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**COMMERCIAL QUESTIONNAIRE**

**GUIDANCE FOR CONTRACTORS**

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<b>DEFINITIONS</b>
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<b>Term</b>	<b>Definition</b>
<b>SDDPP</b>	South Devon & Dartmoor Procurement Partnership consists of Teignbridge District Council, South Hams District Council and West Devon Borough Council
<b>Applicant</b>	The company, individual or organisation submitting the quotation, tender PQQ
<b>Devon Tenders Portal</b>	Website to access e-tendering solution <a href="http://www.devontenders.gov.uk">www.devontenders.gov.uk</a>
<b>Contract</b>	The agreement between the Council(s) and the contractor including all documentation supplied, terms and conditions, specifications, supporting documentation, and other documents incorporated or referred to therein.
<b>ITT</b>	Invitation to Tender
<b>MEAT</b>	Most Economically Advantageous Tender
<b>NPSLG</b>	National Procurement Strategy for Local Government
<b>PTQ</b>	Pre-Tender Qualification
<b>PQQ</b>	Pre-Qualification Questionnaire
<b>RRA</b>	Race Relations Act
<b>SLA</b>	Service Level Agreement
<b>The Contractor</b>	The supplier(s) awarded the contract culminating from an offer to supply accepted by the Council(s)
<b>Council(s)</b>	The participating Councils
<b>VfM</b>	Value for Money

## FOREWORD

The South Devon & Dartmoor Procurement Partnership are working together on a regional procurement initiative in support of the National Framework and National Procurement Strategy for Local Government.

SDDPP consist of:

- South Hams District Council
- Teignbridge District Council
- West Devon Borough Council

This guide has been put together because the prospect of tendering with a public sector organisation like SDDPP or individual Councils can be daunting for companies who are new to the process. This guide to tendering explains in a simple way what is involved, and provides further guidance on completing the commercial evaluation section. If after reading the guide you still have any questions about tendering with SDDPP please contact the Corporate Procurement Officer whose contact details are below or contact the local procurement officer whose details are available from Devon Tenders e-tendering website ([www.devontenders.gov.uk](http://www.devontenders.gov.uk)) along with other relevant guides for contractors and applicants. The Council(s) support the use of e-procurement developments such as e-tendering website not only to reduce the cost and time of procurement processes for both our suppliers and the services, but also to ensure a competitive, fair and transparent process. It is intended that eventually all tendering and quotation processes will be conducted electronically through the Devon Tenders portal, and potential contractors are advised to register on the portal if they seek to do business with the Council(s). SDDPP supports the SME Concordat and our legal duty to promote equality we welcome all businesses, local, small, black and ethnic minority to register.

Best Wishes

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**WHY DO THE SOUTH DEVON & DARTMOOR PROCUREMENT PARTNERSHIP NEED TO GO OUT TO TENDER/QUOTE?**

**Background**

The Councils spend over £20 million on goods, works, and services per year. It is important that the Councils obtain value for money when buying the goods, works, and services it needs. By inviting companies to submit competitive tenders the Councils ensure that public money is spent in a way that is fair, open, honest, and accountable.

**Best Value**

The South Devon & Dartmoor Procurement Partnership are committed to providing high quality services for its users. The principles of Best Value allow the Councils to obtain the best balance of quality and price and not just the lowest price, tenders and quotes are therefore evaluated on MEAT (Most Economically Advantageous Tender).

**Rules and Regulations**

All of the Council(s) procurements must comply with their own internal regulations, “Contract Procedure Rules” and “Financial Procedure Rules”. The tendering process may also be subject to the rules of the European Union, dependant on the nature and value of the goods, works or services.

<b>WHAT PROCUREMENT OPTIONS ARE AVAILABLE?</b>
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**Approved Lists**

The Council(s) maintain a limited approved list of contractors for small works within Property & Design Services. Firms on the approved list have been through an application process and are approved to carry out specific works or services for the Council. If the works or services required can be met by using a suitable approved list the firms on that list will be invited to tender on the basis of rotation and performance. Where the Council does not maintain a relevant approved list the scheme will be put out to tender using one of the following methods:

**Open Procedure**

An advert will be placed on Devon Tenders [www.devontenders.gov.uk](http://www.devontenders.gov.uk). The tender will be open to anyone who expresses an interest.

