



Fermanagh & Omagh
District Council
Comhairle Ceantair
Fhear Manach agus na hÓmaí

FERMANAGH AND OMAGH DISTRICT COUNCIL

INVITES

EXPRESSIONS OF INTEREST

**FOR LICENCE OF
FORMER PLAYGROUP SPACE**

in

CKS Community Centre

Culmore Park, Omagh, BT78 5AB

**Reference: 2425 CW EOI CKS CC FORMER
PLAYGROUP SPACE**

CONTACT INFORMATION
EXPRESSION OF INTEREST
FOR LICENCE OF FORMER PLAYGROUP SPACE
IN CKS COMMUNITY CENTRE

Reference: 2425 CW EOI CKS CC Former Playgroup Space

Name of submitting company/individual: _____

Address: _____

Postcode: _____

Telephone: _____ Mobile: _____

*Email: _____

*This email address will be used for all correspondence with regard to this invitation.

Contact Name (Print in Caps): _____

Signature: _____ Date: _____

Closing date for receipt of submissions is no later than

12noon on Tuesday 7 May 2024

Late submissions will not be accepted.

Data Protection

In accordance with Data Protection legislation, Fermanagh and Omagh District Council has a duty to protect any data we hold on you. The information you provide on this application form will be used for the purposes of communication in relation to this tender only and will not be shared to any third party unless law or regulation compels such a disclosure. For further information on how we hold your information, please visit the Privacy Section at www.fermanaghomagh.com

EXPRESSION OF INTEREST FOR LICENCE OF FORMER PLAYGROUP SPACE IN CKS COMMUNITY CENTRE

SECTION 1 - GENERAL INFORMATION AND BACKGROUND

Introduction:

Fermanagh and Omagh District Council was established as one of the new councils under the Reform of Local Government Programme, which reduced the number of councils from 26 to 11 from 1 April 2015. It is the Council's aspiration, that the successful Bidder will create and develop opportunities for use of the former playgroup space from within the local community, thus assisting in the delivery of the Council's corporate objectives, ie help the Council to improve quality of life for citizens, protecting and creating quality places and delivering quality services.

Fermanagh and Omagh District Council invites expressions of interest from individuals, companies or other organisations to enter into a licence for use of former playgroup space in CKS Community Centre. The space was previously set up and used as a playgroup space, however, it can be used for any other purpose and alternative uses will be considered.

The following points identify some of the key areas within the licence or issues associated with the management and operation of this site.

Agreement duration:

The Council is proposing to provide a rolling licence for the use of former playgroup space in CKS Community Centre, Culmore Park, Omagh. The licence will include a clause that either the Council or the Licensee will be able to terminate the agreement giving not less than 3 months' notice in writing. The space can be used for any suitable purpose, and it does not necessarily need to be for a playgroup or childcare.

Licence Fee and other charges:

The Licence Fee will be as per successful Bidder's submission and the successful Bidder will be responsible for utility charges associated with the space such as, electricity, water, rates, waste disposal etc.

SECTION 2 - INSTRUCTIONS FOR THE SUBMISSION OF BIDS

Submitting a bid and closing date:

Expressions of interest are invited for use of former playgroup space at CKS Community Centre.

The Council Officer dealing with this Expression of Interest invitation is **Keith Collen**

All Submissions should be **emailed** to the following email address (paper submissions will not be accepted):

fodccommunitycentres@fermanaghomagh.com

You must ensure that the subject/reference line of your email is: **Submission 2425 CW EOI CKS CC Former Playgroup Space.**

You will receive an email to confirm that your submission has been received.

Closing date for receipt of submissions is no later than 12noon on Tuesday 7 May 2024

Late submissions or those received by any other method than above will not be accepted.

Please ensure that you enclose all requested information. Omission of any required information may render the submission invalid; the Expression of Interest Licence Form (Appendix J), must be completed and signed. Failure to do this **will** render the submission invalid.

Late submission of your quotation will not be accepted.

Fermanagh and Omagh District Council reserves the right not to accept any submission as a result of this invitation.

If you have any queries regarding the bid or process:

All queries relating to this invitation should be submitted to:

fodccommunitycentres@fermanaghomagh.com, no later than **12noon on Monday 22 April 2024**.

The subject/reference for the email should be: **Queries 2425 CW EOI CKS CC Former Playgroup Space.**

Bidders should note that responses to all queries will be circulated to all parties who have requested the Expression of Interest documents, without identifying the source of any requests.

Fermanagh and Omagh District Council will not enter into discussions on the requirements of this Expression of Interest process with individual respondents.

Queries may be answered in batches rather than one at a time. Queries received after the deadline may not be acknowledged or addressed.

In all circumstances, Fermanagh and Omagh District Council reserves the right to issue clarification responses to all enquirers at any stage when it believes, at its sole discretion, such clarifications are required.

Fax, telephone or oral enquires will **NOT** be accepted.

Clarification may be sought during assessment. The Council may require the Bidder to provide further written clarification of any constituent elements of their submission or any other information which the Council considers relevant, or the Bidder may be required to attend a clarification meeting. Any failure to provide such information when requested, may exclude the submission from further consideration.

Instructions and terms and conditions:

Please ensure that you include all requested information.

