

**SCOTTISH PROCUREMENT**

**CONTRACT FOR THE PROVISION OF  
LANDSCAPE REVIEW**

**INFORMATION AND INSTRUCTIONS TO TENDERERS**

## **GENERAL INFORMATION FOR TENDERERS**

### **Overview of the Requirement**

Invitation to Tender (ITT) – Contract for the Provision of a Landscape Review.

Due for Return by **12:00** on **4<sup>th</sup> February 2022**

### **Overview of the Requirement**

1. The Authority wish to award a Contract for the provision of a Landscape Review.
2. The contract is for an initial term of 12 months.
3. Full details of the service requirements are detailed in the Specification of ITT.

### **Tender Information**

4. It is the responsibility of the Tenderer to obtain at their own expense, any additional information necessary for the preparation of the tender.
5. All information supplied by the Scottish Ministers in connection with the Invitation to Tender shall be treated as confidential by Tenderers except that such information may be disclosed for the purpose of obtaining sureties and quotations necessary for the preparation and submission of the tender.

### **Evaluation Criteria**

6. This requirement will follow the Digital and Technology Services DPS - Lot 1 - Digital Technology Services. Tenderers will be evaluated against a series of Selection and Award criteria which are included in the Technical envelopes within PCS-T.

### **Instructions for the Completion & Submission of Tender Documentation**

7. The Invitation to Tender (ITT) must be completed and returned electronically through the Public Contracts Scotland - Tender (PCS-T) web portal. Full guidance on the submission process is provided at the System Guidance document within the attachments for this ITT. No hard copies will be accepted. Correspondence connected with this ITT that requires attention before the closing date must be submitted using the PCS-T portal messaging area for this ITT.
8. Tenderers must complete all the questions as detailed in the Qualification, Technical and Commercial Envelopes in the PCS-T System. Tenderers must complete the Qualification, Technical, and Commercial Envelopes within the ITT. A separate response is required for each Lot da Tenderer applies for.
9. All questions in the “Technical Envelope” and “Commercial Envelope” must be answered before the Tenderer submits their response.

10. All responses to questions must be entered into the answer facility within PCS-T system and failure to do so may invalidate the bid. Treat each question and response in isolation and answer each question in full. Tenderers should not assume evaluators will read more than one answer so do not cross-refer between answers. Supporting information should not be sent in isolation, but only in support of specific questions where requested. Do not use links unless expressly directed to do so.
11. Please note that on questions where the instructions are to provide responses in attached documents, the attachments should be headed with the question number and the question itself. These headers will not be counted in the word limits applied to that question. Please upload all attachments onto PCS-T where appropriate.
12. Only information provided as a direct response to a question will be evaluated. Tenderers should respond to the questions on the basis that the Authority has no prior knowledge of your organisation. Information and detail which forms part of the general company literature or promotional brochures, etc., will not form part of the evaluation process. General or irrelevant marketing material should not be included.
13. Please note for all responses in the ITT (particularly for questions where longer responses are required) it is helpful if Tenderers use plain English and punctuate their answers where appropriate using headings, sections and/or bullet points. This will assist evaluators to find the information necessary to enable them to score accurately.
14. The technical score will be calculated by combining the scores bidders receive from the Technical Envelope. These combined scores represent the Technical part of the evaluation and are worth **60%** of the total marks available. The Commercial Envelope is worth **40%** of the total marks available.
15. The commercial evaluation will assess how well each tender has met the criteria set down in the Commercial Envelope. The Tenderer must therefore take care to ensure that they insert a value for every line item.
16. Bidders are also able to view and print a copy of the allocated weightings by using the "Printable View Inc Tender Weightings" button within the PCS-T system.
17. The Authority will not enter into detailed discussions with Tenderers in relation to its requirements at this stage. All questions regarding the content of this ITT should be directed through the dedicated PCS-T messaging area by **21<sup>st</sup> January 2022**. No other form of communication will be accepted. All technical queries should be directed to the BravoSolution helpdesk on 0800 368 4850 or at [help@bravosolution.co.uk](mailto:help@bravosolution.co.uk)
18. If the Authority considers any questions or requests for clarification to be of material significance, both the query and the response will be communicated to

all Tenderers that have expressed interest in this ITT. The Authority will take steps not to identify the source of the query. Tenderers should indicate if they do not want their question and response circulated. The Authority reserves the right to circulate if not doing so would breach the principle of equal treatment. The Authority will aim to have a response to all questions raised by 5 working days before the tender return date.

