

West England Forest District
Bullers Hill
Kennford
Devon
EX6 7XR

Jon.burgess@forestry.gsi.gov.uk

26th November 2014

Dear Sirs

INVITATION TO TENDER (ITT) FOR TREE SURGERY WORKS IN WEST ENGLAND FOREST DISTRICT – SOUTH WEST AREA

REF NO: 317/028/15

You are invited to submit a tender for the supply of the above to the Forestry Commission.

Please send your completed tender and any enquiries about this invitation to:

Jon Burgess
West England Forest District
Bullers Hill
Kennford
Devon
EX6 7XR

Tel: 01392 834203

Email: jon.burgess@forestry.gsi.gov.uk

(Email address provided for enquiries only)

Send completed tenders as:

- one paper copy by post or hand delivered

Please note we do not accept fax or email copies.

Please mark the envelope with the initials "**INVITATION TO TENDER (ITT) FOR TREE SURGERY WORKS IN WEST ENGLAND FOREST DISTRICT – SOUTH WEST AREA - REF NO: 317/028/15** - Not to be opened until **3pm on Thursday 22nd January 2015**"

We must receive your completed tender by **3pm on Thursday 22nd January 2015**. We will keep tenders that we receive earlier and not open them until after the deadline. We reserve the right to not consider any tenders received after the deadline. Please be aware that we may copy your documents, but only for our own use.

Please send all enquiries in writing or by email, by the deadline stated in the tender timetable, quoting the contract reference number stated above. If we consider any question or request for clarification is relevant to all interested parties, we will circulate both the query and the response to all potential tenderers, although your identity will remain confidential.

This ITT is a modular document and you will only be supplied with the modules that are required to complete this tender. The document is made up of modules labelled A to D. (See table on Page 3 of this ITT)

All tenders will be evaluated objectively as detailed in the Evaluation Matrix within this ITT document.

You must follow these instructions:

- i. Any contract concluded as a result of this ITT shall be governed by English Law and the Forestry Commission's Standard Terms and Conditions of Contract for Operational Services, and any additional terms specified as attached to this ITT, will apply. Your terms will not apply.
- ii. You must accept our terms and conditions as follows: [Forestry Commission Standard Terms and Conditions](#) for Operational Services. We will discuss any issues you highlight before any award. If you wish to qualify our Terms and Conditions in any way, you must append a description of the requested changes to your tender. Note that this may invalidate your submission if the Forestry Commission is unable to accept these proposed changes.
- iii. Your tender and all accompanying documents are to be in English.
- iv. All prices must be in sterling and exclusive of VAT.
- v. Costs remain the responsibility of those submitting a tender.
- vi. We will not return any part of the documents forming your tender.
- vii. We reserve the right to cancel or withdraw from the process at any stage.
- viii. We do not undertake to accept the lowest priced tender, or part, or all of any tender.
- ix. All information supplied to you by us must be treated in confidence and not disclosed to third parties.
- x. All details of your tender, including prices and rates, must be valid for our acceptance for a period of 90 days.
- xi. Once we have awarded the contract, we will not accept any additional costs incurred which are not reflected in your tender.
- xii. Offering an inducement of any kind for obtaining this or any other contract with us will disqualify your tender and may constitute a criminal offence.
- xiii. You do not need to provide supporting documents, certificates, statements or policies with your tender unless specifically requested to do so. However, we may ask you for these later. You may also be asked to clarify your answers or provide more details.
- xiv. If you are using staff who are not on your payroll e.g. self employed or subcontracted then you must ensure they also complete sections 6-9 of this document template.
- xv. Your organisation will only be evaluated based on the information in your tender. Please do not send any information that is general company or promotional literature, as this will not form part of our evaluation. Any

additional documents you provide must refer to a question within the ITT and be easily identifiable as the answer.

- xvi. We have not asked for financial details in this document; however we reserve the right to carry out checks if we think it is necessary.

Yours faithfully



Jon Burgess

Forester

1. ITT Composition

This ITT comprises of the following documents:

Module	Description	Action Required
A	Letter including Tender Instructions	For Information Only
	1. ITT Composition	For Information Only
	2. ITT Timetable and Associated Stages	For Information Only
	3. Statement of Requirements	For Information Only
	4. Evaluation Matrix	For Information Only
	5. Lots	Complete & Return
	6. Organisation Details	Complete & Return
	7a. Specific Gateway Questions	Complete & Return
	7b. Specific Award Questions	Complete & Return
	8. Pricing	
	9. Declaration	
B	References	Complete & Return
C	Financial Information	Not Used
D	Health & Safety	Complete & Return

Module A is the core document and will require to be completed and returned.

Only additional Modules marked 'Complete & Return' will require to be completed for this opportunity.

Any Modules marked 'Not Used' will not have been sent to you for completion.

