



**An Roinn Oideachais
agus Scileanna**
Department of
Education and Skills

GUIDANCE ON APPOINTMENT OF DESIGN TEAMS FOR DEVOLVED GRANT PROJECTS

Planning and Building Unit
Department of Education and Skills

Web: <http://www.education.ie>
<http://www.energyineducation.ie>

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GUIDANCE ON APPOINTMENT OF DESIGN TEAMS FOR DEVOLVED GRANT PROJECTS

1. General

Following receipt of the letter of approval from the Department, and prior to the signing of the form of acceptance, School Authorities/ETBs must tender for Consultants to form a Design Team to design, procure and oversee the approved works.

The following Design Team consultants will be required:

- Architect
- Building Services Engineer
- Civil/Structural Engineer
- Quantity Surveyor

The consultants must have appropriate professional Qualifications, Professional Indemnity Insurance Cover and previous experience in consultancy service of a similar nature.

In addition to the above consultants, under Health and Safety legislation it is a legal requirement to appoint a competent person to act as Project Supervisor (Design) Process to oversee the health and safety requirements of the project.

The Department's procurement procedures for appointing consultants for projects vary in relation to the size and complexity of the project as follows:

- (a) Estimated construction cost €1m - €2.5m (ex VAT) – Open Procedure; Type 2a projects.
- (b) Estimated construction cost €2.5m - €7.5m (ex VAT) – Restricted Procedure using the Department's Framework for Type 2b projects.
- (c) Estimated construction cost over €7.5m (ex VAT) – Restricted Procedure using the Department's Framework for Type 3 projects.

In the case of PSDP Services appointments for all projects over €1m are based on a Restricted Procedure using the Department's PSDP Framework panels.

2. Appointment of Consultants

As the anticipated aggregated value of Design Team services will be in excess of the EU threshold for services the Request for Tenders will need to be published on eTenders and in the Official Journal of the European Union (OJEU). Details of the procedures to be followed, together with checklists for the completion of eTenders and OJEU contract notices are set out below (completion of the OJEU contract notice is facilitated through eTenders).

Appointment of Design Teams for approved works without a formal tender process will expose the School Authorities/ETBs to challenge and subsequent financial penalties from a firm that considers it was not afforded an opportunity to tender.

For devolved projects the School Authority/ETB will be responsible for any challenges that may arise due to a failure to comply with the relevant procedures and guidelines. Any such challenge would also result in the project being substantially delayed.

3. Open Procedure

3.1 Who can submit a tender

For an Open Tender process the tender is open to all consultancy firms that meet the minimum criteria set down in the request for tenderers. The School Authority must advertise the tender opportunity on www.eTenders.gov.ie. Where any Consultant (being qualified in the appropriate discipline) has expressed an interest in tendering for the project (e.g. by writing or emailing the school), and where that Consultant meets (or declares that they meet) the minimum standard required, that Consultant should be notified that a contract notice has been uploaded on the eTenders website from which, upon registering their interest, all necessary tender instructions and documentation can be obtained. (There is no upper limit on the number of Consultants permitted to submit tender submissions.) The only way to submit a tender is through eTenders.

In order to ensure an adequate tender response it is advisable to contact any suitably qualified firms that may be known to the School Authority, or that may have worked successfully for the School Authority in the past, and advise them of the tender opportunity to be accessed through eTenders.

3.2 Eligibility of Firms / Consultants to tender

Under the Building Control Act 2007, a body corporate, firm or partnership carrying on business under a name, style or title containing the word “architecture” must be under the control and management of a registered professional architect, i.e. at least one of the directors must be a registered architect.

The same applies to the title “Quantity Surveying” and “Building Surveying”, i.e. a body corporate, firm or partnership carrying on business under either of these titles must be under the control and management of a registered Quantity Surveyor (in the case of the former) or a registered Building Surveyor (in the case of the latter).

The registration of Engineers as Chartered Engineers is governed by the Institution of Civil Engineers of Ireland (Charter Amendment) Act, 1969.

The websites of the professional bodies include search facilities for checking the qualification status of members, including, in the case of Architects, Building Surveyors and Quantity Surveyors, their registration number. The following are the relevant professional bodies:

Architects	Royal Institute of the Architects of Ireland (RIAI)
Building Surveyors	Society of Chartered Surveyors Ireland (SCSI)
Quantity Surveyors	Society of Chartered Surveyors Ireland (SCSI)
Building Services Engineers	Engineers Ireland (IEI) and Association of Consulting Engineers of Ireland (ACEI)
Civil/Structural Engineers	Engineers Ireland (IEI) and Association of Consulting Engineers of Ireland (ACEI)

3.3 Tender Documents (Open Procedure)

In order to invite tenders from suitable firms the following tender documents are essential:

- (a) Letter of Invitation
(Sets out general information about the project, the service required, the closing date for receipt of tenders and a procedure for dealing with queries. It should also include the Project Type and the Notional Capital Value (NCV) for Design Team appointment purposes.)
- (b) Form of Tender
(Sets out the information required from tenderers.)