19. Tenderers are asked to provide a single point of contact in their organisation for their response to the ITT in PCS-T. The Authority shall not be responsible for contacting Tenderers through any route other than the nominated PCS-T contact. Tenderers must therefore keep their contact details on the PCS-T system up to date or they will be unable to receive communications from the Authority. Tenderers must also undertake to notify any changes to their single point of contact promptly.
20. Completed Invitation to Tenders must be submitted via the PCS-T portal by the deadline **12:00 on 4<sup>th</sup> February 2022**. All submissions from the Tenderers will remain sealed on the PCS-T system until the deadline. Please note that your response will not actually be submitted until you press the “submit response” button. You will then receive a confirmation email that your response has been received. You may amend your submitted response up until the closing deadline. The Authority will not be able to see your response until the closing deadline date has passed.
21. We strongly advise that you submit your electronic response well in advance of the deadline to allow sufficient time for uploading.
22. Tenderers are reminded that they can check and amend their submissions after they have been submitted and up until the deadline. In the event that a Tenderer submits their tender more than once, PCS-T will only accept the final version of the tender submission.
23. If you experience any technical difficulties, please seek advice through the PCS-T BravoSolution customer services helpline on 0800 368 4850 or [help@bravosolution.co.uk](mailto:help@bravosolution.co.uk). The Authority cannot assist you with technical matters and CS/PCS-T Bravo Solutions customer services cannot help you once the tender return deadline has passed.
24. Should you decline to tender the Authority would request that you provide a brief reason for doing so. This information will help us improve our tender processes in future. Any responses of this nature will be kept confidential.

### **Award Criteria**

25. The Authority is not bound to accept the lowest cost or any tender. The Award Criteria will include consideration of Technical (Quality) aspects as well as Commercial (Price). Each tender will be subjected to a Technical and Commercial evaluation. The aim of the evaluations is to select the tender which represents the Most Economically Advantageous Tender (MEAT). Upon completion of the Technical (Quality) evaluation and the Price (Commercial) evaluation, Tenders will be subject to a Price/Quality Ratio (PQR) calculation.

The PQR to be used will be **40%** Price to **60%** Quality and the PQR calculation will determine the Most Economically Advantageous Tenderer(s).

26. The Technical (Quality) evaluation will assess how well each tender has met the criteria set down in the Technical Envelope. The Commercial (Price) evaluation will assess how well each tender has met the criteria set down in the Commercial Envelope. The Tenderer must therefore take care to ensure that in their tender they address and make clear how they propose to fulfil each aspect of the Invitation to Tender.
27. To complete the MEAT evaluation, a tender rating system will be used and the criteria and weightings for this are explained in this document at Section 'Tender Evaluation Methodology'
28. Any contract awarded as a result of this tendering exercise will be subject to the agreed Terms and Conditions of Framework which form part of the Entire Agreement document.

### **Indicative Procurement Timetable**

29. The Authority has provided an indicative timetable of Procurement activity, below. Please note that the dates below are best estimates and may be subject to change.

<b>Task</b>	<b>Date</b>
Issue ITT	13 January 2022
Tenders due back	04 February 2022
Evaluate Tenders	11 February 2022
Approve Recommendation Report	16 February 2022
Contract Award	18 February 2022

### **CONDITIONS OF TENDERING**

#### **Right to Reject and/or Disqualify**

30. The Authority reserves the right to reject or exclude from the procurement process a Tender, where the Tenderer has failed to submit a response which is in compliance with the requirements of the ITT; the ITT response is submitted late, is completed incorrectly or is incomplete; the Tenderer fails to respond in satisfactory terms to a request by the Authority for supplementary or to provide clarity in relation to the Tenderer's response to the ITT; or the Tenderer or any of its sub-contractors or consortium members is/are guilty of serious misrepresentation in relation to its response to the ITT and/or the procurement process.

