

# Tendering

## Suppliers Guide (2021)

**Please Note:**

*While care is taken to ensure accuracy, the Shire of East Pilbara cannot guarantee that the information contained in this Guide is correct and will be interpreted by the reader in the way intended. The Shire recommends that Tenderers exercise their own skill and care with respect to its use. The Shire of East Pilbara makes no warranty or undertaking, whether expressed or implied, nor does it assume any legal liability, whether direct or indirect.*

## **Introduction**

This guide has been developed to assist suppliers to better position themselves to access tendering opportunities at the Shire of East Pilbara (*'the Shire'*).

This guide provides a summary of what suppliers need to be aware of in order to participate effectively in tendering opportunities with the Shire.

This guide does not replace the need for suppliers to read all the documents provided in a procurement activity.

## **Procurement Statement**

The Shire must provide high quality reliable procurement services and support across Council ensuring value for money is achieved, while maintaining the principles of probity and transparency are embraced.

## **What is tendering?**

Tendering is the selling of goods, services and/or works to the Shire through the request of formal bids – otherwise known as Tenders.

## **Terminology**

### **RFT-Request for Tender**

A formal offer open to the public to bid for the supply of specified goods, services or works, under specified terms.

### **RFQ-Request for Quotation**

A formal offer open to the public to bid for the supply of specified goods, services or works, under specified terms.

### **EOI-Expression of Interest**

A formal invitation to prospective suppliers to obtain non price information from suppliers, such as their capability and capacity to undertake the works/goods.

### **RFP-Request for Proposal**

A formal invitation to the public to provide a solution to the Requirement of the Shire.

## **Local Government Procurement**

Procurement in Western Australian Local Government is regulated under Section 3.57 of the *Local Government Act 1995*, Part 4 of the *Local Government (Functions and General) Regulations 1996* and the *Competition and Consumer Act 2010*. To comply with this, and to establish its own framework, the Shire has developed their Procurement & Tendering Policy which sets out, informs and guides all procurement activities undertaken by staff.

## **Tenderer's Responsibility**

It is your responsibility as a tenderer to ensure that you have all the information you require to develop your tender submission. If you are unclear about any aspects of the tender documentation, then clarify the requirements by contacting the Shire's nominated contact officer, whose details will be listed in the Request, noting that all clarifications about the Scope of Works/Specification are to be lodged via the public forum for that tender on Tenderlink.

## How to Target the Best Opportunities

Ensure that you are registered on the Shire's Tenderlink Portal to receive notification of new public tenders. It is free to register. It is also free to download tender documentation and to submit your tender response.

Only tender for well-matched opportunities to your business.

Make sure that you have the full capability and resources to deliver the goods, services or project, and is cost effective to provide.

Do not underestimate or over commit your time and resources.

Do not tender for a contract if you are not sure that you can deliver either to the specification or to your offer.

## Key information resources

Shire of East Pilbara Website – [www.eastpilbara.wa.gov.au](http://www.eastpilbara.wa.gov.au)

Shire Tenderlink Portal – <https://portal.tenderlink.com/eastpilbara>

## Notification and Submission of Tenders

### Advertising of Tenders

Tenders are required to be open to the public for a minimum period of 14 days (*from public advertising/notice*). The Shire treats Quotes and EOIs the same for advertising purposes.

The Shire advertises Requests in the West Australian newspaper on Wednesdays and Saturdays; by Public Notice displayed throughout the East Pilbara, on the Shire's website and also the Shire's Tenderlink Portal.

When setting the timeframes for tender to be open for submissions, the Shire considers a number of factors including the complexity of the project, the time of the year (*i.e Christmas holiday period*), the availability of precise and reliable information, and normal market expectations. You should check the documentation you download about the Request to ensure that you understand the closing date and time.

### Closing of Tenders

The Shire generally closes Tenders at 10:00am weekdays. However, this may change from time to time, so it is important to make yourself aware of the closing deadline, which can be found in the Request documents for the particular Request you are participating in.

### Late Tenders

The closing date and time of tenders is one the most important milestones in the tender. If you want your submission to be considered, the first step is to ensure that your tender submission is received in the appropriate format and by the appropriate receiving method by the closing date and time as specified in the Request documents. These details will appear several times throughout the Request documents.

