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Tender

Concessions at Various Visitor Sites

Forestry and Land Scotland

F02: Contract notice

Notice identifier: 2022/S 000-032091

Procurement identifier (OCID): ocds-h6vhtk-0383dc

Published 11 November 2022, 3:54pm

Section I: Contracting authority

I.1) Name and addresses

Forestry and Land Scotland

Great Glen House, Leachkin Road

Inverness

IV3 8NW

Email

procurement@forestryandland.gov.scot

Telephone

+44 3000676000

Country

United Kingdom

NUTS code

UKM - Scotland

Internet address(es)

Main address

<https://forestryandland.gov.scot>

Buyer's address

https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA30371

I.3) Communication

The procurement documents are available for unrestricted and full direct access, free of charge, at

<https://www.publictendersscotland.publiccontractsscotland.gov.uk/esop/pts-host/public/pts/web/login.html>

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

<https://www.publictendersscotland.publiccontractsscotland.gov.uk/esop/pts-host/public/pts/web/login.html>

I.4) Type of the contracting authority

Body governed by public law

I.5) Main activity

Environment

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

Concessions at Various Visitor Sites

Reference number

C0235

II.1.2) Main CPV code

- 55520000 - Catering services

II.1.3) Type of contract

Services

II.1.4) Short description

Forestry and Land Scotland is seeking a service provider to deliver catering concessions at its visitor hub sites at Glentool, Kirroughtree and The Lodge.

II.1.6) Information about lots

This contract is divided into lots: No

II.2) Description

II.2.2) Additional CPV code(s)

- 55500000 - Canteen and catering services
- 55330000 - Cafeteria services
- 77300000 - Horticultural services

II.2.3) Place of performance

NUTS codes

- UKM - Scotland

II.2.4) Description of the procurement

FLS welcomes over 10 million visitors each year, with a portfolio that includes visitor centres, forest parks, urban forests, campsites, beaches, mountains, lochs, and iconic viewpoints. A range of commercial agreements provide opportunities for businesses to deliver catering, retail, accommodation, and outdoor recreation at these sites.

FLS has a requirement to place a contract with an external service provider for the provision of catering concessions at Glentool, Kirroughtree and The Lodge. The contract will include concessionaire obligations in relation to repair and maintenance of the occupied buildings.

II.2.5) Award criteria

Quality criterion - Name: Quality / Weighting: 70

Price - Weighting: 30

II.2.6) Estimated value

Value excluding VAT: £13,500,000

II.2.7) Duration of the contract, framework agreement or dynamic purchasing system

Duration in months

120

This contract is subject to renewal

No

II.2.10) Information about variants

Variants will be accepted: No

II.2.11) Information about options

Options: No

II.2.13) Information about European Union Funds

The procurement is related to a project and/or programme financed by European Union funds: No

II.2.14) Additional information

Please note that the estimated value includes for the potential addition of catering concessions at two further properties - Glenmore and Glentress - during the contract period.

Economic operators may be excluded from this competition if they are in any of the situations referred to in regulation 40 of The Concession Contracts (Scotland) Regulations 2016.

Section III. Legal, economic, financial and technical information

III.1) Conditions for participation

III.1.2) Economic and financial standing

List and brief description of selection criteria

It is a requirement of this contract that bidders hold, or can commit to obtain prior to the commencement of any subsequently awarded contract, the types and levels of insurance indicated below:

- Employer's (Compulsory) Liability Insurance = in accordance with any legal obligation for the time being in force.
- Public Liability Insurance = 5,000,000 GBP.

Bidders will be required to provide a Confirmation Letter from either a bank or from an independent Chartered Accountant, confirming the following:

- The availability of any initial investment/funding proposed by the bidder in its tender submission.
- The affordability of the Base Concession Fees to the bidder.

III.1.3) Technical and professional ability

List and brief description of selection criteria

Bidders will be required to provide examples that demonstrate that they have the relevant experience to deliver the services as described in part II.2.4 of the Find a Tender Service Contract Notice or the relevant section of the Site Notice.

Minimum number of relevant examples: 2 cafés (or equivalent)

Requirement: Examples provided must be relevant to the requirements sought in terms of scope, scale, volumes and financial return, however, there is no requirement for the examples provided to specifically be concessions/leases.

If bidders intend to use a supply chain to deliver the requirements detailed in the Contract Notice, they will be required to confirm that they have (or have access to) the relevant supply chain management and tracking systems, to ensure a resilient and sustainable supply chain.

Bidders with a turnover of less than 36,000,000 GBP will be required to provide a brief explanation of what steps are taken to ensure that slavery and human trafficking is not taking place in any part of their organisation (including any sub-contractors and the supply chain).

Bidders with a turnover of 36,000,000 GBP or more will be required to demonstrate compliance with the Modern Slavery Act 2015 by providing a link to their statement that sets out the steps they have taken to ensure that slavery and human trafficking is not taking place in any part of their organisation (including any sub-contractors and the supply chain).

All bidders will be required to include confirmation that they have systems in place to pay sub-contractors throughout the supply chain promptly and effectively, and must provide evidence, when requested, of:

a) their standard payment terms; and

b) $\geq 95\%$ of all supply chain invoices being paid on time (in accordance with the terms of contract) in the last financial year.

If a bidder is unable to confirm (b), it will be required to provide an improvement plan, signed by its Director, which improves payment performance.

Bidders will be required to confirm that they and/or the service provider, and managerial staff have the relevant educational and professional qualifications, as follows:

- All Café Managers must hold The Royal Environmental Health Institute of Scotland (REHIS) (or equivalent) Intermediate Food Hygiene – Level 3 Certificate.