- (c) Instructions to Tenderers
(Sets out how the tender process is to be managed including tender assessment, the award process, the time periods for each of the project stages and project particulars.)
- (d) Schedule of Stage Services
(States the services to be provided by each Design Team member at each stage of the project.)
- (e) Conditions of Engagement
(This is a standard Public Sector conditions of contract for consultancy services and includes details of fee payment stages throughout the project.)
- (f) Project Brief
(This describes the project to be delivered and includes a Schedule of Accommodation which is the limit of accommodation to be provided.)
- (g) Suitability Assessment Declaration
(This document sets out the minimum standards which a successful tenderer will be required to meet in a number of different areas including professional indemnity insurance, qualifications and experience of personnel who will deliver the services, previous experience of the firm in relation to projects of similar scale and complexity, etc. Tenderers submit a signed declaration to confirm that they can meet the required standards. When tender assessment has been completed the apparently successful tenderer is requested to provide verification in relation to all matters covered by the declaration as part of the validation process.)

With the exception of (f), which is specific to each project, all of the above documents are available on the Department Website under *School Building & Design > Appointment of Consultants > Tender Documents (Open Procedure for Minor Projects, Type 2a)*.

3.4 Award Criteria

Tenders will be assessed using criteria that include quality of service as well as price. There are four criteria in all, with a total of 100 marks available, as follows:

PRICE	A.	Price	25 marks
QUALITY	B1.	Tendered Rates	25 marks
	B2.	Resources (Hours devoted to the project)	25 marks
	C.	Project Assessment (Site and Project Specific Issues)	25 marks

Criteria B1, B2 and C relate to the quality of service and have 75 marks allotted to them. Criterion A relates to price only and has 25 marks allotted to it.

Marks are assigned to Criterion A, B1 and B2 by mathematical calculation in accordance with the Excel Marking Matrix.

Criterion C is divided into five sub-criteria, each assigned a maximum of 5 marks. Three of these sub-criteria are assigned to site specific issues and two for project specific issues. A written single page submission is required from tenderers citing and explaining the site and project specific issues which they consider to be most important for the successful delivery of the project.

The four criteria are detailed in the Form of Tender to which tenderers must respond and the method of marking and assessment is detailed in the Explanatory Notes attached to the Form of Tender.

To allow some flexibility at the early design stages, fees are tendered on a percentage basis, i.e. the fees are calculated as a percentage of the approved estimated cost. The fees are then converted to a lump sum at the end of Stage 1, based on the approved Stage 1 Cost Plan. The fee for each fee payment stage can be calculated at the end of Stage 1 and these amounts will remain fixed for the duration of the project. After Stage 1, fees will only be adjusted if there is an increase in the scope of the project that could not have been predicted at Stage1.

4. Project Supervisor Design Process (PSDP)

A separate competition for the appointment of a PSDP is to be run in parallel with the Design Team appointments, using the Department’s PSDP Framework. (See Section 6 herein for guidance on appointing a PSDP.)

For an understanding of the role of the PSDP see “Form of Tender and Proposal Form for PSDP Consultant Services” on the website. Part of this role is to confirm that consultants being considered for appointment to the Design Team meet all statutory requirements with regard to health and safety; therefore it is important that the PSDP is appointed first in order to assist in the completion of the appointments of the Design Team members.

5. Appointing the Design Team under an Open Procedure

5.1 Advertising on eTenders

The School Authority must advertise the tender opportunity on www.eTenders.gov.ie, by way of a Contract Notice, and upload all necessary information.

The contract notice must state the date, location and method for the receipt of tender submissions. A minimum of 30 calendar days should be allowed between the date of publication of the contract notice and receipt of tender submissions.

5.2 Documents to be uploaded on eTenders

Placing a Contract Notice on eTenders is an online process and it is good practice to assemble all of the necessary documents to have them ready to upload when prompted by eTenders.

The documents required and where they are sourced are as follows. The location on the DoES website for the web based documents below is *School Building & Design > Appointment of Consultants > TENDER DOCUMENTS (Open Procedure for Minor Projects, Type 2a)*.

Document	Source
Template Letter of Invitation	DoES website; to be customised for the particular project including the Project Type and the NCV.
Project Brief	Provided by DoES for each project.
DoES Form of Tender Consultants - Minor (Architect, Design Team Leader)	DoES website
DoES Form of Tender Consultants - Minor (Engineers & QS)	DoES website
DoES ITTS Instructions to Tenderers (Open)	DoES website
DoES Schedule of Stage Services for Construction Consultants	DoES website
Conditions of Engagement - Architect/Design Team Leader: DoES COE1- including Schedules A & B (Architect, Design Team Leader)	DoES website
Conditions of Engagement - Engineers & QS: DoES COE1- including Schedules A & B (Engineers & QS)	DoES website
DoES Tender Excel Marking Matrix	DoES website
DoES-QC1 Suitability Assessment Declaration	DoES website
DoES-QC1 Appendix B1	DoES website
DoES-QC1 Appendix B2	DoES website

5.3 Documents to be submitted by Tenderers

The tender submissions (returned by the consultants via eTenders) should comprise:

- The Form of Tender signed by a director or principal of the firm.
- DoES-QC1 Suitability Assessment Declaration signed by a director or principal of the firm.
- DoES-QC1 Appendix B1 (a list of all projects of a similar nature, size and complexity completed by the firm over the last 5 years).
- DoES-QC1 Appendix B2 (three examples of projects of a similar size and complexity, which have reached Substantial Completion, carried out by the firm in the last 5 years).