- Submissions received after the closing date and time cannot be considered. Fermanagh and Omagh District Councils cannot accept any responsibility for any delays whatsoever.
- The attached Expression of Interest Form must be completed and signed; failure to do this will render your submission invalid.

- The Council reserves the right to undertake company or any other relevant checks on any Bidder's proposed submission.
- Should any additions/amendments to this document be deemed necessary prior to the date for submissions, these will be issued to those interested parties downloading this Expression of Interest in the form of Clarification Notices and will form part of the Expression of Interest document.
- Those making submissions will not be entitled to claim from Fermanagh and Omagh District Council any costs incurred in the preparation of their bid, whether or not it is successful.
- Those making submissions are required to keep proposals valid for a period of 90 days from the closing date of receipt.
- Fermanagh and Omagh District Council does not bind itself to accept any submission, and it reserves the right to select the most advantageous proposal for the district.
- It shall be a condition of any subsequent agreement to this Expression of Interest that, should the Council determine that the actual performance of the successful Bidder is not in accordance with that proposed in the submission; the subsequent agreement may be terminated with 3 months' notice from the Council without compensation to the successful Bidder.
- Fermanagh and Omagh District Council may terminate any subsequent agreement to this Expression of Interest and recover all its losses if the successful Bidder, or anyone acting on their behalf do any of the following:- (a) offer, give or agree to anyone any inducement or reward in respect of this or any other Council contract; (b) commit any fraud in connection with this or any other Council contract whether alone or in conjunction with Council members, contractors or officers. Any clause limiting the successful Bidder's liability shall not apply to this clause.
- Those making submissions who directly or indirectly canvass any Council officer concerning any award in respect of this competition, or who directly or indirectly obtains or attempts to obtain information from such officers concerning the proposed or any other competition will be disqualified.
- Fermanagh and Omagh District Council require all those who make submissions to comply in full with the requirements of the Bribery Act 2010
- Fermanagh and Omagh District Council is subject to the terms of the **Freedom of Information Act 2000**. Bidders should be aware that the information provided in the completed tender and contract documents could be disclosed in response to a request under the Freedom of Information Act. We will proceed on the basis of disclosure unless an appropriate exemption applies. No information provided by Bidders will be accepted "in confidence" and the Council accepts no liability for loss as a result of any information disclosed in response to a request under the Freedom of Information Act.
- The successful Bidder shall not be an unqualified person for the purposes of Sections 64 to 66 of the **Fair Employment and Treatment (NI) Order 1998** and shall sign the Declaration and Undertaking annexed hereto (Appendix B). The successful Bidder shall not sub-let any of the property to an unqualified person for the purposes of Sections 64 to 66 of the Fair Employment and Treatment (NI) Order 1998 and, in any case, without the express consent of the Council.
- The successful Bidder **shall not unlawfully discriminate** within the meaning and scope of the provisions of the Race Relations (NI) Order 1997, Sex Discrimination (NI) Order 1976 (as

amended), Fair Employment and Treatment (NI) Order 1998 and the Disability Discrimination Act 1995 and shall take all reasonable steps to ensure that all servants, employees or agents of theirs and all sub-tenants in the execution of the submission do not unlawfully discriminate

- Fermanagh and Omagh District Council is not obliged to consider or accept alternative offers and, similarly, offers made subject to additional or alternative conditions will be rejected. Submissions may also be rejected if complete information is not given at time of submission.
- Everyone has a responsibility to ensure the safeguarding of children and adults at risk of harm. Fermanagh and Omagh District Council requires all Bidders to have a Child and Adult Safeguarding Policy in place. If the Bidder does not have such policies in place, then they should revert to the Council's Policies and Codes of Practices.
- The Council's Policies and Codes of Practices can be found online at www.fermanaghomagh.com or by contacting the Policy and Strategic Services Unit via telephone: 0300 303 1777, textphone: 18001 0300 303 1777 or via email: info@fermanaghomagh.com
- Bidders must ensure that all information provided within their submission is accurate. The inclusion of information which is found to be false, or misleading will result in the submission being rejected. Furthermore, in the event that false or misleading information comes to light after the award, this may result in termination of any future agreement.
- Where examination of submissions reveals errors or discrepancies which would affect the value of the submission in an otherwise successful submission, the Bidder will be given details of such errors and discrepancies and afforded an opportunity of confirming or withdrawing their submission. There will be no opportunity for any Bidder to change their submission. If a Bidder withdraws, the next Bidder in scoring order is to be examined and dealt with in the same way.
- Following award, the successful Bidder shall not sub-let all or any part of the property without the consent of Fermanagh and Omagh District Council. The successful Bidder shall remain wholly responsible for carrying out and delivering on the submitted proposal.
- Those parties downloading this invitation shall treat the details of the document and any further amendments as Private and Confidential and they must ensure that their submission content, consideration or any other figure or particulars concerning their submission have not been disclosed to any other party.
- The submitted proposals shall remain fixed during the duration of the agreement unless, with the approval of the Council, the revised proposal provides a similar social and economic benefit.
- The Bidder shall take all necessary precautions to ensure that all confidential information obtained from the Council under or in connection with this invitation: -
 - is given only to such staff and professional advisors or consultants engaged to advise in connection with the submission as is strictly necessary for the performance of the submission.
 - is treated as confidential and not disclosed (without prior Council approval) or used by any staff or such professional advisors or consultants otherwise than for the purposes of the submission.
- The Bidder shall ensure that staff or its professional advisors or consultants are aware of the bidder's confidentiality obligations under this Invitation.