2. ITT Timetable and Associated Stages

Set out below is the proposed procurement timetable. This is intended as a guide, and, while we do not intend to depart from the timetable, we reserve the right to do so.

Stages	Dates
Closing date and time for enquiries	15:00h on Friday 9 th January 2015
Tender Return Date and Time	15:00h on Thursday 22nd January 2015
Expected Notification of Intent to Award	Wednesday 28 th January 2015
End of Standstill Period	Friday 6 th February 2015
Expected Start Date	Monday 16 th February 2015

3. Statement of our Requirements

We will be awarding a Framework contract, in the South West area of the West England Forest District, for a variety of Tree Surgery.

The area to be covered is:

Lot 1 – Cornwall

Lot 2 – Quantocks & Exmoor and East Devon

A map showing these FC sites is attached as appendix 1

Our intention is to award this Framework for a period of 1 year. There will be an option to extend the Framework by up to a further 2 years, not exceeding 3 years in total (1+1+1).

The decision on whether to use the extension options available will be at our discretion and we will base it on the following factors: performance; budget availability; overall standard of work.

The total value of this Framework over the entire period for all lots, including any extension options, is estimated to be in the region of £75,000.

We intend to accept one Contractor per lot onto the Framework, although one Contractor may be awarded multiple lots.

Selection and Quotation Procedure

A Framework is an agreement with one or several providers. It sets out the general terms and conditions under which we can make specific purchases as and when we need them. The formal contract is formed when the Employer places a call-off directly with a Framework Contractor asking for specific delivery of a piece of work in a specific location.

This particular Framework Contract will operate as follows:

The Framework Contractor will be contacted by the Contract Manager when a piece of work is required. Full details of the location and requirements will be provided and agreed based on the framework rates. For the majority of work the contractor will be expected to begin work on site within 5 working days unless otherwise agreed with the Contract Manager. However, when work is urgently required the Contractor must be able to attend the site within 6 hours, (24 hours a day, including weekends and bank holidays) and carry out any remedial works required.

Contract Description

The District has a programme of work for trees requiring attention and the contractor will be advised by the appropriate Beat Forester of the order of work.

The work will comprise of a range of tree safety operations in which may include, but not limited to:

- Tree felling

- Ground-based tree pruning
- Aerial tree pruning
- MEWP work
- Chipper work
- Traffic management

Tree safety work could be located anywhere within each mapped lot within this tender. You may be required to work on quiet forest tracks, in close proximity to buildings, structures and car parks or immediately adjacent to busy roads. The population of the (Forestry Commission) FC's tree stock holding is vast and varied, as such you may be required to work any tree growing within the tendered lot.

Except in an emergency situation, where a price per hour will apply, the Contractor will be asked to quote in advance of works for a given job based on tendered prices. If this price can not be agreed with Forestry Commission staff then the Commission reserves the right to procure work from other contractors during the period of this framework.

Whilst the FC will endeavour to provide the contractor with notice about work programmes as possible, there will be occasions when the contractor will have to deal with unplanned work, usually under emergency situations, typically following storm damage. In these instances the Contractor must attend site within 6 hours of the FC's request and carry out any remedial works required.

During the three year period of the contract it is **estimated** that there will be 300 "man-days" work in the South West Area of the West England District. This is based on previous years' requirements. Please note however that neither the days required nor the split between the lots can be guaranteed, due to the unpredictable nature of this type of work.

It is possible there will be additional day's work – this will depend on circumstances.

The job specification provided by the FC will describe the works required for each job. Unless specified otherwise in the job specification the standards expected will be as follows:

Quality Standards

- Provide all relevant tools, equipment (including warning signs & cones / spills kits / PPE / 1st aid kits etc but excluding those items mentioned below for supplementary pricing) and consumables to allow safe working practice to occur
- All work carried out to BS 3998 (2010) – Tree Work Recommendations
- Unless otherwise instructed, and as far as practicable, convert timber into 2m

lengths and leave in tidy stacks in situ and away from roads, rides, drains and tracks

- Unless otherwise instructed, place brushwood into discrete piles away from roads, rides, drains and tracks
- Unless otherwise instructed, leave stumps as close to ground level as possible
- Leave each worksite in a safe and tidy condition with unfinished work clearly cordoned off from public access

Health & Safety

It is a legal requirement that people are adequately trained and competent to do their job safely. The Health and Safety at Work Act 1974 and the Management of Health and Safety Work regulations 1999 place general duties on employees and the self employed to provide health and safety information and training. We would require evidence to demonstrate that the requirements/recommendations as detailed within the forest industry code, FISA/AFAG 805 'Training and Certification' are being met.