**Note: Tenders that are not received in full, in the stated format, submitted in the method or by the deadline will not be accepted for consideration.**

### Alternative Tenders

If a tenderer wishes to recommend, through their submission, an alternative method or process of fulfilling their obligations under the contract, the Shire can only consider this alternative offer if a fully

conforming tender is also submitted. Ensure that you highlight any aspect of your submission that includes an alternative proposal for Council to consider. If submitting an Alternative Offer ensure that you submit a Tender Offer and the Pricing Schedules for both the conforming offer and the alternative offer.

Generally, when a Request for Tender is called the end result is known and as such a detailed specification would have been drafted to ascertain the approach which should be applied to carry out such a requirement.

However, when a Request for Proposal (RFP) is called the end result or methodology isn't as clear or defined and suppliers are asked to propose a solution to the requirement sought by Council. This is where the opportunity for genuine innovation is encouraged and eagerly sought.

If you are uncertain about your offer, seek clarification by submitting a query on the public forum for the Request.

## Submission of Tenders

### Uploading Responses – Tenderlink Portal

The information below applies only where you have been requested to submit your tender documents via the Tenderlink process.

1. Ensure **ALL** files are uploaded to the Electronic Tender Box **PRIOR** to the closing time and date shown in the tender documents. **PLEASE NOTE:** The ETB closes automatically at this time - file transfers still in progress at the exact closing time **WILL NOT** be accepted and you will not receive an automatic "successful submission" notice.
2. It is strongly recommended that if your file(s) are in excess of 10MB in total and/or you are transferring data from within a corporate network that you are able to do so without restriction. We suggest you speak with your network administrator or IT staff and advise them the size of the files you intend to submit to ensure that internal file size restrictions in your network or from your PC **DO NOT** prevent you from uploading to the TenderLink servers.

**DO NOT leave your submission to the last minute.** TenderLink have no control over the closing of Tender Boxes. If you need assistance, please contact Tenderlink on 1800 233 533 well before the closing time. As a guide, you should begin your file transfer at least 1 hour prior to the closing time.

The following guide should be used to determine how long it will take you to upload your file(s) to our servers. As an example, if your file is 10MB and your broadband connection speed to our servers uploads at 128kbps, your upload time should be approximately 10 minutes. If you have a dial-up connection, please ensure you allow sufficient time. **Disclaimer: Below is a guide only. These times can vary significantly depending on your actual internet speed at the time of upload.**

**Upload Guide**  
 SIZE

	10 MB File	100 MB File	
S P E E D	56 Kb	25 minutes	4 hours and 10 minutes
	64 Kb	21 minutes	3 hours and 40 minutes
	128 Kb	10 minutes	1 hour and 43 minutes
	256 Kb	5 minutes	52 minutes
	1.5 Mbps	1 minute	10 minutes

- Your Response is to be lodged in full via the Tenderlink Portal – LATE or PARTIAL RESPONSES will not be accepted.
- The Shire's preferred format for the submission is a single PDF document readable by Adobe Acrobat or Microsoft applications.
- The Response shall have all pages numbered consecutively and the response must include an index.
- The Response shall NOT have any embedded documents
- The Response must include the completed and signed Offer Form and Pricing Schedule/s.

## **How to Submit a Tender**

### **Step1 - Find and Review the Tender Advertisement**

The Shire of East Pilbara uses their online electronic Tenderlink Portal to publish all tenders. Advertisements are placed in the Local Government Tenders Section of the West Australian Newspaper either on a Wednesday or Saturday.

### **Step 2 - Decide Whether or Not You Are Suitable for the Project**

Read the Request documents very carefully and familiarise yourself with the conditions of tendering, the conditions of contract and the scope of works (*Requirements*). Make note of the clauses dealing with delivery, timeframes and price variations, before deciding whether this is a suitable project for you to tender on.

### **Step 3 - Understand the Documents**

If you have any queries with respect to the Scope of Works in Part 2 of the tender document, or of the contract conditions, ask for clarification via the public forum for the tender on the Tenderlink Portal. As a matter of due diligence you can have your legal representative review the contract conditions.

