

**EXPRESSIONS OF INTEREST**

**FOR**

**The Buttermarket,**

**Enniskillen,**

**County Fermanagh**

Reference: 2021 CHL EoI 002



**CONTACT INFORMATION**

**EXPRESSION OF INTEREST for THE BUTTERMARKET**

**Reference: 2021 CHL EoI 002**

**Name of submitting company/individual: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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**Postcode: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Telephone: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Mobile: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\*Email: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\*Please note that this email address WILL be used for all correspondence with regard to this invitation.**

**Contact Name (Print in Capitals): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Closing date for receipt of submissions: no later than 12 noon on Friday 07 August 2020.**

**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 expression of interest 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](http://www.fermanaghomagh.com)

**EXPRESSION OF INTEREST FOR THE BUTTERMARKET**

**SECTION 1:**

**1.1 INTRODUCTION**

Fermanagh and Omagh District Council is inviting Expressions of Interest for the lease or the management of the Buttermarket, Enniskillen.

In addition to maximising its financial return, the Council wishes to see the Buttermarket make a sustainable contribution to the social and economic well-being of the area. This is reflected in the scoring system that will be employed to shortlist expressions of interest.

**1.2 BACKGROUND**

It is the Council’s aspiration that the successful bidder will create and develop opportunities for themselves, Enniskillen and the district, assisting in the delivery of the Council’s corporate objectives and its community plan.

The Buttermarket is a restored early 19th century dairy market and is home to a range of small business with a focus on craft, retail and hospitality. Set around a cobbled courtyard, the Buttermarket contains 23 self-contained units comprised of 15 small ground floor with direct access to the Courtyard, 5 first floor storage/office spaces and two larger units in the centre of the courtyard as well as publicly accessible toilet facilities.

The Council will consider proposals to lease the site or to enter into a management agreement for the site.

It is anticipated that a lease proposal will require a commitment to a minimum duration of twenty years and will be full repairing and insuring. The lessee will take on full responsibility for the management of the site including maintaining and ensuring public access to the toilets during opening hours.

It is anticipated that a management agreement will require a commitment of a minimum of five years. Under a management agreement it is anticipated that the managing agent will take on full responsibility to include:

* Income Management
* Letting
* Lease and License Compliance
* Tenant Relationship Management
* Regulatory Compliance

Fermanagh and Omagh District Council’s preferred options is that bids submitted on for a management agreement are on a percentage of income basis.

Preference may be given to a management agreement that also includes the following:

* Management of the publicly accessible toilet facilities
* Building Fabric Maintenance
* Insurance
* Utilities Management
* Marketing – would you add marketing to the upper bullet points?

A submission for management must be clear as to the range of services that will be provided through the agreement.

* 1. **PROCESS**

Expressions of interest must be accompanied by a business statement as detailed in Appendix J. The business statement must be clear with respect to:

* Any expectations from Fermanagh and Omagh District Council with respect to any ongoing financial commitments.
* The “value added” that will be brought in terms of social, economic and environmental benefits to the district

Submissions will be assessed against essential and shortlisting criteria (see section 3 of this document):

Essential criteria (pass/fail) include mandatory exclusions, fair employment, bona fide submission, equality declaration, freedom of information, ability to hold relevant insurances, relevant management experience and statement of financial good standing.

Those submissions that pass the essential criteria will then be assessed against the criteria below:

* Potential economic contribution to Enniskillen and the District
* Potential social contribution to Enniskillen and the District
* Consideration for maximising environmental benefits and minimising environmental impact
* Potential financial costs/benefits to Fermanagh and Omagh District Council

The highest scoring five submissions that achieve above the pass mark against each scored criterion will be selected and given one month to submit a full offer. These will then be subject to an Economic Appraisal process.

**SECTION 2:**

**2.1 INSTRUCTIONS FOR THE SUBMISSION OF BIDS**

Expressions of Interest are invited for the management, lease or purchase of the Buttermarket.

The Council Officer dealing with this Expression of Interest is; **Ian Davidson**

All submissions should be made by email to [culture@fermanaghomagh.com](mailto:culture@fermanaghomagh.com) or by post to

Ian Davidson

Head of Arts and Heritage

Fermanagh and Omagh District Council

The Townhall

2 Townhall Street

Enniskillen

Co. Fermanagh

BT74 7BA

**Closing Date: 12 noon on Friday 07 August 2020. 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 Form must be completed and signed. Failure to do this **will** render the submission invalid.