- All aerial work to comply with the Work at Height Regulations 2005 (following industry best practice guidance)
- All climbing and rigging equipment must be covered by a current independent certificate of thorough examination as required by the LOLER 1998 regulations
- The Contractor to draw up and have ready an Emergency Action Plan relevant to the site and operators prior to operational commencement
- The Contractor to draw up, communicate and implement a written Risk Assessment for each work situation whilst adhering to the FC Outline Risk Assessment.
- Plan, organise and work in accordance with all the relevant AFAG/FISA/Arboricultural Association/HSE/UK Standards (including Forest and Water Guidelines)
- Always have at least 3 operators on site including a ground-based qualified, competent and equipped aerial rescuer during aerial work
- A pre-commencement meeting will be held between the Forestry Commission and the Contractor prior to each job commencing.

FC staff may on occasion ask for the Contract holder to produce evidence that these guidelines are being followed.

Bio-Security.

As part of precaution against transferring various diseases from one plantation to

another, there may be a requirement to disinfect equipment especially chainsaws and handsaws before use, after use, before moving to a new site and again at the end of each working day.

Environmental Standards:

Damage to any nesting bird or burrowing animal is unacceptable, and may be illegal. The contractor will take every care that all work must comply with the Wildlife and Countryside Act 1981; and Conservation of Habitats and Species Regulations 2010 (as amended). In particular operators must be familiar with potential bat habitats / signs of bat activity. On discovery of a suspected bat roost which may be affected by tree safety works the Contractor must stop work and report the roost sites to the FC manager and not commence works until permission is granted to proceed.

A pollution control kit will be maintained suitable for the control of any spillage. The West of England District Office will be immediately contacted on 01594 833057 should a potential pollution incident occur as part of this contract.

Qualifications:**Use of chainsaws**

Chainsaw operators working on Commission Land must be in possession of and produce evidence of either, a current Certificate(s) of Competence issued by an approved awarding body or the current equivalent units or qualifications within a recognised National Vocational Qualification

Furthermore, as from 1 October 2013, all chainsaw operators and supervisors working on Commission Land must comply with current industry requirements for chainsaw refresher training as specified by FISA (Forest Industry Safety Accord).

<http://www.forestry.gov.uk/forestry/inf-d-8wpmrt> This will be checked at the Pre-Commencement Meeting.

Operators to have received training in, and hold NPTC or modern LANTRA qualifications, or equivalent, covering the following work types:

- Chainsaw Maintenance and Crosscutting
- Fell Trees <15"
- Fell Trees >15"
- Sever Individually Windblown Stems
- Climb Trees and Perform Aerial Rescue
- Chainsaw Use From a Rope and Harness

- Tree Pruning Operations
- Tree Dismantling Operations
- Use of Mobile Elevated Work Platforms
- Use of Stump Grinders
- Use of Brushwood Chippers
- Traffic management as appropriate for the relevant local authority
- Emergency First Aid at Work training (to HSE standard), to include the Forestry context, for requirements please see: [FC First Aid policy](#) . (Note that at least two first aid trained members of staff must be on site at all times).

Note:

If we ask, you must provide documentary evidence establishing your eligibility to tender and your qualifications to fulfil the contract if we accept your quotation. This may be in the form of literature, drawings or samples.

You must include details of any areas where you will not be able to comply with these requirements. If your quotation does not meet these requirements we reserve the right to reject it completely.

4. Evaluation Matrix

Note – failure of any of the 'Pass/Fail' sections or modules will constitute an overall Fail of your bid.

Section /Module	Title	Weighting	Agreed Marking Criteria
5	Lots	Mandatory	You must provide the requested information in relation to the lots you are bidding for, and any preferences where your capacity permits you from taking on all lots you are bidding for.
6	Organisation and Contact Details	Mandatory	<p>Completion of this Section is mandatory and is for our information purposes. We may confirm company identity and basic details with external bodies.</p> <p>You must have a Health & Safety policy' and must provide adequate levels of training as specified in the Statement of Requirements. If you do not have/provide these, you will fail this section.</p> <p>You must have the required levels of insurance requested at 6.12. If you do not have these, you must confirm that you will get them if successful, before the contract start date. If you cannot confirm this you will fail this section.</p>
7a	<u>Specific Gateway Questions</u> 1. Provide a copy of your most recent LOLER test certificate for your climbing equipment. The test must be carried out in accordance with the HSE Code of Practise.	Pass/Fail	To pass this Gateway Question you must provide a copy of your most recent LOLER test certification when submitting your tender.

			PLEASE NOTE: if you score a 0 or a 1 against either Question your bid will be deemed inadequate and will be rejected in its entirety.
8	Pricing Schedule	Weight 40%	Price will be evaluated using the 'standard differential method' – each bidder receives 100% of the available marks less the percentage by which their tender is more expensive than the lowest; with 4 being the maximum score achievable.
9	Declaration	Pass/Fail	You must sign the declaration specifying any area of the declaration with which you cannot comply. Details on mandatory and discretionary elements are contained within the Declaration.
Module B	References	Pass/Fail	You must provide the information we have requested in Module B. We will consider accepting a lower number of references than requested depending on how long you have been in business. When checking references, we will be looking to confirm that the contract has been carried out on time, to budget and to specification. If we deem your references to be inappropriate, or a referee cannot confirm the work has been carried out on time, to budget and in line with the specification, you will fail this Module.
Module C	Financial Information	Not Used	Not Used
Module D	Health and Safety	Pass/Fail	You must provide the information we have requested in Module D. If we determine that your responses are inappropriate or present a high health & safety risk, you will fail this Module.