**Restricted Procedure**

An advert will be placed on the e-tendering website Devon Tenders [www.devontenders.gov.uk](http://www.devontenders.gov.uk). Companies who express an interest will be required to complete a Pre Qualification Questionnaire (PQQ). The Council(s) will evaluate the questionnaires and produce a shortlist of suitable companies who will then be invited to tender.

**Negotiated Procedure**

The negotiated procedure is used when the Council(s) are unable to provide a precise specification and where there is scope to negotiate with companies about what services they can provide. The purpose of this procedure is to negotiate on the specification of the project and not on the price.

## WHAT IS INVOLVED IN THE TENDERING PROCESS?

### **Open Procedure**

An advert is placed on Devon Tenders Portal, any relevant trade journals, press and where appropriate in the Official Journal of the European Union (OJEU). The advert contains details of the scope and instructions for downloading the tender documents and Pre Qualification Questionnaire (PQQ) from the Devon Tenders website. Companies will then submit a completed tender and PQQ via the website by the date and time stated.

### **Restricted Procedure**

An advert is placed on Devon Tenders, in any relevant trade journals, press and where appropriate in the Official Journal of the European Union (OJEU). The advert contains details of the scope and instructions for downloading a Pre Qualification Questionnaire (PQQ) from the Devon Tenders website. The company will then submit the completed PQQ via the website before the deadline. The completed PQQs will be evaluated and a short list will be produced. The short listed companies will then be invited to tender and given access to the tender documents. The method of obtaining and submitting the tender documents is the same as the PQQ except access to the documents is now restricted to the short-listed companies.

### **Negotiated Procedure**

An advert is placed on Devon Tenders, the relevant trade journals, press and where appropriate in the Official Journal of the European Union (OJEU). The advert contains details of the scope and instructions for downloading a Pre Qualification questionnaire (PQQ) from Devon Tenders. The company will then submit the completed PQQ via the website before the deadline. The completed PQQs will be evaluated by the Council(s) and a shortlist will be produced. The short listed companies will then be invited to negotiate with the Council(s). During the negotiations all tenderers will receive equal treatment and at least two Council officers will be present during the negotiations. Records will be kept to ensure transparency and accountability.

## WHAT WILL THE TENDER DOCUMENTS BE LIKE?

### **Pre Qualification Questionnaire**

The PQQ looks like an application form. It is designed to give the Council(s) all the information it needs to assess whether a company is suitable to work with should the tender be successful. It is important that all relevant questions are answered as an application may be rejected if information is missing. Companies may be required to provide additional documents to support the application.

### **What kind of questions are in the PQQ?**

The PQQ asks for information about the company, and in some cases information about the employees of the company. The company is requested to provide references so the Council(s) can assess whether the company has the relevant technical experience, financial details to demonstrate the stability and financial standing of the company, details of insurance, Health and Safety information, equality and diversity information and environmental information. More information on types of questions is available in this guide.

### **Tender Document**

The tender documents contain the following:-

- Instructions to tenderers – instructions to be followed: when the closing date is, how to submit the tender and where to.
- Specification/Project Brief.
- The evaluation criteria, how the importance of quality and price is weighted e.g. 40% price 60% quality.
- Terms and Conditions of contract – standard and special terms and conditions of the contract to which the successful company and the Council(s) must adhere to.
- Form of Tender - this forms the basis of the offer to the Council(s) should it be accepted, i.e. that the company is committed to providing the service as stated within the tender submission. The company is required to sign and date the Form of Tender.
- Schedule of prices – this will vary from one project to another. It is a list of all items that must be individually priced. For construction based contracts these will be priced bills of quantities or Schedules of Rates.
- Certificates – there are usually two certificates to be signed, one to declare that the information provided in the PQQ is still accurate and another to declare that the company has not been involved in price fixing or collusion with another company, and that the tender submission is a bona-fide bid.

**ONCE I HAVE SUBMITTED MY TENDER WHAT WILL HAPPEN NEXT?**

**Tender Opening**

When the tender return date has passed, the tenders that were submitted on time will be opened electronically in accordance with service standing orders.

