



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

FERMANAGH AND OMAGH DISTRICT COUNCIL

INVITES

EXPRESSIONS OF INTEREST

FOR THE LEASE OF

**Lands at Byrne Park, Lisnarick,
BT94 1JT**

Reference: 2021 TNDR CHL 001

CONTACT INFORMATION
EXPRESSION OF INTEREST FOR THE LEASE OF
LANDS AT BYRNE PARK
Reference: 2021 TNR CHL 001

Name of submitting company/individual: _____

Address: _____

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 Caps): _____

Signature: _____ Date: _____

Closing date for receipt of submissions: no later than **12 Noon Friday 2020**

Late submissions will not be accepted

Data Protection

In accordance with the Data Protection Act 2018, Fermanagh and Omagh District Council has a duty to protect any information we hold on you. The personal information you provide here will only be used for the purpose of procurement and payment and will not be shared with any third party unless law or regulation compels such a disclosure or in the processing of external funding applications and associated claims. For further guidance on how we hold your information please visit the Privacy section at www.fermanaghomagh.com/your-council/privacy-statement/

EXPRESSION OF INTEREST FOR THE LEASE OF LANDS AT BYRNE PARK, LISNARICK

SECTION 1:

INTRODUCTION

Fermanagh and Omagh District Council invites expressions of interest from interested parties for the lease of lands at Byrne Park, Lisnarick, BT94 1JT. This includes one grass pitch and open ground and carpark area. The site is in freehold ownership of the Council and we believe local clubs, if they had a suitable length of tenure, maybe interested in obtaining and further developing the site. The Council's wish is to ascertain interest in the leasing of the property.

BACKGROUND

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 01 April 2015. Local Government Reform aims to modernise Local Government and make it stronger and more effective. As part of this modernisation, the Council wishes to investigate options for the use of the lands at Byrne Park, offering opportunities for the citizens, companies, clubs or groups of the wider Council district and beyond. It is the Council's aspiration, that the successful bidder will create and develop opportunities for themselves and the local community, thus assisting in the delivery of the Council's corporate objectives i.e. Help the Council to improve quality of life for citizens, protecting and creating quality places and delivering quality services.

AGREEMENT DURATION

It is anticipated that any feasible lease submission will commit to a minimum duration of twenty-five year approx.

PAYMENT

Payment of any consideration/fee in relation to the lease will be part of the successful bidder's submission proposals and be made half-yearly in advance, as agreed

SECTION 2:

INSTRUCTIONS FOR THE SUBMISSION OF BIDS

Expressions of interest are invited for the lease of lands at Byrne Park, Lisnarick, Co Fermanagh, BT94 1JT.

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

All Submissions should be made to:

Alison McCullagh
Chief Executive
Fermanagh and Omagh District Council
The Townhall
2 Townhall Street

Enniskillen
Co. Fermanagh
BT74 7BA

Closing Date: 12:00 Noon Friday 12 June 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 Lease Form must be completed and signed. Failure to do this **will** render the submission invalid.

Late submission of your quotation 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.

QUERIES

All queries relating to this invitation should be submitted to tenders@fermanaghomagh.com, no later than 12 noon Friday 22 May 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.

Fermanagh and Omagh District Council will not enter into discussions on the requirements of this procurement 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 & 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 Councils cannot accept any responsibility postal/ delivery delays.
- The attached Expression of Interest Lease 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.
- 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 lease 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 agreement to this invitation 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.
- 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 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 company 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-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.
- The successful 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

- 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: finbar.maguire@fermanaghomagh.com
- Those making submissions 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 of the lease, 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 his/her submission. There will be no opportunity for any bidder to change their submission. If the 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-lease or 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 lease duration 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 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.