5. Lots

Please indicate which lots you are interested in bidding for:

Lot No:	Bid: Yes/No
Lot 1 – Cornwall	
Lot 2 – Quantocks & Exmoor and East Devon	

If you bid for more lots than your capacity permits you must clearly state below the maximum number of lots you wish to be awarded and show us your order of preference. We will use this information during our evaluation if an organisation scores the most in more lots than their capacity. The final award of lots will be at our discretion.

Maximum Number of Lots:	
Lot No:	Lot Preferences (High/Low)
Lot 1 – Cornwall	
Lot 2 – Quantocks & Exmoor and East Devon	

6. Organisation Details

Organisation Details			
	Question	Your Answer	
6.1	Full name of organisation tendering (or of organisation acting as lead contact where a consortium bid is being submitted).		
6.2	Registered office address.		
	Main contact for this contract Name Address (if different from registered office) Email Phone Mobile		
6.3	Company or charity registration number.		
6.4	VAT Registration number.		
6.5	Type of organisation	i) a public limited company	
		ii) a limited company	
		iii) a limited liability partnership	
		iv) other partnership	
		v) sole trader	
		vi) other (please specify)	
6.6	Total number of employees employed by your organisation. (Including Directors, Partners, Apprentices, Trainees etc.)		

Organisation Details			
	Question	Your Answer	
6.7	Length of time your business has been operating.		
6.8	Please state whether there is any potential conflict of interest in relation to this contract, for example if any of those involved with the contract share private interests with anyone within the FC. Examples include, membership of societies, clubs and other organisations, and family.	No	Yes
		If you have answered "YES" please give details.	
6.9	How do you intend to deliver this Framework Contract (tick one or more of the following options):		
	Do you intend to deliver this contract through your own organisation, using sub-contractors or as part of a consortium?		
	Using sub-contractors		
	As part of a Consortium (Consortia bids will be considered in accordance with Regulation 28 of the Public Contracts Regulations 2006)		
	Further to 6.9 above, if you intend to use sub-contractor's, or are bidding as part of a consortium, you must indicate in a separate annex (by inserting the relevant company or organisation name) the composition of the supply chain, indicating which member of the supply chain (which may include the potential provider solely or together with other providers) will be responsible for the elements of the requirement.		
6.10	Does your organisation have a written Health and Safety Policy?	Yes	No
	Note: if your organisation has less than 5 employees, the Forestry Commission still requires you to have a written Health and Safety Policy.		
6.11	Please provide details of the health and safety training you provide to employees, relevant to this contract. If you do not provide any training, please tell us why this is not necessary. The Statement of Requirements will state whether any specific health & safety training is required for this contract, if from your answer we deem that adequate training is not/or has not been carried out, we will reject your bid in		

Organisation Details				
	Question	Your Answer		
	full.			
6.12	You must either confirm that you have the following levels of insurance in place for each and every claim rather than on an aggregate basis or, alternatively, undertake that should you be awarded a contract under this procurement such levels of insurance will be available to you and that you undertake to maintain these levels of insurance for the duration of the contract.			
Insurance Policy	Indemnity Value (£)	Yes	No	Will secure if successful
Employers Liability (This is a legal requirement. There are a small number of exceptions. Please refer to HSE Guidance HSE 40 Employers Liability Compulsory Insurance Act 1969)	Min £5m per claim			
Public Liability	Min £5m per claim			

Tax Compliance			
6.13	<p>Have your organisation’s tax affairs given rise to a criminal conviction for tax related offences which are unspent, or to a penalty for civil fraud or evasion; and/or have any of your organisation’s tax returns submitted on or after 1 October 2012 been found to be incorrect as a result of:</p> <ul style="list-style-type: none"> a) HMRC successfully challenging it under the General Anti-Abuse Rule (GAAR) or the “Halifax” abuse principle; or b) A tax authority in a jurisdiction in which the supplier is established successfully challenging it under any tax rules or legislation that have an effect equivalent or similar to the GAAR or the “Halifax” abuse principle; or c) the failure of an avoidance scheme which the supplier was involved in and which was, or should have been, notified under the Disclosure of Tax Avoidance Scheme (DOTAS) or any equivalent or similar regime in a jurisdiction in which the supplier is established? 	No	Yes
<p>If answering ‘yes’ to question 6.13 above you should provide details of any mitigating factors that you consider relevant and that you wish us to take into consideration. This could include for example:</p> <ul style="list-style-type: none"> ➤ Corrective action undertaken by you to date; ➤ Planned corrective action to be taken; ➤ Changes in personnel or ownership since the OONC; or ➤ Changes in financial, accounting, audit or management procedures since the OONC. <p>In order to consider any factors raised by you, we will find it helpful to have the following information:</p> <ul style="list-style-type: none"> ➤ A brief description of the occasion, the tax to which it applied, and the type of “non-compliance” e.g. whether HMRC or the foreign tax authority has challenged pursuant to the GARR, the “Halifax” abuse principle etc. ➤ Where the OONC relates to a DOTAS, the number of the relevant scheme. ➤ The date of the original “non-compliance” and the date of any judgement against the supplier, or date when the return was amended. ➤ The level of any penalty or criminal conviction applied. 			

