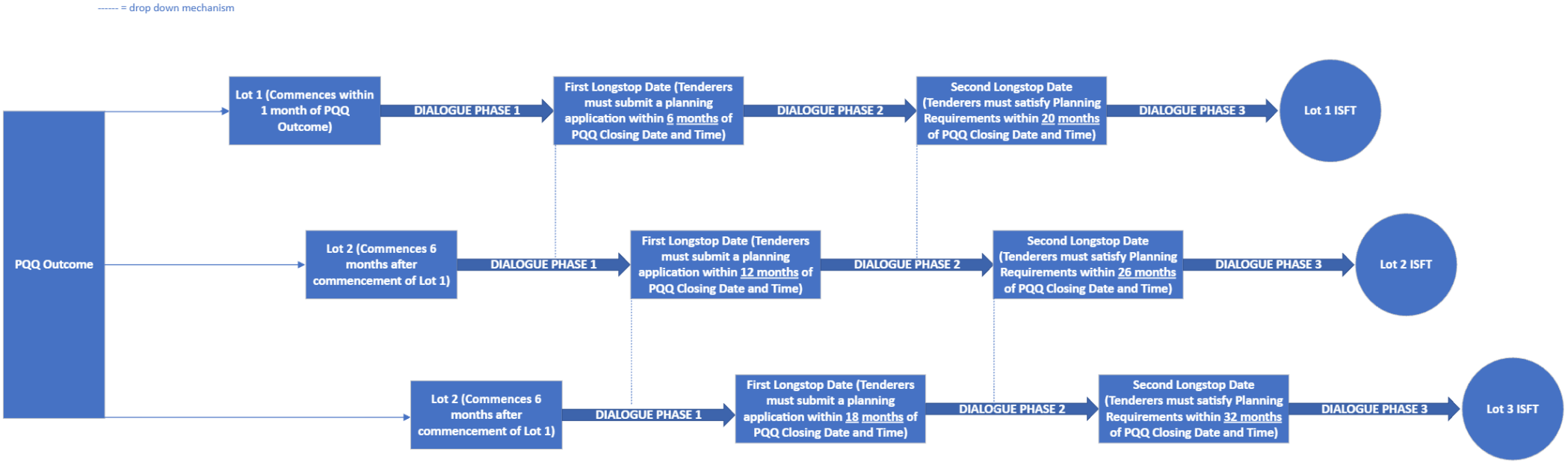
"Tenderer" means a Candidate who is successful at the PQQ Stage.

"**Tender Stage"** means the stage of the Competition for any Lot following the closing of dialogue during which tenders are submitted by Tenderers and evaluated by the Contracting Authority.

In addition:

- References to Sections are to Sections of this Project Information Memorandum.
- References to Parts are to parts of the PQQ Response Document.
- Reference to any legislation shall be construed as a reference to that legislation as amended by any subsequent legislation or as contained in any subsequent re-enactment.

APPENDIX 1


------ = drop down mechanism
PQQ Outcome
Lot 1 (Commences within 1 month of PQQ Outcome)
DIALOGUE PHASE 1
First Longstop Date (Tenderers must submit a planning application within 6 months of PQQ Closing Date and Time)
DIALOGUE PHASE 2
Second Longstop Date (Tenderers must satisfy Planning Requirements within 20 months of PQQ Closing Date and Time)
DIALOGUE PHASE 3
Lot 1 ISFT
Lot 2 (Commences 6 months after commencement of Lot 1)
DIALOGUE PHASE 1
First Longstop Date (Tenderers must submit a planning application within 12 months of PQQ Closing Date and Time)
DIALOGUE PHASE 2
Second Longstop Date (Tenderers must satisfy Planning Requirements within 26 months of PQQ Closing Date and Time)
DIALOGUE PHASE 3
Lot 2 ISFT
Lot 2 (Commences 6 months after commencement of Lot 1)
DIALOGUE PHASE 1
First Longstop Date (Tenderers must submit a planning application within 18 months of PQQ Closing Date and Time)
DIALOGUE PHASE 2
Second Longstop Date (Tenderers must satisfy Planning Requirements within 32 months of PQQ Closing Date and Time)
DIALOGUE PHASE 3
Lot 3 ISFT