**[Insert Local Body Logo]**

**ITT Part 2:**

**Requirements and Evaluation Strategy**

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Text in red footnotes is provided to guide use of the document and must be removed before issue or publication. Text in square brackets within the main body of the document shows where a Local Body needs to insert content or shows example text which can be adjusted to suit the local context. Once the Local Body has made these adjustments the square brackets should be removed.

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# Introduction and Context[[1]](#footnote-2)

## Purpose

### The purpose of this Part 2 is to define the Local Body Requirements. Part 2 contains the following sections:

### Introduction and Context

### Local Body Requirements

### Appendix 1 – Evaluation Strategy, including [Selection and] Award Criteria

### Appendix 2 – Bidder Response to ITT

### Appendix 3 – Speed and Coverage Template

### Appendix 4 – Supplier Solution Document

### Appendix 5 – Compliance Matrix

### Appendix 6 – Bidder Completion Check Sheet

## Project Stakeholders

## Local Body (i.e. the lead Local Body and Contracting Authority under the Contract)

[Insert Local Body identity]

## Other Beneficiary Local Bodies

[The following Local Bodies are each anticipated as being an "Other Beneficiary" (as referred to in Clause 9 of the Contract) for the purposes of the Contract entered into pursuant to this ITT:]

[●]

## Wider Stakeholders[[2]](#footnote-3)

[There is widespread support for this Project among its stakeholders. Details of the project’s stakeholders, including MPs, MEPs, businesses, District, Town and Parish Councils and other community and public sector organizations, can be found in the Local Body’s Local Broadband Plan and Data Room.]

### **1.2.4 Development of the Procurement Strategy and Requirements[[3]](#footnote-4)**

[The Local Body Requirements have been developed over the course of the past [12] months taking due regard of:

* The EU commission direction provided to BDUK on generating and agreeing the National Broadband Scheme 2016
* A wide spectrum of industry players through Early Market Engagement.
* Local economic growth priorities and social and inclusion objectives.]

### **1.2.5 Commercial Model:**

The Local Body has tested different commercial models with the market and across its funders. The outcome from this is that this ITT is based on a gap funded model approach[[4]](#footnote-5).

### **1.2.6 State Aid & Open Access Requirements**

In line with the National Broadband Scheme (NBS) the Local Body requires proposals from Bidders to be based on an Open Access basis (as further described in the 2016 Commission Decision).

## 1.3 Meeting the Objectives[[5]](#footnote-6)

### **1.3.1 Strategic Objectives**:

### [The Local Body’s strategic objectives are set out in the Local Broadband Plan which is provided in the Data Room. In summary, the Local Body's key aims are to deliver business growth and new jobs, deliver a range of social benefits across its rural and urban communities and support delivery of public services through digital channels.]

### **1.3.2 Economic Growth Outcomes and Requirements:**

[Driving business growth through improved access to markets for suppliers (including exporting) are key ambitions. These ambitions will be supported by fast and reliable broadband services. High levels of NGA [and Ultrafast/Gigabit coverage] should also support attracting new investment and act as catalyst for new business starts ups, support home-working and micro businesses.]

### **1.3.3 Social Outcomes and Requirements:**

[Any specific related local requirements to be inserted here]

## 1.4 Geography and Premises[[6]](#footnote-7)

### **1.4.1 Data Overview**

### [The following maps are based on broadband access speed data derived from the Open Market Review (OMR) [the Local Body] initiated on [Insert date], and the subsequent Public Consultation which closed on [Insert date].]

### **1.4.2 Overall Geographic Area**

[The following map shows the boundary of the entire [Local Body] Project area (the Overall Geographic Area) that is the subject of this tender.

There is a total of [Insert number] premises within the Overall Geographic Area. The total number of Targeted NGA White premises in the Overall Geographic Area for this tender is [Insert number].

Some premises within the Overall Geographic Area already have NGA broadband services available, or there is a commitment to make NGA available in the next three years - these premises are Out of Scope Premises and are mapped as NGA grey or black. The remainder are NGA white with a proportion classified as ‘under review’. These under review premises are not targeted for the purposes of this ITT. [The Local Body] will continue to review the relevant operator’s plans regularly and where it is determined that delivery is not taking place [the Local Body] can through the Contract Change Control Procedure include ‘under review’ premises for further NGA deployment.

Refer to Table in paragraph 1.6 for applicable premises counts.

[INSERT MAP]

The Project concerns a land area of [•] hectares. [•] % of the [•] population reside in [•] large urban areas; the city of [•] and the [•] towns of [•].

The overall area is relatively sparsely populated, with a population density of [•].

There are over [•] premises in the Project area, of which [•] are residential and [•] business premises. Approximately [•] premises have at least one fixed telephone line.

## 1.5 Lotting[[7]](#footnote-8)

### [Bids are welcomed for one, several or all Lots.

### **Option 1 – Aggregation:** Bidders must consider the economies of scale and efficiencies that might be delivered if multiple lots are won. Bidders are required to complete a separate response template to demonstrate value added benefits at Part 2, Appendix 2 - Bidder Response to the ITT, Part D1. Please note that these committed benefits will form part of the contract basis where a Bidder is awarded multiple lots, but responses on benefits will not form part of the evaluation of submissions.

**Option 2 – Superlot:** Bidders are asked to bid for multiple lots but are also invited to bid for a Superlot, encompassing the scope of [lots 1, 2 and n]. Following the evaluation of each Bidder’s bids for individual lots and - if applicable - for the Superlot, the Local Body will compare the highest score achieved by a Bidder for a Superlot with the combined highest scores, across all Bidders, for each of the individual [lots 1, 2 and n]. Where the Superlot scores higher than the combination of individual lots, the Superslot will be selected.]

### **1.5.1 The Lots**

There are [Insert number] lots defined in this ITT:

LOT 1 – [Describe the Lot, for example geography, number of premises, number of white premises]

LOT XX – [Describe the Lot, for example geography, number of premises, number of white premises]

## 1.6 Premises In Scope

The following table summarises:

1. The total number of premises in the Overall Geographic Area (white, grey and black premises);
2. The number of target premises comprising the NGA Intervention Area (white premises only);
3. The number of premises currently under review in the NGA Intervention Area and which are not to be targeted at this time;
4. The number of Out of Scope Premises in the Overall Geographic Area.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Lot Name** | **A) Total Premises in Overall Geographic Area** | **B) Target NGA White Premises****(in scope of this ITT)** | **C) Under Review NGA White Premises****(potentially in scope of the contract at a future date)** | **D) Out of Scope Premises in Overall Geographic Area****(out of scope of this ITT)** |
| **LOT 1 - [Insert lot name]** | [insert number] | [insert number] | [insert number] | [insert number] |
| **LOT XX - [Insert lot name]** | [insert number] | [insert number] | [insert number] | [insert number] |
| **Geographic Area** | [insert number] | [insert number] | [insert number] | [insert number] |

## 1.7 Other Context[[8]](#footnote-9)

[See footnote below].

## 1.8 Consortia Arrangements

### If the Bidder completing this ITT is doing so as part of a proposed consortium, the following information must be provided:

### names of all consortium members;

### the lead member of the consortium who will be contractually responsible for delivery of the contract (if a separate legal entity is not being created); and

### if the consortium is not proposing to form a legal entity, full details of proposed arrangements within a separate Appendix.

Please note that the Local Body may require the consortium to assume a specific legal form if awarded the contract, to the extent that a specific legal form is deemed by the Local Body as being necessary for the satisfactory performance of the contract. Alternatively the Local Body may require all members of the consortium to enter into the contract and to be jointly and severally liable.

All members of the consortium will be required to provide the information required in all sections of the ITT as part of a single composite response to the Local Body i.e. each member of the consortium is required to complete the form.

Where you are proposing to create a separate legal entity, such as a Special Purpose Vehicle (SPV), you should provide details of the actual or proposed percentage shareholding of the constituent members within the new legal entity in a separate Appendix.

The Local Body recognises that arrangements in relation to a consortium bid may be subject to future change. Bidders should therefore respond on the basis of the arrangements as currently envisaged. Bidders are reminded that the Local Body must be immediately notified of any changes, or proposed changes, in relation to the bidding model so that a further assessment can be carried out by applying the selection criteria to the new information provided. The Local Body reserves the right to deselect the Bidder prior to any award of contract, based on an assessment of the updated information.

**2. Local Body Requirements[[9]](#footnote-10)**

### **2.1 High-level Service Requirements**

### 2.1.1 The Solution must meet the Service Requirements defined in Schedule 2 of the Contract.

### 2.1.2 The Local Body remains neutral about the technology used for the Solution.

### 2.1.3 The Solution must provide Next Generation Access infrastructure utilising qualifying NGA technologies capable of delivering broadband services with a download speed of greater than 30 Mbps to as many targeted residential [and business premises] in the intervention areas as possible by [Insert date].