- 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 his/her bank, the account name and number, the 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 (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 subsequent lease agreement to this invitation 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 company 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 the Data Protection Act 2018, Fermanagh and Omagh District Council has a duty to protect any information we hold on you. The personal information you provide here will only be used for the purpose of procurement and payment and will not be shared with any third party unless law or regulation compels such a disclosure or in the processing of external funding applications and associated claims. For further guidance on how we hold your information please visit the Privacy section at www.fermanaghomagh.com/your-council/privacy-statement/

-

-

SECTION 3

SCOPE OF PROPOSAL AND AIMS OF INVITATION

SCOPE

Expressions of Interest are sought from interested parties for the lease of lands at Byrne Park, Lisnarick, BT94 1JT which includes:-

- 1x full sized grass football pitch including posts
- A portion of rough grass land and woodland with a path.
- The site is approx. 4.83 Acres and is shaded green and edged in red on the attached map.

PRESENT POSITION

The site is currently managed by the Council. There is a set of prefabricated changing rooms on site which are not the property of the Council. These changing rooms are on site via an agreement with a local club and will not form part of this lease. These changing rooms will be removed off site before the commencement of the lease with the successful tenant.

AIMS OF THIS INVITATION FOR EXPRESSIONS OF INTEREST

Fermanagh and Omagh District Council is inviting Expressions of Interest for the lease of the lands at Byrne Park, Lisnarick. A proposed lease of 25 years approx.

The Council's main aim is to have the site managed and developed primarily as a community / sports club facility which will help develop sport as well as providing health and wellbeing opportunities for their members as well as the general public.

Notwithstanding the above, the successful bidder will ideally provide a high quality inclusive service for Fermanagh and Omagh District area.

The following aims are given as guidance to assist potential lessees. These aims provide an indication of what the Council wishes to see achieved at the site, into the future. Submissions provided will take into account how the aims will be achieved by the lessee and will be used in the scoring of submissions.

AIMS:

1. To develop maximum use of the facilities through the effective management and marketing of the facility.
2. To provide a high quality inclusive and accessible service.
3. To provide sports and physical activity opportunities for all sections of the community and people from areas of social need.
4. To provide a range of sports and physical activity opportunities that will help improve the health and wellbeing of the community.
5. To maintain the site and any potential associated facilities to a high standard adhering to all health and safety and legislative requirement

6. To ensure the facility is adequately resourced in terms of having an experienced management structure in place as well as having a clear financial plan.
7. To compliment the Council in meeting its Corporate and Community Planning Objectives.
8. To provide and ensure that a programme of on-going maintenance of the site is carried out and all work is recorded as necessary.

POINTS FOR CONSIDERATION WHEN DEVELOPING YOUR PROPOSAL:

- The successful bidder shall not assign the benefit of the award to a third party.
- There is no full time or long term occupancy or residency permitted on the site.
- The Lessee will not be permitted to underlet or sublet any part of the site without prior consent of the council.
- The Lessee must make maximum use of this site by way of the effective management and marketing, use and development of the site
- To assist in the development of local sports by working with local clubs, groups and National Governing Bodies of Sport.
- There is an existing inventory of equipment on site. It is proposed that this equipment will be included in any future lease. This list will be updated and agreed with the Lessee prior to the commencement of the lease.
- Grass cutting will be the responsibility of the Lessee and this must take in the entire site and carried out on a regular basis throughout the year to ensure the site is well presented and tidy.
- Given the setting of this site all activities must be in keeping with the location to minimise noise as well as being aesthetically sympathetic to the location.
- The site is not permitted to be used for any political or religious purposes.
- The Council would require that the new lessee take full responsibility for the overall management, maintenance and operation of the site.
- The Council is open to suggestions to create a public access to the site in accordance with statutory requirements.

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 would prefer to lease the entire site as one lot, however multiple lots may be considered and the Council reserve the right to put potential lessees in contact with one another to facilitate the lease of the entire site.

The Council requires that expressions of interest returned should include;

(A) Proposed Rental Submission-

The proposed rental; the rental sum will need to take into consideration the value of the site.

(B) A Business Case which contains a proposed developmental plan for the site; as well as **The Business Case**; should outline the proposals in detail including provisions for inclusivity and a development plan, the time line for the entire life of the proposal, the investment to be committed and how this is funded, the expertise, experience and qualifications of the bidding team.