#### **Bidders Composition**

31. In the event that a Tenderer alters its composition (which shall include, but not be limited to, a change in the identity of any entity named in the ITT response

whose capacity has been relied upon in responding to the ITT), the Authority reserves the right to request that any proposed reconstituted Tenderer complete the selection part of the ITT i.e. Business Probity, Criminal Convictions and Financial Standing for re-evaluation in accordance with the criteria used in relation to the evaluation of the original ITT response.

### **Late Tenders**

32. It is the responsibility of all Tenderers to ensure that their ITT response is submitted no later than the appointed date and time. Responses received after that time may not be considered. Completed Tenders may be submitted at any time before the closing date.

### **Relevant and Appropriate Responses**

33. Tenderers must ensure that they read each question carefully, that all answers you provide are relevant, and that each question is completed in full. All information must be provided in English. Only information provided as a direct response to the questions contained in the ITT will be evaluated.
34. Supplementary documentation may be uploaded as part of your response where you have been directed to do so. Such material must be clearly marked and named in accordance with the instructions.
35. Once you have submitted your response to this ITT you will receive an automated system e-mail confirming receipt of your submitted response.

## **Requests for Clarification or Further Information**

36. Subject to the terms of the Regulations, the Authority expressly reserves the right to require a Tenderer to provide additional written information supplementing or clarifying any of the information provided by that Tenderer in response to requests for information or questions contained in the ITT.

## **Misleading or Falsification of Documents**

37. The Tenderer should be aware that should any of its responses be found to be deliberately misleading or falsified, the bidding organisation may be disqualified from the tender process. If the Tenderer provides false information regarding any criminal convictions or business probity the Tenderer may also be guilty of a criminal offence.

## **Tender Evaluation**

38. The successful tender will be selected on the basis of the most economically advantageous bid, having regard to the price and quality of the proposals against defined evaluation criteria. Each tender will be subject to a Technical and a Commercial Analysis and the aim of the evaluation is to select the tender which represents the most economically advantageous tender. The analysis will assess the tenderer's ability to meet the Specification. The objective of the evaluation is to select the tender which represents the best overall value for money.
39. Tenderers should read the tenderers guidance notes for each section and take care when selecting their response particularly in relation to those which indicate a particular response could result in a non-compliant bid. (i.e. Tenders not wholly compliant with the Purchaser's requirements as set out in this ITT) Tenderers should ensure that all relevant documents for questions that require additional attachments are uploaded.
40. A Tender Evaluation Panel will be set up to evaluate the tenders. This will include representatives from the Authority's Procurement and Social Security Scotland
41. Prior to commencing the evaluation of the Tenderer's technical and commercial responses, the tender submission will be checked for completeness and accuracy by Scottish Procurement.
42. Only information provided as a direct response to the Invitation to Tender will be evaluated. The Tenderer should not embed URLs in response to any questions as these will not be evaluated. Information and detail which forms part of general company literature or marketing or promotional material etc. should not be submitted by the Tenderer and will not be evaluated.
43. The table below sets out how the Evaluation Panel shall determine the appropriate mark for each question in the Technical Response/Technical Envelope for all tenders. Marks awarded will be based only on the evidence submitted in the tender response to each question.

<b>0</b>	<b>Unacceptable</b>	Nil or inadequate response. Fails to demonstrate an ability to meet the requirement.
<b>1</b>	<b>Poor</b>	Response is partially relevant but generally poor. The response addresses some elements of the requirement but contains insufficient/limited detail or explanation to demonstrate how the requirement will be fulfilled.
<b>2</b>	<b>Acceptable</b>	Response is relevant and acceptable. The response addresses a broad understanding of the requirement but may lack details on how the requirement will be fulfilled in certain areas.
<b>3</b>	<b>Good</b>	Response is relevant and good. The response is sufficiently detailed to demonstrate a good understanding and provides details on how the requirements will be fulfilled.
<b>4</b>	<b>Excellent</b>	Response is completely relevant and excellent overall. The response is comprehensive, unambiguous and demonstrates a thorough understanding of the requirement and provides details of how the requirement will be met in full.