2.1.4 The Solution must measure and report the delivery of broadband services at speeds:

i) above 2 Mbps in support of managing the Government policy objective of providing universal coverage of basic broadband;

ii) above 24Mbps;

iii) above 30 Mbps;

iv) above 100 Mbps to measure achievement against the Government policy objective of making ultrafast broadband available;

v) above 1Gbps to measure achievements against the Government's ambitions for nationwide coverage of gigabit capable infrastructure across the UK by 2033 as set out in the Future Telecoms Infrastructure Review.[[10]](#footnote-11)

### 2.1.5 To qualify for investments, the Solution must deliver a ‘step change’ in terms of broadband capability, with the purpose of this requirement being to ensure that use of public subsidy is well justified. Step change can be achieved by a demonstration of the following:

2.1.5.1 Generally, download speeds have to be at least doubled and upload speeds substantially higher as a result of the intervention when compared with existing download and upload speeds;

2.1.5.2 Significant new investments in the broadband network are undertaken (i.e. investments that must include civil works and installation of new passive elements); and

2.1.5.3 The new infrastructure brings significant new capabilities to the market in terms of broadband service availability, capacity and speeds and or competition.

2.1.6 The Solution must provide wholesale access on an Open Access basis to the subsidised network with benchmarked prices under fair and non-discriminatory conditions. The relevant wholesale access products must be offered for at least 7 years, or indefinitely in the case of new passive infrastructure, post network deployment.

### **2.2 Local Body Solution Requirements**

### **Solution Capability Requirements[[11]](#footnote-12)**

2.2.1 The Solution should be capable of delivering gigabit download speeds of at least 1000Mbps to end users to as many premises as possible within the geographical areas by the end of [Insert date]. The Local Body’s requirements for Solution speeds are reflected in the weightings set out in the Speed and Coverage Template.

2.2.2 [The Local Body has set out [in the Data Room] information on key areas where there is strong evidence of opportunity and need to encourage greater levels of home working and support for micro businesses and self-employed people. The Local Body has not mandated these areas to receive gigabit services but encourages Bidders to show how they have considered this information and how they have applied it to respond to the overall requirements to deliver gigabit coverage.]

2.2.3 [In the event that it is not economically viable to provide a solution that delivers coverage and capability  at the requested 1000Mbps, then suppliers can propose a solution at lower speeds, provided that such a solution meets the requirements of a NGA Qualifying technology for State aid purposes. Please note that the Local Body requires that in the event that a lower speed solution is bid that such a solution provides for the highest speeds possible and that the upgrade path to gigabit capability is evidenced in the completed bid response (as a minimum Bidder Response Document, Supplier Solution and Bid Project Model). Bidders should note that the scoring of the bids provides for a higher weighting set out in Appendix 1 Award Criteria Weighting, 2.2 Solution Design Quality, of this document.]

[INSERT MAP IF APPLICABLE]

### **[Additional Priorities[[12]](#footnote-13)**

2.2.4 [The Bidder's solution must be designed so as to target as many [business] premises as possible identified in the Speed and Coverage Template by the end of [Insert date].]

### **Project integration and Coordination with other Broadband Projects**

2.2.5 The Bidder solution should be coordinated as far as possible with other activities, utilities works and other broadband projects impacted by the Contract and will be required to meet the requirements of paragraph 3.4 of Schedule 2 of the Contract.

2.2.6 Bidders should work with the Local Body and take account of the following other initiatives being progressed within or adjacent to the project area:

[Insert details of other broadband projects or other utility projects that may impact upon or require to be coordinated with the Contract.]

2.2.7 Further detail and information is provided in the Data Room.

### **Local Body and Other Reusable Assets**[[13]](#footnote-14)

### 2.2.8 The Solution should seek to utilise existing infrastructure and facilities, where possible. This can be achieved through:

2.28.1 Use of own infrastructure.

2.2.8.2 Use of another supplier’s infrastructure

2.2.8.3 Use of other utilities infrastructure

[2.2.8.4 Use of Local Body’s infrastructure]

2.2.9 [The Local Body has no assets available for use. The Bidder’s re-use of other assets, in line with the provisions of the National Broadband Scheme 2016 and the Code of Conduct (see Part 1 Appendix 4 - as subscribed to by Bidders), will be assessed in the context of statements by the Bidder of the commercial viability of such assets.]

# Specific Community Projects

### 2.2.10 During the term of the Contract, the Solution must enable the provision of local community projects in accordance with the Contract.

### 2.2.11 [There are no local community projects currently identified which are required to be reflected in the Solution proposed by the Bidder. Local community projects may be incorporated using the change control procedure as and when the requirement arises.][[14]](#footnote-15)

# 2.3 Funding Requirements[[15]](#footnote-16)

### 2.3.1 For the purposes of the Contract a total potential public sector subsidy of £[•] is available.

### 2.3.2 The current confirmed funding figure [which should be modelled is [Insert amount], which is allocated between Lots as set out in the table set out at 2.3.8]. The difference between the total potential subsidy and the confirmed figure is additional approved funding which may be incorporated into the Contract in accordance with the terms of Schedule 5.4.

### 2.3.3 This ITT is issued under a gap funding principle. This means that the public sector subsidy is only available to fund the investment gap between the Bidder’s infrastructure deployment cost were this to be a commercially viable area and the Bidder’s estimate of the actual cost of this deployment in order to make it commercially viable. Therefore, the Bidder is expected to provide substantial investment into the broadband network and the Bidder must declare the investment that the Bidder itself is prepared to make before the subsidy is applied.

### 2.3.4 The resulting infrastructure built as a result of the Bidder investment plus the subsidy, is owned and operated by the successful Bidder. The Bidder will manage the risks associated with developing and operating the broadband network on a wholesale basis, including take-up risks.

### 2.3.5 The successful Bidder must contract to operate the infrastructure for at least the term of the Contract.

### 2.3.6 Costs, revenue and profits associated with the subsequent operation of the infrastructure are the responsibility of the Bidder. However, there are restrictions to ensure the Bidder is not making excess profits as a result of the public subsidy - see Schedule 5.1 of the Contract.

###

### **Funding Sources**

### 2.3.7 The following table sets out the specific breakdown of the public sector subsidy and relative requirements:[[16]](#footnote-17)

|  |  |  |  |
| --- | --- | --- | --- |
| **Sourcing Fund** | **Amount** | **Fund status[[17]](#footnote-18)** | **Requirements for funding[[18]](#footnote-19)** |
| **Local Body** |  |  |  |
| **DCMS** |  |  |  |
| **[ERDF]** |  |  |  |
| [•] |  |  |  |
| **Total** |  |  |  |

### 2.3.8 The following table sets out the specific breakdown of the funding allocated for each lot**[[19]](#footnote-20)**

###

|  |  |  |
| --- | --- | --- |
|  | **NGA Broadband Funding** | **Total Funding[[20]](#footnote-21)** |
| **LOT 1 -**  | [Insert amount] | [Insert amount] |
| **LOT X -** | [Insert amount] | [Insert amount] |

### **Additional Potential Funding[[21]](#footnote-22)**

### 2.3.9 [It is possible that additional funding may become available during the life of this deployment. Should this occur any decision to add additional funding to this agreement shall be at the sole discretion of the Local Body. The table below sets out the amount of funding that may become available, the potential source of funding and the expected timeline. Any Additional Approved Funding that may become available and is to be incorporated into the Contract will be subject to the provisions of Schedule 5.4:]

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Sourcing Fund** | **Amount** | **Fund status[[22]](#footnote-23)** | **Available from[[23]](#footnote-24)** | **Requirements for funding[[24]](#footnote-25)** |
| **Local Body** |  |  |  |  |
| **DCMS** |  |  |  |  |
| **[ERDF]** |  |  |  |  |
| [•] |  |  |  |  |
| **Total** |  |  |  |  |

### **Un-allocated funding[[25]](#footnote-26)**

### 2.3.10 [The Local Body does not guarantee to allocate any funds which are not committed to a defined solution at the time of procurement.]

### **Contingency**[[26]](#footnote-27)

### 2.3.11 [It is anticipated by the Local Body that a contingent sum of up to [Insert amount] of the confirmed funding may be made available by the Local Body to apply (at its discretion) to any one or more Lots in such proportions as the Local Body believes to reasonably represent the opportunity to enhance speed, coverage and delivery and/or addressing any shortfalls which may arise during the Project planning stages post Contract effective date. The Bidder will be expected to provide private sector match funding in accordance with the gap funding principles, up to the level of contingency identified under this ITT.]

# 2.4 Implementation and Operations Requirements

### **Milestones**

### 2.4.1 For the purpose of Appendix 1 to Schedule 5.1 of the Contract, the percentage breakdown of public funding to Milestone types for this Contract will be as set out in the following table:

|  |  |  |
| --- | --- | --- |
| **Milestone Type** |  **Contract Percentage of Public Funding** | **Additional Conditions of Payment[[27]](#footnote-28)** |
| **Milestone 0: Survey & Design Completion** | Maximum [x%] |  |
| **Milestone 1: Infrastructure Build** |  |  |
| **Milestone 2: Wholesale Access Available** |  |  |
| **Milestone 3: End-user Take-up** | Minimum [x%] |  |

###

### **Timing**

### 2.4.2 The Solution must meet the following timetable[[28]](#footnote-29):

|  |  |  |
| --- | --- | --- |
| **Deliverable** | **Timeline** | **Comment** |
| [Implementation Complete] | [Date] | [Final M2 Milestone to have been achieved.] |
|  |  |  |
| Maximise implementation outputs for the solution (premises passed by NGA with speeds ≥30Mbps) | December 2017 | Premises passed by December 2017 will achieve higher scores (Level 3 Criterion - 2.5.1) |
|  |  |  |
| Implementation plans which deliver coverage more quickly will score more highly |

### **Governance**

### 2.4.3 The governance arrangements are set out in Schedule 6.1 of the Contract[[29]](#footnote-30).

# Additional Marketing and Demand Stimulation[[30]](#footnote-31)

### 2.4.5 The Local Body has identified the following local businesses, residents and communities with which it wants the Bidder to jointly engage in order to plan demand stimulation in the identified target areas detailed in this Contract:

* [                    ]

### 2.4.6 The Local Body requires the Bidder to conduct the following additional demand stimulation activities:

* [                    ]

**Appendix 1**

**Evaluation Strategy, including [Selection and][[31]](#footnote-32) Award Criteria[[32]](#footnote-33)**

## Introduction

## This Appendix describes the evaluation approach which will operate for the award of the Local Body’s Contract. The objective of the evaluation is to identify the Bidder submitting the Most Economically Advantageous Tender (MEAT).