**Late submission will not be accepted, the Council will take no responsibility for postal or delivery delays.**

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

**2.2 QUERIES**

**All** queries relating to this Expression of Interest should be submitted to [culture@fermanaghomagh.com](mailto:culture@fermanaghomagh.com) no later than **5 pm on Monday 03 August 2020.**

Bidders should note that responses to all queries will be circulated to all parties who download the invitation documentation, without identifying the source of any requests.

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.

**2.3 TERMS & CONDITIONS**

Please ensure that you include all requested information.

* Submissions received after the closing date and time cannot be considered. Fermanagh and Omagh District Council cannot accept any responsibility postal/ delivery delays.
* 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 invitation, in the form of Clarification Notices and will form part of the invitation document.
* Those making submissions will not be entitled to claim from Fermanagh and Omagh District Council any costs incurred in the preparation of their bids, whether or not it is successful.
* 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.
* Those making submissions who directly or indirectly canvass any official of the contracting authority concerning any award in respect of this competition, or who directly or indirectly obtains or attempts to obtain information from such officials 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 Expression of Interest 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.
* 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, if false or misleading information comes to light after award, this may result in termination of any future agreement.
* 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 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 it 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.
* If 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.

**2.4 POINTS FOR CONSIDERATION WHEN DEVELOPING YOUR PROPOSAL**

**TITLE DETAIL**

Control of the site within the red boundary line of the map (Appendix l).

**LOCATION**

Enniskillen, County Fermanagh

**FINANCIAL INFORMATION**

Valuation were obtained from Land and Property Services of the Department of Finance and Personnel in 2018. These figures are supplied for information only.

Nett Annual Value (RENT – £10,000)

The Buttermarket currently has 23 sitting tenants holding rental agreements in the form of leases and licenses. It yields an annual gross income from rental and license agreements of circa £60,000 per annum.

Bidders should note the following conditions with respect to lease and management agreement proposals:

* It shall be a condition of any subsequent lease or management agreement to this invitation 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 lease or management agreement and recover all its losses if the successful bidder, or anyone acting on his/her 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 employees. Any clause limiting the successful bidder’s liability shall not apply to this clause.
* A managing company shall not be an unqualified person for the purposes of Sections 64 to 66 of the **Fair Employment and Treatment (NI) Order 1998**
* A managing company shall not sub-lease 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.
* A managing company **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-lessees in the execution of the submission do not unlawfully discriminate
* A managing company will 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 (being 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 lease or management agreement by written notice with immediate effect if:

* there is in material breach of any obligation which is not capable of remedy; or
* there 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
* It will be the responsibility of the managing company to ensure that all charges for services supplied to or used at the property are paid, including all government taxes, rates, etc.
* The successful bidder shall not assign the benefit of the award to a third party.
* Bidders should demonstrate how they would maximum use of the facilities through the effective management and marketing.
* Bidders should demonstrate the potential for their proposal to provide social and economic benefit Enniskillen and the wider area
* Insurance: Tenant or management company will be required to insure buildings and contents and hold Public Liability (£5 million) and Employers Liability (£10 million);
* Health & Safety: Tenant or management company will responsible for all health and safety issues in accordance with relevant legislation and as required and/or notified by Council from time to time.

**SECTION 3**

**PROPOSALS**

Fermanagh and Omagh District Council is seeking to explore options, with interested parties, for the future operation and management of the site.

The Council requires that expressions of interest for management agreement or lease should include a business statement which contains a proposed developmental plan for the site; as well as the time line for the whole life of the proposal, the investment to be committed and how this is funded, the expertise, experience and qualifications of the bidding team. Details of the minimum requirements of the business statement are given at Appendix J

Currently there is public access to view the property Monday – Saturday 09.00 am – 5.00 pm.

**3.1 EVALUATION PROCESS**

The evaluation of Expressions of Interest will follow a two-stage process shortlisting procedure;

**Stage 1**

Essential Criteria and Exclusions; this is an exclusion process that requires bidders to commit to and be bound by an acceptable standard of operation. Failure to commit to and be bound by the standard in writing will exclude a potential submission from further consideration.

