

1 INTRODUCTION

1.1 Introduction

- 1.1.1 The preliminary invitation to negotiate (PITN) represents the first stage in the bidding process. Its focus is on design development, the strategy for equipment and services provision, risk allocation and preparation for the detailed submissions required in response to the final invitation to negotiate (FITN).
- 1.1.2 The majority of the PITN has been prepared to the same standard and level of detail required for the FITN. Therefore, Bidders who progress to the FITN stage will see little change in its content other than the information requirements for the bids.

1.2 The PITN

- 1.2.1 The Preliminary Invitation to Tender is divided into six volumes:
- Volume 1 provides an overview of the project, the PSC, the services and facilities to be provided, the private sector opportunities, the contract structure, the procurement process and the responses required from Bidders.
- Volume 2 contains a brief description of the overarching service philosophy and all the clinical output specifications based on a standard format.
- Volume 3 covers the accommodation requirements, design image, the general requirements for the construction works, the building and engineering specifications, ICT requirements and supporting information including the design scrap book.
- Volume 4 contains all the hard and soft FM specifications, excluding equipment.
- Volume 5 covers the equipment, furniture and furnishings responsibilities for Project Co, requirements for the managed equipment service, a schedule of equipment to be provided and sample equipment specifications for a selected category of equipment.
- Volume 6 contains version three of the standard form project agreement and schedules, amended for project specific issues only and which incorporates the changes necessary to account for the three parties to the project; Cambridgeshire and Peterborough Mental Health Partnerships NHS Trust, Greater Peterborough Primary Care Partnership and Peterborough Hospitals NHS Trust.

1.3 PITN objectives

- 1.3.1 The objectives of this PITN are to:
- Provide information on the requirements and conditions of the procurement process;
 - Provide information to Bidders on the Project and the opportunities available;
 - Provide details of the Trusts' requirements, assumptions and constraints that Bidders should be aware of in preparing their bids;
 - Request detailed design proposals to enable the Trusts to select two Bidders to go forward to the Final Invitation to Negotiate (FITN) stage;
 - Set out the deliverables required from Bidders and the format in which responses to this PITN should be made;
 - Set out the evaluation criteria that the Trusts will use to assess bids; and
 - Outline the deliverables Bidders will be required to provide at the FITN stage.

1.4 Responses

- 1.4.1 The closing date for responses to the PITN is 12 noon (local time) on 13 April 2004. Details of the bidding process and the responses required to this PITN are given in Section 8 and Appendix A of this volume.
- 1.4.2 Interim responses will also be required during the PITN stage. These will be used to validate Bidders proposals and ensure they have the potential to meet the Trusts' requirements. Interim submissions will not form part of the bid evaluation and selection process.

