



Legal formalities for Requests for Quotations

- For the purposes of this quotation exercise:
 - the Purchasing body will be: Borough Council of King's Lynn and West Norfolk; and
 - The Contracting Authority will be: Borough Council of King's Lynn and West Norfolk.
 - The bid must be completed in the name and voice of the economic operator.
- The Council will not reimburse any bid costs. Work undertaken by the bidder or any other party without written notification of an award of contract by the Council and prior to an agreed commencement date is done entirely at the bidder's risk.
- Bidders should please be aware that details of current expenditure, budgets or potential future uptake set out in this request for quotation, or any clarification or other document issued as part of the procurement exercise are given in good faith as a guide to past purchasing and current planning to assist them in submitting their bid. They should not be interpreted as an undertaking to purchase any works, goods or services which are the subject of this procurement to any particular value and do not form part of the contract.
- Please note that the award of contract may be subject to formal approval by the Council. Until this is obtained, no contract will be entered into. Once the Council does reach a decision, all bidders will be informed and debriefed as appropriate.
- A contract will only be created between the Council and the successful bidder upon completion of this procurement process and notification of award. Once the Council has authority to enter into the contract the final form will be issued by the Council. The process for completion of the contract will be managed by the Council.
- The successful bidder shall comply with any request to provide proof of documents such as insurance certificates and any other documents as requested by the Council and the Council reserves the right to use a third-party credit checking agency to support and evidence the financial information requested in this document.
- As a public body, the Council is subject to the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 and other transparency obligations. Bidders should therefore be aware that any information submitted as part of this procurement process may be disclosed by the Council unless it decides in its discretion that an exemption applies. This means that if an organisation is awarded a contract, then all information relating to the contract may be published in whole or in part without consent. Bidders may give a guide about what they consider to be commercially sensitive in their responses, but blanket markings are prohibited, and the Council makes no guarantees when considering whether or how to disclose information.

- The policy of central government is that all local authorities should be completely transparent about what they spend taxpayers' money on and who that money is spent with. Therefore, you should be aware that if you are successful in obtaining this contract, or any other business with the Council, details of all payments over £500 will be published on the Council's website. The Council will also publish, on a quarterly basis, details of all contracts awarded, and purchase orders issued over £5,000 in value.

1. Clarifications

- As set out in this request for quotation, any clarification relating to it must be submitted through email or the e-tendering portal and any question/information considered by the bidder to be commercially sensitive will be dealt with at the Council's discretion.
- Should a bidder have any reasonable concerns or queries regarding the procurement, a requirement or the contract proposed, they must please raise this as a clarification during the period set out in this request for quotation. This will allow the Council to consider whether any changes should be made and any impact on the timescales. If that is appropriate, then the amendments will be issued to all bidders with further instructions. Otherwise, the Council will not accept any amendments to the contract. As such, bids must not be caveated or expressed to be conditional. Any caveated or conditional bids may be rejected by the Council for being non-compliant.
- The Council reserves the right (but is not obliged) to seek clarification of any aspect of a bid during the evaluation phase where necessary for the purposes of carrying out a fair evaluation. Bidders are asked to respond to such requests promptly. Bidders should be aware that vague or ambiguous answers are likely to score poorly or render the bid non-compliant.

2. Bidder Obligations

- Bidders must satisfy themselves as to the accuracy, adequacy or completeness of the information provided in this request for quotation (or any appendices) or their bid response. If the bidder wishes to submit a bid it must complete all required fields. Failure to do so, or not following the instructions in this request for quotation will make their bid noncompliant and they will not continue in the procurement process.
- Like any legal document, there are formalities in completing and returning a bid response. Bidders must please ensure that they check who is authorised to sign it on behalf of their organisation. Where the bidder is a consortium, the bid must be signed by the lead authorised representative of the consortium, which organisation shall be responsible for the performance of the contract. In the case of a partnership, all the partners should sign or, alternatively, one only may sign, in which case they must have and should state that they have authority to sign on behalf of the other partner(s). The names of all the partners should be given in full together with the

trading name of the partnership. In the case of a sole trader, they should sign and give their name in full together with the name under which they are trading.

- The bidder must ensure it has full power and authority to enter into the contract and must do its own due diligence to ensure it can perform the obligations of the contract.
- The bidder must be of sound financial standing and be operationally capable of performing the obligations of the contract.
- If changes subsequently occur in relation to a bidder's organisation or anything stated in their bid response, bidders must promptly notify the Council of them. The Council reserves the right to disqualify any bidder that fails to duly notify the Council, or if it means that in the reasonable opinion of the Council, a bidder may no longer be able to meet any eligibility requirements that apply to the procurement process at all times.
- Bidders must ensure that no direct or indirect conflicts of interest exist (whether personal, financial or otherwise) between them and the Council. Any bidder who fails to do so may be disqualified from the procurement at the discretion of the Council.
- If a bidder has reservations over sharing information in respect of any contract, they must please formally state this in their bid submission, otherwise the failure to, or refusal to disclose/share information will mean that the Council is entitled to reject the bid.

3. Council's Rights

Further to anything set out above:

- The Council is not making a commitment in issuing this request for quotation, nor is it bound to accept the lowest bid, or indeed any bid. For the avoidance of any doubt, the Council may make such changes to this procurement as it considers appropriate and may withdraw this request for quotation at any time.
- The Council accepts no liability for the bidder's reliance on anything set out in this request for quotation or the draft contract. This exclusion extends to liability in relation to any statement, opinion or conclusion contained in or any omission from, this request for quotation (including its appendices) and in respect of any other written or oral communication transmitted (or otherwise made available) to any bidder. This exclusion does not extend to any fraudulent misrepresentation made by or on behalf of the Council.
- The Council reserves the right not to open or consider any bid received after the submission deadline set out in this request for quotation or any clarification.
- Where there appears to be an error in a submission, or where the bid reveals errors which could affect the evaluation then the Council may give the bidder an opportunity to correct or withdraw their offer.
- Notwithstanding the above, there remains no obligation for the Council to clarify mistakes and it may reject non-compliant bids.

- The Council reserves the right to reject a bid that appears to be abnormally low. Before doing so, an explanation from the bidder will be requested and the response and evidence will be taken into account, but the decision will be the Council's.
- The Council reserves the right to ask for further financial information at any time during the procurement process.
- Any attempt by a bidder or those acting on its behalf to influence the contract award process in any way may result in the bidder being disqualified. This includes but is not limited to devising or amending the content of their or any bid in accordance with any agreement or arrangement with another person (other than in good faith with a person who is a proposed partner, supplier, consortium member or provider of finance); making arrangements with the effect of prohibiting or excluding any person from tendering; canvassing the Borough Council of King's Lynn and West Norfolk or any employee or agent in relation to this procurement; offer or give any inducement or award for any improper activity relating to this procurement; attempt to obtain information regarding another bid or bidder.
- If the Council considers a cover price has been submitted, the bid will be rejected, and the Competition and Markets Authority may further be informed. The bid will also be rejected (or no contract awarded) where the law may require it.
- Bidders must not make any publicity statement about the service, this request for quotation or the contract unless the Council has given written consent. The request for quotation must not be copied or shared other than for the purposes of submitting a bid. By taking part in this procurement, bidders agree to such disclosure or publication by the Council.
- The Council shall be entitled to ask that any contract entered into pursuant to this procurement exercise is executed as a deed.