### **Tender Evaluation - Technical/Quality award criteria**

44. The Technical element will be evaluated independently of the Commercial element of this tender. Members of the Technical Evaluation Panel (TEP) will undertake individual scoring of Tenderers' responses to the Technical requirements.
45. Once each Evaluation Panel Member has independently evaluated each of the tender submissions, the Evaluation Panel will attend a Moderation Meeting, facilitated and chaired by Scottish Procurement and Commercial Directorate (SPCD). The scores and the Tenderer's response to the questions will be discussed at the Moderation Meeting.
46. The final score for each question will then be calculated using the mean average of the individual scores of all evaluators. The mean average of all evaluators scores will then be multiplied by the relevant question weighting to give the weighted score for each question.
47. The Technical response will be evaluated using the method below:  
  
Each Tenderer's score will be calculated by taking the arithmetical **mean** Average (Mean average scores will be rounded to 2 decimal places) for each section, multiplied by the section weighting to give a Total Weighted Section Score. The final score will be the sum of the Total Weighted Section Scores, multiplied by the Quality (Technical) Award Criteria Weighting (60%) to give the Overall Technical (Quality) Score.
48. The Technical response will be evaluated using the method below:

Individual Question Score (expressed as a percentage) x Question Weighting X the Section Weighting = Question Weighted Score.

Sum of all Question Weighted Scores within a section = Total Section Weighted Score  
 Sum of all Section Weighted Scores = Overall Technical Score for each Bidder.

Quality			Tenderer's name				
	Example of Quality Criteria	Section Weighting %	Question Weighting	Score (out of 4)	Score as a percentage	Question Weighted Score	Section Weighted Score
	<b>Functionality</b>	<b>20%</b>					<b>18.00</b>
Q1	Characteristics of functionality		45%	4	100.00%	9.00	
Q2	Design details		40%	3	75.00%	6.00	
Q3	Details of the functionality		15%	4	100.00%	3.00	

### Tender Evaluation - Price (Commercial) Evaluation

49. Tenderer's must adhere to the instructions in the "Pricing Schedule" spreadsheet as detailed within the Pricing Schedule/Commercial Envelope contained in PCS-T with regard to the entering of price information as failure to comply may result in their tender not be considered further or taken forward to the Combined Score (Quality/Price Ratio calculation).
50. The Commercial response of this procurement exercise will be evaluated independently of the Technical response.

If a Tenderer submits a tender price that the Authority considers abnormally low, Scottish Procurement will write to the Tenderer requesting evidence on those aspects of the bid which are considered to be abnormally low. The evidence will be considered and if the Scottish Procurement still considers the bid to be abnormally low, it will verify this with the Tenderer and we may exclude them from further participation in the tender process.

### Tender Evaluation - Combined Evaluation Methodology

51. The Tenderer with the highest overall combined Quality and Price score will be awarded the contract.

**(Technical score x technical response weighting) + (Commercial (price) score x Commercial response weighting)**

#### Example

Bidder A	Bidder B
Technical Score: <b>78</b> Commercial Score: <b>83.33</b> Weighted Technical Score: 78 x 60% = 46.8 Weighted Commercial Score: 83.33 x 40% = 33.33  <b>Bidder A Final Score: 46.8 + 33.33 = 80.13</b>	Technical Score: <b>62</b> Commercial Score: <b>100</b> Weighted Technical Score: 62 x 60% = <b>37.20</b> Weighted Commercial Score: 100 x 40% = <b>40.00</b>  <b>Bidder B Final Score: 37.20 + 40.00 = 77.20</b>

52. Bidder A has the lower commercial score (higher price), but overall provided the most economically advantageous tender (by providing a higher quality bid). The evaluation will be based to two decimal places.