## Evaluation Process

## The main sequence of evaluation process activities is as follows:

## Selection Process & Submissions Review[[33]](#footnote-34)

## Each Bidder is required to submit a completed set of information relating to the Standard Selection Questionnaire as set out in Appendix 2: Bidder Response to ITT. Bidders are able to submit the relevant parts of the European Single Procurement Document where indicated in Appendix 2: Bidder Response to ITT. The Standard Selection Questionnaire is split into potential supplier information and exclusion grounds: part 1 and part 2 and supplier selection questions: part 3.

## Each Bidder shall self declare compliance with the relevant sections of the Standard Selection Questionnaire, as described in section A1.3 below. Provided these sections of Appendix 2: Bidder Response to ITT are satisfactorily completed, the response will proceed to completeness and compliance checking.

* + - 1. The Local Body will only check the status of the completed Standard Selection Questionnaire for the winning Bidder. If the winning Bidder fails to provide the required evidence within set timeframes, or the evidence proves unsatisfactory, the award of contract shall not proceed. The Local Body reserves the right to withdraw the contract award decision and award to the second-placed Bidder, provided that they have submitted a satisfactory and compliant bid.
			2. The Local Body has the discretion to require information and/or evidence from any bidder at any stage if it deems this necessary to ensure proper conduct of the procurement.

## The Local Body reserves the right to reject a response and/or disqualify a Bidder where the response is incomplete or non-compliant, including where the response is submitted late, is completed incorrectly, is materially incomplete, is submitted in any other format other than that specified.

## Bids that have been assessed as having been completed satisfactorily will then proceed to full evaluation.

##  Evaluation

### Evaluation will take place using the Award Criteria and Scoring Methodology for each criterion as described in section A1.5.

### Where the evaluators reach an equivalent score for a criterion, that score will be entered directly into the master evaluation spreadsheet (being the spreadsheet, to be maintained by the Local Body, which will record evaluation scores and the summarised evaluator commentary regarding rationale for scoring).

### If the evaluators reach different scores for a criterion, a moderation meeting will be used to facilitate a discussion between evaluators in order that an agreed score can be reached (the reason for evaluator score adjustments will be documented). That agreed score will then be entered into the master evaluation spreadsheet**[[34]](#footnote-35)**.

## Decision

## The Local Body will select a Bidder [for each Lot] based on the Most Economically Advantageous Tender. Following the completion of the evaluation process the Bidder achieving the highest weighted evaluation model score [for each Lot] will be considered successful, subject to contract finalisation and the Local Body's governance arrangements.

## All evaluation criteria and weightings have been set in line with the Commission Decision.

## Exclusion Grounds and Selection Criteria

* + 1. The grounds for mandatory and discretionary exclusion are set out in part 2 of the Standard Selection Questionnaire within Appendix 2: Bidder Response to the ITT.
		2. Information required for selecting a Bidder based on its economic and financial standing, technical and professional ability and compliance with legislation and standards are set out in part 3 of the standard selection questionnaire of Appendix 2: Bidder Response to the ITT.

### **Grounds for Mandatory Exclusion**

### Grounds for mandatory exclusion are set out in part 2 Section 2 of Appendix 2: Bidder Response to the ITT.

### Bidders in responding to question 2.1a will be excluded from the procurement process if there is evidence of convictions relating to specific criminal offences including bribery, corruption, conspiracy, terrorism, fraud and money laundering, or if you have been the subject of a binding legal decision which found a breach of legal obligations to pay tax or social security obligations (except where this is disproportionate e.g. only minor amounts involved).

### If an answer of “yes” is provided to question 2.3a on the non-payment of taxes or social security contributions, and the Bidder has not paid or entered into a binding arrangement to pay the full amount, the Bidder may still avoid exclusion if only minor tax or social security contributions are unpaid or if it has not yet had time to fulfil its obligations since learning of the exact amount due. If the Bidder’s organisation is in that position it must provide details using a separate Appendix, and may contact the Local Body for advice before completing this form.

### **Grounds for Discretionary Exclusion**

### Grounds for discretionary exclusion are set out in part 2 section 3 of Appendix 2: Bidder Response to the ITT.

### The Local Body may exclude any Bidder who answers ‘Yes’ in any of the situations set out in paragraphs 3.1 (a) to (j).

### Specifically in relation to paragraph 3.1 (g), the Local Body may exclude the Bidder if there is a conflict of interest which cannot be effectively remedied. The concept of a conflict of interest includes any situation where relevant staff members have, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement procedure. Where there is any indication that a conflict of interest exists or may arise then it is the responsibility of the Bidder to inform the Local Body, detailing the conflict in a separate Appendix. Provided that it has been carried out in a transparent manner, routine pre-market engagement carried out by the Local Body should not represent a conflict of interest for the Bidder.

### In accordance with paragraph 3.1 (i), the Local Body may assess the past performance of a Bidder (through a certificate of performance provided by a customer or other means of evidence). The Local Body may take into account any failure to discharge obligations under the previous principal relevant contracts of the Bidder completing this ITT. The Local Body may also assess whether specified minimum standards for reliability for such contracts are met. In addition, the Local Body may re-assess reliability based on past performance at key stages in the procurement process (i.e. Bidder selection, tender evaluation, contract award stage etc.). Bidders may also be asked to update the evidence they provide in this section to reflect more recent performance on new or existing contracts (or to confirm that nothing has changed).

### The Local Body reserves the right to use its discretion to exclude a Bidder where it can demonstrate the Bidder’s non-payment of taxes/social security contributions, despite no binding legal decision having been established.

### **Self Cleaning for Mandatory and Discretionary Exclusio**n

* + - 1. Bidders should note that where an answer of ‘Yes’ is provided to any question in part 2 by the winning bidder, the winning bidder must provide sufficient information as to the circumstance of the issue along with details of any remedial action that has taken place subsequently, which, in the reasonable opinion of the Local Body, evidences effective “self cleansing” of the situation referred to in that question. The winning Bidder must demonstrate it has taken such remedial action, to the satisfaction of the Local Body, in each case.
			2. [If the Local Body is using the Open Procedure, and such evidence is considered by the Local Body (whose decision will be final) as sufficient, the winning Bidder shall be allowed to continue in the procurement process.
			3. If the Local Body is using the Restricted Procedure, the Local Body must satisfy itself of any evidence presented by a bidder showing effective "self cleansing", before taking such a bidder forward to the ITT stage. A decision by a Local Body on the effectiveness of any "self cleansing" undertaken by a bidder shall be final.][[35]](#footnote-36)
			4. In order for the evidence referred to above to be sufficient, the Bidder shall, as a minimum, prove that it has:
				1. paid or undertaken to pay compensation in respect of any damage caused by the criminal offence or misconduct;
				2. clarified the facts and circumstances in a comprehensive manner by actively collaborating with the investigating authorities; and
				3. taken concrete technical, organisational and personnel measures that are appropriate to prevent further criminal offences or misconduct.
			5. The measures taken by the Bidder shall be assessed taking into account the gravity and particular circumstances of the criminal offence or misconduct. Where the measures are considered by the Local Body to be insufficient, the Bidder shall be given a statement of the reasons for that decision.