- The Bidder shall not use any confidential Information it receives from the Council otherwise than for the purposes of the submission.
- In the event that the successful Bidder fails to comply with this Condition the Council reserves the right to terminate any subsequent agreement by notice in writing with immediate effect.
- The successful Bidder shall provide the name and address of their bank, account name and number, bank sort code and any other details, in whatever format the Council may require, to facilitate electronic direct debit payments.
- The Council requires the successful Bidder to make payment to any suppliers or authorised sub-contractors involved in the delivery of the successful submission within 30 days of the receipt of a valid invoice, provided that the Bidder is satisfied that the services for which the invoice relates have been performed fully in accordance with the submission.
- The successful Bidder shall forthwith inform the Council in writing of any proposal or negotiations which may or will result in a merger, take-over, change of control, change of name or status, or the Bidder (if a company as defined in the Companies (NI) Order 1986-1990) shall inform the Council of any such change as defined in section 416 of the Income and Corporation Taxes Act 1988. The Bidder shall comply with any request by the Council for information arising from this Condition.
- Termination of Contract

The Council may terminate any subsequent agreement to this Expression of Interest by written notice with the successful bidder with immediate effect if:

- the successful Bidder is in material breach of any obligation which is not capable of remedy; or
- the successful Bidder is in material breach of any obligation which is capable of remedy, and that breach is not remedied within 30 days of the Bidder receiving notice specifying the breach and requiring it to be remedied.
- the successful Bidder becomes insolvent, or if an order is made or a resolution is passed for the winding up of the Bidder's company (other than voluntarily for the purpose of solvent amalgamation or reconstruction), or if an administrator or administrative receiver is appointed in respect of the whole or any part of the Bidder's assets or business.
- It will be the responsibility of the successful Bidder to ensure that all charges for services supplied to or used at the property are paid, including all government taxes, rates, etc.
- **Data Protection**
In accordance with Data Protection legislation, Fermanagh and Omagh District Council has a duty to protect any data we hold on you. The information you provide on this application form will be used for the purposes of communication in relation to this tender only and will not be shared to any third party unless law or regulation compels such a disclosure. For further information on how we hold your information, please visit the Privacy Section at www.fermanaghomagh.com

SECTION 3 - SCOPE OF PROPOSAL AND AIMS OF INVITATION

Scope:

Expressions of Interest are sought from interested parties to enter into an agreement for use of former playgroup space at CKS community centre.

The following areas will be included in the agreement:

- Room 1 - Large activity room
- Room 2 - Smaller activity room
- Small store
- Children's toilets
- Adult/disability toilet and changing.
- Foyer/entrance and cloak room
- Shared use of a kitchen
- External play space

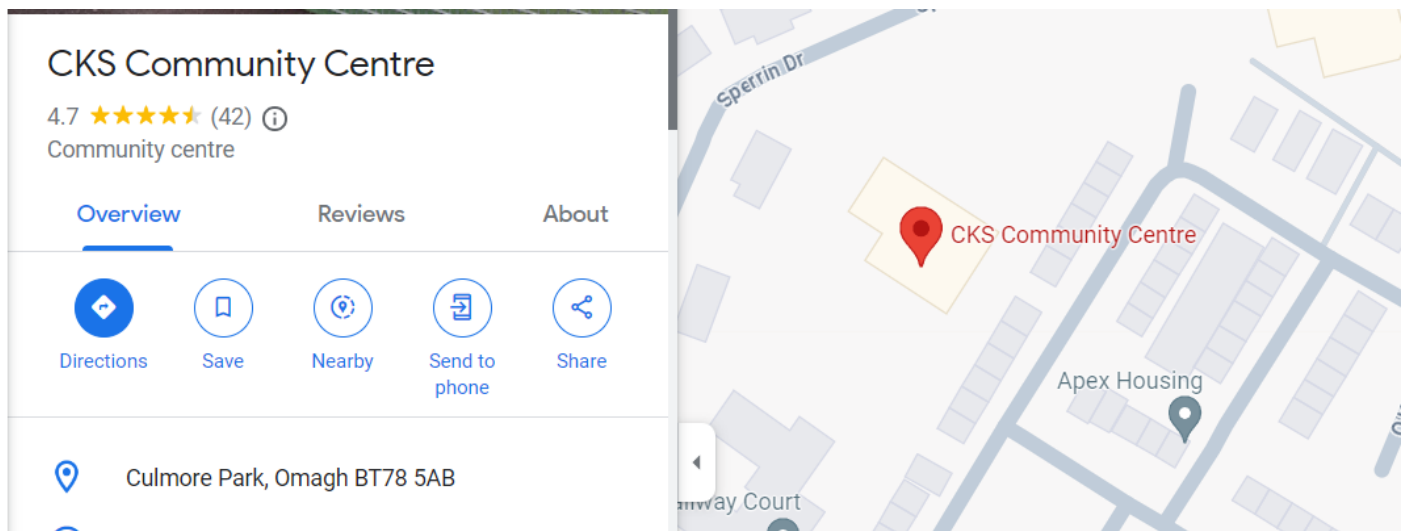
Location:

The property is CKS Community Centre, Culmore Park, Omagh, BT78 5AB.