**All applicants** must successfully complete all forms in this stage to enable their submission to progress to the second stage of assessment, these include;

**Mandatory Exclusion** - Pass / Fail (Please complete Appendix A)

**Fair Employment** - Pass / Fail (Please complete Appendix B)

**Bona Fide Submission** - Pass / Fail (Please complete Appendix C)

**Equality Declaration** - Pass / Fail (Please complete Appendix D)

**Freedom of Information** - Pass / Fail (Please complete Appendix E)

**Insurance** - Pass / Fail (Please complete Appendix F)

**Financial Good Standing** - Pass / Fail

Please submit with your Expression of Interest submission a formal statement from your Bank or Auditor confirming your company’s financial standing over the last three years. Please note that this statement must be as recent as possible and (***dated no earlier than 01 December 2019.* Undated statements will not be accepted and may render your submission ineligible**;

**Submission Check List**­- Pass / Fail (Please complete Appendix H)

**Stage 2**

Submissions for management agreement or lease that pass the essential criteria will then be assessed against scored criteria as follows:

* Potential financial costs/benefits to Fermanagh and Omagh District Council
* Potential economic contribution
* Potential social contribution
* Consideration for minimising environmental impact

Bidders whose submissions achieve above the pass mark (50%) against scored criteria will then be given three months to submit a fully worked up Business Plan. These plans will then undergo an economic appraisal process undertaken by Fermanagh and Omagh District Council to ascertain the proposal which offers the best benefits to Fermanagh and Omagh District Council and the district.

**3.2 EVALUATION**

Submissions must include and provide business **statement**. This document will be evaluated as follows. The percentage figure inside the brackets is the value of marks being attributed to this area of the submission.

1. **Potential for Economic Contribution** (20%)

Potential of the proposal to contribute to the economic wellbeing of Enniskillen area and the district.

|  |  |  |
| --- | --- | --- |
| **Assessment** | **Score** | **Indicators** |
| Excellent | 5 | The business statement indicates an excellent potential for the proposal to contribute to the economic wellbeing of Enniskillen area and the district. |
| Good | 4 | The business statement indicates a good potential for the proposal to contribute to the economic wellbeing of Enniskillen area and the district. |
| Satisfactory | 3 | The business statement indicates some potential for the proposal to contribute to the economic wellbeing of Enniskillen area and the district. |
| Limited | 2 | The business statement indicates limited potential for the proposal to contribute to the economic wellbeing of Enniskillen area and the district. |
| Poor | 1 | The business statement indicates no potential for the proposal to contribute to the economic wellbeing of Enniskillen area and the district. |
| Nil response/ | 0 | No detail on proposals and/or no evidence of future plans provided. |

1. **Potential for Social Contribution** (10%)

Potential of the proposal to contribute to the social wellbeing of Enniskillen area and the district.

|  |  |  |
| --- | --- | --- |
| **Assessment** | **Score** | **Indicators** |
| Excellent | 5 | The business statement indicates an excellent potential for the proposal to contribute to the social wellbeing of Enniskillen area and the district. |
| Good | 4 | The business statement indicates a good potential for the proposal to contribute to the social wellbeing of Enniskillen area and the district. |
| Satisfactory | 3 | The business statement indicates some potential for the proposal to contribute to the social wellbeing of Enniskillen area and the district. |
| Limited | 2 | The business statement indicates limited potential for the proposal to contribute to the social wellbeing of Enniskillen area and the district. |
| Poor | 1 | The business statement indicates no potential for the proposal to contribute to the social wellbeing of Enniskillen area and the district. |
| Nil response/ | 0 | No detail on proposals and/or no evidence of future plans provided. |

1. **Environmental Impact** (20%)

Consideration for the environmental impact of the proposal.

|  |  |  |
| --- | --- | --- |
| **Assessment** | **Score** | **Indicators** |
| Excellent | 5 | The business statement indicates an excellent approach to environmental sustainability |
| Good | 4 | The business statement indicates a good approach to environmental sustainability |
| Satisfactory | 3 | The business statement indicates a satisfactory approach to environmental sustainability |
| Limited | 2 | The business statement indicates limited consideration environmental sustainability |
| Poor | 1 | The business statement indicates a poor approach to environmental sustainability |
| Nil response/ | 0 | No details or proposal with respect to environmental sustainability |