(C) A Sports Development Plan which identifies how the lessee will;

- provide activities for the teams / club members and the public.
- support and address coach and volunteer continuous personal development (CPD).
- identify and develop pathways from foundation to participation which can help support participants / users to strive for excellence.

Upon acceptance and contract, a survey of the property and an inventory of contents will be jointly undertaken to establish a base for the condition of the site on hand over.

Currently there is public access to view the perimeter of the property.

The invitation for Expressions of Interest will remain open until **12.00 noon Friday 12 June 2020.**

Any queries relating to this invitation should be forwarded to

tenders@fermanaghomagh.com .

Map of the Byrne Park site is attached and the area that is proposed to be included in this lease is shaded in green and edged in red.

TITLE DETAIL

Lease and control of the site within the area shaded in green and edged with a red boundary line of the map.

LOCATION

Lands at Byrne Park, Lisnarick, BT94 1JT.

DEPARTMENT of FINANCE INFORMATION

Valuation List description: Property ID 373951 / Rates UPRN: 185998108

Nett Annual Value: £1,550 (exempt sports grounds category)

PASTURE AND TOPOGRAPHY

Approximately 4.83 acres of land at Byrne Park, including football pitch, grass areas, woodland area and path.

FENCING

A combination of hedging, stock fencing and post and rail fencing marks the boundary of the site. Access gates are also included leading into the bitmac carpark.

TERMS AND CONDITIONS OF THE LEASE TO BE ENTERED INTO WITH THE SUCCESSFUL BIDDER

The terms of the lease shall be subject to negotiation and agreement with a successful bidder but shall include and reflect the following:

Term: At least 25 years;

Rent : as per the expression of interest (strictly subject to approval by Land and Property Services);

User: Clubs/Groups/Organisations to provide games and activities using the existing grass pitches and changing rooms on site. Specific prohibition on use for long term residential purposes or for political or religious purposes. All user to reflect the setting of the premises in terms of proximity to a residential area.

Insurance: Tenant to insure buildings and contents and hold Public Liability (£10 million) and Employers Liability (£10 million).

Health & Safety : Tenant responsible for all health and safety issues in accordance with relevant legislation and as required and/or notified by Council from time to time.

Repair & Maintenance: Tenant's responsibility. Nothing shall require the tenant to put the premises in any better condition than as at the date of lease as is evidenced by the condition of the property at handover and agreed by both parties. The tenant shall be required to keep and maintain the grass, roadway .fences, ballstops, changing rooms on the site as a whole on a regular basis.

Alienation: Not to assign or sub-let without the prior written consent of the Landlord;

Covenants: such covenants as reflect the terms of the tender documents and such other standard covenants as may be required by the Council taking account of the nature of the Premises and the proposed user;

Forfeiture/Termination of Lease: Non-payment of rent for 28 days or more, breach of covenant by tenant, failure to use the premises in accordance with the Tender submission, bankruptcy/insolvency of the tenant, breach of bribery legislation either during the term of the lease

or if found to have committed breach of bribery legislation or fraud during the tender process, breach of relevant legislation (data protection, equality, discrimination, health & safety etc).

The above information is provided in good faith to assist potential bidders in preparing their expression of interest. In the event of any conflict between the information contained in this document and the lease, the terms of the lease shall prevail.

THIS DOCUMENT DOES NOT CONSTITUTE AN AGREEMENT FOR LEASE AND ANY LEASE SHALL BE STRICTLY SUBJECT TO THE GRANT OF COUNCIL APPROVAL AND LAND AND PROPERTY SERVICES APPROVAL OF THE PROPOSED RENTAL FIGURE

EVALUATION PROCESS

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

1. An exclusion process; this exclusion process requires proposers 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.
2. An award process; this will provide the bidder the opportunity to identify how their proposal will best utilise the site over the period of the lease and propose their rental figure.