### **Step 4 - Complete your Tender Submission**

Create a well-structured and formatted tender submission, provide informative responses to the criteria questions.

Ensure that you have completed and signed the Offer Form and Pricing Schedules, include any Contract Departures you are requesting in relation to the contract conditions as part of your tender submission. You are now ready to lodge your tender submission.

*Please Note:*

*The Offer Form and pricing schedule/s must be signed and scanned into PDF format.*

*An original signature must be made on these pages and the entire Offer, including the signature must be scanned into PDF format before you upload your submission. A signature will not include a person's initials, a scanned signature block pasted on page or any typed font to replicate a signature.*

### **Step 5 - Lodgment of Tender Submissions**

The Shire will only accept tender submissions made via the electronic tender box on the Shire's Tenderlink Portal. The Shire will not accept a tender submission by any other method (*including by email or hard copy being dropped off at the Shire's Administration Office*), unless expressly stated in the tender document or via an Addendum issued by the Shire.

## **What Happens Next?**

Once the electronic tender box closes, the Shire will download all the submissions. The Evaluation Panel Members are provided a copy of the submissions with pricing redacted and they will check for compliance and will undertake individual evaluations on the qualitative criteria responses.

Following this the Evaluation Panel will convene and come to a consensus on the scores for the qualitative criteria for each tender, once the scores have been agreed to by each Panel Member, the pricing for each submission is released to the Panel Members. The Panel Members make a recommendation on the most beneficial submission to the Shire, and a Recommendation Report, which includes a summary of the evaluation panel's findings on each submission received is created and submitted to Council for consideration at the next available Council Meeting. Council make the final decision on the outcome of the Tender, i.e whether the Tender is awarded and if so to whom.

Once the Council Minutes are released (*usually approximately a week after the Council Meeting*), all tenderers are advised of the outcome of the tender process, including details on the successful tenderer. Currently a hard copy letter is sent as well as being advised via the Tenderlink portal.

All tenderers may request feedback on their submission following award of the tender.

Following award of the tender, the Contract is drawn up and forwarded to the successful tenderer for signing and returning to the Shire, where it is then signed by the Chief Executive Officer and the Shire President and the Shire's Common Seal is affixed.

Once the Contract is fully executed, the Shire will retain one original Contract document, and the other original document will be forwarded to the Contractor.

## **Compliance Requirements**

### **What is a Compliant Tender?**

A compliant tender submission is one that has been submitted according to all of the tendering conditions, i.e by the correct method, by the deadline, with the required forms and schedules signed correctly, and with all information requested, and responses to both the compliance and qualitative criteria addressed/responded to.

If a Tender Submission is deemed to be non-compliant, it will not be accepted, and will not proceed to the evaluation stage.

### **What is a Conforming Tender?**

A conforming tender is one that meets the Scope of Works/Specification requirements.

You may provide an Alternative Tender, i.e a non-conforming tender, as long as you also provide a Conforming Tender.

## **Additional Tendering Information**

### **Pricing requirements**

For most of the Shire's tenders, we will request lump sum pricing to be provided. The Shire may also request a list of rates for additional/adhoc works or services.

The Shire does request itemised pricing breakdown of each component of the Requirements to be included in the tender submission.

The pricing schedules submitted are to include both the gst exclusive price and the total gst inclusive price.

Pricing is an important factor considered in the final recommendation of the successful tenderer. The pricing is not known (*and therefore not considered*) by the evaluation panel until they have come to a consensus on the qualitative criteria scores for each tender submission.

For tenders that will ultimately award a Contract that is longer than one year, i.e. service/maintenance type contracts, tenderers are required to indicate in their tender submission if they will abide by the Shire's preferred method of pricing increase/decrease variation mechanism (*i.e. through CPI % being applied*) or if the tenderer wishes to request an alternative mechanism.

### **Licence and Insurance Requirements**

Tender documentation will provide details on the type of licence/s required and the level of insurance cover Tenderers will require in order to successfully fulfill their obligations.

The standard insurances that are requested as part of the tender process are Public Liability, Professional Indemnity and Workers Compensation.