Google Maps info as per below.

54.59462238953517, -7.314074533220768

<https://www.google.co.uk/maps/place/CKS+Community+Centre/@54.5944981,-7.3171215,17z/data=!3m1!4b1!4m6!3m5!1s0x485fd31176afb05f:0x57543afe19b1426b!8m2!3d54.5944981!4d-7.3145466!16s%2Fg%2F1tcydwl6?entry=ttu>



Terms and conditions:

The final licence and terms will be agreed with the successful Bidder.

Bidders are welcome to carry out site visits to inspect the building:

Currently there is no public access to the property, but Bidders can and are encouraged to visit the building.

This will be accommodated and organised with Council staff being present on site to escort bidders around the building. All site visit requests relating to this invitation should be submitted to fodccommunitycentres@fermanaghmagh.com, no later than **12noon on Monday 22 April 2024**.

The subject/reference for the email should be: **Site Visit Request 2425 CW EOI CKS CC Former Playgroup Space.**

All queries relating to this Expression of Interest should be sent to:
fodccommunitycentres@fermanaghmagh.com

Aims of this Expression of Interest:

Fermanagh and Omagh District Council invites Expressions of Interest for a licence to use former playgroup space at CKS Community Centre.

The following aims are given as guidance to assist potential Bidders. These aims provide an indication of what the Council wishes to see achieved for the future use of this space. Submissions provided by Bidders should consider how they will meet these aims. These aims will be used in the process to help assess and score submissions.

- To use the space for a community activity or service.
- To ensure that the space continues to provide a significant benefit for the community.
- To develop and maximise community use of the space with as many participants as possible making use of it.
- To complement the Council in meeting its Corporate and Community Plan objectives.
Please see the links below to the Council website and the Corporate and Community Plans.
<https://www.fermanaghmagh.com/your-council/corporate-plan/>
<https://www.fermanaghmagh.com/app/uploads/2020/03/Corporate-Plan-20-24.pdf>
<http://www.fermanaghmagh.com/communityplanning/>
- To provide and ensure that appropriate health and safety checks are conducted routinely, and records retained and maintained.

How to submit a bid:

Fermanagh and Omagh District Council is seeking to explore options, with interested parties, for the future use of former playgroup space at CKS community centre.

To make a submission the Bidder will need to complete and provide the following:

- (a) Complete the exclusion criteria documents:** Bidders must complete these documents which are attached in Appendices A, B, C, D, E, F, G, H, I, J, K.
- (b) Complete the supporting bid information table:** this has been provided to make Bidders aware of the important points that need to be considered when submitting a bid and developing their plans. This information will also be considered, if required, to help clarify submissions. This will also be used to ensure that the Bidder is aware of the important aspects to consider when making a bid to hold a licence of this space. Please see **Appendix I** and complete the necessary questions/responses. Failure to complete this section will result in your bid not proceeding to the next stage.
- (c) Provide a robust plan:** which outlines the Bidder's proposed plan for use of the space; as well as the timelines, identification of any additional investment to be committed and how this is to be funded, the expertise, experience and qualifications of the Bidder, a clear and robust plan for use and any financial information to ensure the proposal is sustainable. This should also take into consideration the aims of the Council's Corporate and Community plans.

The evaluation process:

The evaluation of the submissions will follow a two-stage process as follows:

STAGE 1. An exclusion process will be applied. This will be conducted as Bidders are required to complete Appendices A, B, C, D, E, F, G, H, I, J, K.

- (a) the exclusion documents section Appendices A-K; this exclusion process requires Bidders to commit to and be bound by an acceptable standard of operation. Failure to commit to and be bound by the standards in writing will exclude a potential submission from further consideration.
- (b) The Bidder must also complete the supporting bid information table - **Appendix I**.

STAGE 2. An award process. This will take into consideration the following;

- (c) The Bidder providing a robust plan and demonstrating that appropriate experienced personnel are involved.
- (d) The Bidder identifying how their proposal will best use the space and ensure that it will continue to operate as community facing provision.
- (e) The Bidder demonstrating how their proposals will link to the Council's Corporate and Community Plans. This will also include the information contained in the supporting bid information table **Appendix I**.

STAGE 1: Exclusion Criteria

Bidders must successfully complete all forms in this stage to enable their submission to progress to the second stage of assessment.

<i>Mandatory Exclusions</i>	- Pass/Fail (Please complete Appendix A)
<i>Fair Employment</i>	- Pass/Fail (Please complete Appendix B)
<i>Bona Fide Submission</i>	- Pass/Fail (Please complete Appendix C)
<i>Equality Declaration</i>	- Pass/Fail (Please complete Appendix D)
<i>Freedom of Information</i>	- Pass/Fail (Please complete Appendix E)
<i>Insurance</i>	- Pass/Fail (Please complete Appendix F)
<i>Safeguarding</i>	- Pass/Fail (Please complete Appendix G)
<i>Bribery</i>	- Pass/Fail (Please complete Appendix H)
<i>Supporting information</i>	- Pass/Fail (Please complete Appendix I)
<i>Expression of Interest Form</i>	- Pass/Fail (Please complete Appendix J)
<i>Checklist</i>	- Please complete Appendix K

The successful Bidder will be required to provide evidence of appropriate Employer's (£10 million), Public (£5 million).

