



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

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## Tender for Collection, Processing and Treatment of Bio Waste

1819 TNDR EP 002

### CLARIFICATION NOTICE

Date: 28 September 2018

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#### Question 1

With regard to Stage 2 Selection Criteria, specifically Appendix J Health & Safety, we note that FODC require the submission of a *“Health and Safety Policy Statement & list of arrangements along with details of any third party accreditation”*. This would suggest that a simple policy statement in relation to Health and Safety will suffice, even where the relevant independently assessed, third party accreditation is not in fact held.

Can FODC confirm if there has been an oversight in terms of the wording included in this section, and that a third party Health & Safety accreditation is in fact required as a minimum standard?

#### Answer 1

The minimum requirement is the company health and policy statement. Tendering companies are asked to submit any other third party accreditations they may hold as support to their health and safety policy statement but the requirement to hold any such third party accreditation is not essential.

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#### Question 2

- A) FODC re-consider including ISO 9001, 14001 & OSHAS 18001 as a minimum standard within Stage 2, Selection Criteria; and
- B) FODC confirm that elected Members are aware of and have approved the approach being taken.

#### Answer 2

- A) FODC have not requested ISO / OSHAS or equivalent accreditation as an essential element or criteria in this or any other tender. We do not currently apply any policy for the requirement to hold these enhanced accreditations. As such this will not be added as a requirement for this tender.

B) Fermanagh & Omagh District Council Procurement Policy is approved and available on the Council website at <https://www.fermanaghomagh.com/?s=procurement+Policy>

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### **Question 3**

Section 2.1 of the ITT requires that “one hard copy along with a CD containing a full electronic copy” of the submission be provided. Can you confirm if it is acceptable to submit the full electronic copy on a USB pen rather than on a CD?

### **Answer 3**

USB pens can be used as a substitute for CD format requested.

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### **Question 4**

Section 2.1 of the ITT refers to “The Specification”. Can you please advise if there is a separate Specification document, or if it is included within the ITT which is available to download?

### **Answer 4**

All specifications are included in the ITT tender documents and no additional documents are required outside what has been asked for within the tender documents that available for download.

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*Issued 18 September 2018*

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### **Question 5**

Section 3.6 of ITT states that the contractor must comply with all applicable waste management legislation which includes “Animal By-products Regulations”.

Can the Council confirm that compliance with Animal By-products Regulations forms part of Pass/Fail criteria of this tender? If so Appendix L – Legislative Compliance should be amended to include requirement for contractors to provide a copy of valid Animal By-products certification.

### **Answer 5**

Tendering companies must provide evidence of compliance with Animal By-products regulations for category 3 material.

Revised appendix L attached for this must be completed & submitted along with your tender.

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### **Question 6**

Is Carrier/Broker Registration with NIEA and Broker/Dealer Registration with National TFS Office Dublin sufficient to satisfy Section 3.10.1 request that all tender submissions include evidence of carrier registration with the Competent Authority in NI and ROI. Is this also sufficient proof of compliance with TFS regulations as stated in Appendix L?

#### **Answer 6**

The registration as carrier/broker with NIEA and registration with the Dublin TFS office would satisfy the requirements of the Legislation for section 3.10.1 and appendix L

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#### **Question 7**

In Section 4, Stage 2 (Selection Criteria) regarding Health & Safety – what is meant by ‘list of Arrangements’? Please confirm that ‘site-specific risk assessments and a detailed method statement’ are not required at this stage of the submission - they are only required of the successful tenderer after the tender has been awarded.

#### **Answer 7**

Site specific risk assessments and method statement will be provided post award by the successful contractor for each lot.

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#### **Question 8**

Appendix M, Service Delivery Plan requires that Contractors complete 5 separate sections and use the text box provided for the response to each section. Can the Council confirm that it is ok to reduce the page margin size (i.e. widen the text box) to provide the response for each section, but still keeping within the 2-page limit?

#### **Answer 8**

This is acceptable.

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#### **Question 9**

Can you confirm if alternative equivalent to PASS100 is acceptable (Ref. Section 3.9.1 & Appendix L)

#### **Answer 9**

PASS100 & PASS110 are a requirement of this contract.

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**\*\*The Deadline for receipt of submissions has been extended until 12 Noon on Thursday 04 October 2018.**

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*Issued 20 September 2018*

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#### **Question 10**

Section 3.25 of the ITT states “The Contractor shall hold and continue to hold during the Contract Period, Public Liability Insurance (amount of indemnity required for any one occurrence arising out of an event £5,0000,000) indemnifying Fermanagh and Omagh District Council **against any claim arising directly or in-directly from the contractor’s use of the site**”

The above wording means that FODC are expecting the contractor to indemnify them against any claim irrespective of however caused, including if due to the negligence of the council or another party?

However, any public liability insurance cover as standard would only indemnify FODC against any claim arising directly or in-directly from the Contractor's use of the site **where they are deemed to be negligent in causing third party personal injury or damage.**

**Answer 10**

*where they are deemed to be negligent in causing third party personal injury or damage* is satisfactory.

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**Question 11**

Your most recent clarification states that PAS100 is a requirement of this contract but does not clarify that an alternative equivalent is acceptable. Please clarify that an alternative equivalent is acceptable in accordance with EU Public Tender Procedure.

**Answer 11**

PASS100 and PASS110 equivalent accreditation schemes operated in any other EU member state will be accepted by Fermanagh and Omagh DC for the purposes of tender assessment, provided that the accreditation is recognised by NIEA and must be accepted as recycling credit by them for the purposes of waste data flow. The equivalent accreditation must be recognised by NIEA as equal or equivalent in status to PASS100 and PASS110. All accreditations will be validated through NIEA and will only be acceptable where NIEA recognise the proposed accreditation.

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**Question 12**

In Section 4, Stage 2 (Selection Criteria) regarding Health & Safety – what is meant by 'list of Arrangements'?

**Answer 12**

Please detail the Health & Safety arrangement / provision in place within your organization.

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*Issued 24 September 2018*

**Question 13**

Can the Council confirm if one Service Delivery Plan is sufficient from a Contractor tendering for more than one Lot? Or, do the Council require a separate Service Delivery Plan for each Lot tendered for?

**Answer 13**

The Service Delivery Plan will be assessed for each lot, if your service delivery is unchanged for each lot one plan will be sufficient, however if your proposed service delivery differs for any lot please submit a separate Service delivery Plan, clearly stating which lot each Service Delivery Plan relates to.

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#### **Question 14**

Stage 2 – Selection Criteria – Financial Standing (Page 20 of ITT) asks contractors to provide: \* A full copy of your company's audited accounts for the last three years \* A full copy of your company's unaudited accounts for your most recent financial year

For the avoidance of doubt can the Council confirm that a copy of full audited accounts for financial years ended 31 December 2015, 31 December 2016 and 31 December 2017 is sufficient to meet this requirement and that current year management accounts are not required?

#### **Answer 14**

As stated within the Tender document please provide

- A full copy of your company's audited accounts for the last three years
  - A full copy of your company's unaudited accounts for your most recent financial year.
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*Issued 24 September 2018*