

Responsible Sourcing and Manufacture of Growing Media (Project P4)

Tender For Preparation of Audit Documentation

August 2016

These Tender Documents have been prepared by the Responsible Sourcing and Manufacture of Growing Media (Project P4) Audit Sub-Committee for the procurement of services through open tendering.

INVITATION FOR TENDERS

Background

The Sustainable Growing Media Task Force (SGTF) was established in 2011 following the publication of the Natural Environment White Paper, the Natural Choice to put the horticultural sector on a long-term sustainable footing by ensuring that all choices of growing media (or substrate) used for amateur gardening and horticulture are sustainable. Under the Sustainable Growing Media Task Force, the P4 project group, comprised of representatives from across the UK horticulture industry, was charged with identifying what makes a growing medium sustainable.

The P4 group examined its sourcing of growing media and drafted the guidance notes: 'Towards responsible sourcing and manufacture of growing media'. This document will form the basis of an auditable scheme designed to enable manufacturers and users of growing media to understand how their choice of growing media materials impacts on seven criteria (energy use, water use, habitat and biodiversity, pollution, resource use efficiency, renewability and social compliance).

A programme of work is now under way to create a scheme for assessing the performance of members in manufacturing / selling / using responsibly sourced and manufactured growing media utilising the methodology developed by the P4 group for scoring growing media ingredients.

Outline of the Work Required

The Audit Sub-Committee of the Responsible Sourcing and Manufacture of Growing Media Project (P4 group) hereinafter referred to as "The Audit Committee", intends to appoint a suitably experienced and qualified person or persons to prepare detailed auditing documentation for the scheme.

The Audit Committee now invites tenders from contractors for the following body of work.

1. Preparation of all documentation, which will be used by scheme auditors when auditing scheme members. This will include preparation of the following key documents:
 - a. A complete set of worksheets for auditors to consult and complete at the time of audit. These will set out all requirements, point by point, and will indicate the level of compliance expected (Minor / Recommended / Major) where they can indicate whether the organisation being audited is in compliance / non-compliance and where further notes and explanation of the decision can be provided.
 - b. Detailed Guidance Notes for the use of both auditors and companies who will be audited, giving direction and advice on the evidence that would be expected to be provided to comply with each point on the audit. This will be an expanded version of the 'Towards Responsible Sourcing and Manufacture of Growing Media Guidance Notes',
 - c. A 'Rulebook,' which sets out aspects such as timing, frequency, length, cost, etc. of the audit process, and will confirm what happens, for example when a company fails to meet the required audit standard.
 - d. Detailed delivery timescale and cost breakdown.
2. Completion of a series of trial audits to confirm to the satisfaction of The Audit Committee that the process and documentation are fit for purpose.

Associated / Reference Documents

- Towards Responsible Sourcing and Manufacture of Growing Media Guidance notes - Working Document V2.

- Responsible Scoring Scheme – Decision Tree Flowcharts
- Responsible Sourcing Scheme – Calculator
- Responsible Sourcing Scheme - Social compliance self-assessment questionnaire
- Responsible Sourcing Scheme - Social compliance Rater

The latest versions of the above documents are available from the HTA Growing Media web pages:

<http://www.the-hta.org.uk/page.php?pageid=1453>

- RSGM OUTLINE AUDITOR GUIDANCE V1 (document prepared by, and available from, Audit Sub-Committee)

To be qualified for the award of a contract, tenderers must satisfy the following minimum criteria:

- Evidence of expert knowledge and experience in auditing and preferably preparation of auditing documentation.
- Evidence of expert knowledge and experience in the Growing Media / horticulture (or related sector)

Deadlines and Procedures

This tender will follow a clear, structured and transparent procurement process. The timetable is currently anticipated to be as follows:

- Tender launched: 22nd August 2016
- Application deadline: 30th September 2016
- Applicants informed of outcome: 31st October 2016
- Project to commence: 1st January 2017

Tenders must be delivered to the HTA Policy Administrator (Kate.Groom@hta.org.uk) on or before 30th September 2016, after which time they will be reviewed together with members of the Audit Committee and a decision taken about contract award.