5.4 Completing the eTenders Contract Notice

The following are the procedures to be followed to advertise on eTenders:

1. If already registered with eTenders complete login.
 2. If not already registered and you are acting on behalf of a School as Contracting Authority, go to www.eTenders.ie and on the home page scroll down to “Buyer Registration” for instructions.
 3. When logged in, if a Workspace has been created for you by the DoES, go to Workspace, and then go to Create RFT (Request for Tender).
 4. If a Workspace has not been created for you by the DoES, click into Buyer’s Services, scroll down to the bottom of the page and click on the “Create RFT Outside Workspace” tab.
 5. Select the type of contract (in this case “Services”) and complete the relevant details as prompted. In this instance tick the box beside “Click here if this is a construction related services RFT”. You will then be prompted to select one of three options. Select option 1 “COE1 Standard Conditions of Engagement for Consultancy Services (Technical)”.
You will then be prompted to select a procedure from a drop down menu. Select the second item “2. Open Procedure (OJEU)”.
- (Note: eTenders will automatically populate later cells with relevant repeat information to avoid double entering.)
6. A single RFT will be created for each discipline (i.e. Architect, Quantity Surveyor, Civil/Structural Engineer, Building Services Engineer), with the relevant Consultant completing and submitting the relevant tender documentation. A separate RFT will be required for the appointment of the PSDP.
 7. Select “Use a Tender Box” at “Opening Procedure” (this allows receipt of all applicants’ information through eTenders). De-select “Allow suppliers to also make a discount bid if awarded all of multiple lots”.
 8. Once you have completed these steps you then move on to the main eTenders RFT Checklist as follows (when each information point is addressed the red X on the left hand side changes to a green tick ✓).

(Note: all Contract Notices commence in the same way whether the project is required to follow EU procurement rules (i.e. above the EU threshold) or not. If you selected an OJEU procedure at 4 above, eTenders will direct you into the OJEU contract notice as you complete the RFT.)

eTENDERS RFT CHECKLIST (OPEN PROCEDURE)

RFT - Title	The short description of the project that you entered at an earlier step will automatically appear here.
Manage lots Create, delete, copy or edit lots for this RFT add more detailed information regarding the procurement.	The short description of the project that you entered at an earlier step will automatically appear here.
Assign Team Assign team members to work on this RFT	Select the persons to work on the RFT from members already registered with eTenders or, if the required persons are not registered arrange to have them registered. A minimum of two persons required.
Set Message Recipients Set or change who is going to receive messages from suppliers	This field is automatically populated by the assigned team members. Tick at least two members to receive messages.
Select CPV codes CPV codes for RFT, for any relevant publications and business opportunities email alerts	CPV Codes are important in that they enable alerts to be issued to consultants registered with eTenders and appropriate to the category selected. Click on the blue text and follow the prompts to enter the CPV Category Tree and select the categories that apply to the project. Tick the box against the main category.
RFT Dates / Planned activities in this process Set or change dates related to this RFT	Insert appropriate dates and times for the single stage process. Latest date for queries should be 5 days before the closing date for receipt of Tenders. Note: if for any reason a date set in eTenders has passed, but tender/EOI documents are not yet ready to issue, it will be necessary to reset the dates to allow further amendments to be made. Please ensure that any deadline dates inserted on eTenders match any return dates in the tender documents.
Publication sites Manage external publication sites for this RFT	If OJEU was selected in the early responses TED will be automatically selected by eTenders. (TED is Tenders Electronic Daily, the European public procurement journal.)
Create ESPD request	Not currently used and can be ignored for the present
Pricing required (if any)	Untick the boxes under this heading
Manage Questionnaire Add or edit questions to be answered by the suppliers through the system and for you evaluate after submission deadline.	For school construction projects this can generally be left blank. Manually click the red X.
Documents Upload documents that the suppliers can download.	This is where all tender documents can be uploaded. For Consultants the following documents must be uploaded (see 5.2 above): <ul style="list-style-type: none"> • <i>Project Brief</i> • <i>DoES Form of Tender Consultants - Minor (Architect, Design Team Leader) OR</i> • <i>DoES Form of Tender Consultants - Minor (Engineers & QS) (depending on discipline)</i>

	<ul style="list-style-type: none"> • <i>DoES Tender Excel Marking Matrix</i> • <i>DoES ITTS Instructions to Tenderers (Open)</i> • <i>DoES Schedule of Stage Services for Construction Consultants</i> • <i>Conditions of Engagement - Architect/Design Team Leader: DoES COE1- including Schedules A & B (Architect, Design Team Leader) OR</i> • <i>Conditions of Engagement - Engineers & QS: DoES COE1- including Schedules A & B (Engineers & QS) (depending on discipline).</i> • <i>DoES-QC1 Suitability Assessment Declaration</i> • <i>DoES-QC1 Appendix B1</i> • <i>DoES-QC1 Appendix B2</i>
Prepare zip file Create a zip file with all documents that the suppliers can download	For large amounts of data this allows the preparation of a zip file to include all documents. This makes it easier for tenderers to download the tender documents.
Internal Documents Uploading of internal documents to the RFT, the documents uploaded to this folder are not visible or possible to download for the suppliers.	Not generally used. Change X to ✓ manually.
Attach cover letter Configure or select cover letter	The Invitation to Tender Letter can be entered here. Use the following, customised for the particular project: <ul style="list-style-type: none"> • <i>Template Letter of Invitation to Tender (Open)</i>
Prepare items for Evaluation Prepare and set the parts of the RFT that will be part of the evaluation. Checklist item will become green upon refresh.	This allows assessment of applications on line but would not generally be used on school construction projects. Change X to ✓ manually.
Define opening committee Define users to open the tender box	Select the members assigned to the project as the opening committee. Of these select the number of persons (keys) required to open tender box. Recommended (and minimum) default is two.
ENSURE Approval before publishing Ensure that you seek appropriate approval, if needed, before publishing the tender	This is a prompt to ensure that the person preparing the contract notice has authorisation to publish (i.e. letter of approval from DoES).
Prepare and manage publications Prepare and manage the forms for publication	Click on TED. This brings you into the EU Contract Notice. Refer to OJEU (TED) Checklist below for guidance on completing this.
Publish Publish to the site selected in procedure template.	When you have completed the TED notice you are ready to publish. Ensure that authorisation to publish the Contract Notice has been received in writing from the DoES.
	The remaining questions relate to evaluation and assessment of applications.