Please use the box below to provide details if appropriate, and expand as necessary.

7a. Specific Gateway Questions

	Question	Weight
1.	Provide a copy of your most recent LOLER test certificate for your climbing equipment. The test must be carried out in accordance with the HSE Code of Practise.	Pass/Fail
	<i>(attach a separate sheet if needed)</i>	

7b. Specific Award Questions

	Question	Weight %
7b.1	The Contractor will be expected to respond to severe weather events which may require significant unplanned and unforeseen work. Explain how you manage your business to ensure you are able to meet the Emergency 6-hour response Call Out.	20%
<p>Answer:</p>		

7b.2	<p>Appendix 2 contains a tree inspection report and a map. This work is representative of that which will be undertaken during this contract. You are required to visit the tree and prepare the following documents:</p> <ul style="list-style-type: none"> ○ site specific risk assessment (This must explain clearly how you would undertake the work safely) ○ method statement (This should detail all aspects of the task from when your team arrive on site, to when they leave detailing your expectation of how long this work would take to complete). ○ justification (explain how the method of work identified provides a cost effective solution for the FC) 	40%
<p>Answer:</p>		

8. Pricing

Please provide details of your pricing in the attached schedule.

Ref	Description	Unit of measurement	Weight %	Lot 1 Cornwall	Lot 2 Quantocks Exmoor & E. Devon
				Price (£)	Price (£)
1.	8 hour, on-site 3-man Team Day Rate* Monday to Friday between 07:00-18:00 (standard working day).	Per team per day	20		
2.	Emergency Team Hourly Rate* (Emergency 6-hour response Call Out Rate)	Per team per hour	5		
3.	8 hour, on-site Day Rate for supply of 6" feed (or greater) tow-behind brushwood chipper	Per day	3		
4.	8 hour, on-site Day Rate for supply of a qualified, competent banksman for public safety or traffic control.	Per man per day	3		
5.	8 hour, on-site Day Rate for supply of any additional qualified, competent tree surgeon.	Per man per day	3		
6.	8 hour, on-site Day Rate for supply of a 16m Mobile Elevated Working Platform.	Per day	3		
7.	Hourly administration rate when arranging traffic management, power shutdown, etc	Per hour	3		

Please note:

* The price we require is for the combined team, consisting of 3 individuals, NOT a price per individual.

All prices to be for work on any site within the tendered lot. No travel time to site to be included, although reasonable job-to-job travel is permitted.

For specialist traffic management or where additional equipment is required, the Contractor may charge no more than 10% handling fee on cost of the hired equipment (invoice may be requested as evidence).

9. Declaration

Please state within the box at the end of this declaration if there are any specific areas with which you cannot comply. Please note that this may invalidate your tender submission.

In this certificate, any reference to person or persons will mean and include businesses, associations or corporations and any reference to arrangements or agreements will mean any and all transactions, formal or informal, lawful or otherwise.

Conditions 1, 13, 14, 15 and 16 of this declaration are mandatory requirements, and bidding organisations must accept these conditions; failure to do so will automatically invalidate your bid. All other conditions are discretionary, and while the Forestry Commission are entitled to exclude you from being considered further if any of these conditions are qualified or not accepted in full, we may decide to allow you to proceed further. In the event that any of the following do apply, please set out in the box below (or a separate annex if you require more space) full details of the relevant incident and any remedial action taken subsequently. The information provided will be taken into account by us when considering whether or not you will be able to proceed any further in respect of this procurement exercise.