### **Economic and Financial Standing Selection Criteria**

* + - 1. Bidders shall provide both historical/current performance and financial status data. The requirement for this are set out in part 3 of the standard selection questionnaire of Appendix 2: Bidder Response to the ITT. Bidders will need to provide a cash flow forecast statement and a statement on sources of and access to funding other than public subsidy.
			2. Bidders shall self-certify that they meet the Economic and Financial Standing Selection Criteria as set out in section A1.3.6.7 to A1.3.6.11 of ITT Part 2 in the Standard Selection Questionnaire part 3, section 4. The Local Body shall carry out checks against the self-certification for the winning Bidder. Information will only be required from the winning Bidder as set out in the standard selection questionnaire part 3, sections 4 and 5.
			3. Bidders should note that where a consortium is proposed where the members are sharing financial risk or financial commitment, then the financial information required in this section of the [ITT/PQQ][[36]](#footnote-37) must be provided for all members of the consortium. The evaluation of such will be carried out: (a) for a consortium which does not propose to from a legal entity, for each member of the consortium; and (b) for a consortium which is or proposes to form a legal entity, for the members of the consortium weighted according to the actual or proposed shareholding.
			4. For prime and sub-contractor arrangements, financial information required in part 3 should be provided for the prime contractor, for all significant sub-contractors (i.e. any company in the supply chain which is being relied upon to demonstrate any aspect of the required experience or capability), and any proposed entity upon which the Bidder wishes to rely (where a Bidder is relying on the financial resources of a parent or group company or another entity).
			5. Where a guarantee is to be provided, a financial evaluation will be undertaken on the financial information provided for the guarantor. Bidders should note that, based on the overall financial assessment, the Local Body may seek a parent or other guarantee from the Bidder as a pre-condition of remaining in the procurement.
			6. The financial assessment will take a risk based approach to evaluation of the financial capacity and financial standing of Bidders as set out below. In applying this risk based approach, the Local Body will use ratio and other financial analysis and professional judgement to determine the level of concern.
			7. The Local Body will use the [Current Ratio = Current Assets/Current Liabilities][[37]](#footnote-38) in its financial assessment. If the score is below 5.0 for the financial assessment as set out in table A1.3.7.11 then the Bidder shall not be selected.
			8. The Local Body reserves the right to seek further financial information from Bidders and other relevant companies if required. Bidders should note that the Local Body reserves the right to carry out its own review of publicly available financial information as additional data sources to be used in the Local Body’s evaluation.
			9. Specifically, the Local Body may use the following sources of public information for these purposes:
				1. [ICC Juniper
				2. Thomson Research
				3. OneSource
				4. Credit ratings agencies reports (Standard & Poor’s, Moody’s, Fitch)
				5. Dun & Bradstreet
				6. Stock exchange news feeds (interim accounts, trading updates)
				7. Bloomberg
				8. Reuters
				9. Corporate websites
				10. Factiva][[38]](#footnote-39)
			10. It is for the Bidder to ensure that the information about it published by the public sources is correct and the Local Body accepts no liability if it relies upon information from the same that is incorrect. Should a Local Body use public information the Bidder will be given an opportunity to provide clarification should there be major concerns with the financial assessment.
			11. The evidence provided by the Bidder relating to economic and financial standing will be scored according to the scoring matrix set out in the table below:

|  |  |
| --- | --- |
| Possible range of scores | The following lists set out some example concerns that would result in a score in this range. This is not an exhaustive list but simply an indication of the types of concern and their severity. |
| 0 – 4(Major concerns) | The financial analysis indicates a concern which is considered to pose a potential material risk to the Bidder’s ability to deliver the Contract. |
| 5 - 7(Moderate concerns) | The financial analysis indicates a concern which is considered to pose a potential moderate concern to the Bidder’s ability to deliver the Contract. |
| 8 - 9(Minor concerns) | The financial analysis indicates a concern which is considered to pose a potential minor or non-material concern to the Bidder’s ability to deliver the Contract. |
| 10(No concerns) | The financial analysis indicates there are no concerns to the Bidder’s ability to deliver the Contract.  |

###

### **Technical and Professional Ability Selection Criteria**

### Information on the Bidder’s technical and professional ability is captured in Section 6 of Appendix 2: Bidder Response to the ITT.

* + - 1. Bidders shall self-certify that they meet the Technical and Professional Ability Selection Criteria as set out in section A1.3.7.3 to A1.3.7.6 of ITT Part 2 in the standard selection questionnaire part 3, section 6. The Local Body shall carry out checks against the self-certification for the winning Bidder. Information will only be required from the winning Bidder as set out in the standard selection questionnaire part 3, section 6.

### Bidders and any of their proposed sub-contractors and consortium members must have demonstrated the experience of delivering NGA access speeds in rural areas, as well as the capability to build and operate a network of a scale comparable to the Local Body Requirements. Bidders’ case studies will be evaluated to see whether the required experience and capability has been demonstrated.

* + - 1. The Bidder must provide up to three case studies, where their solution has been delivered in the last 36 months, that demonstrate the relevant experience and capabilities. If a Bidder submits more than three case studies, then only the first three case studies shall be evaluated and the rest will be ignored.
			2. The evidence provided in each case study will be scored according to the scoring matrix set out in the table below:

|  |  |
| --- | --- |
| Possible range of scores | The following lists set out some example concerns that would result in a score in this range. This is not an exhaustive list but simply an indication of the types of concern and their severity. |
| 0 – 4(Major concerns) | * No, or irrelevant, case study;
* No, poor or limited, solution(s);
* Case study fails to offer the information requested;
* Case study fails to meet the requirement specified in terms of capability; or
* Unanswered clarification question for this level of concern or unsatisfactory response.
 |
| 5 - 9(Moderate concerns) | * Case study relies on redundant technologies/solutions or is un-scalable;
* Some moderate technical concerns;
* Unanswered clarification question(s) for this level of concern or unsatisfactory response
 |
| 10(No concerns) | * Case study is clear on detail;
* No cause for technical concern; and
* Coherent and consistent in all aspects of the case study.
 |

### The average of the Bidder’s evaluated scores for its submitted case studies shall be taken, and if the average score is below 5.0 then the Bidder shall not be selected.

### **Compliance-based Exclusion Grounds**

### Compliance-based exclusion grounds are set out in Part 3, Section 7 and 8 of Appendix 2: Bidder Response to the ITT.

* + - 1. The Local Body may exclude a Bidder who does not hold the required insurances.[[39]](#footnote-40)

## Award Criteria Scoring Methodology

* + - 1. One or a combination of some of the approaches described below will be used during evaluation. The scoring method or methods used depend on the criterion being evaluated. Once the criteria have been scored these scores will be weighted using the evaluation model described in A1.5. The weightings in this model reflect the Local Body’s specific priorities.

## Judgement-based scored evaluation criteria[[40]](#footnote-41)

* + - 1. An evaluation criterion may have a score of between 0 to 10 (e.g. 0, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10), such that: (i) a bid receives a score of 0 for a criteria where no response is provided or insufficient evidence is submitted to evaluate a criteria, whereby the bid would be excluded; [and (ii) a bid receives a score of under [5] if it failed to meet a described baseline capability for the criteria, whereby a bid receiving overall weighted score across all price-quality criteria of under [50%] would be excluded.]
			2. Using reasonable professional judgment each evaluator will determine a score for its assigned criteria, using the scoring principles in the following table:

|  |  |  |  |
| --- | --- | --- | --- |
| Capability | Evidence | Remark | Score |
| Bidder is certain to be able to meet the needs of the Local Body and meets the maximum capability. | Evidence is to the highest degree comprehensive, credible, compelling and is directly relevant to the criteria in all respects. | Absolute confidence | [10] |
| Bidder is highly likely to be able to meet the needs of the Local Body | Evidence is consistent, comprehensive and credible and is directly relevant to the criteria in almost all respects. | High Confidence | [9] |
| Bidder is likely to be able to meet the needs of the Local Body | Evidence is sufficient, is largely convincing and is directly relevant to the criteria in most respects. | Confidence | [8] |
| Small risk that Bidder will not be able to meet the needs of the Local Body. | Evidence has minor gaps, or to a small extent is unconvincing, lacks credibility or is irrelevant to the criteria. | Moderate Confidence | [6-7] |
| Bidder has achieved the Baseline Capability | Evidence meets the baseline capabilities of the Service Requirement. | Satisfactory | [5] |
| Moderate risk that the Bidder will not be able to meet the needs of the Local Body | Evidence has moderate gaps, is unconvincing. | Moderate Concerns | [3-4] |
| Significant risk that the Bidder will not be able to meet the needs of the Local Body. | Evidence has major gaps, is unconvincing in many respects, lacks credibility, or is largely irrelevant to the criteria. | Major Concerns | [1-2] |
| Bidder will not be able to meet the needs of Local Body. | No evidence or misleading evidence. | Not acceptable | [0] |

## Automatic scored evaluation criteria

## [Funding levels[[41]](#footnote-42)

* + - 1. The Funding Levels score will be calculated using specific outputs from the Bidder’s Bid Project Model.
			2. The Bidder should note that for public subsidy derived from BDUK/DCMS and the Local Body sources, this subsidy will only be provided for Qualifying Capital Expenditure. Committed Opex includes infrastructure lease costs or equivalent expenditure committed by the Bidder over the life of the Contract. The Committed Opex is included for the calculation of funding levels for evaluation purposes only.
			3. Public Subsidy requested is the sum of all Subsidy Payments forecasted in the Bidder’s Bid Project Model.
			4. Qualifying Capital Expenditure, Subsidy Payments and Supplier NGA Network Build Investment are defined in the Contract, Schedule 1 (Definitions).
			5. Only expenditure which is fully and demonstrably funded (e.g. through a combination of the Bidder’s own investment, a third party investment or public subsidy) will be applicable in the performance of the calculation of the funding levels.]

## Solution coverage at NGA speeds - Speed and Coverage Template[[42]](#footnote-43)

* + - 1. The Local Body has determined the parameters for evaluating the speed and coverage offered as part of Bidder’s responses to the outcomes specified in Part Two requirements based upon local priorities[[43]](#footnote-44). Weightings have been applied to the different speed bands[[44]](#footnote-45) to reflect the Local Body’s priorities as defined in this ITT. Bidders will complete the spreadsheets for each speed range, identifying the number of premises that the proposed solution supports.
			2. Each Bidder’s response to 3.2.1 in Part 2, Appendix 2 will be used to evaluate reservations that exist in the modelling that the Bidder has used when completing the Speed and Coverage Spreadsheet, based on this a deduction of between 0 to 10 points will be taken from the score which has been derived by the Speed and Coverage Spreadsheet. 0 points meaning where there are no reservations and [4] marks where there are major reservations.
			3. [Bidders should note that a separate Speed and Coverage Spreadsheet will be required to be completed for each and every LOT bidded.]