OJEU (TED) SERVICES CONTRACT NOTICE CHECKLIST

Publication

Select "Contract notice"

Form Data

Form Language [English]

Type of Contract [Services]

Type of Procedure [Open]

Section I: Contracting authority

I.1) Name and addresses

[Enter Contracting Authority name and address]

NUTS code [Country or region code - select from drop down list]

Contact person: [Enter contact person name]

Telephone: [Enter phone number]

E-mail: [Enter email address]

Internet address(es):

Main address: [Enter email address]

Address of the buyer profile: [A link similar to the following is entered automatically by eTenders]

<https://irl.eu-supply.com/ctm/Company/CompanyInformation/Index/.....>

I.2) Joint Procurement

[Skip]

I.3) Communication

[Select] The procurement documents are available for unrestricted and full direct access, free of charge, at: [A link similar to the following is entered automatically by eTenders]

http://irl.eu-supply.com/app/rfq/rwlentrance_s.asp?PID=.....=ETENDERS_SIMPLE

Additional information can be obtained from the abovementioned address: [Select]

Tenders or requests to participate must be submitted electronically via: [A link similar to the following is entered automatically by eTenders]

http://irl.eusupply.com/app/rfq/rwlentrance_s.asp?PID=.....=ETENDERS_SIMPLE

I.4) Type of the contracting authority

[If the Contracting Authority is the Department of Education and Skills select "Ministry or any other national or federal authority....", otherwise select "Body governed by public law".]

I.5) Main activity

[Select "Education"]

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

[This information should be carried over from eTenders, if not Insert Project Title, e.g. Proposed New School for St. Mary's National School at (town), (county)]

Reference number: [Insert Roll Number]

II.1.2) Main CPV code

[Once you have selected the CPV Code in the eTenders notice it is automatically repeated here; the main code is 71000000-8 *Architectural, construction, engineering and inspection services.*]

II.1.4) Short description

[Insert a short description of the project including information on the site and the building (e.g. nature of accommodation, number of storeys, gross floor area, etc.).]

II.1.5) Estimated total value

[Insert estimated approximate value of project inclusive of VAT.]

II.1.6) Information about lots

This contract is divided into lots: [Select “no”.]

II.2) Description

II.2.2) Additional CPV code(s)

[As division into Lots has not been selected there is no requirement for additional CPV Codes.]

II.2.3) Place of performance

[Select “Add” to open the NUTS code tree, select “Ireland” and select the appropriate region for the location of the project site (Northern and Western, Southern or Eastern and Midland or further sub-divisions of these regions).]

Main site or place of performance: [Insert address of site.]

II.2.4) Description of the procurement

[Insert a more detailed description of the project.]

II.2.5) Award criteria

[Select “*Price is not the only award criterion and all criteria are stated only in the procurement documents.*”.]

II.2.6) Estimated value

[Insert estimated approximate value of project inclusive of VAT.]

II.2.7) Duration of the contract, framework agreement or dynamic purchasing system

[Enter proposed contract duration in months.]

This contract is subject to renewal: [Select “no”.]

II.2.10) Information about variants

Variants will be accepted: [Select “no”.]

II.2.11) Information about options

Options: [Select “no”.]

II.2.12) Information about electronic catalogues

[Skip]

II.2.13) Information about European Union funds

The procurement is related to a project and/or programme financed by European Union funds: **[Select “no” .]**

II.2.14) Additional information

[Skip]

Section III: Legal, economic, financial and technical information

III.1) Conditions for participation

III.1.1) Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers

List and brief description of conditions: **As DoES-QC1..... [State exact title of Suitability Assessment Questionnaire being used].**

[Include also: A declaration is required to confirm that none of the circumstances specified Article 57 of Directive 2014/24/EU (and Regulation 57 of SI No. 284 of 2016) or Article 80 of Directive 2014/25/EU (and Regulation 85 of SI No.286 of 2016) apply to the applicant.]

III.1.2) Economic and financial standing

[Tick: “Selection criteria as stated in the procurement documents” .]

III.1.3) Technical and professional ability

[Tick: “Selection criteria as stated in the procurement documents” .]

III.2) Conditions related to the contract

III.2.2) Contract performance conditions

As DoES-QC1....[State exact title of Suitability Assessment Questionnaire being used.]

III.2.3) Information about staff responsible for the performance of the contract

[Tick box.]

Section IV: Procedure

IV.1) Description

IV.1.8) Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement: **[Select “Yes” .]**

IV.2) Administrative information

IV.2.2) Time limit for receipt of tenders or requests to participate

[Date and time is automatically inserted by eTenders.]

IV.2.3) Estimated date of dispatch of invitations to tender or to participate to selected candidates

[Insert date on which it intended to publish the Contract notice.]

IV.2.4) Languages in which tenders or requests to participate may be submitted

[“English” already selected by eTenders.]