By signing this Declaration you, the bidding organisation certify that:

1. The bidding organisation or any directors or partner or any other person who has powers of representation, decision or control have not been convicted of the following offences as defined by the relevant UK law:

- a) theft, fraud and wilful imposition, embezzlement, robbery, forgery, reset (including reset as defined in Section 51 of the Criminal Law (Consolidation) (Scotland) Act 1995), perjury or any of the following offences as defined by the legal systems in each of the constituent parts of the United Kingdom, namely;
 - aa) conspiracy, within the meaning of section 1 or 1A of the Criminal Law Act 1977 or Article 9 or 9A of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 where that conspiracy relates to participation in a criminal organisation as defined in Article 2 of Council Framework Decision 2008/841/JHA;
- b) corruption, within the meaning of section 1(2) of the Public Bodies Corrupt Practices Act 1889 or section 1 of the Prevention of Corruption Act 1906; where the offence relates to active corruption;
- c) the offence of bribery, where the offence relates to active corruption;
 - ca) bribery within the meaning of section 1 or 6 of the Bribery Act 2010;
- d) fraud, where the offence relates to fraud affecting the European communities' financial interests as defined by Article 1 of the Convention on the protection of the financial interests of the European Communities, within the meaning of:

- (i) the offence of cheating Her Majesty's Revenue and Customs including (but not limited to) a "Revenue and Customs offence" in terms of Section 23A, sections 23B to 23P and 26A of the Criminal Law (Consolidation) (Scotland) Act 1995
- (ii) the offence of conspiracy to defraud;
- (iii) fraud or theft within the meaning of the Theft Act 1968, the Theft Act (Northern Ireland) 1969, the Theft Act 1978 or the Theft (Northern Ireland) order 1978;
- (iv) fraudulent trading within the meaning of section 458 of the Companies Act 1985, article 451 of the Companies (Northern Ireland) Order 1986 or section 993 of the Companies Act 2006;
- (v) fraudulent evasion within the meaning of section 170 of the Customs and Excise Management Act 1979 or section 72 of the Value Added Tax Act 1994;
- (vi) an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice Act 1993;
- (vii) destroying, defacing or concealing of documents or procuring the execution of a valuable security within the meaning of section 20 of the Theft Act 1968 or section 19 of the Theft Act (Northern Ireland) 1969;
- (viii) fraud within the meaning of section 2,3 or 4 of the Fraud Act 2006; or
- (ix) making, adapting, supplying or offering to supply articles for use in frauds within the meaning of section 7 of the Fraud Act 2006;
- (x) counterfeiting or falsifying a specified monetary instrument with the intention that it be uttered as genuine; or having in his or her custody or under his or her control, without lawful authority or excuse anything which was and which he or she knew or believed to be a counterfeited or falsified specified monetary instrument or any machine, implement or computer programme or any paper or other material which to his or her knowledge was specifically designed or adapted for the making of a specified monetary instrument, contrary to Section 46A(1) or (2) of the Criminal Law (Consolidation) (Scotland) Act 1995.
- (xi) having in her or her possession or under his or her control an article for use in or in connection with the commission of fraud or making, adapting, supplying or offering to supply an article knowing that the article is designed or adapted for use in or connection with the commission of fraud or intended the article to be used in or in connection with the commission of fraud contrary to Section 49(1) and (3) of the Criminal Justice and Licensing (Scotland) Act 2010;
- (xii) being involved in serious organised crime contrary to Section 28 of the Criminal Justice and Licensing (Scotland) Act 2010; or committing an offence aggravated by a connection with serious organised crime in terms of Section 29(2) of the Criminal Justice and Licensing (Scotland) Act 2010; or committing an offence by directing another person to commit a serious offence or to commit an offence aggravated by a connection with serious organised crime or by directing another person to direct a further person to commit a serious offence or an offence aggravated by a connection with serious organised crime, contrary to Section 30(1) and/or (2) of the Criminal Justice and Licensing (Scotland) Act

2010 or failing to report a serious organised crime, in contravention of Section 31 of the Criminal Justice and Licensing (Scotland) Act 2010.

(xiii) knowing or suspecting that an investigation under Section 28 of the Criminal Law (Consolidation) (Scotland) Act 1995 was being carried out or was likely to be carried out and falsifying, concealing, destroying or otherwise disposing of or causing or permitting falsification, concealment, destruction or disposal of documents which he/she knew or suspected or had reasonable grounds to suspect were or would be relevant to such an investigation contrary to Section 29(1) of the Criminal Law (Consolidation) (Scotland) Act 1995.

(xiv) committing any of the offences against the administration of justice listed in Schedule 2 "Offences against the Administration of Justice: Article 70" to the International Criminal Court (Scotland) Act 2001 (which relate to giving false testimony when under an obligation pursuant to article 69, paragraph 1, to tell the truth, presenting evidence that he/she knew was false or forged, corruptly influencing a witness, obstructing or interfering with the attendance or testimony of a witness, retaliating against a witness for giving testimony or destroying, tampering with or interfering with the collection of evidence, impeding, intimidating or corruptly influencing an official of the court for the purpose of forcing or persuading the official not to perform, or perform properly, his or her duties, retaliating against an official of the court on account of duties performed by that or another official or soliciting or accepting a bribe as an official of the court in connection with his or her official duties)

e) money laundering within the meaning of section 340(11) of the Proceeds of Crime Act 2002;

ea) an offence in connection with the proceeds of criminal conduct within the meaning of section 93A, 93B or 93C of the Criminal Justice Act 1988 or article 45, 46 or 47 of the Proceeds of Crime (Northern Ireland) Order 1996; or

eb) an offence in connection with the proceed of drug trafficking within the meaning of section 49, 50 or 51 of the Drug Trafficking Act 1994; or

f) any other offence within the meaning of Article 45(1) of Directive 2004/18/EC as defined by the national law of any relevant State.