If you do not have adequate insurance cover at the time of submission, please confirm in writing that you are willing to put in place the required cover if your submission is successful.

STAGE 2: Award Criteria

A successful bid must include the following:

Quality: (50%)

Bidders will be asked for information on **service delivery**. This plan must include financial considerations, proposed use, experience and expertise of individuals involved, key milestones and future plans etc. Bidders will also be required to demonstrate the proposed service provision meets the **sustainability values** of the Council and incorporates **social value**. To see the aims of the Council please refer to Section 3 of this document under the "Aims of this invitation for Expressions of Interest".

The Bidder's plan will be assessed in detail considering how you have identified and aligned your proposal with the aims of the Council and the Council's Corporate and Community Plans. Please see the links below to the Council's Corporate and Community Plans.

<https://www.fermanaghmagh.com/your-council/corporate-plan/>

<https://www.fermanaghmagh.com/app/uploads/2020/03/Corporate-Plan-20-24.pdf>

<http://www.fermanaghmagh.com/communityplanning/>

Responses and questions answered in “**the supporting bid information table**” (Appendix I) will also be used in conjunction with the Bidder’s plan to help establish the completeness and detail of the Bidder’s proposals.

Proposal criteria will be assessed using a score out of five against the following scoring indicators.

Assessment	Score	Indicators
Excellent	5	The submission provided is of excellent relevance and is fully supported by a comprehensive level of detail. No omissions and/or weaknesses identified
Good	4	The submission provided is of good relevance and is well supported by a good level of detail. Only minor omissions and / or weaknesses identified
Satisfactory	3	The submission provided is of satisfactory relevance and is supported by an adequate level of detail. Some omissions / and or weaknesses identified
Limited	2	The submission provided of limited relevance and partially detailed. Several material omissions / and or weaknesses have been identified
Poor	1	The submission provided is of poor relevance and is inadequately detailed. Major omissions / and or weaknesses have been identified
Nil response/ Very Poor	0	No response or unacceptable information provided.

Those submitting an opportunity to bid must achieve a minimum of three against the scoring indicators for each quality criteria; any submission which achieves less than a score of 3 against the scoring indicators will be considered unsatisfactory and will be excluded from the assessment process.

Fee: (50%)

Bidders will also be asked to include fee (weekly) for use of the space.

The maximum mark will be awarded to the Bidder submitting the highest acceptable price. Other Bidders will then be awarded a pro rata percentage using the following formula:

$$\frac{\text{Available marks [50\%]}}{\text{Highest acceptable price}} \times \text{Bidder's price}$$

This score will be added to that obtained for Quality and the Bidder with the highest overall score will be awarded the contract.

Award

The Bidder with the highest overall scoring bid (out of 100%) will be awarded the contract.

To Note:

All fees quoted shall be in pounds Sterling (GBP) and be exclusive of VAT.

All additional costs associated with the delivery of services will be the Bidder's own responsibility.

Costs associated with utility charges associated with the space such as electricity, water, rates, waste disposal etc will be the responsibility of the successful Bidder.



<p align="center">Fermanagh and Omagh District Council Mandatory Exclusions</p>
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Regulation 23 of the Public Contracts Regulations 2006

The public sector and procurement Directives, as implemented by the Public Contracts Regulation 2006, include a mandatory requirement for contracting authorities to exclude economic operators (Suppliers, Contractors, Consultants and Service providers) from public contracts where they have been convicted of certain offences.

A contracting authority may apply to the relevant competent authority to obtain further information regarding the economic operator and in particular details of convictions of the offences listed if it considers it needs such information to decide on any exclusion referred to.

Please indicate below whether your firm or any of its directors, partners or any other person who has powers of representation, decision or control, have been convicted of any of the following offences (including those which are spent within the meaning of the Rehabilitation of Offenders Act 1974):

1. Conspiracy within the meaning of Section 1 or 1a of the Criminal Law Act 1977 or Article 9 or 9a of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 where that conspiracy relates to participation in a criminal organisation as defined in Article 2(1) of Council Framework Decision 2008/841/ JHA
2. Corruption within the meaning of Section 1 of the Public Bodies Corrupt Practices Act 1889 or Section 1 of the Prevention of Corruption Act 1906
- 3a. The offence of bribery, where the offence relates to active corruption.
- 3b. Bribery within the meaning of section 1 or 6 of the Bribery Act 2010
4. Fraud, where the offence relates to fraud affecting the financial interests of the European Communities as defined by Article 1 of the Convention relating to the protection of the financial interests of the European Union, within the meaning of: -
 - the offence of cheating the Revenue.
 - the offence of conspiracy to defraud.
 - fraud or theft within the meaning of the Theft Act 1968 and the Theft Act 1978 or the Theft (Northern Ireland) Order 1978
 - fraudulent trading within the meaning of Section 458 of the Companies Act 1985, Article 451 of the Companies (Northern Ireland) Order 1986 or Section 993 of the Companies Act 2006
 - defrauding the Customs within the meaning of the Customs and Excise Management Act 1979 and the Value Added Tax Act 1994.