Stage 1: Exclusion Criteria;

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

<i>Mandatory Exclusion</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>Safeguarding Declaration</i>	-Pass / Fail (Please complete Appendix E)
<i>Insurance</i>	- Pass / Fail (Please complete Appendix F)
<i>Bribery Act</i>	- Pass / Fail (Please complete Appendix G)
<i>Insurance-</i>	- Pass / Fail (Please complete Appendix H)

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

In the event that your organisation does not have adequate 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.

Any submission that fails to submit and sign any of the Appendices will be excluded from further consideration.

Stage 2: Award Criteria

The bidder that submits the proposal which provides the best return for the citizens of the district will be invited to enter into a lease for the property. It is therefore important that a detailed and full business case and sports development plan is submitted, clearly identifying what activities that are to be provided, what you are planning to do, any community value that will be provided as a result of your proposal, any employment projections and CPD opportunities, the extent / use of the property and the ability to fund additional upgrades and maintenance, future expansion and proposed lease value.

Evaluation of submissions

Submissions must include and provide **the proposed rental** as well as (a) **business case** and (b) **sports development plan**. These documents will be evaluated as follows depending on each proposal. The percentage figure inside the brackets is the value of marks being attributed to this area of the submission.

(A) Rental per annum (20%) Proposed rental to be paid each year (taken from Signed Proposal Form).

The maximum mark will be awarded to the bidder submitting the highest acceptable rental. Other bidders will then be awarded a pro rata percentage using the following formula:

$$\frac{\text{Available marks (20\%)} \times \text{bidders price}}{\text{Highest price}} = (A)$$

(B) Contents and Robustness of Business Case and proposals (40%)

A robust business case will be assessed on detail on proposals, programme for implementation, investment, source of funding, expertise and experience available, financial assurance, etc.

Assessment	Score	Indicators
Excellent	5	The business case provides an excellent level of detail on proposals, programming of the business implementation, source and extent of investment and financial assistance and proof of excellent expertise and experience in the identified business idea.
Good	4	The business case provides a good level of detail on proposals, programming of the business implementation, source and extent of investment and financial assistance and proof of good expertise and experience in the identified business idea.
Satisfactory	3	The business case provides a fair level of detail on proposals, programming of the business implementation, source and extent of investment and financial assistance and proof of a fair degree of expertise and experience in the identified business idea. There may be some minor omissions.
Limited	2	Some detail on proposals, finance and programming provided, but there are some omissions that would be required to show proof of assurance.
Poor	1	Some detail on proposals but little on finances and implementation plans.
Nil response/ Very Poor	0	No detail on proposals and/or no evidence of future plans provided.

Responses will be assessed out of 5 using the above score indicators, the score achieved will then multiplied by a weighting factor of 8 to give total score out of 40%

Any response that receives a score less than 3 (Satisfactory) will be eliminated.

(C) Contents and Robustness of the Sports Development Plan - (40%)

Please detail your proposed Development and use of the facilities and how your proposal will fulfil the aims as listed on page.

Assessment	Score	Indicators
Excellent	5	<p>An excellent comprehensive response which clearly demonstrates that;</p> <ul style="list-style-type: none"> • activities are inclusive accommodating all sections of the community. • activities will be provided for target groups ie. children, adults, older people, girls and women, people with disabilities, people living in areas of high social need. • pathways from foundation to participation and excellence have been identified. • volunteer and coach CPD is addressed.
Good	4	<p>A good response which clearly demonstrates that;</p> <ul style="list-style-type: none"> • activities are inclusive accommodating all sections of the community. • activities will be provided for target groups ie. children, adults, older people, girls and women, people with disabilities, people living in areas of high social need. • pathways from foundation to participation and excellence have been identified. • volunteer and coach CPD is addressed.
Satisfactory	3	<p>A satisfactory response which clearly demonstrates that;</p> <ul style="list-style-type: none"> • activities are inclusive accommodating all sections of the community. • activities will be provided for target groups ie. children, adults, older people, girls and women, people with disabilities, people living in areas of high social need. • pathways from foundation to participation and excellence have been identified. • volunteer and coach CPD is addressed.
Limited	2	<p>A limited response which does not demonstrate that;</p> <ul style="list-style-type: none"> • activities are inclusive accommodating all sections of the community. • activities will be provided for target groups ie. children, adults, older people, girls and women, people with disabilities, people living in areas of high social need. • pathways from foundation to participation and excellence have been identified.
Poor	1	Some details provided in some of the critical areas, but lacking any assurance.
Nil response/ Very Poor	0	Very little or no detail offered on some of the critical management requirements.