2. The bidder being an individual is not in a state of bankruptcy nor has a receiving order or administration order or bankruptcy restriction order made against him nor has made any arrangement for the benefit of creditors, or has not made any conveyance or assignment for the benefit of his creditors or appears unable to pay or to have no reasonable prospect of being able to pay, a debt within the meaning of section 268 of the Insolvency Act 1986, or article 242 of the Insolvency (Northern Ireland) order 1989, or in Scotland has granted a trust deed for creditors or become otherwise apparently insolvent, or is the subject of a petition presented for sequestration of his estate, or is the subject of any similar procedure under the law of any other state;

3. The bidder being a partnership constituted under Scots law has not granted a trust deed nor become otherwise apparently insolvent, nor is subject of a petition presented for sequestration of its estate.

4. The bidder being a company or any other entity within the meaning of section 255 of the Enterprise Act 2002 has passed a resolution, or is the subject of an order by the

court for the company's winding up otherwise than for the purpose of bona fide reconstruction or amalgamation, or had a receiver, manager or administrator on behalf of a creditor appointed in respect of the company's business or any part thereof or is the subject of similar procedures under the law of any other state.

5. The bidding organisation has not been convicted of a criminal offence relating to the conduct of its business or profession.

6. The bidding organisation has not committed an act of grave misconduct in the course of its business or profession.

7. The bidding organisation has fulfilled its obligations relating to payment of social security contributions under the law of any part of the United Kingdom or of the relevant State in which you are established

8. The bidding organisation has fulfilled its obligations relating to payment of taxes under the law of any part of the United Kingdom or of the relevant State in which you are established.

9. The bidding organisation is not guilty of serious misrepresentations in providing any information required under Regulation 23 of the Public Contracts Regulations 2006.

10. The bidding organisation is in possession of a licence or is a member of the appropriate organisation where the law requires it.

11. The bidding organisation has not had a contract cancelled, or not renewed, for failure to perform nor been the subject of a claim (contractual or otherwise) based upon a failure of quality in design, work, materials or services within the last three years.

12. None of the senior personnel of the bidding organisation have been involved (in a similar position) in any company which has gone into insolvent liquidation, voluntary arrangement, receivership or administration or been declared bankrupt.

13. The bidding organisation comply with the requirements of the Health and Safety at Work Act 1974, as amended (for organisations employing five or more people).

14. The bidding organisation confirm their acceptance of the mandatory requirements for publication of tender documents and contracts as set out in the Government Transparency Agenda.

15. The bidding organisation accepts that while the information in this ITT and supporting documents has been prepared in good faith by the Forestry Commission (FC), it may not be comprehensive nor has it been independently verified. Neither the FC, nor their advisors, nor their respective directors, officers, members, partners, employees, other staff or agents makes any representation or warranty (express or implied) as to the accuracy, reasonableness or completeness of this ITT; or accepts any responsibility for the information contained in the ITT or for the fairness, accuracy or completeness of that information nor shall any of them be liable for any loss or damage (other than in respect of fraudulent misrepresentation) arising as a result of relying on such information or any subsequent communication.

16. The bidding organisation confirm that this is a *bona fide* tender, intended to be competitive, and that we have not fixed or adjusted the amount of the tender by or under or in accordance with any agreement or arrangement with any other person.

Please state within the box below if there are any specific areas of the declaration above with which you cannot comply. Please note that this may invalidate your submission, but you should provide details that will enable the Forestry Commission to decide whether to let you progress further in the process, should the reasoning be satisfactory when it applies to one of the discretionary exclusion conditions.

I declare that to the best of my knowledge the information submitted in this ITT is correct. I understand that the Forestry Commission may reject this ITT if there is a failure to answer all relevant questions, or provide any requested information fully or if I provide false or misleading information; or if I make any false declaration which is discovered after Contract Award; I acknowledge that this may lead to said contract being terminated.

Name (printed)

Date

Signature

Capacity / Title

For and on behalf of

Module B – References

Please complete and return this form as part of your tender submission, in accordance with the instructions set out in the document 'Modular ITT Module A'.

Please note that this is a 'Pass/Fail' module and failure to provide adequate references will constitute a failing of your bid in full.