- an offence in connection with taxation in the European Community within the meaning of Section 71 of the Criminal Justice Act 1993; or
- destroying, defacing or concealing of documents or procuring the extension of a valuable security within the meaning of Section 20 of the Theft Act 1968, or Section 19 of the Theft Act (Northern Ireland) 1969
- Fraud within the meaning of Section 2, or 3 or 4 of the Fraud Act 2006
- Making, adapting, supplying or offering to supply articles for use in frauds within the meaning of Section 7 of Fraud Act 2006

5. Money laundering within the meaning of Money Laundering Regulations 2003

6a. Any other offence within the meaning of Article 45(1) of the Public Sector Directive as defined by the national law of any relevant State.

6b. an offence in connection with the proceeds of criminal conduct within the meaning of Section 93A, 93B or 93C of the Criminal Justice Act 1988 or Article 45, 46 or 47 of the Proceeds of Crime (Northern Ireland) Order 1996

6c. An offence in connection with the proceeds of drug trafficking within the meaning of Section 49, 50 or 51 of the Drug Trafficking Act 1994; or

6d. any other offence within the meaning of Article 45(1) of the Public Sector Directive as defined by the national law of any relevant State.

Any convictions to be declared: (*Please circle as appropriate*)

YES

NO

Signed: _____

Dated: _____



**Fermanagh and Omagh District Council
Fair Employment and Treatment (Northern Ireland)
Act 1998**

1. Article 64 of the Fair Employment and Treatment (NI) Order 1998 ("The Order") provides inter alia that a public authority shall not accept an offer to execute any work or supply any goods or services where the offer is made by an unqualified person in response to an invitation by the public authority to submit offers. Article 64 also provides that the public authority shall take all such steps as are reasonable to secure that no work is executed, or goods or services supplied for the purposes of such contracts as are mentioned above by an unqualified person.
2. An unqualified person is either an employer who, having been in default in the circumstances specified in Article 62 (1) of the Order, has been served with a notice by the Equality Commission stating that he is not qualified for the purposes of Articles 64 to 66 of the Order, or an employer who, by reasons of connection with an employer on whom has been served a notice to that effect, has also been served with such a notice.
3. Mindful of its obligations under the Order, Fermanagh and Omagh District Council has decided that it shall be a condition of inclusion or retention on its Approved List that a Contractor shall not be an unqualified person for the purposes of Articles 64 to 66 of the Order.
4. Contractors are therefore asked to complete and return this Declaration and Undertaking, to confirm that they are not unqualified persons and to undertake that no work shall be executed or goods or services supplied by an unqualified person for the purposes of any contract with Fermanagh and Omagh District Council to which Article 64 of the Order applies.

I/wehereby declare that I am/we are not unqualified for the purposes of Article 64 to 66 of the Fair Employment and Treatment (Northern Ireland) Act 1998. I/we undertake forthwith to inform Fermanagh and Omagh District Council should any notice stating that I am/we are unqualified be served upon me/us by the Equality Commission.

Signed: Dated:
For and on behalf of

.....



**Fermanagh and Omagh District Council
Certificate relating to Bona Fide Tender**

1. The essence of submitting tenders is that the client shall receive bona fide competitive tender from all firms bidding. In recognition of this principle, we certify that this is a bona fide tender intended to be competitive, and that we have not fixed or adjusted the amount of the tender by or under or in accordance with any agreement or arrangement with any other person.
2. We also certify that we have not:
 - (a) Communicated to a person other than the person calling for these tenders the amount or approximate amount of the proposed quote, except where the disclosure, in confidence, of the approximate amount of the quote was necessary to obtain insurance premium tenders required for the preparation of the tender;
 - (b) Entered into any agreement or arrangement with any other person that he shall refrain from quoting or as to the amount of any tender to be submitted;
 - (c) Offered or paid or given or agreed to pay or give any sum of money or valuable consideration directly or indirectly or any person for doing or having done or causing or having caused to be done in relation to any other tender or proposed tender for the said work any act or thing of the sort described above.
3. We undertake that we will not do any of the acts mentioned in paragraphs 2a, 2b, 2c above at any time before acceptance or decline of this tender.
4. In this certificate the word "person" includes any person and anybody or association, corporate or unincorporated and "any agreement or arrangement" includes any such transaction, formal or informal and whether legally binding or not.

I / We * have read and now understand the requirements of the tender system in relation to bona fide compliance as detailed in the attached 'Certificate Relating To Bona Fide tender '.

Signed: Dated:

For and on behalf of



Fermanagh and Omagh District Council Equality Declaration

Declaration of Commitment to Promoting Equality of Opportunity and Good Relations

1.

- 1.1 Under Section 75 of the Northern Ireland Act 1998 Fermanagh and Omagh District Council must have due regard to the need to promote equality of opportunity:
Between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation.
Between men and women generally.
Between persons with a disability and persons without.
Between persons with dependants and persons without.
- 1.2 In addition the Council must also have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.
- 1.3 The Council is committed to fulfilling these obligations and is keen to not only to ensure that suppliers of goods and services, contractors undertaking work on behalf of the Council, and groups who receive support from the Council do not act in any way that would contravene the Council's statutory equality duties but also that they help promote equality of opportunity and good relations within their own area of work and organisation.
- 1.4 It is therefore a condition of any offer of grant aid / support or contract for goods or services that the Chief Executive, Managing Director or other authorised person signs, on behalf of their organisation, the declaration below. This declaration will confirm that the organisation is committed to promoting equality of opportunity and good relations and will not act in any way that will undermine the Council's commitment to fulfil its statutory obligations.
- 1.5 The Council will not enter any contract or provide support / grant aid to any organisation which does not sign the Declaration of Commitment to the Promotion of Equality of Opportunity and Good Relations.