A list of potential tenderers who have received the tender documents will be lodged on the HTA Website. Prospective tenderers may obtain further information from the Audit Committee. In the first instance the HTA Policy Administrator should be contacted (Kate.Groom@hta.org.uk)

Rights of the Audit Committee

The Audit Committee reserves the right to:

- Waive or change the requirements of the Tender Document from time to time in respect of the tenderer's submission.
- Seek clarification or documents in respect of the tenderer's submission.
- Disqualify any tenderer that does not submit a compliant Tender Document in accordance with the instructions set out herein.
- Disqualify any tenderer who is guilty of a serious misrepresentation in relation to the Tender, expression of interest or the tender process. The Audit Committee may exclude any tenderers from the tender process who have been found to be in breach of confidentiality or intellectual property rights and may pursue any remedy or take any other action for breach as it considers appropriate.
- Withdraw this Tender Document at any time or re-invite Tenders on the same or any alternative basis.
- Choose not to award any contract as a result of this current procurement process.

- (g) Make whatever changes it sees fit to the timetable, structure or content of the procurement process, depending on approvals, processes or for any other reason.

Further Information for Tenderers

1. Prohibited Practices

- 1.1 The Audit Committee requires that tenderers, suppliers, contractors, subcontractors, concessionaires and consultants observe the highest standard of ethics during the tendering process and execution of the contract. In pursuance of this policy, the Audit Committee:
- (a) defines, for the purposes of this provision, the terms set forth below as Prohibited Practices:
 - (i) “corrupt practice” means the offering, giving, receiving, or soliciting, directly or indirectly, of anything of value to influence improperly the actions of another party;
 - (ii) “fraudulent practice” means any act or omission, including a misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain a financial or other benefit or to avoid an obligation;
 - (iii) “coercive practice” means impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence improperly the actions of a party; and
 - (iv) “collusive practice” means an arrangement between two or more parties designed to achieve an improper purpose, including influencing improperly the actions of another party;
 - (b) will reject a proposal for award if it determines that the supplier, contractor, concessionaire or consultant recommended for the award has engaged in prohibited practices in competing for the contract in question;
 - (c) will cancel the contract if it at any time determines that prohibited practices were engaged in during the procurement or the execution of that contract, without the contractor having taken timely and appropriate action satisfactory to the Audit Committee to remedy the situation;

2. Eligibility of Tenderers

- 2.1 A tenderer shall not have a conflict of interest, or where there is a potential conflict of interest this should be brought to the attention of the Audit Committee for their decision about whether the tenderer is eligible or not. All tenderers found to have a conflict of interest shall be disqualified. A tenderer may be considered to have a conflict of interest with one or more parties in this Tendering process, if:
- (a) they have controlling partners in common; or
 - (b) they receive or have received any direct or indirect subsidy from any of them; or
 - (c) they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender of another tenderer, or influence the decisions of the Audit Committee regarding this tendering process; or
 - (d) a tenderer, its affiliates or parent organisation has participated in the feasibility or design stages of the project, that tenderer, its affiliates or parent organisation shall not be eligible to participate in a tender for contracts involving the supply of goods, works or services, unless it can be demonstrated that such participation would not constitute a conflict of interest. Such determination must be made prior to the submission of a tender.

3. Completeness

- 3.1 The tenderer is expected to examine all instructions, forms, terms, and specifications in the Tender Document. Failure to furnish all information or documentation required by the Tender Document may result in the rejection of the Tender.

4. Clarification of Tender Document

- 4.1 A prospective tenderer requiring any clarification of the Tender Document shall contact the HTA

Policy Administrator (Kate.Groom@hta.org.uk). All requests for clarification will be answered, provided that such request is received prior to the deadline for submission of Tenders. The response shall be in writing with copies to all tenderers who have acquired the Tender Document, including a description of the inquiry but without identifying its source. Should the Audit Committee deem it necessary to amend the Tender Document as a result of a request for clarification, it shall do so.

5. Amendment of Tender Document

5.1 At any time prior to the deadline for submission of Tenders, the Audit Committee may amend the Tender Document by issuing addenda.

5.2 Any addendum issued shall be part of the Tender Document and shall be communicated in writing to all who have obtained the Tender Document

5.3 To give prospective tenderers reasonable time in which to take an addendum into account in preparing their Tenders, the Audit Committee may, at its discretion, extend the deadline for the submission of Tenders

6. Cost of Tendering

6.1 The tenderer shall bear all costs associated with the preparation and submission of its Tender, and the Audit Committee shall not be responsible or liable for those costs, regardless of the conduct or outcome of the Tendering process. The Audit Committee will not in any circumstances be liable for any Tender costs, expenditure, work or effort incurred by the tenderer in carrying out enquiries in relation to, proceeding with, or participating in, this Tender.