IV.2.6) Minimum time frame during which the tenderer must maintain the tender

[State 60 days.]

Section VI: Complementary information

VI.1) Information about recurrence

This is a recurrent procurement: **[Select “no”.]**

VI.3) Additional information

[Insert the following:]

All tenderers will be evaluated on the basis of the information submitted in response to this notice (All criteria have a minimum standard). The submission of the apparently successful tenderer will be validated prior to awarding the contract.

The contract will be awarded on the basis of most economically advantageous tender.

The scope of works requirements may be extended to include additional works of a similar nature at the discretion of the Contracting Authority. All additional scope of works are subject to the restrictions as set out in Article 72 of Directive 2014/24/EC (Regulation 72, SI 284 of 2016).

It is a condition precedent to the award of the Contract that the successful Tenderer will provide a current tax clearance certificate or in the case of a non-resident Tenderer a statement of suitability on tax grounds from the Revenue Commissioners of Ireland.

The Funding Agency, the Department of Education & Skills, is subject to the requirements of the Freedom of Information Acts, 1997, 2003 and 2014. If a tenderer considers that any of the information supplied in response to this notice is either commercially sensitive or confidential, this should be highlighted and reasons for its sensitivity given. The relevant material will, in response to a request under the Act, be examined in the light of exemptions provided for in the Act.

VI.4) Procedures for review

VI.4.1) Review body

Department of Education and Skills
Portlaoise Road
Tullamore, County Offaly

5.5 Assessing the Tender Submissions

When the tender time and date has expired, open all submissions.

A minimum of two people must be present for the opening of tenders. A formal record of tenders received, opened and tender amounts must be made. Late tenders cannot be submitted as eTenders will prevent uploading once the latest date and time for tender has passed.

The School Authority must be satisfied that there is no conflict of interest for any individual participating in the assessment process.

Tender assessment must be based only on the information submitted by tenderers in response to the tender documents and not on any pre-existing knowledge.

A record of the tender assessment should be retained by the School Authority.

Assess Criterion C for each tender submitted from each discipline in accordance with the guidance in the Explanatory Notes attached to the Form of Tender.

Marking Matrix

Download the Excel Marking Matrix from the DoES website (a separate copy is required for each discipline).

When the Marking Matrix is opened the Project Name and Roll Number should be inserted.

The project Type should then be selected from the drop down menu. The project type will be identified in the approval letter and/or the associated Appendices (i.e. Type 1, 2a, 2b or 3).

The default for project type is “New Project”. If this is not the case (e.g. if it states “Stage 1 complete”) use the drop down menu to select “New Project”.

Next select the discipline which is currently being evaluated. This is located on the top right and the default is “Architect”. Use the drop down menu to select the required discipline.

By selecting the correct “project type” and “discipline” the reference hours will be adjusted accordingly and the spreadsheet will make the necessary calculations relative to project type and discipline.

When the above steps have been carried out the information provided in the Form of Tender by each tenderer and the results of Criterion C evaluation can be inserted into the Marking Matrix as follows:

- In column “C” insert the name of the Firm.
- In columns “E”, “F” and “G” insert the tendered hourly rates as per the Form of Tender.
- In column “I” insert the tendered total (notional) hours as per the Form of Tender
- In column “K” insert the fixed price lump sum tendered as per the Form of Tender (where fees are tendered on a percentage basis the amount to be inserted is the product of the Notional Capital Value as stated in the Letter of Invitation multiplied by the tendered percentage fee)
- The marks achieved for Criterion C should then be inserted in the columns “Y” to “AC”.

When all this information has been inputted the matrix will indicate the final scores on the right hand side with the highest ranking tenderer for each discipline (i.e. the apparently most economically advantageous tender) highlighted in dark green.

5.6 Validating the preferred tenderer’s suitability

The tenderer submitted a signed declaration with the tender stating that the firm was offering personnel with the required qualifications and experience and that the firm had the required insurances, health and safety competence, measures for ensuring quality, tax clearance, etc. The Project Director and Project Senior person to be responsible for the service were also named in the Form of Tender submitted. It is now necessary to verify that everything promised will be provided. This is done through the issue of a Letter of Intent.

This is a very important step and is the Client’s last opportunity to ensure that the apparently successful tenderer has the capability to deliver a competent service.

The Template Letter of Intent (Open Procedure) on the website lists all of the areas where verification is required. This should be read in conjunction with the Explanatory Notes attached to DoES QC1 Suitability Assessment Declaration.

Where a consultant is a Sole Trader, Employer’s Liability Insurance is not required but the consultant must have all other Insurances. The *Registration of Business Names Act 1963* requires Sole Traders to register their business name (if it is different from their given name) with the Companies Registration Office and they must also register with the Revenue Commissioners as a self-employed person. A Sole Trader ceases to operate on the decision of the Sole Trader, although they remain liable for any liabilities that have been incurred when operating.

When you have confirmed that the preferred bidder meets the necessary requirements (as above), you are now ready to appoint that firm.

If the firm does not provide the necessary evidence within the assigned timeframe, or does not meet the required standard (e.g. if the person proposed for the project was not suitably qualified), or withdraws their tender, you may exclude that firm and proceed to the next highest scoring tenderer.

