

CLARIFICATIONS PROTOCOL

(PROCUREMENT BANDS 3, 4 AND 5)

1.0 Introduction

1.1 The Clarifications Protocol (the "Protocol"), which will form part of the Invitation to Submit Tender Pack, provides instructions to Bidders on the clarifications process to be adopted during the course of the procurement process, which is conducted by the Bedfordshire Fire and Rescue Authority ('BFRA').

2.0 Enquiries & Communications

2.1 All enquiries are to be made in the form of 'clarifications'. All clarification requests and responses shall be submitted electronically **via Microsoft Outlook or the Authority's electronic tendering portal**. Individual Bidder clarification folders will be created within the Authority's procurement drive. Restrictions will be put in place for the purpose of ensuring that only members of the Procurement team, authorised officers of the Authority and members of the Evaluation Team will have access to Bidder information during the procurement process.

2.2 The Authority's approach to clarifications will be consistent to ensure that one Bidder does not receive an unfair advantage over another. Unless deemed by the Authority to contain confidential and/or commercially sensitive information, clarification requests and responses will be circulated to all Bidders. The requesting Bidder will not be named.

2.3 With regards to public relations, Bidders shall not undertake (or permit to be undertaken) at any time, whether at this stage or after contract award, any publicity activity in relation to this procurement exercise other than with prior written agreement of the Authority.

2.4 Bidders shall refer enquiries or requests for information from any interested parties to the Authority immediately. The Authority shall, at its sole discretion, determine the appropriate course of action to be taken following any enquiry or request for information.

3.0 Request for Clarification Form ("RCF") – Bidders to Authority

3.1 Bidders wishing to make a clarification request to the Authority should complete a Request for Clarification Form ("RCF") and submit it **via the agreed electronic method of communication**. Bidders should use one RCF for each clarification question (unless such question is comprised of multiple sub-questions relevant to the subject-matter of the question).

3.2 Each RCF will have a unique file name made up of a designated prefix (please refer to instructions within the relevant template form) and the sequential number of request. All sections of the RCF must be completed, including Bidder name, code and date. Bidders must clearly identify what is referred to and the impact of not having the information requested.

3.3 When a response has been completed by the Authority, the RCF will be returned to the requester **via the agreed electronic method of communication** within three (3) working days (subject to the complexity of the request and the availability of relevant subject-matter experts). When a response requires information which is not readily available, the requester will be notified of an estimated date for the response to be issued.

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- 3.4 The Bidder deadline for submitting clarification requests will be one (1) week prior to the Tender submission deadline.
- 3.5 Bidders can request that information is classed as confidential and therefore not circulated to other Bidders only on the basis that it is commercially sensitive and, if disclosed, could potentially prejudice their commercial interests, reduce their ability to negotiate and/or provide another Bidder(s) with a significant advantage. In this case, the RCF must be clearly marked "Confidential – not to be circulated to other Bidders" (by ticking the appropriate box on the form) and the Bidder will be required to provide a reasonable justification for non-disclosure.
- 3.6 Requests for non-disclosure will be carefully considered by the Authority, taking into account whether any legislation or considerations of probity or interests of open and fair competition require the request to be denied.
- 3.7 Where the Authority decides a clarification cannot be withheld from circulation or where the Bidder has failed to provide any or sufficient justification for non-disclosure, the Bidder will be notified within three (3) working days of that fact and will be asked to withdraw the request for non-disclosure or given the opportunity to represent the request in a different format.
- 3.8 The Bidder will be asked to respond within three (3) to five (5) working days (depending on the complexity of the matter in question) stating whether the request is withdrawn, represented in a different format or not to be treated as confidential. If the Bidder does not contact the Authority within three (3) working days, it will be deemed that the request has been withdrawn and no further action will be taken.
- 3.9 Where a clarification has been deemed confidential, but the point is of general application, a redacted version may be circulated to all Bidders. The requesting Bidder will be notified of this decision.

4.0 General Clarification Notice ("CN") – Authority to all Bidders

- 4.1 A separate clarification folder will be set up within the Authority's procurement drive where all General Clarification Notices ("CN") will be saved. A General Clarification Notice contains information that must be communicated to all (remaining where relevant) Bidders. It will be drafted in the form of a formal letter by the Authority and will follow a separate numbering sequence. Bidders will not be referred to by name and Bidder specific codes will be removed. All General Clarification Notices must be reviewed and signed off by the appointed Project Manager as well as the Procurement M. Following that, the General Clarification Notice will be issued to Bidders **via the agreed electronic method of communication**.

5.0 Clarification Request Form ("CRF") – Authority to Bidders subject to confidentiality and commercial sensitivity

- 5.1 The Authority may also need to clarify particular issues with Bidders using a Clarification Request Form (CRF).
- 5.2 Clarification requests from the Authority are likely to be Bidder specific and will generally not be circulated to other Bidders; however Bidders need to specify whether responses are to be kept confidential, in case the information is deemed of general application.
- 5.3 Bidders should be aware that the Authority is under no obligation to seek clarifications in respect of tender submissions received and hence it is the Bidders' responsibility to ensure that their submissions are unambiguous and complete.

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5.4 Clarification Request Forms will be issued by the Authority ***via the agreed electronic method of communication***. Bidders will be required to respond to any clarification requests or instructions as issued by the Authority during the procurement process ***via the agreed electronic method of communication***.

6.0 Clarifications Process

6.1 During the procurement process, the Authority may require clarification of Bidders' responses and/or request additional information for the purpose of enabling them to carry out their duties in a fair and transparent manner. The Authority may also respond to clarifications raised by Bidders.

6.2 Any requests for clarifications will be issued to Bidders in accordance with this Protocol and will be managed by the Authority's Procurement Lead for this project. Clarifications during the evaluation and moderation period will be managed in accordance with this Protocol.

6.3 Clarifications issued by the Authority must be referenced in accordance with the sequential numbering of clarifications to enable tracking. The reference numbering of clarifications is the responsibility of the Authority's Procurement Lead for this project.

6.4 A dedicated Clarifications Register will be maintained for the duration of the procurement process which will record the clarifications issued and received by the Authority and where applicable deadlines and responses.

6.5 The Authority's Procurement Lead for this project will keep the project team informed of outstanding clarifications and provide status reports and end stage clarification statistics from the Clarifications Register.

7.0 Issuing of Clarifications (Authority to Bidders)

7.1 The Project Manager will notify the Authority's Procurement Lead for this project of clarifications that have been approved for issue to Bidders. The Authority's Procurement Lead will review the clarifications for completeness of all details and assign a sequential reference number as appropriate to the type of clarification.

7.2 The Authority's Procurement Lead for this project will manage the process for uploading the clarifications to the Delta eSourcing portal in accordance with this Protocol.

7.3 Clarifications will normally be converted to a PDF format for uploading unless otherwise requested by the Project Manager or the Authority's Procurement Lead for this project.

8.0 Receipt of Clarifications from Bidders

8.1 Upon receipt of a clarification from a Bidder, the Authority's Procurement Lead for this project will update the Clarifications Register and notify the project team of the receipt and content of the clarification.