7. Documents Comprising the Tender

7.1 The Tender shall comprise the following:

- Letter of Tender
- Detailed Price / Costing breakdown information
- Documentary evidence establishing the tenderers qualifications

8. Letter of Tender and Costing Information

8.1 The tenderer shall submit a Letter of Tender detailing how the work will be approached, who exactly will complete each part of the work, and when and where it will be done. Costing information should be clearly set out so that the expected time taken to complete each stage of the work can be related to the cost per person per hour, and any other anticipated expenses (e.g. travel) should be itemised.

9. Tender Prices

9.1 Unless otherwise provided in the Contract, the prices quoted by the tenderer shall be fixed.

9.2 The price to be quoted in the Letter of Tender Costing Information shall be the total price (plus VAT) of the Tender, including any expenses.

10. Period of Validity of tenders

10.1 Tenders shall remain valid 90 days after the Tender submission deadline date prescribed by the Audit Committee. A Tender valid for a shorter period shall be rejected.

10.2 In exceptional circumstances, prior to the expiration of the Tender validity period, the Audit Committee may request tenderers to extend the period of validity of their Tenders

11. Submission of tenders

11.1 Tenderers must submit their Tenders by email to the HTA Policy Administrator (Kate.Groom@hta.org.uk)

11.2 Tenders must be received by the HTA Policy Administrator no later than the date and time indicated.

11.3 The Audit Committee may, at its discretion, extend the deadline for the submission of Tenders by amending the Tender Document. Tenders received after the deadline will be ineligible.

12. Confidentiality

12.1 Information relating to the evaluation of Tenders shall not be disclosed to tenderers or any other persons not officially concerned with such process until information on Contract award is communicated to all tenderers.

12.2 Any attempt by a tenderer to influence improperly the Employer in the evaluation of the Tenders or Contract award decisions may result in the rejection of its Tender.

12.3 From the time of Tender opening to the time of Contract award, if any tenderer wishes to contact the Audit Committee on any matter related to the tendering process, it should do so in writing / by email to HTA Policy Administrator (Kate.Groom@hta.org.uk)

13. Clarification of tenders

13.1 To assist in the examination, evaluation, and comparison of the Tenders and qualification of the tenderers, the Audit Committee may, at its discretion, ask any tenderer for a clarification of its Tender, allowing a reasonable time for response.

13.2 If a tenderer does not provide clarifications of its Tender by the date and time set in the Audit Committee's request for clarification, its Tender may be rejected.

14. Evaluation of Tenders

14.1 The Audit Committee plus Project Manager (Steven Harper) shall meet to discuss and evaluate all tenders received, and to decide which to accept or reject. In case the Committee cannot come to a majority decision on appointment of the tenderer, the Project Manger shall have a deciding vote.

15. Award Criteria

15.1 The Audit Committee shall award the Contract to the tenderer who they determine to provide the best offer considering costs, technical abilities, cultural fit, financial/commercial stability, quality/flexibility, relationship approach, competency and clarity of response to the Tender, track record and experience, quality of staff, availability of resources, management competencies, innovativeness of approach, suitability of proposals, risk management and security. If a contract is awarded, the award will be based on the detailed evaluation of all of the above criteria and other factors.

16. Notification of Award

16.1 Prior to the expiration of the period of Tender validity, the Audit Committee shall notify the successful tenderer, in writing, that its Tender has been accepted.

16.2 Until a formal contract is prepared and executed, the notification of award shall constitute a binding Contract.

16.3 At the same time, the Audit Committee shall also notify all other tenderers of the results of the Tendering, and shall publish in the HTA website the results identifying the Tender.

17. Signing of Contract

17.1 Promptly upon notification, the Audit Committee shall send the successful tenderer the Contract Agreement.

17.2 Within twenty-eight (28) days of receipt of the Contract Agreement, the successful tenderer shall sign, date, and return it.

17.3 Non receipt of the Contract as stipulated in clause 17.1 will result in the contract offer being rescinded with immediate effect