5.7 Completing Formal Appointments

(a) Letters to Unsuccessful Tenderers

When the apparently successful tender has been selected following receipt of tenders, and before the School Authority make an appointment you must send letters of regret to the unsuccessful candidates informing them that they have not been successful, using the Template Letter to Apparently Unsuccessful Candidates from the DoES website (Open Procedure). The letters to unsuccessful candidates must give the reasons why they were not successful by citing the relative advantages of the successful tender compared to the unsuccessful tender. These letters must be issued via the eTenders portal.

A period of time called the stand still period must be allowed (16 calendar days) from the date of issue of the regret letters before the successful consultants' appointments can be confirmed. This period is obligatory to allow time for the unsuccessful candidates to query the reasons for their lack of success.

The Letter of Intent to the apparently successful tenderer and the Letters to Unsuccessful tenderers should all issue at the same time.

(b) Letter of Acceptance to Successful Candidate

Once the letters of regret have issued and the standstill period of time has elapsed, and provided no challenge or appeal has been received and the PSDP has verified the health and safety competence of the successful tenderers, the School Authority is ready to appoint the Consultants. To confirm the successful consultants' appointments you should issue a Letter of Acceptance using the template letter from the DoES website (Open Procedure). The Letters of Acceptance should be issued along with the Conditions of Engagement.

(c) Conditions of Engagement

Together with the Letter of Acceptance, it is also necessary to execute a formal agreement with that consultant called the Standard Conditions of Engagement for Consultancy Services (Technical Services).

The Standard Conditions of Engagement for Consultancy Services (Technical Services) sets out the general terms and conditions of contract and should be signed by both parties (School Authority and Consultant).

The documents to be used for signing are available on the DoES website under *School Building & Design > Appointment of Consultants > TENDER DOCUMENTS (Open Procedure for Minor Projects, Type 2a)*. Because the Architect as Team Leader has a different role in the Design Team compared to the other consultants, there are two versions of the contract documents to be used as follows:

- **Architect:** Conditions of Engagement - Architect/Design Team Leader: DoES COE1- including Schedules A & B (Architect, Design Team Leader)
- **Engineers and Quantity Surveyor:** Conditions of Engagement - Engineers & QS: DoES COE1- including Schedules A & B (Engineers & QS)

In the above documents Schedule A and B to the Conditions of Engagement, which are attached to the Contract and set out the project specific requirements, have been already completed for typical school building projects. School Authority and Consultant contact details should be entered in Schedule A. The Contracting Authority entries should be reviewed and if there are any particular project circumstances that suggest a need for alternative entries contact the DoES.

(d) Contract Signings

Once Schedules A and B have been checked and the details of the contracting parties and the project title inserted on the front page of the Conditions of Engagement two copies should be made of the entire document (i.e. Conditions of Engagement and Schedules A & B). Both sets should be sent to the Consultant for signature together with the letter of acceptance. The Consultant should then return

both sets to the School for signature and dating by the School Authority. One set of the signed contract documents is then returned to the Consultant and the other is retained by the School.

A more convenient way to deal with contract signing is to invite the Consultant to attend the school where the signings can be completed by both parties at the same time and the signed and dated documents exchanged.

Once all of the Design Team members have signed and dated the contract, the Design Team can start work on the project.

Alternatively the signing of contracts can be managed through the Messaging Facility in eTenders.

(e) Maintaining records

The importance of maintaining an efficient system for keeping records cannot be overstated. At any time throughout the project, the Department (and/or in the case of an accident the Health & Safety Authority) may wish to audit the records of the School Authority to ensure that proper procedures are being adhered to and that vital information is being retained.

The School Authority should set up their own filing system, one that recognises the different areas of a building project (e.g. Design Team appointments, Financial, submissions from the consultant, general correspondence, minutes of meetings, etc.) and ensure that all documentation is properly filed therein. Reliance should not be placed on the Consultant to store information in relation to the project.

Where the Building Control (Amendment) Regulations 2014 apply to the project there is a particular onus on the Building Owner to maintain records. Key documents in this regard are the written undertakings, on statutory forms, to the Building Control Authority to appoint a competent Assigned Certifier and a competent Builder. You should seek the advice of your Consultant in relation to other important documentation to be maintained as records.

6. Appointing the Project Supervisor Design Process (PSDP)

6.1 PSDP Framework

The DoES has set up a Framework of PSDP service providers and this is available for School/ETB Authorities to use. In setting up the framework an eTenders/OJEU advertising and suitability assessment process was carried out and, as only framework members are permitted to tender, it is not necessary to publically advertise on eTenders or in the OJEU. However, the eTenders Portal is used to run the call off competitions as it offers an open and transparent method of communication with all framework members and provides records for Contracting Authorities of all communications during the tender process.

The previously submitted information, upon which the PSDP service providers were admitted to the framework, will need to be validated prior to appointment of the preferred tenderer, to ensure that this information is still valid and that the circumstances of the firm and personnel have not changed. The validation process is as set out at 6.6 below.

6.2 eTenders

It is necessary to create a Request for Tender (RFT) notice on eTenders which is then issued (through eTenders) to all PSDP framework members on the relevant panel.

The RFT notice must state the date, location and method for the receipt of tender submissions. A minimum of 15 working days should be allowed between the date of publication of the contract notice and receipt of tender submissions.

6.3 Documents to be uploaded

As explained previously, it is good practice to assemble all of the necessary documents to have them ready to upload when prompted by eTenders.

For PSDP call off tender competitions the documents listed below must be used. The location on the DoES website for the web based documents listed is *School Building & Design > Appointment of Consultants > PROJECT SUPERVISOR DESIGN PROCESS (PSDP) APPOINTMENT DOCUMENTS*.