## Pass / fail evaluation criteria[[45]](#footnote-46)

* + - 1. An evaluation criterion may represent a mandatory requirement, whereby a bid that fails to meet the requirement would be excluded.

## Contract Acceptance

* + - 1. The Bidder’s response to Part 3 of this ITT, being the Contract terms, is evaluated on a pass/fail basis.**[[46]](#footnote-47)**
			2. For Part 3 to ‘pass’, the Bidder must: (i) confirm acceptance of the referenced Phase OJEU Template Contract terms as amended by the table set out in Part 3 of the ITT (the template terms as amended by Part 3 are collectively classified as non-negotiable); and (ii) not propose any change to those terms, in its ITT submission (whether directly or by the inclusion of materials in its proposed solution or other bid submission materials which would have the effect of amending the terms themselves, rather than populating the corresponding Bidder specific sections of the Contract). This is subject to the processing the specific subject matter of any remaining Bidder Notes as part of Contract finalisation.
			3. Any deviation from the foregoing shall represent a ‘fail’ by the Bidder of the applicable threshold and the Bidder will be disqualified from the procurement.
			4. Should a Bidder identify any:
				1. cross-reference or typographical errors;
				2. Part 3 drafting requiring clarification (although it is important to note that any such clarification points must only relate to an ambiguity or apparent error in the text),

then applicable CQs may be submitted in accordance with Section 4.4 of Part 1 of this ITT. However, only where changes to Part 3 are expressly confirmed to Bidders in a CQ response by the Local Body can they be considered part of the content against which the Bidder provides its confirmation in accordance with the Contract response evaluation criteria.

## Funding availability

* + - 1. Funding availability is a pass/fail criterion.
			2. Bidders must: ensure their overall subsidy requirement within the bid does exceed the Local Body grant funding available as set out in section 2.3 of this Part 2.
			3. Bidders must confirm their own funding arrangements, including sources of private funding.
			4. If Bidders do not meet either of the requirements set out above then this shall represent a ‘fail’ and the Bidder will be disqualified.

## NGA Technical Assessment

* + - 1. Solution design compliance is a pass/fail criterion.
			2. Bidders must submit evidence of Next Generation Access (NGA) fulfilment in accordance with BDUK’s 'NGA Technology Guidance'.
			3. Bidders must complete the NGA Assessment Template set out in Part 2, Appendix 2: Bidder Response Document. The evidence provided in the template will be used for assessment of NGA and State aid compliance by BDUK's National Competence Centre (NCC).
			4. Failure to fully complete the requirements set out in the BDUK Assessment Template shall represent a ‘fail’ and the Bidder will be disqualified.

## Award Criteria Weighting[[47]](#footnote-48)

* + 1. The Commission Decision establishes the level 1 and level 2 evaluation criteria to be used for evaluation. [The Local Body has also included level 3 evaluation criteria.] The weightings for each level of these criteria have been selected by the Local Body from within the permitted ranges and are shown in the table below:

|  |  |  |
| --- | --- | --- |
| **Award & Evaluation**  |  |  |
| **Criteria - Description**  | **Scoring approach**  | **Level 2****Weighting ranges (%)**  | Level 3 Criteria(Each scored between 0 and 10) | Level 3 Weighting (%) |
| **1. Price**  |  | [30-70]%  |  |  |
| **Price - Commercial compliance**  |  |  |
| **1.1 Contract acceptance** Bidders will be assessed on whether they have confirmed their agreement to the key commercial principles/non-negotiable terms of the draft contract in their bid response. This applies to all procurement procedures.  | Pass / Fail  | n/a  |  |  |
| **1.2 Contract markup and risk transfer** (Competitive Dialogue/ Competition with Negotiation only) Bidders will be assessed on the extent that their changes to the draft Contract have a negative impact on the Implementing Body and other stakeholders contract requirement.  | Bids will be scored between 0 and [10].  | [0-10]%  |  |  |
| **1.3 Funding availability** Bidders will be assessed on whether: i) the overall subsidy requirement in the bid is within the Implementing Body’s budget; and ii) they have provided sufficient evidence (i.e. through a funding model) of their ability to fund the project (i.e. from private funding sources)  | Pass / Fail  | n/a  |  |  |
| **Price - Commercial Robustness**  |  |  |
| **1.4 Financial Model** [Baseline Capability] The Bidder has ensured that the cost assumptions in its Financial Model are realistic and consistent with the design assumptions in their Solution and the milestone payments in the Implementation Plan. The Bidder must have completed the Financial Model fully so that outputs are clearly identifiable. [Maximum Capability] In addition to the baseline capability, the Bidder has evidenced a very high level of transparency and quality in its Financial Model and accompanying memoranda to show the key assumptions and underlying economic drivers for the Bidder’s solution. The Bidder has included justification as to how its assumptions deviate from national baselines and have been customised to reflect the particular circumstances of a project. The Bidder’s Financial Model provides a clear understanding of where contingency has been included and of how actual costs are expected to reduce if the Bidder were to win and aggregate other contracts.  | Bids will be scored between 0 and [10]. A score of 0 will be awarded if a Bidder has not provided a compliant Financial Model. A score of [5] will be awarded if a Bidder has provided a Financial Model achieving the baseline capability. A score of [10] will be awarded if a Bidder has provided a Financial Model achieving maximum capability.  | [10-30]%  |  |  |
| **1.5 Commercial sustainability and viability** [Baseline Capability] Analysis of the Bidder’s Financial Model demonstrates how the network (and downstream retail providers) are able to operate on a stand-alone and sustainable basis for the contract term under reasonable conservative baseline assumptions considering a sensitivity analysis of adverse scenarios (including higher debt servicing costs or lower revenue per customer or lower take-up than forecast). [Maximum Capability] In addition to the baseline capability, analysis of the Bidder’s Financial Model demonstrates how the business remains economically viable under a range of adverse scenarios across the value chain to allow ongoing take up and use of retail and end user services. The Bidder has also demonstrated how its subcontractor arrangements mitigate risks to the on-going service provision.  | Bids will be scored between 0 and [10]. [A score of 0 will be awarded if a Bidder’s Financial Model does not demonstrate a sustainable network]. A score of 5 will be awarded if a Bidder has provided a solution design that achieves the baseline capability. A score of 10 will be awarded if a Bidder provides a solution design that achieves maximum capability.  | [10-40]%  |  |  |
| **1.6 Funding levels** Bidders will be assessed on the overall cost to the public sector of the project (either in absolute terms, on a per- premise basis, or relative to the overall private sector contribution.)  | Scores will be awarded on a relative basis (e.g. the bid with lowest subsidy receives full marks, and a bid 10% more expensive receives a 10% reduction in score). An implementing body would set a score of 0 where it did not want to assess the funding levels.  | [0-40]% [[48]](#footnote-49) |  |  |
| **1.7 Solution coverage at NGA speeds** Bidders will be assessed on whether their coverage forecast is consistent with their Solution Design and Implementation Plans, as well as providing the required step change. Implementing Bodies may also choose to set priority areas to be covered (e.g. a business park). Bidders will be assessed on the extent of NGA coverage to target premises in the intervention area at 30Mbps and higher speeds.  | A score of 0 will be awarded if a Bidder has not provided a compliant Speed & Coverage Template or has failed to commit to the minimum required coverage. Scores will be awarded in accordance with the evaluated response to the SCT. The Local Body has configured the SCT such that it weights the overall score as a function of:[[49]](#footnote-50) [(i) number of premises covered overall (ii) number of premises covered in priority areas (iii) overall speed of coverage provided (iv) relative increase in speed (i.e. step change). ] | [20-80]%  |  |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **2. Quality**  |  | [30-70]%  |  |  |
| **Quality - solution quality and viability**  |  |  |
| **2.1 Solution design compliance** Bidders will be assessed on whether the Solution is NGA Technology compliant.  | Pass / Fail  | n/a  |  |  |
| **2.2 Solution design quality** [Baseline Capability] The Bidder adequately describes its Solution, including the service management processes for the support of the Solution and has adequate design principles including considering reuse of infrastructure, mitigating environmental impacts and minimising single points of failure). Each of the underlying infrastructures in the Bidder’s solution also meets baseline standards for jitter, latency, committed information rate, and service levels for installation and fix (as set out in tender documents). [Maximum Capability] In addition to the baseline capability, each of the underlying infrastructures in the Bidder’s Solution significantly exceed baseline standards for jitter, latency, committed information rate, and service levels for installation and fix. The Bidder provides evidence and reasonable confidence that an upgrade path is achievable in the future (e.g. to ultrafast speeds or higher), and is designed to facilitate access and extension to the network to reduce the barriers to incremental coverage (up to 100% coverage of speeds of at least 30 Mbps) in the area (either from the selected supplier or from other access seekers).  | Bids will be scored between 0 and [10]. A score of [5] will be awarded if a Bidder has provided a solution design that achieves the baseline capability. A score of [10] will be awarded if a Bidder provides a solution design that achieves maximum capability.  | [20-40]%  |  |  |
| **Quality - customer choice/acceptance and solution value add**  |  |  |
| **2.3 Wholesale network design/Wholesale and retail pricing** [Baseline Capability] The Bidder has documented its wholesale products and services and provided a high degree of confidence that at least one ISP (which may be the Bidder itself) will be ready to provide broadband services over the NGA infrastructure to all premises in the intervention area, and have adequately documented how their wholesale pricing is compliant with the benchmarking principles. [Maximum Capability] In addition to the baseline capability, the Bidder’s wholesale offering meets a wide range of retail and end user requirements, and has optimised its approach to attract and bring on-board ISPs to use wholesale products. The Bidder provides a high degree of confidence that it is able to attract a large number of ISPs (including major ISPs) who offer a wide breadth of services using the network.  | Bids will be scored between 0 and [10]. [A score of 0 will be awarded if a Bidder has not documented its wholesale products and services, or they are not compliant with the benchmarking principles]. A score of [5] will be awarded if a Bidder has provided a wholesale design that achieves the baseline capability. A score of [10] will be awarded if a Bidder provides a wholesale design that achieves maximum capability.  | [20-40]%  |  |  |
| **2.4 Economic Value Add** Bidders will be assessed on the extent to which they have provided credible evidence of their ability to create/safeguard jobs within the Bidder’s organisation or supply chain, to create apprenticeships and/or to create opportunities for the long term unemployed. | Bids will be scored between 0 and [10], dependent on the level of jobs created/safeguarded and opportunities provided.  | [0-10]%  |  |  |
| **Quality – Deliverability**  |  |  |
| **2.5 Implementation Plan** [Baseline Capability] The Bidder has provided a compliant Implementation Plan, which meets specified delivery dates for completion of network deployment (if any), and is consistent with the speeds and coverage outputs and the Financial Model. The Bidder has documented an acceptable approach to deployment. [Maximum Capability] In addition to the baseline capability, the Bidder has in its proposal allowed for appropriate resources and has provided confidence to the Implementing Body in describing its approach to planning, deployment, testing and overall project management. The Bidder in its proposal provides confidence in its approach to including sufficient contingency in its Implementation Plan and has aligned it with the Implementing Body’s priorities in the coverage area, including sequencing and pace of delivery.  | Bids will be scored between 0 and [10]. A score of 0 will be awarded if a Bidder has not provided a compliant Implementation Plan or it shows deployment extending beyond the specified date for delivery. A score of [5] will be awarded if a Bidder has provided an Implementation Plan and overall deployment approach that achieves the baseline capability. A score of [10] will be awarded if a Bidder has provided an Implementation Plan and overall deployment approach that achieves maximum capability.  | [10-40]% | 2.5.1 For the extent to which the timescales meet the requirements set out in Part 2 Paragraph 2.4.2.  | [50]% |
| 2.5.2 For the extent to which all other baseline and maximum capability requirements are addressed. | [50]% |
| **2.6 Contract and stakeholder management** [Baseline Capability] The Bidder has provided an adequate description of how it will comply with the contract management requirements for Reporting and Financial transparency, including how it will meet the obligations set out under the Milestone Claims process and how it will interface with BDUK at the programme level. The Bidder has also included sufficient costs for contract and stakeholder management in its Financial Model. [Maximum Capability] In addition to the baseline capability, the Bidder in its proposal has included appropriate resources and has provided confidence to the Implementing Body in describing its approach to engage with the Implementing Body and other stakeholders through the operation of the contract. This would include commitments to strong governance arrangements, to sharing data on its deployment plans to different audiences, to joint-working with Implementing Body project team, to community engagement (in particular priority areas), to demand stimulation to maximise coverage opportunities, and to managing subcontractors (in particular SMEs).  | Bids will be scored between 0 and [10] A score of [0] will be awarded if the Bidder does not submit a response that is compliant with the requirements for Report and Financial transparency, or does not include costs for contract and stakeholder management. A score of [5] will be awarded if a Bidder’s contract and stakeholder management approach achieves the baseline capability. A score of [10] will be awarded if a Bidder’s contract and stakeholder management approach achieves maximum capability.  | [10-40]%  |  |  |