### **Tie Breaker**

53. This will only be applied where two or more winning tenderers have achieved the same score following the evaluation of the bids. In these circumstances, the tie breaker will involve additional weighting being given to certain questions or areas in the ITT response.
54. Where a tiebreaker is required, it will be applied to the scores of all tenderers with winning equal scores.
55. Note that the use of one tie breaker may not be sufficient to clearly identify the winning bid. So in the event that the first tie breaker does not produce a result which differentiates the tenderers who have the same score, the second tie breaker will be applied. If this still does not produce a result which differentiates the tenderers who have the same score, the third tie breaker will be applied. If this still does not produce a result which differentiates the tenderers who have the same score, the fourth tie breaker will be applied;
56. The application of the tie breaker will be as follows.

#### **First Tie Breaker**

The tenderer with the highest quality score will be considered the winning bidder.

### **Freedom of Information**

57. Nothing in this ITT shall preclude the Authority from making public, under the Freedom of Information (Scotland) Act 2002 (“FOISA”) and/or the Environmental Information (Scotland) Regulations 2004 (“EIRS”) or otherwise, details of all matters relating to this ITT and responses thereto unless such details fall within an exemption under FOISA and/or EIRS as may be applicable at the discretion of the Authority and the Authority (at its sole discretion) consider that such exemption shall apply, and (in respect of commercially sensitive information only) a Tenderer has advised the Authority in writing that disclosure of specified information would or would be likely to substantially prejudice the commercial interests of any person (including but not limited to the Tenderer or the Authority).
58. Tenderers should also note that the receipt of any material or document marked “confidential” or equivalent by the Authority and/or any participating Authority should not be taken to mean that the Authority and/or any participating Authority accepts any duty of confidence by virtue of that marking. In addition please see the attached Privacy Notice at **annex 1**.

## **Constitution of Contracts**

59. No information contained in this ITT or in any communication made between the Authority and any Tenderers in connection with this ITT shall be relied upon as constituting a contract, agreement, warranty or representation as to the Authority's ultimate decision in relation to the requirement which is the subject matter of this ITT or that any contract or framework agreement shall be awarded or entered into pursuant to this ITT.

## **Canvassing**

60. Direct or indirect canvassing of any elected official, public sector employee or agent by any Tenderer concerning this requirement, or any attempt to procure information from any elected official, public sector employee or agent concerning this ITT may result in the disqualification of the Tenderer from consideration for this requirement.

## **Right to Cancel, Clarify or Vary the Process**

61. Subject to the terms of the Regulations, the Authority expressly reserves the right to change, without notice, the basis of, or the procedures for, this procurement process or to terminate the process at any time.

## **Non-Conclusive**

62. The ITT does not purport to be all-inclusive or to contain all of the information that a Tenderer, or any of its sub-contractors or any consortium member, may require. Tenderers must make their own independent assessment in relation to the subject matter of this ITT and all matters relevant thereto after making investigation and taking such professional advice as they deem necessary. In no circumstances shall the Authority or its advisors, consultants, employees or agent incur any liability or responsibility arising out of or in respect of the issue of this ITT.

## **No Representation or Warranty**

63. The Authority, its advisers, officers, members, employees, other staff and agents: make no representation or warranty (express or implied) as to the accuracy, reasonableness or completeness of the information contained in this ITT; accept no responsibility for the information contained in this ITT or for its fairness, accuracy or completeness; shall not be liable for any loss or damage (other than in respect of fraudulent misrepresentation) as a result of reliance on the information contained in this ITT or any subsequent communication.

## **Collusion**

64. The Tenderer certifies that this is a bona fide tender submission, intended to be competitive, and it has not fixed or adjusted the tender by, under or in accordance with any agreement or arrangement with any other person or Tenderer. The Tenderer also certifies that it has not done and it undertakes that

it will not do at any time before the returnable date for this tender any of the following acts:-

- a) Communicating to any person the content of the tender herewith submitted;
- b) Entering into any agreement or arrangement with any person that he/she shall refrain from submitting a tender or as to the content of any tender to be submitted; and
- c) Offering or paying or giving or agreeing to pay or give any sum of money or consideration directly or indirectly to any Tenderer for doing or having done or causing or having caused to be done in relation to any other tender or proposed tender for the said work any act or thing of the sort described above.