We (insert name of firm): _____

Recognise Fermanagh and Omagh District Council's duty to have due regard to the need to promote equality of opportunity:

Between persons of different religious belief, political opinion, racial group, age marital status or sexual orientation.

Between men and women generally.

Between persons with a disability and persons without

Between persons with dependants and persons without,

and to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

We undertake not to act in any way that would contravene the Council's statutory obligations and are committed to promoting good relations and equality of opportunity in all our activities (including in the recruitment, promotion and training of all our staff).

Signed by: _____

Name in block letters _____

Position in Firm: _____

Date: _____

On behalf of: _____
(name of firm)

Address: _____



Fermanagh and Omagh District Council Freedom of Information Act – Tenders (Appendix E)

Bidders should be aware that the information provided in the completed tender and contractual documents could be disclosed in response to a request under the Freedom of Information Act. We will proceed on the basis of disclosure unless an appropriate exemption applies. No information provided by bidders will be accepted “in confidence” and Fermanagh and Omagh District Council accepts no liability for loss as a result of any information disclosed in response to a request under the Freedom of Information Act.

Fermanagh and Omagh District Council has no discretion whether or not to disclose information in response to a request under the Freedom of Information Act, unless an exemption applies. Disclosure decisions will be taken by appropriate individuals in Fermanagh and Omagh District Council having due regard to the exemptions available and the Public Interest. Bidders should be aware that despite the availability of some exemptions, information may still be disclosed if the Public Interest in its disclosure outweighs the Public Interest in maintaining the exemption. Bidders are required to highlight information that they include in the tender documents, which they consider to be commercially sensitive or confidential in nature, and should state the precise reasons, why that view is taken. In particular, issues concerning trade secrets and commercial sensitivity should be highlighted. Bidders are advised against recording unnecessary information.

In accordance with the Lord Chancellors Code of Practice on the discharge of public functions, Fermanagh and Omagh District Council will **not** accept any contractual term that purports to restrict the disclosure of information held by the Council in respect of the contract or tender exercise save as permitted by the Freedom of Information Act. The decision whether to disclose information rests solely with Fermanagh and Omagh District Council

Fermanagh and Omagh District Council will consult with bidders, where it is considered appropriate, in relation to the release of controversial information.

I/we have read and now understand the requirements in relation to freedom of information as detailed on the attached information sheet.

Signed: Dated:
For and on behalf of

.....
.....

Fermanagh and Omagh District Council

Insurance Information - (Appendix F)

Please confirm the level of Insurance cover currently in place.

<u>Section One. Insurance.</u>	
A. Public/Products Liability Insurance (Minimum £5 million)	Yes/No*
Limit of cover - Public Liability	£
Insurance company name	
Broker name and address	
Expiry date	
B. Employer Liability Insurance (Minimum £10 million)	Yes/No*
Limit of cover – Employers Liability	
Insurance company name	
Broker name and address	
Expiry date	

* Delete as appropriate – if No please provide further details

¹ To be completed as appropriate depending on the nature of the contract.

Signed: Date:

Duly authorised to sign for and on behalf of:

.....

In the event that you or your organisation does not have the required level of insurance cover at the time of submitting the Expression of Interest, please confirm in writing that you are willing to put in place the required cover if your submission is successful.

.....

.....



Fermanagh & Omagh
District Council
Comhairle Ceantair
Fhear Manach agus na hÓmaí

Safeguarding Declaration

Everyone has a responsibility to ensure the safeguarding of children and adults at risk of harm. Fermanagh and Omagh District Council requires all contractors / hirers to have a Child and Adult Safeguarding Policy in place. If the contractor / hirer does not have such policies in place, then they should revert to the Council's Policies and Codes of Practices.

The Council's Policies and Codes of Practices can be found online at www.fermanaghomagh.com or by contacting the Policy and Strategic Services Unit via telephone: 0300 303 1777, textphone: 18001 0300 303 1777 or email info@fermanaghomagh.com

By checking this box, you are acknowledging the importance of Safeguarding, as well as your role with regards to the Safeguarding of Children and Adults at Risk of Harm, should you be successful in this procurement process.

☐

Signed: _____

On Behalf of: _____

Date: _____



**The Bribery Act 2010.
Fermanagh and Omagh District Council
Statement of Commitment.**

Fermanagh and Omagh District Council is committed to carrying out business fairly, honestly and openly and has a zero tolerance towards bribery.

Fermanagh and Omagh District Council expects full compliance with the requirements of the Bribery Act 2010 from Councillors, Employees, Agents, Partners, **Suppliers** and Groups or Individuals applying for, or in receipt, of grant aid.

Supporting bidding information - to support and assist the development of your plan. Please complete the table below.

In completing this section of the document you must answer the questions and respond accordingly, either “**Yes**” or “**No**” and provide (if required) any necessary explanations for your response. All questions below must be answered. This section will ensure that the Bidder has a clear understanding of the main points and issues in relation to the proposed licence. This should help the Bidder in developing a plan for the space. This section will also help Council officers assessing the bid to get a better understanding of what is covered in the plan and the information contained in this table can be used to support the information in the plan.