##

## Tender Requirements against Evaluation Criteria

|  |
| --- |
| **Award Criteria****Tender Requirements against Evaluation Criteria****Section 2 of Part 2 of this ITT describes the Local Body’s Requirements. Appendix 2 to this Part 2 asks a set of specific questions which Bidders must answer in their bid responses. This table below:*** **Maps Appendix 2 questions to the evaluation criteria – this mapping serves as a primary reference point, but note that evaluators may take into account any other relevant information provided in respect of other Appendix 2 questions**
* **Maps Appendix 4 Supplier Solution Document questions to the evaluation criteria – this mapping serves as a primary reference point, but note that evaluators may take into account any other relevant information provided in respect of other Appendix 4 questions**
* **Identifies, without limitation, key Tender Response materials relating to the Scoring Approach for each criteria**
 |

| **Level One Criteria** | **Level Two Criteria** | **Level[[50]](#footnote-51) Three Criteria** | **Award Criteria Question Ref:** | **Scoring Approach** |
| --- | --- | --- | --- | --- |
| **1.****Price** | **1.1 Contract acceptance**Bidders will be assessed on whether they have confirmed their agreement to the key commercial principles/non-negotiable terms of the draft contract in their bid response. This applies to all procurement procedures. |  |  | **Pass/Fail**Based on response to Part 3 Contract terms |
| **1.2 NOT USED[[51]](#footnote-52)** |
| **1.3 Funding availability**Bidders will be assessed on whether:i) the overall subsidy requirement in the bid is within the Implementing Body’s budget; andii) they have provided sufficient evidence (i.e. through a funding model) of their ability to fund the project (i.e. from private funding sources) |   |  | **Pass/Fail**Based on response to Bid Financial Model |
| **1.****Price cont..** | **1.4 Financial Model**[Baseline Capability] The Bidder has ensured that the cost assumptions in its Bid Project Model are realistic and consistent with the design assumptions in their Solution and the milestone payments in the Implementation Plan. The Bidder must have completed the Bid Project Model fully so that outputs are clearly identifiable.[Maximum Capability] In addition to the baseline capability, the Bidder has evidenced a very high level of transparency and quality in its Bid Project Model and accompanying memoranda to show the key assumptions and underlying economic drivers for the Bidder’s solution. The Bidder has included justification as to how its assumptions deviate from national baselines and have been customised to reflect the particular circumstances of a project. The Bidder’s Bid Project Model provides a clear understanding of where contingency has been included and of how actual costs are expected to reduce if the Bidder were to win and aggregate other contracts. |  | SSD6.5.1SSD6.5.2SSD6.5.37.4.1 | Judgement Based Scored Evaluation Criteria as set out in A1.4.2 of ITT Part 2 primarily using the following:- Bid Project Model - Financial Memoranda |
| **1.****Price cont..** | **1.5** **Commercial sustainability and viability**[Baseline Capability] Analysis of the Bidder’s Financial Model demonstrates how the network (and downstream retail providers) are able to operate on a stand-alone and sustainable basis for the contract term under reasonable conservative baseline assumptions considering a sensitivity analysis of adverse scenarios (including higher debt servicing costs or lower revenue per customer or lower take-up than forecast).[Maximum Capability] In addition to the baseline capability, analysis of the Bidder’s Financial Model demonstrates how the business remains economically viable under a range of adverse scenarios across the value chain to allow ongoing take up and use of retail and end user services. The Bidder has also demonstrated how its subcontractor arrangements mitigate risks to the on-going service provision. |  |  | Judgement Based Scored Evaluation Criteria as set out in A1.4.2 of ITT Part 2 primarily using the following:- Bid Project Model- Financial Memoranda |
| **1.6 Funding levels[[52]](#footnote-53)**Bidders will be assessed on the overall cost to the public sector of the project (either in absolute terms, on a per-premise basis, or relative to the overall private sector contribution.) |  |  | Scores will be awarded on a relative basis using outputs from the bid financial model (e.g. the bid with lowest subsidy receives full marks, and a bid 10% more expensive receives a 10% reduction in score).  |