### **Conflict of Interest**

65. Tenderers must disclose in their ITT response (by answering the conflict of interest questions found within the ITT's qualification envelope) any circumstances, including, without limitation, personal financial and business activities that would, or may be likely to, give rise to a conflict of interest between the Authority and/or any sub-contractors or members of the Tenderer's consortium and the Tenderer. Where a Tenderer identifies any actual or potential conflicts of interest in their response to this ITT, it must state how it intends to avoid such conflicts. The Authority reserves the right to reject any response to this ITT which, in the Authority's opinion, gives rise, or may be likely to give rise to, a conflict of interest.

### **No Inducement or Incentive**

66. The Invitation to Tender is issued on the basis that nothing contained in it shall constitute an inducement or incentive nor shall have in any other way persuaded a Tenderer to submit a tender or enter into any contractual agreement.

## **Annex 1**

### **Scottish Procurement and Commercial Directorate - Privacy Notice**

Scottish Procurement and Commercial Directorate (Scottish Procurement) is part of the Scottish Government and is responsible for providing professional procurement services and collaborative procurement arrangements to the Scottish Government and Scottish Public Bodies.

In order to carry out its functions, Scottish Procurement is required to process personal information. The types of data we hold and the reasons we are required to process it are set out below. The Scottish Government is the data controller of the information and is committed to protecting your privacy at all times when using your personal data.

This notice relates to the personal information we process about you as part of tender exercises conducted by Scottish Procurement. It explains what personal information we process about you when you submit a response in relation to a tender exercise, why we process it, and what we do with it. It also explains your rights under data protection laws.

The Public Contracts Scotland Portal and PCS-Tender are provided by external suppliers. Details of the Privacy Policies for the Public Contracts Scotland Portal and PCS-Tender can be found on the respective websites.

#### **1. Your data**

We collect information from you (including name, email address, business address, home address, date of birth, telephone number, financial information, experience, qualifications) for the following purpose:

- We need to process your personal information in order to allow Scottish Procurement to assess suitability of bidders, evaluate tenders, provide feedback to bidders, award contracts to the successful supplier and to ensure contract requirements are delivered.
- To respond to your queries or requests when you contact us. We will route your messages to the relevant team.
- To contact you about tender and procurement related matters.

#### **2. Legal basis of processing**

The legal basis for processing your data is for the performance of a task carried out in the public interest.

#### **3. Recipients**

We will share your information with:

- Individuals involved in the procurement exercise or in the evaluation. This may include Scottish Government staff, individuals from other public sector bodies participating in the evaluation of bids, consultants or expert advisers involved in the tender exercise.
- Procurement team members to allow them to respond to your queries or to send you updates on procurement related matters.
- As your personal data will be stored on our IT infrastructure it may be shared with our data processors who provide electronic tendering systems, advertising portals, email, document management, surveys and storage services. The Privacy Policies for the Public Contracts Scotland and PCS-Tender systems are available at the following links:

[Public Contracts Scotland - Privacy Policy](#)

[PCS-T User Agreement](#)

#### **4. Retention**

We will only keep your information while there is an ongoing business need or Regulatory requirement to retain the information. For successful tenderers the information will be retained until **Five (5)** years after expiry of the contract. For unsuccessful tenderers the information will be retained for **xx** years after the date that the contract is awarded.

#### **6. Your rights**

You have the right:

- to request information about how your personal data is processed and to request a copy of that personal data.
- to request that any inaccuracies in your personal data are rectified without delay.
- to request that your personal data is erased if there is no longer a justification for it to be processed.

Further information on your rights can be found on the Scottish Government website at the attached link :

[Your right to access personal information](#)

#### **7. Contact**

7.1 You can contact the Collaborative and Scottish Procurement at the following address:

Scottish Procurement and Commercial Directorate  
Scottish Government  
3A-South, Victoria Quay  
Edinburgh EH6 6QQ

[scottishprocurement@gov.scot](mailto:scottishprocurement@gov.scot)

7.2 Details of the Scottish Government Data Protection Officer and the procedures for complaints can be found at the following link:

[Contact Data Protection Officer](#)