1.5 Confidentiality, copyright and disclaimer

- 1.5.1 The information contained in these documents is presented in good faith and does not purport to be comprehensive or to have been independently verified. Neither the Trusts nor any of their advisors accept any responsibility or liability in relation to its accuracy or completeness or any other information which has been, or which is subsequently, made available to any Candidate or Relevant Organisation or any of their advisors, orally or in writing or in whatever media. Interested parties and their advisors must therefore take their own steps to verify the accuracy of any information which they consider relevant but are not entitled to rely on any statement or representation made by the Trusts or any of their advisors.
- 1.5.2 This document is provided solely for the purpose set out in section 5 and is not intended to provide the basis of any investment decision. This preliminary invitation to negotiate (PITN) should not be considered as an investment recommendation by the Trusts or by any of their Advisers. Each person to whom this PITN is made available must make his own independent assessment of the project after making such investigation and taking such professional advice as he deems necessary.
- 1.5.3 This document and any related documents have been made available on the basis that each Bidder is a person of the kind described in Article 49 of the Financial Services and Markets Act (Financial Promotion) Order 2001; without prejudice to the obligations of the Authority under European Directives relating to procurement by public sector organisations. Bidders should not distribute or pass on the PITN or any such related documents without first informing themselves about and observing any restrictions imposed by applicable law.
- 1.5.4 Without prejudice to the generality of the foregoing, the information requirements in relation to later stages of the Process are to be treated as indicative only and the Trusts reserve the right to modify or refine these proposals or requirements at each stage of the procurement process.
- 1.5.5 Candidates, individual Relevant Organisations and their advisors must return or destroy all confidential information provided by or on behalf of the Trusts, including copies, as and when required, in writing, by the Trusts.
- 1.5.6 All Candidates, Relevant Organisations and their advisors are required to complete stand alone confidentiality undertakings.
- 1.5.7 All Candidates, Bidders, Relevant Organisations and their advisors are responsible for all costs incurred by them in connection with their responses to this document, whether before or after the date for submission of bids and whether incurred directly by them or their advisors or sub-contractors and regardless of whether such costs arise as a consequence direct or indirect of any amendments made to this documentation by the Trusts at any time. For the avoidance of doubt, the Trusts shall have no liability whatsoever to Bidders for the costs of any negotiations or communication with sub-contractors.

1.6 Conflicts of interest

- 1.6.1 To ensure the procurement is a bona fide competitive process, the Trusts require all actual or potential conflicts of interest between relevant companies or their advisors to be resolved to the Trusts' satisfaction prior to the delivery of submissions in response to this PITN.
- 1.6.2 Such conflicts may be perceived by the Trusts to arise in circumstances where a service provider or advisor put forward by one Bidder is the same firm or company or a member of the

same group of companies as a service provider or advisor put forward by another Bidder. Also an advisor to the Trusts may be an advisor to the Bidder in this or another current procurement project.

- 1.6.3 Bidders should advise the Trusts as soon as practicable in the event of any potential conflict of interest arising in respect of a Bidder's response to this PITN. In such circumstances, the Trusts may require further information from Bidders but reserve the right to disqualify a Bidder from further involvement in the Project.

1.7 Right of rejection

- 1.7.1 The issue of this PITN in no way commits any of the Trusts to award any contract pursuant to the tender process. The Trusts are not bound to accept the lowest or any bid and reserve the right to accept any bid either in whole or in part or parts. Nothing in this PITN shall oblige the Trusts to award a contract and the Trusts shall be able to withdraw from negotiations at any stage.

1.8 Non-canvassing and contacts

- 1.8.1 Bidders shall not, in connection with the Project:
- i. Offer any inducement, fee or reward to any officer or employee of any of the Trusts or any person acting as an adviser to any of the Trusts in connection with the Project; or
 - ii. Do anything which would constitute a breach of the Prevention of Corruption Acts 1889-1916; or
 - iii. Canvass any of the persons referred to in (i) in connection with the Project; or
 - iv. Except as expressly authorised by this document contact any officer or employee or agent of any of the Trusts or any of them about any aspect of the Project including (but without limitation) for the purposes of discussing the possible transfer to the employment of the Bidder of such employee or officer for the purpose of the Project or for soliciting information in connection with the Project. Any enquiries made to persons other than the Trusts' nominated contact points will be regarded as prima facie evidence of canvassing;
 - v. Fix or adjust the amount of its bid in accordance with any agreement or arrangement with any person other than its members; or
 - vi. Communicate to any person other than its members or to the Trusts any details regarding the amount or substance of its bid (except where such disclosure is made in confidence in order to obtain quotations (including insurance and finance) necessary for the preparation of the bid);
 - vii. Enter into any agreement or arrangement with any other person that shall refrain it from bidding.