1. **Income/Costs to Fermanagh and Omagh District Council** (50%)

Consideration of the potential income/costs to Fermanagh and Omagh District Council

|  |  |  |
| --- | --- | --- |
| **Assessment** | **Score** | **Indicators** |
| Excellent | 5 | Income to Fermanagh and Omagh District Council at market valuation  No capital or ongoing revenue costs to Fermanagh and Omagh District Council |
| Good | 4 | Income to Fermanagh and Omagh District Council at market valuation  Limited capital and/or ongoing revenue costs to Fermanagh and Omagh District Council |
| Satisfactory | 3 | Income to Fermanagh and Omagh District Council at below market value  Moderate capital and/or ongoing revenue costs to Fermanagh and Omagh District Council |
| Limited | 2 | Income to Fermanagh and Omagh District Council at below market value  A high level capital and/or ongoing revenue costs to Fermanagh and Omagh District Council |
| Poor | 1 | No income to Fermanagh and Omagh District Council  Very high capital and/or ongoing revenue costs to Fermanagh and Omagh District Council |
| Nil response/ | 0 | No details or proposal with respect to capital and/or ongoing revenue costs to Fermanagh and Omagh District Council |

Responses (a – d) will be assessed out of 5 using the above score indicators, the score achieved will then multiplied by a weighting factor give total score for each section.

**3.3 SHORTLISTING**

All scores achieved will be totalled to give a total score out of 100%.

The **five** bidders with the highest scores will then be invited to submit full proposal/business plan for Economic Appraisal by Fermanagh and Omagh District Council.

**SECTION 4**

**EXPRESSION OF INTEREST FORM**

This is a non-binding proposal and the Expression of Interest.

All Expressions of Interest will be opened following the closing date at **12 noon on Friday 07 August 2020.**

I/We (full name) ………………………………………………………………………………

Company ……………………………………………………………………………………...

Address ……………………………………………………………………………………….

………………………………………………………………………………………………….

Telephone …………………………………………………………………………………….

Email Address ………………………………………………………………………………..

Name of contact ……………………………………………………………………………...

Signed…………………………………………………………………………………………

Date: ……………………………………..

Hereby submit an Expression of Interest for the following (tick as appropriate):

|  |  |
| --- | --- |
| **The leasing of the Buttermarket**  MUST BE ACCOMPANIED BY A BUSINESS STATEMENT |  |
| **An agreement to manage the Buttermarket**  MUST BE ACCOMPANIED BY A BUSINESS STATEMENT |  |

I/we understand that this is Stage 1 of a non-binding process and Fermanagh and Omagh District Council is not bound to accepting or pursuing a proposal submitted as part of this process.



**Appendix A**

Fermanagh and Omagh District Council

Mandatory Exclusions

**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

1. 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: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**



**Appendix B**

Fermanagh and Omagh District Council

Fair Employment and Treatment (Northern Ireland)

Act 1998

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.

1. 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.
2. 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.
3. 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/we ……………………………………………………………..hereby 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

……………………...………………………………………………………………………



**Appendix C**

Fermanagh and Omagh District Council

Certificate relating to Bona Fide Expression of Interest

1. The essence of submitting Expression of Interests is that the client shall receive bona fide competitive Expression of Interest from all firms bidding. In recognition of this principle, we certify that this is a bona fide Expression of Interest intended to be competitive, and that we have not fixed or adjusted the amount of the Expression of Interest by or under or in accordance with any agreement or arrangement with any other person.
2. We also certify that we have not:
3. Communicated to a person other than the person calling for these Expression of Interests 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 Expression of Interests required for the preparation of the Expression of Interest ;
4. Entered into any agreement or arrangement with any other person that he shall refrain from quoting or as to the amount of any Expression of Interest to be submitted;
5. 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 Expression of Interest or proposed Expression of Interest for the said work any act or thing of the sort described above.
6. 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 Expression of Interest.
7. In this certificate the word “person” includes any person and any body or association, corporate or unincorporate 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 Expression of Interest system in relation to bona fide compliance as detailed in the attached ‘Certificate Relating To Bona Fide Expression of Interest ’.