Document	Source
Template Letter of Invitation	DoES website; to be customised for the particular project including the Project Type and the NCV.
Project Brief	Provided by DoES for each project.
Form of Tender and Proposal Form for PSDP Consultant Services	DoES website
DoES ITTS Instructions to Tenderers (PSDP)	DoES website
PSDP Conditions of Engagement including Schedules A&B	DoES website
PSDP Marking Matrix	DoES website

6.4 Documents to be submitted by Tenderers

The tender submissions (returned by the consultants via eTenders) should comprise:

- The Form of Tender signed by a director or principal of the firm.

6.5 Completing the PSDP eTenders Contract Notice

The following are the procedures to be followed to place the contract notice on eTenders:

1. If already registered with eTenders complete login.
2. If not already registered and you are acting on behalf of a School as Contracting Authority, go to www.eTenders.ie and on the home page scroll down to “Buyer Registration” for instructions.
3. Access will be given by the Department, on request, to the PSDP Framework.
4. When logged in to the Framework Workspace go to Create RFT (Request for Tender).
5. Select the type of contract (in this case “Services”) and complete the relevant details as prompted. In this instance tick the box beside “Click here if this is a construction related services RFT”. You will then be prompted to select one of three options. Select option 1 “COE1 Standard Conditions of Engagement for Consultancy Services (Technical)”. You will then be prompted to select a procedure from a drop down menu. Select “Mini Competition”.
(Note: eTenders will automatically populate later cells with relevant repeat information to avoid double entering.)
6. On the next page fill in the relevant details of the proposed project and the response deadline. Select “Use a Tender Box” at “Opening Procedure” (this allows receipt of all applicants’ information through eTenders). De-select “Allow suppliers to also make a discount bid if awarded all of multiple lots”.
7. On the next page fill in the relevant details of the proposed project and the address of the school authority. Fill in the “Instructions to bidders” along the lines of “The School Authority invites you to tender for services in the above consultancy as detailed below”.

8. Once you have completed these steps you then move on to the main eTenders RFT Checklist as follows (when each information point is addressed the red **X** on the left hand side changes to a green tick **✓**).

eTENDERS RFT CHECKLIST FOR PSDP

Manage lots Create, delete, copy or edit lots for this RFT add more detailed information regarding the procurement.	The short description of the project that you entered at an earlier step will automatically appear here.
Set Message Recipients Set or change who is going to receive messages from suppliers	This field is automatically populated by the assigned team members. Tick at least two members to receive messages.
RFT Dates / Planned activities in this process Set or change dates related to this RFT	Insert appropriate dates and times for the single stage process (Step 1 process). Note: if for any reason a date set in eTenders has passed, but tender/EOI documents are not yet ready to issue, it will be necessary to reset the dates to allow further amendments to be made. Please ensure that any deadline dates inserted on eTenders match any return dates in the tender documents.
Publication sites Manage external publication sites for this RFT	As this tender will not be advertised on OJEU this step can be skipped. Change X to ✓ manually.
Create ESPD request	Not currently used by the Department. This step can be skipped
Pricing required (if any)	Untick the boxes under this heading
Manage Questionnaire Add or edit questions to be answered by the suppliers through the system and for you evaluate after submission deadline.	For school construction projects this can generally be left blank. Change X to ✓ manually.
Documents Upload documents that the suppliers can download.	This is where all tender documents can be uploaded. For PSDPs the following documents must be uploaded: <ul style="list-style-type: none"> • <i>Project Brief</i> • <i>Form of Tender and Proposal Form for PSDP Consultant Services</i> • <i>DoES ITTS Instructions to Tenderers (PSDP)</i> • <i>PSDP Conditions of Engagement Schedules AB</i> • <i>PSDP Marking Matrix</i>
Prepare zip file Create a zip file with all documents that the suppliers can download	For large amounts of data this allows the preparation of a zip file to include all documents. This makes it easier for tenderers to download the tender documents.
Internal Documents Uploading of internal documents to the RFT, the documents uploaded to this folder are not visible or possible to download for the suppliers.	Not generally used. Change X to ✓ manually.

Attach cover letter Configure or select cover letter	The Invitation to Tender Letter can be entered here. For PSDP use the following, amended as appropriate: <ul style="list-style-type: none"> • <i>Template Letter of Invitation (PSDP)</i>
Prepare items for Evaluation Prepare and set the parts of the RFT that will be part of the evaluation. Checklist item will become green upon refresh.	This allows assessment of applications on line but would not generally be used on school construction projects. Change X to ✓ manually.
Define opening committee Define users to open the tender box	Select the members assigned to the project as the opening committee. Of these select the number of persons (keys) required to open tender box. Recommended (and minimum) default is two.
ENSURE Approval before publishing Ensure that you seek appropriate approval, if needed, before publishing the tender	This is a prompt to ensure that the person preparing the contract notice has authorisation to publish (i.e. Letter of approval received from DoES).
Suppliers Search suppliers within the CTM database and add them to your RFT	These are the firms who qualified for the PSDP framework. Details of the relevant firms will be provided by the DoES.
Send invitations Send invitations to suppliers	When all checks have been completed, and the School authority is ready to issue the invitations to tender, this is selected to issue the invitation to the relevant participants.
	The remaining questions relate to evaluation and assessment of applications.

6.6 Assessing Tender Submissions

When the tender time and date has expired, open all submissions.

