

**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 TNDR CHL 001**

**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 Caps): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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

**Closing date for receipt of submissions: no later than 12 Noon Friday 12 June 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/](http://www.fermanaghomagh.com/your-council/privacy-statement/)

**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.



**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 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:
3. 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 ;
4. 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;
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 tender or proposed tender 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 tender.
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 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 ………………………………………………………………………………………



**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 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 ………………………………………………………

………………………………………………………………………

**Appendix F**



**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](http://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](mailto: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:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_



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

Femanagh and Omagh District Council

Insurance Information - (Appendix H)

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

|  |  |
| --- | --- |
| Section One. Insurance. | |
| 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 |  |
| 1. **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.**

…………………………………………………………………………………………………

…………………………………………………………………………………………………

  **Appendix I**

**(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 8 & 9.

**PLEASE ENSURE THE ABOVE RESPONSES ARE ATTACHED TO YOUR SUBMISSION**.

**Appendix K**

**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 \_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**