1.9 Non-collusive tendering

- 1.9.1 Any Bidder who:
- i. Communicates with a person other than the Trusts' representative(s) a material part of its response to this documentation (except where such disclosure is made in confidence in order to obtain quotations necessary for the preparation of the bid for insurance or contract guarantee bonds and/or performance bonds or professional advice required for the preparation of a bid); or
 - ii. Fixes or adjusts the amount of its bid by or in accordance with any agreement or arrangement with any other Bidder (other than a member of its own consortium); or
 - iii. Enters into any agreement or arrangement with any other person that he shall refrain from submitting a response to this documentation or as to any material part of its responses; or
 - iv. Causes or induces any person to enter such agreement as is mentioned in either paragraph ii) or iii) or above to inform the Bidder of the amount or approximate amount of any rival bid for this project; or
 - v. Canvasses any person referred to in ii) and iii) above in connection with this Project; or

- vi. Offers or agrees to pay or give or does pay or gives 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 in relation to this documentation or any proposed response thereto will:

Without prejudice to any other remedies available to any of the Trusts and without prejudice to any criminal liability, which such conduct by a Bidder may attract, shall be disqualified.

1.10 Publication of information and publicity

- 1.10.1 In line with national guidance, the Trusts plan to publish the Full Business Case 1 month after approval and the project agreement, excluding commercially sensitive information, at financial close. Bidders are required to confirm that they are willing to abide by this requirement in their response to this PITN.
- 1.10.2 Progress on the project will be reported on a regular basis through the local media and the project website. Bidders will be given an equal opportunity to contribute to all publicity.
- 1.10.3 Bidders will not undertake any publicity activities with any part of the media, or any other public domain, in relation to the Project without the agreement of the Trusts, including agreement on the format and content of any publicity.

1.11 Access for bidders

- 1.11.1 All the Trusts' sites are operational healthcare facilities that require a sensitive approach to access. Bidders may not come on to any site for any reason, other than for meetings agreed with the Trusts, without first having advised the relevant Trust of its intentions and requirements and obtained formal authorisation from the relevant Trust.
- 1.11.2 Visits to the sites will generally only be allowed during normal business hours.
- 1.11.3 To arrange a site visit for any purpose other than meetings arranged with the relevant Trust, Bidders must generally give notice of one business day by contacting the Project Office and identifying the following information:
- Purpose of visit;
 - Date of proposed visit;
 - Time of the proposed visit;
 - Details of the persons requesting visit; and
 - Areas of access required.
- 1.11.4 Visitors will be advised by the Project Office of reporting arrangements and issuing of ID badges.
- 1.11.5 Bidders must respect the privacy of patients and staff during their visits and ensure that disturbance is minimised by visiting only the areas specified and agreed within their request. Photography and discussions with patients without the expressed permission of the Trusts is not permitted on any of the Trusts' sites unless authorised in advance through the Project Office.
- 1.11.6 Meetings with any of the Trusts or their staff or advisors must be arranged through the Project Office. All such meetings will be facilitated by the Project Team.

1.12 Supporting information

- 1.12.1 Supporting information and data is also available to Bidders. This can be accessed through the Data Library, the project website or by request to the Project Office. During the FITN stage the on-line project and data management system will be brought into use. This will give access to the virtual data room that will contain electronic copies of project information.

1.13 **Communications and requests for information**

- 1.13.1 During the PITN stage, all formal requests for information and data should be sent by email to the Assistant Project Director with a copy to the Project Administrator at the email addresses below.

Assistant Project Director - derek.thomas@pbh-tr.nhs.uk

Project Administrator - amandy.richardson@pbh-tr.nhs.uk

- 1.13.2 Unless a Bidder indicates a request for information (RFI) is confidential, any information requested by a Bidder will be issued to all Bidders but the source of the request will not be identified.
- 1.13.3 If the Trusts consider a Bidders RFI should not be kept confidential, the Bidder will be given the opportunity to withdraw the RFI unanswered.
- 1.13.4 Bidders will be required to provide a contacts list and the communications arrangements.
- 1.13.5 As a general principal, all communications between the bidder and the Trusts must be copied to the Project Office at the Edith Cavell Hospital.