| **Level One Criteria** | **Level Two Criteria** | **Level Three Criteria** | **Award Criteria Question Ref:** | **Scoring Approach** |
| --- | --- | --- | --- | --- |
| **1.****Price cont..** | **1.7 Solution coverage at NGA speeds**Bidders will be assessed on whether their coverage forecast is consistent with their Solution Design and Implementation Plans, as well as providing the required step change.Implementing Bodies may also choose to set priority areas to be covered (e.g. a business park).Bidders will be assessed on the extent of NGA coverage to target premises in the intervention area at 30Mbps and higher speeds. |  | 3.2.1 | Calculated score using Speed and Coverage Template [followed by Judgement Based Scored Evaluation Criteria resulting in a potential adjustment to the Speed and Coverage Template score] |
| **2.****Quality** | **2.1 Solution design compliance**Bidders will be assessed on whether the Solution is NGA Technology compliant. |  | 2.1.1 | Pass/Fail Based on response within NGA Assessment Template under 2.1.1 of Appendix 2 part 2 |
| **2.2 Solution design quality** [Baseline Capability] The Bidder adequately describes its Solution, including the service management processes for the support of the Solution and has adequate design principles including considering reuse of infrastructure, mitigating environmental impacts and minimising single points of failure). Each of the underlying infrastructures in the Bidder’s solution also meets baseline standards for jitter, latency, committed information rate, and service levels for installation and fix (as set out in tender documents).[Maximum Capability] In addition to the baseline capability, each of the underlying infrastructures in the Bidder’s Solution significantly exceed baseline standards for jitter, latency, committed information rate, and service levels for installation and fix. The Bidder provides evidence and reasonable confidence that an upgrade path is achievable in the future (e.g. to ultrafast speeds or higher), and is designed to facilitate access and extension to the network to reduce the barriers to incremental coverage (up to 100% coverage of speeds of at least 30 Mbps) in the area (either from the selected supplier or from other access seekers). |  | SSD2.1SSD2.2.1SSD3.1.1SSD4.1.1SSD5.1SSD5.2SSD5.3.1SSD5.4SSD5.5SSD7.1SSD7.22.1.23.13.23.33.43.53.63.73.84.1.18.1.1 | Judgement Based Scored Evaluation Criteria as set out in A1.4.2 of ITT Part 2 |
| **2.3 Wholesale network design / Wholesale and retail pricing**[Baseline Capability] The Bidder has documented its wholesale products and services and provided a high degree of confidence that at least one ISP (which may be the Bidder itself) will be ready to provide broadband services over the NGA infrastructure to all premises in the intervention area, and have adequately documented how their wholesale pricing is compliant with the benchmarking principles.[Maximum Capability] In addition to the baseline capability, the Bidder’s wholesale offering meets a wide range of retail and end user requirements, and has optimised its approach to attract and bring on-board ISPs to use wholesale products. The Bidder provides a high degree of confidence that it is able to attract a large number of ISPs (including major ISPs) who offer a wide breadth of services using the network. |  | SSD8.15.1.16.1.1 | Judgement Based Scored Evaluation Criteria as set out in A1.4.2 of ITT Part 2 |
| **2.4 Economic Value Add**Bidders will be assessed on the extent to which they have provided credible evidence of their ability to create/safeguard jobs within the Bidder’s organisation or supply chain, to create apprenticeships and/or to create opportunities for the long-term unemployed. |  |  | **For information only[[53]](#footnote-54)** |
| **2.5 Implementation Plan**[Baseline Capability] The Bidder has provided a compliant Implementation Plan, which meets specified delivery dates for completion of network deployment (if any), and is consistent with the speeds and coverage outputs and the Bid Project Model. The Bidder has documented an acceptable approach to deployment.[Maximum Capability] In addition to the baseline capability, the Bidder has in its proposal allowed for appropriate resources and has provided confidence to the Implementing Body in describing its approach to planning, deployment, testing and overall project management. The Bidder in its proposal provides confidence in its approach to including sufficient contingency in its Implementation Plan and has aligned it with the Implementing Body’s priorities in the coverage area, including sequencing and pace of delivery. | 2.5.1 Implementation Plan Timescales: | 11.1 | Judgement Based Scored Evaluation Criteria as set out in A1.4.2 of ITT Part 2Implementation Plans will score more highly the earlier coverage is deployed, with premises deployed by December 2017 scoring highest and premises deployed in 2018 scoring more highly than delivery which extends beyond 2018. |
| 2.5.2 All other Implementation Plan capabilities: | SSD6.1SSD6.2SSD6.7SSD7.3.1SSD9.1SSD9.2SSD9.310.110.211.1C6.1C8.1 | Judgement Based Scored Evaluation Criteria as set out in A1.4.2 of ITT Part 2For C6.1, evaluation will be made against any additional relief events proposed under contract. For C8.1, evaluation will be made against level and type of survey assumptions proposed under contract.  |
| **2.6****Contract and stakeholder management**[Baseline Capability] The Bidder has provided an adequate description of how it will comply with the contract management requirements for Reporting and Financial transparency, including how it will meet the obligations set out under the Milestone Claims process and how it will interface with the Local Body at the programme level. The Bidder has also included sufficient costs for contract and stakeholder management in its Bid Project Model.[Maximum Capability] In addition to the baseline capability, the Bidder in its proposal has included appropriate resources and has provided confidence to the Implementing Body in describing its approach to engage with the Implementing Body and other stakeholders through the operation of the contract. This would include commitments to strong governance arrangements, to sharing data on its deployment plans to different audiences, to joint-working with Implementing Body project team, to community engagement (in particular priority areas), to demand stimulation to maximise coverage opportunities, and to managing subcontractors (in particular SMEs). |  | SSD1SSD3.1.1SSD6.3SSD6.4SSD6.6SSD6.74.1.17.17.27.39.1 | Judgement Based Scored Evaluation Criteria as set out in A1.4.2 of ITT Part 2 |

**Appendix 2 Bidder Response to ITT**

This Appendix 2 of Part 2 to this ITT asks a set of specific questions which Bidders must answer in their bid responses:

**[*insert Bidder Response Document or reference to separate document*]**

**Appendix 3** **Speed and Coverage Template**

This Appendix 3 to Part 2 to this ITT set out the Speed and Coverage Template, to be completed by Bidders as part of their responses:

**[*insert SCT table or reference to separate document*]**

**Appendix 4 Supplier Solution Document**

**[*insert supplier solution document or reference to separate document*]**

**Appendix 5 Compliance Matrix**

**Appendix 6 Bidder Completion Checklist**

| **Response** | **Complete?** |
| --- | --- |
| **Part 1, Appendix 3: Certificate of Non Collusion** |  |
| **Part 1, Appendix 4: Code of conduct, Use of Existing Infrastructure** |  |
| **Part 1, Appendix 5: Expression of Interest Form** |  |
| **Part 2, Appendix 2: Bidder Response to ITT [for each lot bid for]** |  |
| **Part 2, Appendix 2: NGA Technical Assessment Template [for each lot bid for]** |  |
| **Part 2, Appendix 3: Speed and Coverage Template [for each lot bid for]** |  |
| **Part 2, Appendix 4: Supplier Solution Document [for each lot bid for, if responses for each lot differ]** |  |
| **Solution Component Template(s)** |  |
| **Wholesale Product Template** |  |
| **Part 2, Appendix 5: Compliance Matrix** |  |
| **Part 2, Appendix 6: Bidder Completion Checklist** |  |

|  |  |
| --- | --- |
| **Part 3, Terms & Conditions of Contract: Completed Schedules*** **Schedule 3.1 – Supplier Solution – Test Strategy**
* **Schedule 3.3 – Key Subcontractors**
* **Schedule 3.4 – Key Personnel Appendix**
* **Schedule 4.1 – Implementation – Appendix 2 Implementation Plan and Project Plan**
* **Schedule 4.1 – Implementation – Appendix 4 – Survey Assumptions**
* **Schedule 5.1 – Milestone Payments & Claims Procedure – Appendix 1 – Milestone Payment table**
 |  |

|  |  |
| --- | --- |
| **Part 4: Financial Memoranda** |  |
| **Part 4, Appendix 1: Bid Project Model [for each lot bid]** |  |
| **Part 4, Appendix 2: Statement of Assurance [for each lot bid]** |  |