Signed: …………………………………………... Dated: …………………………………...

For and on behalf of ………………………………………………………………………………………



**Appendix D**

**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 into 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: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Appendix E**

**Fermanagh and Omagh District Council**

**Freedom of Information Act**

Bidders should be aware that the information provided in the completed Expression of Interest 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 Expression of Interest 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 Expression of Interest 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 ………………………………………………………

………………………………………………………………………

Insurance Information - (Appendix F)

**Please confirm the level of Insurance cover currently in place.**

|  |  |
| --- | --- |
| Section One. Insurance. | |
| Public Liability Insurance (Minimum £5 million) | Yes/No\* |
| Limit of cover - Public Liability | £ |
| Insurance company name |  |
| Broker name and address |  |
| Expiry date |  |
| 1. **Employers 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 your firm does not have the required level of insurance cover at the time of application, please confirm in writing that you are willing to put in place the required cover if your submission is successful. Please note evidence of insurance cover will be required at Award Stage.**

…………………………………………………………………………………………………

…………………………………………………………………………………………………



**Appendix G**

**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.

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

On Behalf of: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Appendix H**

**FERMANAGH AND OMAGH DISTRICT COUNCIL EXPRESSION OF INTEREST CHECKLIST**

To facilitate the needs of the Council in the evaluation process, proposals for **Management Agreement or Lease** must complete/submit **all** sections the following information. Proposals to **Purchase** must complete the Signed Expression of Interest and Evidence of Financial Good Standing only. Failure to supply all or any part of the requested information in the required format may result in a proposal being excluded.

|  |  |  |
| --- | --- | --- |
| **MUST BE INCLUDED WITH EXPRESSION OF INTEREST** | **Have you included?** | |
| **YES**  Tick as appropriate | **NO**  Please provide more information |
| Signed Expression of Interest |  |  |
| Completed and signed Mandatory Exclusion Declaration, Appendix A |  |  |
| Completed and signed Fair Employment Declaration, Appendix B |  |  |
| Signed Bona Fide Expression of Interest Declaration, Appendix C. |  |  |
| Completed and signed Equality Declaration, Appendix D. |  |  |
| Completed and signed Freedom of Information Declaration, Appendix E. |  |  |
| Evidence of appropriate insurances: Employers (£10 million) and Public (£5 million). Completed and signed Insurance Information, Appendix F |  |  |
| The Bribery Act 2010 – Statement of Commitment,  Appendix G |  |  |
| Evidence of Financial Good Standing |  |  |
| Completed and signed EOI Check List,  Appendix H |  |  |
| Business Statement |  |  |