**Tender Evaluation**

After the tender opening the tenders are evaluated using a process that ensures openness and accountability. An evaluation panel typically consisting of a Procurement Officer and Officers from the Client Department will have been established at the beginning of the tender process. Tenders will be evaluated using a scoring mechanism that was established before the tender return date and in accordance with the weighting specified in the tender documents e.g. 40% price 60% quality. In addition to a written quality submission the company may also be required to attend an interview, give a presentation to the panel and answer questions, or provide products and demonstrations for evaluation purposes.

**Contract Award**

The successful tenderer is notified. The unsuccessful companies are informed that their tender was not favourable and offered a suitable debrief. In the case of contracts, which are subject to European Regulations, there is a 10-day standstill period under the provision of Alcatel. The unsuccessful companies are notified who the Council(s) intends to award the contract to and have 10 days to request more information regarding this decision prior to contract award.

<b>PQQ – GUIDANCE FOR COMPLETION</b>
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The specific areas in which the PQQ or commercial evaluation seeks information are described below.

**Organisation Identity and General Company Information**

Some basic contact details background information about who is tendering.

**Business Activities**

A potential supplier's main lines of business activities to be sure the firm is likely to have sufficient resources to perform the contract properly.

**Staff Details**

The main members of staff, which will be working on this contract, and whether, any declarations regarding interest in the contract are to be made.

**Equal Opportunities**

The South Devon & Dartmoor Procurement Partnership have a legal duty to promote equal opportunities and ensure that all members of the community are treated fairly and equally in the field of their work. It is important to know that possible suppliers accept their legal duties in this area and will be able to manage staff appropriately.

**Environmental Management**

Some business operations can have a large impact on the environment, but all firms can help to ensure that they minimise any harmful effects of their work on the environment, for example by recycling where appropriate and properly disposing of hazardous materials. A firm's policies in this area will be more important for some types of contract than others, but the PQQ provides the opportunity to gather information from suppliers in this area.

**Quality Assurance**

Quality management is all about making sure that work is done in a planned, controlled way to ensure that the results are satisfactory. There are various schemes and standards that define how a firm can make sure it meets its customers' needs. Suppliers need to have thought about how they can make sure their work is up to the mark in terms of quality. This may mean the firm indicating it has been formally checked against a recognised standard (benchmarked) or it may involve the firm giving a description of how it makes sure its work is done repeatedly to high standard. This includes quality data that is presented in a relevant, reliable, timely and in the agreed format required

**Information Security**

Information security is concerned with protecting the interests of the Council(s) and ensuring the supplier has systems and processes in place to protect Council(s) information. This will also affect some contracts more than others.

### **Insurance**

Suppliers need to have the necessary insurance policies to adequately cover any problems, which may arise.

### **Health and Safety**

A supplier needs to take care to ensure the health and safety of its workers and others is considered when carrying out its work. This will be especially important for construction work, for example. There are also legal requirements in this area that the supplier needs to meet. The PQQ therefore asks suppliers to provide some information about their policies on health and safety.

### **Financial Information**

A supplier needs to have the financial resources and stability to carry out the required work, and that they are likely to be around to complete the contract satisfactorily. The PQQ therefore asks for some basic company financial information to allow a buyer to assess a supplier in this area.

### **References**

A supplier should be able to state if they have done similar jobs of a similar size to a good standard in the past. The PQQ therefore asks for details of up to three previous references/case studies by the firm. Any problems the supplier has had on previous contracts, is useful information to provide. It may be there are reasonable explanations in justification so it is best to be honest and open in answering these questions rather than have details scrutinised later.

### **Requirement Specific Questions**

There will inevitably also be some specific questions to ask of suppliers, which fall outside of the above categories and relate specifically to the subject matter of the procurement they are currently undertaking.

### **Declaration**

This is the confirmation by the supplier that the information provided is valid and correct and is the final section of the PQQ with the exception of explanatory notes and supplementary modules.

### **Optional Questions for inclusion:**

#### **Additional Financial Questions**

The questions in this Module build on those already asked and go into greater depth with respect to profit and loss, Parent Companies and guarantees.

#### **Additional Health and Safety Questions**

The questions in this Module build on those already and ask for details of the supplier's Health and Safety processes, particularly relevant for construction projects.