- All café workers must hold, or obtain within six weeks of commencing employment, The

Royal Environmental Health Institute of Scotland (REHIS) (or equivalent) Elementary Food Hygiene – Level 2 Certificate.

The Service Provider must ensure at all times that all workers engaged in delivery of the service hold qualifications and certifications commensurate with their duties.

Bidders will be required to confirm their average annual manpower for the last three years, and their number of managerial staff for the last three years.

Bidders will be required to confirm whether they intend to subcontract and, if so, for what proportion of the contract.

III.2) Conditions related to the contract

III.2.2) Contract performance conditions

It is a mandatory requirement of this contract that all workers engaged in delivery of the service are paid at least the real Living Wage.

III.2.3) Information about staff responsible for the performance of the contract

Obligation to indicate the names and professional qualifications of the staff assigned to performing the contract

Section IV. Procedure

IV.1) Description

IV.1.1) Type of procedure

Open procedure

IV.1.8) Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement: No

IV.2) Administrative information

IV.2.1) Previous publication concerning this procedure

Notice number: [2022/S 022-190089](#)

IV.2.2) Time limit for receipt of tenders or requests to participate

Date

6 January 2023

Local time

12:00pm

IV.2.4) Languages in which tenders or requests to participate may be submitted

English

IV.2.6) Minimum time frame during which the tenderer must maintain the tender

Tender must be valid until: 5 May 2023

IV.2.7) Conditions for opening of tenders

Date

6 January 2023

Local time

12:30pm

Place

Inverness

Information about authorised persons and opening procedure

Tenders will be opened by a Regulated Procurement Officer.

Section VI. Complementary information

VI.1) Information about recurrence

This is a recurrent procurement: Yes

Estimated timing for further notices to be published: 19 August 2032

VI.2) Information about electronic workflows

Electronic ordering will be used

Electronic invoicing will be accepted

Electronic payment will be used

VI.3) Additional information

It is possible that the Transfer of Undertaking (Protection of Employment) Regulations 2006 (SI 2006/246) (TUPE Regulations) will apply to this tender.

Question Scoring Methodology for Technical Criteria shall be the Procurement Journey Methodology.

Any bidder that receives a score of zero (0) or one (1) for one or more technical questions will be excluded from the tender.

Any bidder that receives an overall technical score of below 50% out of 100% (of the 70% overall quality weighting) will be excluded from the tender.

The Service Provider should note that FLS may modify the Contract, irrespective of the monetary value of those modifications, within the scope permitted under Regulation 46(1) of the Concession Contracts (Scotland) Regulations 2016, should operational reasons require it.

Specifically, FLS may consider the addition of catering concessions at two further properties - Glenmore and Glentress - during the contract period.

It should be noted that FLS has received interest from a local community body in making an asset transfer request under Community Empowerment (Scotland) Act 2015 for the Glenmore Forest Café. FLS has agreed to give the community body time to prepare and consider their application. Should the community body decide not to submit an asset transfer request, or, if the request is unsuccessful, FLS's decision as to whether or not to add

the Glenmore Forest Café to this contract will thereafter be made, which may be beyond the current lease expiry date.

Other reasons for modification may include, but are not limited to:

- a successful Community Asset Transfer (CAT) application;
- a significant change in national or global socio-economic conditions, requiring a change to a Concession Fee;
- a change in public procurement policy;
- a change in government policy;
- a change to the Key Performance Indicators (KPIs); and
- a change to the reporting requirements.

The Scottish Government Supplier Journey:

<https://www.supplierjourney.scot/>

The Buyer Help and Guidance on PCS-T here:

<https://www.publictendersscotland.publiccontractsscotland.gov.uk/web/buyerhelp.html>

The Supplier Development Programme is available to assist Suppliers with public procurement including training events:

<https://www.sdpsscotland.co.uk/buyers/forestry-and-land-scotland-45/>

The buyer is using PCS-Tender to conduct this ITT exercise. The Project code is 22642. For more information see:

<http://www.publiccontractsscotland.gov.uk/info/InfoCentre.aspx?ID=2343>

The Contracting Authority does not intend to include a sub-contract clause as part of community benefits (as per Section 25 of the Procurement Reform (Scotland) Act 2014) in this contract for the following reason:

It is recognised that service providers may wish to use existing sub-contractors and as such it has not been deemed necessary to include the Sub-Contracting Clause, which requires suppliers to advertise their sub-contracting opportunities on Public Contracts Scotland.

The Contracting Authority does not intend to include any community benefit requirements in

this contract for the following reason:

The inclusion of mandatory Community Benefits has not been deemed appropriate for this contract for the following reasons:

- This contract itself will deliver benefits to the community, with most service users being from local communities.
- There may be a transfer of staff under TUPE meaning that employment opportunities may be limited.

(SC Ref:713097)

VI.4) Procedures for review

VI.4.1) Review body

The Inverness Justice Centre

Longman Road

Inverness

IV1 1AH

Email

inverness@scotcourts.gov.uk

Telephone

+44 1463230782

Country

United Kingdom

VI.4.3) Review procedure

Precise information on deadline(s) for review procedures

An economic operator that suffers, or is at risk of suffering, loss or damage attributable to a breach of duty under The Concession Contracts (Scotland) Regulations 2016 or the Procurement Reform (Scotland) Act 2014, may bring proceedings in the Sheriff Court or the

Court of Session.

VI.4.4) Service from which information about the review procedure may be obtained

Court of Session

Parliament House, Parliament Square

Edinburgh

EH1 1RQ

Email

supreme.courts@scotcourts.gov.uk

Telephone

+44 1312252595

Country

United Kingdom