1. Throughout this and other ITT template documents, where a section is not used by a specific Local Body, it is recommended that that the section title and numbering is left un-amended, but the section text is replaced with a note to Bidders such as 'section not applicable'. This will, amongst other practical benefits, help to avoid a more widespread exercise in updating cross-references across the ITT documents etc. [↑](#footnote-ref-2)
2. As with other square bracketed sections, sample wording is included in this Template by way of a general guide to population but this must be amended and tailored to show the specific Local Body’s circumstances, requirements etc. [↑](#footnote-ref-3)
3. The Local Body should amend this section to reflect its own locally developed strategy and requirements. The Local Body should, for relevant information, refer back to the BDUK delivery/funding model template, which it will have been completed as part of its early market engagement. [↑](#footnote-ref-4)
4. The Local Body will need to adapt the ITT documents where a differing commercial model is being used. [↑](#footnote-ref-5)
5. Text in this section is indicative only and should be changed to reflect local objectives and circumstances. [↑](#footnote-ref-6)
6. The purpose of the section is to give an overview of the geography of the area covered by the project. This should include the number of residential and business premises in the geographical area. [↑](#footnote-ref-7)
7. Local Body should describe their Lotting strategy here if applicable. If unsure of how to proceed with lotting please contact BDUK for further guidance. If no Lotting strategy is being used if agreed with BDUK, then this paragraph 1.5 can be deleted. [↑](#footnote-ref-8)
8. The purpose of this section is to highlight activity which is planned or has already occurred that will be of commercial interest to the supplier i.e. it will add to the attractiveness of bidding. Examples are: demand registration and demand stimulation activity, evidence of commercial interest from businesses including reasons / business requirements, other public organisations such as schools and interest from communities. In this section a Local Body should also signpost where the detailed evidence supporting each activity can be found (generally, the Data Room). [↑](#footnote-ref-9)
9. Certain elements of this 'Requirements' section are specifically included to support State aid compliance. In particular, care must be taken to ensure compatibility with both the 2016 Commission Decision and 2013 Broadband Guidelines (e.g. the use of NGA and the definitions such as NGA Networks when discussing Intervention areas and requirements around outcomes). This section should also be updated to clarify whether the Local Body has any business, community or other target requirements. [↑](#footnote-ref-10)
10. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/732496/Future\_Telecoms\_Infrastructure\_Review.pdf [↑](#footnote-ref-11)
11. This section promotes faster speeds and places an emphasis on gigabit capable solutions. Local bodies will need to consider their requirements carefully in terms of budget available being mindful of current Government policies. [↑](#footnote-ref-12)
12. The purpose of the section is to identify any additional Local Body priorities not already dealt with above: e.g. an enterprise zone which requires a minimum access line speed and should be prioritised during build in order to support achievement of GVA targets. Additional priorities may constrain the Bidder’s ability to provide the most economically viable solutions, so the Local Body should ensure any additional priorities are key to the achievement of the Project’s aims. There is no requirement to have any additional priorities. BDUK invites Local Bodies to avoid setting additional priorities which are too rigid or restrictive. If additional priorities are included in the ITT, BDUK advises Local Bodies to set them as a preference rather than a constraint, and retain the ability to evaluate the extent to which these areas are addressed in the implementation plan. [↑](#footnote-ref-13)
13. Where no Local Body assets are to be made available for reuse, the first statement should be used. B.2.1.2 in Appendix 2 should also be amended to reflect the specific circumstances. The text provided in this section is indicative only and should be adapted to reflect local circumstances. [↑](#footnote-ref-14)
14. If there are community projects which are to be included in scope of the Contract at the outset, this section should be amended accordingly (summarising the requirements and signposting any detailed requirements in the Data Room). [↑](#footnote-ref-15)
15. The drafting in this section assumes a gap funding model has been selected as a result of your early market engagement and specific preferences. If another funding model has been selected the drafting in this section will need to be updated accordingly [↑](#footnote-ref-16)
16. The table should separately identify any revenue funding allocated by the Local Body specifically in relation to marketing. [↑](#footnote-ref-17)
17. At the point of publishing the ITT, the status of this funding should be indicated (e.g. if pending approval and, if appropriate, what approval is dependent on). [↑](#footnote-ref-18)
18. Use this column to identify any key restrictions or requirements on the funding e.g. expiry date of funds, last date to apply for the funding – this may have contractual application, so the column should be properly completed. Also explain where Bidders can find the full terms and conditions relating to the funding e.g. for ERDF refer the Bidders to Schedule 5.5 of the Contract and the Data Room for full requirements of the other funds. [↑](#footnote-ref-19)
19. This table should be removed if Lots are not applicable and replaced with ‘not used’. [↑](#footnote-ref-20)
20. If the Local Body intends to include a contingency sum on a Lot by Lot basis it should be included in the total funding column and explicitly identified to Bidders. [↑](#footnote-ref-21)
21. Additional funding comprises funding which the Authority could bring into the Contract if certain conditions arise. Additional funding could be introduced in different scenarios. Examples include: (i) when the Bidder could identify additional cost-effective premises which could be included in the scope of the contract (e.g. with reference to the UK average public subsidy per premise to reach the 95% policy target); (ii) when the supplier could increase coverage introducing new solution components. When an additional funding scenario arises during the term the Contract, at the Local Body's request this would be addressed through the Change Control Procedure under the Contract. [↑](#footnote-ref-22)
22. At the point of publishing the ITT, the status of this funding should be indicated (e.g. if pending approval and, if appropriate, what approval is dependent on). [↑](#footnote-ref-23)
23. Please indicate when the funding is expected to be confirmed if depending on a third party other than BDUK. [↑](#footnote-ref-24)
24. Use this column to identify any key restrictions or requirements on the funding e.g. expiry date of funds, last date to apply for the funding. Also explain where Bidders can find the full terms and conditions relating to the funding e.g. for ERDF refer the Bidders to Schedule 5.5 of the Contract and see the data room for full requirements of the other funds. [↑](#footnote-ref-25)
25. Un-allocated funding is defined as any project budget funding which cannot be committed to a defined solution at the time of procurement. This section should be marked as ‘Not used’ if there is no un-allocated funding [↑](#footnote-ref-26)
26. The approach to contingency arrangements is subject to local determination. There is no requirement to have a contingency or to specify a contingency of any significant scale. If the Local Body decides not to have a contractual contingency regime, this should be confirmed here. [↑](#footnote-ref-27)
27. Enter any Local Body specific conditions of Milestone payments e.g. where a Local Body wishes to make the payment of a particular milestone, such as Milestone 2, dependent on achieving a minimum proportion of highly rural or difficult to reach premises. [↑](#footnote-ref-28)
28. The table should be adjusted/expanded in accordance with the Local Body’s requirements. [↑](#footnote-ref-29)
29. If the Local Body requires any variation from those arrangements set out in Schedule 6.1 it should detail those in this ITT. [↑](#footnote-ref-30)
30. Local Bodies are able to tailor the demand stimulation requirements 9.5 and 9.6 in Schedule 2 if required. The Local Body should only specify additional marketing and demand stimulation service requirements where it is prepared to fund such additional activities under this agreement and where the supplier has explained what value it would add to its solution (e.g. how it will impact take-up assumptions used within the Project Model).   [↑](#footnote-ref-31)
31. Selection criteria can be included here for the Open procedure. Replace with pre qualification if using procedure with this step. [↑](#footnote-ref-32)
32. This section has been developed considering the key requirements for State Aid. Certain aspects of this evaluation are **mandatory** in order to comply with State Aid. These have been referenced in the text for clarity. [↑](#footnote-ref-33)
33. This section assumes the use of the Open procedure. If using the Restricted Procedure with a Pre-Qualification Questionnaire (PQQ), then this section should be replaced with a description of the PQQ selection process. [↑](#footnote-ref-34)
34. The Local Body may adopt a differing approach to moderating scores should it wish (e.g. taking an average score across evaluators), in which event this section should be adjusted accordingly. [↑](#footnote-ref-35)
35. Please select A1.3.6.2 for Open procedures or A1.3.6.3 for Restricted procedures [↑](#footnote-ref-36)
36. Amend as necessary dependent on procurement procedure Open or Restricted [↑](#footnote-ref-37)
37. Local Bodies may choose Current Ratio and/or other financial ratios as set out in the European Single Procurement Document (ESPD) - <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0007&from=EN> as part of its financial assessment. Whatever ratio or method is chosen by the Local Bodies has to be detailed in this document in order to meet the obligation of transparency. [↑](#footnote-ref-38)
38. Local Bodies will need to select the publically available information which it will consider as part of its financial assessment prior to ITT launch, so this is transparent to Bidders. This will need to be detailed in the ITT. [↑](#footnote-ref-39)
39. Local body to ensure that the insurance amounts set out in section 8 of the Standard Selection Questionnaire in the Bidder Response Document aligned to the Required Insurance definition in Schedule 1 of the Contract. [↑](#footnote-ref-40)
40. Whilst Local Body’s are required to use a scoring range of 1 to 10, the descriptions of capability, evidential requirements and remarks (as per table a3.1.1.1 can be adapted to Local Body requirements [↑](#footnote-ref-41)
41. Include where used as an evaluation criteria [↑](#footnote-ref-42)
42. A template SCT has been provided as part of the BDUK ITT suite of documents, Local Bodies should note that the text in this section reflects the methodology adopted in this SCT template. Should a different methodology be adopted the Local Body will need to amend the drafting in this section [↑](#footnote-ref-43)
43. These priorities are set by each Local Body and are envisaged to be based upon premise type and priority areas. [↑](#footnote-ref-44)
44. These weightings should reflect the Local Body priorities. Further instructions are contained in Appendix 3 [↑](#footnote-ref-45)
45. Pass/fail criteria can only be those set out in the Commission Decision for level 2 criteria [↑](#footnote-ref-46)
46. For Open and Restricted procedures. [↑](#footnote-ref-47)
47. The level 1 & 2 evaluation criteria and weightings ranges specified in the Commission Decision and replicated here MUST be used.. However, Local Bodies are also able to set level 3 criteria if they wish. Local Bodies will need to ensure that if they choose to include level 3 criteria then these are consistent with the level 2 criteria as specified in the Commission Decision. [↑](#footnote-ref-48)
48. BDUK Note: (i) If an Implementing Body’s requirement is to maximise coverage exhausting the available budget, then it may apply zero weighting to 1.6 (given that Bidders would be unlikely to differentiate themselves on the overall funding requirement anyway) and allocate more weighting to criteria 1.7 instead. (ii) If an Implementing Body’s requirement is to optimise the project and the trade-off between increasing coverage and the increasing additional cost per premise, then it may allocate weighting to both criteria 1.6 and 1.7 to incentivise Bidders to propose the optimum efficient coverage for their solution design rather than the maximum possible coverage. [↑](#footnote-ref-49)
49. Update as per chosen SCT approach [↑](#footnote-ref-50)
50. Level 3 criteria may be set by Local bodies for Judgement Based Scored Evaluation only. There can be no level 3 criteria for pass/fail or any additional pass/fail criteria except those set out in the Commission Decision and the Award Criteria table. [↑](#footnote-ref-51)
51. 1.2 can be used for Competitive Dialogue or Competition with Negotiation only [↑](#footnote-ref-52)
52. A local body would not score criteria 1.7 where it did not want to assess the funding levels. [↑](#footnote-ref-53)
53. This is optional and can be evaluated if required – see Level 1 and Level 2 Evaluation Criteria [↑](#footnote-ref-54)