The level of cover will vary depending upon the risk. The Shire may, also request Contract Works Liability, Plant & Fleet Liability and/or Home Indemnity Insurance.

Generally the Shire uses the industry standard amounts of cover and will require as a minimum, \$20m Public Liability Insurance Cover.

### **Consortium Bids / Sub-Contracting**

Occasionally, suppliers establish a consortium to tender for a large or complex project. Small to medium size businesses can enter into relationships with large (*generally the Head/Principal Contractor*) companies, to deliver specific works or services.

Details of all sub-contractors and the services they will be providing in relation to the Requirements, must be stated in the tender submission, and the successful tenderer must seek approval from the Shire to engage any/all subcontractors.

### **Intellectual Property**

If your tender submission contains specific Intellectual Property (IP) information that belongs to another company, you must ensure that you are entitled to use this IP and indemnify the Shire against any future claims that might be related to the use of such IP.

### **Warranties**

The requirement and scope for warranties will vary with each individual tender and depends entirely on the goods and/or services being tendered. Always ensure that you have read and understand these requirements, as you may incur costs associated with the provision of the warranties as contained in the tender documentation.

### **Contractor's Security**

The General Conditions contained within the tender document (*usually in Part 3*) will indicate if the Contract will have a requirement for Contractor's Security in the form of Bank Guarantee. The Shire's preferred method of Contractor Security is by way of Bank Guarantee, although Contractors can request in writing, for the Contractor's Security to be by way of Retained Monies instead.

### **Liquidated Damages**

The General Conditions contained within the tender document (*usually in Part 3*) will indicate if the Contract will be subject to Liquidated Damages or not, and if so, will provide the rate that will be charged.

If the Contract is subject to Liquidated Damages and if the Contractor fails to complete the works by the Date for Practical Completion together with any extensions of time granted by the Principal, the Contractor may be liable to the Principal for liquidated damages for every day after that date until Practical Completion has been achieved or the Contract terminated, whichever is sooner.

## **Mandatory/Non Mandatory Site Inspections & Briefings**

The tender documentation (*Part 1*) will state whether there is a mandatory or non mandatory site inspection/briefing and provide details of the date and time of the inspection, the meeting point and also the PPE requirements. Tenderers may seek clarification from the Project Manager at this time, and a brief set of Minutes will be uploaded to the Tenderlink portal for all potential tenderers to view/read, thus ensuring that all potential tenderers have the same information to base their tender submission on.

*Note: Currently with the Covid pandemic and varying isolation requirements and/or travel bans the Shire is not making any of the Site Inspections/Briefing mandatory in nature.*

## **Evaluation**

### **Understanding evaluations**

The Shire will develop an evaluation matrix in order to best assess each tender received. The evaluation (*Qualitative*) criteria will be specified within the tender documents and will indicate the % weighting for the scores to be based on. All criteria must be considered and addressed clearly in your submission.

The following are examples of criteria that may be set:

**Relevant Experience:** Demonstrate your experience in completing/supplying similar Requirements.

**Skills & Experience of Key Personnel:** Provide details on your proposed personnel to be allocated to the project, including their role in the performance of the contract, CV, memberships, qualifications etc.

**Methodology & Demonstrated Understanding:** Detail the process you intend to use to achieve the Requirements, provide a timeline/gantt chart, training processes, SMPs etc.

## **Contract Execution**

The Contract will be prepared by the Shire and will be signed (hard signature) by both the Contractor and the Shire.

*Please note: That once the Contract has been executed, the successful tenderer is bound to fulfill their role for the delivery of the goods, services and/or works as stated in the executed Contract.*

## **Feedback**

The experience of not winning a tender can be disappointing, given the time and effort invested in preparation of your submission. Following advice of the tender outcome, all tenderers are provided with the contact details of the Project Manager. You are encouraged to contact the Project Manager and request feedback on your submission. This is a useful process, which can assist you in understanding what elements of your submission could be improved for future tender submissions.

*Please note: That only your submission will be discussed, and will outline the strengths and weaknesses of your submission and how the content of your submission compared to other submissions in a general sense (in particular to the successful submission). Commercial confidentiality will be ensured.*