Description/detail/question.	Yes / No	Explanation of what you are proposing or alternatives or supporting information
<p>The Council would wish that use of the space will be used for community use and will provide opportunities for as many users as possible.</p> <p>Please explain your plan - How can you ensure community use? What are the expected numbers of users each week?</p>		
<p>The space was previously used as a playgroup. Please confirm that you are aware that any alternative use of this space is possible and the Council will consider all options presented.</p>		
<p>Please can you confirm if you have taken this into consideration finances into your plan?</p> <p>The Council needs to ensure that you have thought your plan through and that it is sustainable financially.</p>		
<p>Please can you confirm what type of organisation you are – community/CIC/private?</p>		
<p>Please can you confirm you understand that there is no long term occupancy or subletting or hiring or assigning any part of the space to a third party, unless approved by the Council in writing.</p> <p>Overnight occupancy or domestic use of the space is not permitted.</p>		

<p>The Council in providing the space on the basis that it would be used as a community facility by as many sections and groups within the community as possible.</p> <p>Please can you confirm if your proposed plan is based on a wider community. This is one of the key objectives of the Council in providing a licence.</p>		
<p>The space is not permitted for use for any religious or political purposes unless Council approval is, granted in writing.</p> <p>Please can you confirm this is acceptable to you.</p>		
<p>There is no alcohol to be permitted on site unless consent has been given in writing by the Council.</p>		
<p>The Licensee will ensure that the use of the building, the proposed user groups and the operation and management of the site will be delivered in a manner which is in line with the Section 75 legislation in NI, ie the Bidder will ensure they are fully compliant with Section 75 legislation.</p>		
<p>The Council will be responsible for maintenance of the building and planned preventative maintenance such as:</p> <ul style="list-style-type: none"> Fire Alarms Emergency fire fighting equipment Emergency lighting Intruder alarms Legionella deep cleansing and testing The fabric of the building (excluding normal fair wear and tear) <p>Please confirm that you are content for the Council to carry out larger building maintenance while the Licensee is responsible for everyday items and fair wear and tear.</p>		
<p>The Licensee will be responsible for developing and updating the necessary risk assessments for the occupation and operation of the space.</p>		

Please confirm you will be able to carry this out.		
<p>The Licensee will be responsible for maintaining records of use through the year (number of users and bookings) and will provide this information to the Council as and when required.</p> <p>Please confirm this will be the case.</p>		
Please detail your plans in relation to opening hours, and how many days each week are you planning to use the space?		
Please detail approximately how many users there will be each week.		
Please detail what you plan is to use the space for. What activities?		
Can you demonstrate in your plan that your proposal is adequately resourced and supported by an experienced management team or person/ staff?		
<p>Council aims and objectives and Council's Corporate and Community Plans:</p> <p>Please can you confirm that you have taken into account the aims and objectives of the Council in providing the licence for this space as well as the aims and ambitions in the Council's Corporate and Community Plans?.</p>		
At the commencement of the licence a condition survey of the space and an inventory of contents		

<p>will be jointly undertaken to establish a base for the condition of the site at hand over.</p> <p>Please confirm you have taken this into consideration within your plan.</p>		
<p>In agreeing a licence with the successful Bidder this will involve legal representation and the Bidder will be liable for their own legal costs.</p> <p>Please confirm that you are aware of the legal expenses aspect and that you will be liable for your own legal costs, whether or not the licence is successfully completed for whatever reason.</p>		

Expression of Interest Form

This Expression of Interest is an offer to enter into a licence agreement for the former playgroup space at CKS community centre, Omagh.

This is a non-binding proposal - it is an Expression of Interest.

**All Expressions of Interest will be opened simultaneously following the closing date:
12noon on Tuesday 7 May 2024**

I/We (full name)

Company or Organisation (if applicable)

Address

.....

Telephone

Email Address

Name of contact

Signed:.....Date:

I hereby submit my/our bid which includes **the completed exclusions** and **a robust plan** for a licence to use the former playgroup space at CKS Community Centre.

FERMANAGH AND OMAGH DISTRICT COUNCIL
CHECKLIST

To facilitate the needs of the Council in the evaluation process, all proposals submitted must complete and submit the following information. Failure to supply all or any part of the requested information in the required format may result in a proposal being excluded from the evaluation process.

To assist Bidders please check you have completed the following;

MUST BE INCLUDED WITH EXPRESSION OF INTEREST	Have you included?	
	YES	NO (Why?)
Mandatory Exclusion Declaration (Appendix A)		
Fair Employment Declaration (Appendix B)		
Bona Fide Tender Declaration (Appendix C)		
Equality Declaration (Appendix D)		
Freedom of Information Declaration (Appendix E)		
Evidence of appropriate Employer's (£10 million), Public (£5 million) insurance completed and signed Insurance Information (Appendix F) – or confirmation this will be obtained by the Bidder if successful.		
Safeguarding Declaration (Appendix G)		
Bribery Act (Appendix H)		
Supporting Bidding Information table completed (Appendix I)		
Expression of interest Form (Appendix J)		
Business plan for use of the space		

It is your responsibility to submit the necessary documents to enable Fermanagh and Omagh District Council to evaluate your tender. This checklist is for your guidance only.

Signed _____

Date _____