Weighting: This is a Gateway Section (Pass/Fail)

Please provide details of up to two contracts from either or both the public or private sector, that are relevant to our requirement. Contracts for the supply of goods or services should have been performed during the past three years. Works contracts may be from the past five years. (The customer contact should be prepared to speak to the purchasing organisation to confirm the accuracy of the information provided below if we wish to contact them).

Note that where possible referees should not solely be linked to the FC and that we may contact your referees without telling you again.

Reference 1	
Organisation name:	
Customer contact, name, phone number and email	
Contract Start date, contract completion date and contract value	
Brief description of contract (max 150 words) including evidence as to your technical capability in this market.	
Reference 2	
Organisation name:	
Customer contact, name, phone number and email	

Contract Start date, contract completion date and contract value	
Brief description of contract (max 150 words) including evidence as to your technical capability in this market.	

Module D – Health & Safety

Please complete and return this form as part of your tender submission, in accordance with the instructions set out in the document 'Modular ITT Module A'. Failure to 'Pass' this module will constitute an overall failing of your bid.

This section allows us to assess your competency for health and safety. We have provided some guidance to help you understand the requirements for each area. You may also find it useful to refer to the Health and Safety Executive (HSE) website for some guidance before completing this section. You can find this here:

<http://www.hse.gov.uk/>.

Question	
D1	Please provide details of how you manage health and safety at work. Your responses should include: <ul style="list-style-type: none"> ▪ basic statement on safety awareness; ▪ organisational structure; ▪ nominated advisor or consultant for health and safety; ▪ use of supervisory visits; ▪ use of FISA checklists (if these apply to the particular contract); ▪ processes you have to make sure staff are up to date on health and safety requirements; and ▪ details of how you monitor this.
Answer:	
D2	Please provide details of any Improvement or Prohibition Notices or Prosecutions served by the Health and Safety Executive, and explain what improvements you have made to make sure they do not reoccur. Your responses should include evidence of lessons that you have learned and acted on.
Answer:	
D3	Please provide details if your organisation has been prosecuted or issued with an Improvement Notice or Order by the Environment Agency, Scottish

	<p>Environmental Protection Agency, National Rivers Authority, a Local Authority, or any other enforcement body responsible for protecting the environment (including a Planning Authority for a breach of Planning Control).</p> <p>Your responses should include evidence of lessons that you have learned and acted upon.</p>
<p>Answer:</p>	

1.1 *Risk assessment*

<p>D4</p>	<p>Please provide examples of the risk assessment process you have applied in previous contracts of a similar nature to this requirement. Please provide copies of the following if relevant to the contract:</p> <ul style="list-style-type: none"> ▪ emergency plans; ▪ lone working procedures; ▪ previously completed FISA Guides and checklists; and ▪ records of inspection and testing of machinery and electrical equipment. <p>The process should follow the HSE process or similar and you should provide all the relevant documents we ask for.</p>
<p>Answer:</p>	

D5	Please provide examples of the method statements you have applied in previous contracts of a similar nature to this requirement, and explain how you have linked these to the risk assessment. Please provide examples which show that in previous contracts you have produced method statements detailing how you will carry out the work and you have based these on your risk assessments.
Answer:	

1.2 ***Health and safety advice***

D6	How does your organisation obtain competent health and safety advice? (Either within the organisation or externally)? Please show us you have the following or equivalent: internal safety officers, consultants, appointed person in the organisation responsible for health and safety.
Answer:	
D7	Please provide details of any safety organisations you belong to, for example RoSPA, IOSH etc. This is for our information only.
Answer:	

1.3 Competence and qualifications

D8	Do the employees, contractors and, or, sub-contractors who will deliver the contract if successful hold the following qualifications or certification for the following?			Qualification Provider
		Yes	No	
	First aid			
	Chainsaws (to include use at height)			
	Chainsaws – Windblow stems			
	Arboriculture or tree climbing (to include aerial rescue)			
	Rope access techniques			
	Access platform operations			
	Lifting operations & equipment			

		Yes	No
D9	Do the employees who will deliver the contract, if successful, receive relevant update training?		
Answer:			
D10	Please provide details of the relevant update training that you provide to the employees who will deliver the contract. From your answer we will evaluate whether the level and frequency of training is appropriate.		
Answer:			

1.4 ***Accident records and reporting***

D11	How does your organisation make sure you learn from incidents or accidents and change your working practices as necessary? Please provide examples. You must provide evidence that you have a process to record accidents.
Answer:	
D12	How does your organisation ensure it reports under RIDDOR, where this is required? Your response should demonstrate recognition of RIDDOR reportable categories and timescales.
Answer:	

1.5 ***Working with sub-contractors***

D13	Please provide details of your selection process for sub-contractors either with the Forestry Commission or other organisations. This selection process should include assessment and review of their approach to risk assessment, competence and qualifications, and accident reporting and recording.
Answer:	