A minimum of two people must be present for the opening of tenders. A formal record of tenders received, opened and tender amounts must be made. Late tenders cannot be submitted as eTenders will prevent uploading once the latest date and time for tender has passed.

The School Authority must be satisfied that there is no conflict of interest for any individual participating in the assessment process.

Tender assessment must be based only on the information submitted by tenderers in response to the tender documents and not on any pre-existing knowledge.

A record of the tender assessment should be retained by the School Authority.

Assessment of Criterion C has already been undertaken at the pre-qualification stage and is not applicable to this tender action.

PSDP Tenders are assessed as explained in the Template Letter of Invitation (PSDP).

Marking Matrix

Download the Excel PSDP Marking Matrix from the DoES website.

When the Marking Matrix is opened the Project Name and Roll Number should be inserted.

The project category should then be selected from the drop down menu. The project category will be identified in the Approval Letter and/or associated Appendices (i.e. Type 1, 2a, 2b or 3).

When the above steps have been carried out the information provided in the Form of Tender by each tenderer can be inserted, as follows:

- In column “B” insert the name of the Firm.
- In column “E” insert the tendered fixed price lump sum as per the Form of Tender.
- In columns “F”, “G” and “H” insert the tendered hourly rates as per the Form of Tender.
- As the assessment of Criterion C has already been carried out the default for all tenderers is 25 marks. This should not be amended.
- On columns I, J, K and L zero should be inserted for all tenders.

When all this information has been inputted the matrix will indicate the final scores in column “W” with the highest ranking tenderer (i.e. the apparently most economically advantageous tender) highlighted in dark green.

6.7 Validating preferred tenderer’s suitability

The Letter of Intent sets out the procedure (see Template letter of Intent (PSDP) on the website under *School Building & Design > Appointment of Consultants > PROJECT SUPERVISOR DESIGN PROCESS (PSDP) APPOINTMENT DOCUMENTS*).

6.8 Completing Formal Appointments

The procedure is similar to that described at 5.7 above but using the PSDP Conditions of Engagement with Schedules A&B.

7. Appointing the Design Team from a Framework (Restricted Procedure)

7.1 Consultants Framework

The DoES has set up a Framework of Design Team Consultants comprising two panels: Panel 1 for Type 2b Projects (generally projects between €2.5m and €7.5m in value) and Panel 2 for Type 3 Projects (generally projects over €7.5m in value) and this framework is available for School/ETB Authorities to use. In setting up the framework an eTenders/OJEU advertising and suitability assessment process was carried out and, as only framework members are permitted to tender, it is not necessary to publically advertise on eTenders or in the OJEU. However, the eTenders Portal is used to run the call off competitions as it offers an open and transparent method of communication with all framework members and provides records for Contracting Authorities of all communications during the tender process.

7.2 eTenders

It is necessary to create a Request for Tender (RFT) notice on eTenders which is then issued (through eTenders) to all PSDP framework members.

Contact the DoES for access to the eTenders Workspace where the framework panels are set up.

The RFT notice must state the date, location and method for the receipt of tender submissions. A minimum of 15 working days should be allowed between the date of publication of the contract notice and receipt of tender submissions.

7.3 Documents to be uploaded

It is good practice to assemble all of the necessary documents to have them ready to upload when prompted by eTenders.

For Design Team call off tender competitions the documents listed below must be used. The location on the DoES website for the web based documents listed is *School Building & Design > Appointment of Consultants > AWARD STAGE DOCUMENTS (Restricted Procedure for Major Projects, Type 2b and Type 3)*.

Document	Source
Template Letter of Invitation	DoES website; to be customised for the particular project including the Project Type and the NCV.
Project Brief	Provided by DoES for each project.
DoES Form of Tender Consultants – Major (Architect, Design Team Leader)	DoES website
DoES Form of Tender Consultants – Major (Engineers & QS)	DoES website
DoES ITTS Instructions to Tenderers (Restricted)	DoES website
DoES Schedule of Stage Services for Construction Consultants	DoES website
Conditions of Engagement – Architect/Design Team Leader: DoES COE1 – including Schedules A&B	DoES website
Conditions of Engagement – Engineers & QS: DoES COE1 – including Schedules A&B	DoES website
DoES Tender Excel Marking Matrix	DoES website

Note: Unlike the Open Procedure, DoES QC1 Suitability Assessment Declaration, DoES QC1 Appendix B1 and DoES QC1 Appendix B2 are not required as all framework members had to satisfy the suitability requirements in order to be placed on the framework. However, the validation process is similar to the Open Procedure in that the apparently successful tenderers will be asked to verify any declarations that were made when applying for a place on the framework.

7.4 Documents to be submitted by Tenderers

The tender submissions (returned by the consultants via eTenders) should comprise:

- The Form of Tender signed by a director or principal of the firm.

7.5 Completing the eTenders Contract Notice

The process is identical to Section 6.5 above.

7.6 Assessing Tender Submissions

Tenders are assessed in the same way as for the Open Procedure, as explained in Section 5.5 above.

7.7 Validating preferred tenderer's suitability

The validation process is similar to Section 5.6 with the exception that the Template Letters to be used are those on the website under *AWARD STAGE DOCUMENTS (Restricted Procedure for Major Projects, Type 2b and Type 3)*.

7.8 Completing Formal Appointments

The procedure is similar to that described at 5.7 above but using the appropriate documents and template letters from the website under *AWARD STAGE DOCUMENTS (Restricted Procedure for Major Projects, Type 2b and Type 3)*.