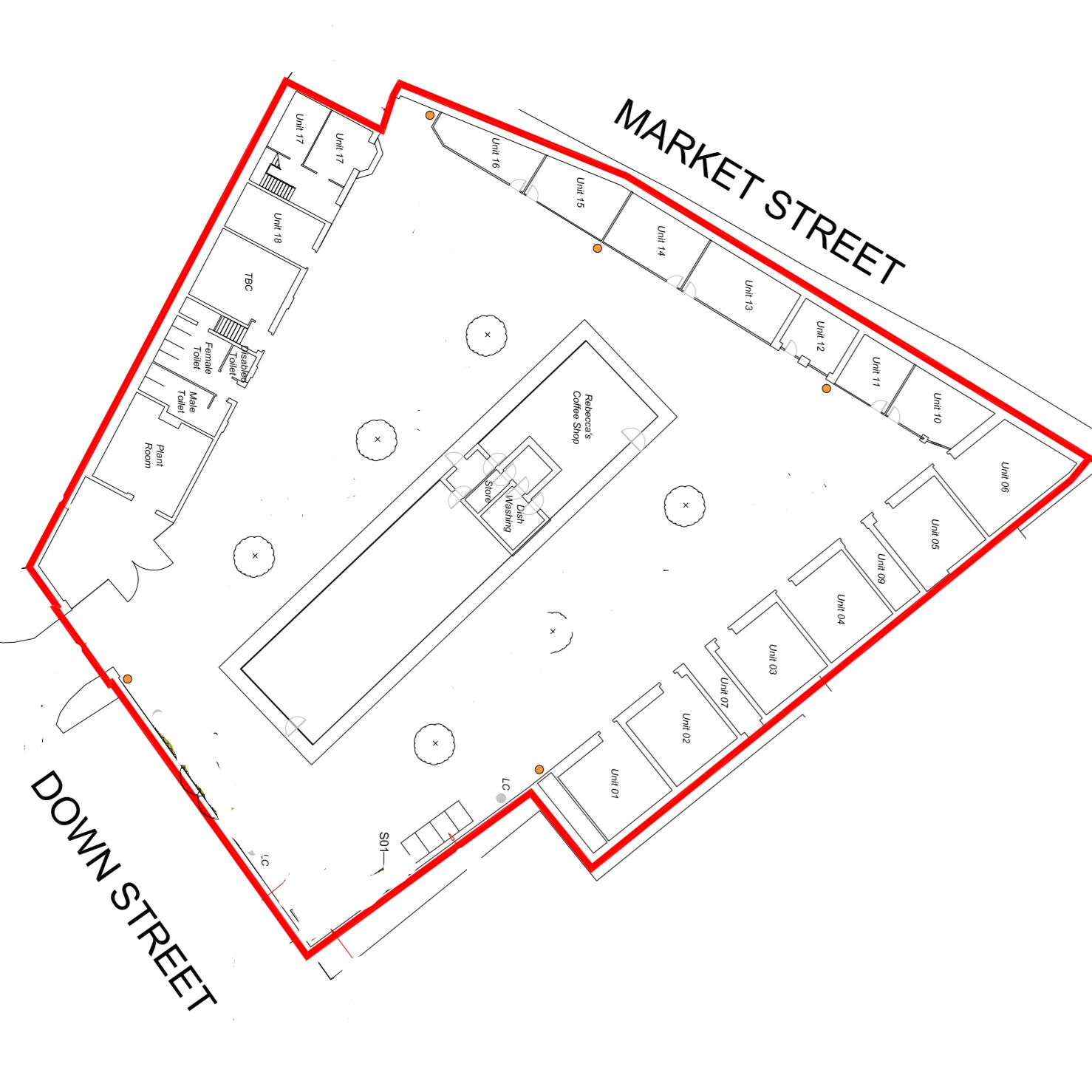
***It is your responsibility to submit the necessary documents to enable Fermanagh and Omagh District Council to evaluate your Expression of Interest. This checklist is for your guidance only.***

**Signed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Date \_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Appendix I**

**Buttermarket**



**Appendix J**

**BUSINESS STATEMENT**

The business statement is a high-level statement about your company and your proposal, not a detailed document or operational plan. It should be no more than one page long.

The following are the essential elements of the business statement:

## **Type of Business**

Who you are and what do you do?

## [**2. A**](https://leanplan.com/lean-business-planning-tactics/) **plan for the Buttermarket.**

The key activities you will to undertake.

**3. Timeframe**

Dates and deadlines, and any specific actions required.

1. **Costs and Council Commitments**

Any financial and non-financial expectations of Fermanagh and Omagh District Council, whether in the form of capital works prior to lease/management agreement or revenue costs or maintenance obligations.

1. **Sustainability**

The three pillars of Sustainability are: environmental, social and economic. You are required to outline what impact, both positive and negative your plan will have on Enniskillen and the wider area.

A template of a business statement template and guidance notes are given below:

**Business Statement Example Template**

|  |  |
| --- | --- |
| **Business Type**  *Describe your business.* | |
| **Outline the business activities and how/who will deliver these:**    *Tell us what you want to do?* | |
| **Timeframe;**  *Detail any development and milestones.* | |
| **Costs and Council Commitments**  *Any financial and non-financial expectations of Fermanagh and Omagh District Council.* | |
| **Expenditure**  *List any major anticipated expenditure you would make* | **Economic Impacts**  *Consideration for the economic impact of*  *the proposal of Enniskillen area and the district?* |
| **Social Impacts**  *We aim to work with socially responsible businesses. How would your business contribute to the social wellbeing of Enniskillen area and the district?* | **Environmental Impacts**  *Can you minimise negative impacts or pro-actively improve environmental sustainability?* |
| **Indicative Offer**  *What is your offer to the Council?*  *In the case of a management agreement, what services will you provide?* | |