Responses will be assessed out of 5 using the above score indicators, the score achieved will then multiplied by a weighting factor of 8 to give total score out of 40%

Any response that receives a score less than 3 (Satisfactory) will be eliminated.

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

The bidder with the highest overall score will be the first to be invited to negotiate a lease agreement based on the submission details.

The lease will include an arranged programme of visits and audits to ensure the winning bidder is actively progressing the proposed project.

EXPRESSION OF INTEREST TO LEASE FORM

Appendix J

This Expression of Interest is an offer to enter into a 25 year lease of lands at Byrne Park, Lisnarick, Cop. Fermanagh, BT94 1JT, owned by Fermanagh and Omagh District Council (hereinafter referred to as "Landlords") under the attached terms and conditions.

This is a non-binding proposal and the Expression of Interest deemed preferable by the Landlords will then proceed to negotiation for a formal contract.

All Expressions of Interest will be opened simultaneously following the closing date at **12 Noon Friday 12 June 2020**.

I/We (full name)

Company

Address

.....

Telephone

Email Address

Name of contact

Signed:.....

Date:

Hereby submit my/our **rental proposals, business case and sports development plan**, for the lease of lands at Byrne Park, being the whole of the lands within the red boundary of the attached map.

Summary of proposals

Annual Rent per annum tendered for a 25 year lease of the site

£.....Exclusive of VAT.....

Extent of property to be used

.....

.....

Services to be provided as indicated in the attached Business Plan associated with this submission.

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

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**

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 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 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 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: _____



Fermanagh and Omagh District Council Freedom of Information Act
--

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

.....



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: 028 8225 6216 or via email: finbar.maguire@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.

By signing below, you acknowledge your role relating 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.

Signed: _____

On Behalf of: _____

Date:_____

Insurance Information - (Appendix H)

Please confirm the level of Insurance cover currently in place.

<u>Section One. Insurance.</u>	
A. Public/Products Liability Insurance (Minimum £10 million for water based activities)	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 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.

.....
.....



(B)Contents and Robustness of Business Case and proposals (40%)

A robust business case will be assessed on detail on proposals, programme for implementation, investment, source of funding, expertise and experience available, financial assurance, etc.

(C)Contents and Robustness of the Sports Development Plan (40%)

Please detail your proposed Development and use of the facilities and how your proposal will fulfil the aims as listed on page.

PLEASE ENSURE THE ABOVE RESPONSES ARE ATTACHED TO YOUR SUBMISSION.

FERMANAGH AND OMAGH DISTRICT COUNCIL
TENDER CHECKLIST

To facilitate the needs of the Council in the evaluation process, all proposals submitted must complete/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.

Bidders must complete this check list:-

MUST BE INCLUDED WITH EXPRESSION OF INTEREST
Completed and signed Mandatory Exclusion Declaration, Appendix A
Completed and signed Fair Employment Declaration, Appendix B
Signed Bona Fide Tender Declaration, Appendix C.
Completed and signed Equality Declaration, Appendix D.
Completed and signed Freedom of Information Declaration Appendix E.
Safeguarding Declaration, Appendix F
The Bribery Act 2010, Appendix G
Evidence of appropriate insurances: Employers (£10 million) and Public (£10 million) Completed and signed Insurance Information, Appendix H.
Completed Business Case/proposal and Proposed development plan. Appendix I
Completed and signed Expression of Interest. Appendix J
Completed checklist. Appendix K

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 _____