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| **Version Control** |  |
| **Version 8** | **08.03.2019** |

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| **Expression of Interest**    **Restricted Procedure**  **FOR THE PROVISION OF A**  **NATIONAL ACUTE FLOOR INFORMATION SYSTEM**  **TO**  **The Health Service Executive**  **8054**  **This document should be read in conjunction with the**  **Expression of Interest Response Document and HSE Tender Competition Rules Document** |

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| **Project Title** | **Acute Floor Information System (AFIS)** |
| **HSE Ref** | 8054 |
| **Project Description** | The Health Service Executive Acute Hospitals division in conjunction with 3 of the National Clinical programmes, *Emergency Medicine Programme*, *Acute Medicine Programme* & *Clinical Programme in Surgery* has initiated a project to procure, implement and support a single National Acute Floor Information System (AFIS).  As part of phase 1 of this project, it is intended to implement the AFIS solution in Cork University Hospital Emergency Care Network and St. Luke’s General Hospital Kilkenny.  **The Acute Floor Model**  The *Acute Floor Model* involves effective and efficient streaming of patients, directing them to the appropriate clinical service. The acute floor model broadens the hospital front door to enable early access to senior clinical decision makers, supporting patient safety, appropriate resource use, and patient flow through the acute system. Patients, who would be monitored in real-time, would be streamed, as opposed to being triaged. The triage would take place only at the point of entry to the clinical service.  **The AFIS Solution**  The Acute Floor Information System will play a vital role in the delivery of Acute Floor services. The AFIS system will be an operationally efficient and reliable technological solution which will deliver effective patient flow tracking and enable recording of detailed clinical information on all Acute Floor patients. The AFIS system will enable rapid triage, assessment and clinical decision making. It will support multi-disciplinary working and enable efficient referrals and discharges. The system will provide high quality, real-time information to support the operational control and enhanced performance management of services within a busy unscheduled care environment.  The HSE reserves the right to add to the list above (Cork University Hospital Emergency Care Network and St Luke’s General Hospital Kilkenny) and determine the list of sites and timing of Phases at its discretion. All future phases will be implemented subject to funding and all other approvals.  **Please read the AFIS Project Brief document included for detailed information regarding the project.**  The Health Service Executive (HSE) invites Expression of Interest submissions from suitably qualified Service providers for the supply, configuration, installation, support and maintenance of an AFIS solution.  The purpose of the Expression of Interest is to pre-qualify suitable suppliers for a tender.  The Contracting Authority will enter into a contract with the successful candidate for the delivery of the following solution:   * Acute Floor Information System (AFIS)   There may be a period of engagement between HSE and those candidates who are successful in this expression of interest prior to formally requesting submission of tender responses.  The Candidate’s Response Document provides for consortium bids; all requested information must be provided by all parties to the consortium.  The HSE will require one Service Provider to take lead responsibility within each consortium but all parties must be jointly and severally liable to the HSE for the fulfillment of the terms of the contract.  The customer (HSE) means all bodies corporate, statutory corporations, Hospital Groups, Community Health Organizations, hospitals, partnerships, unincorporated associations, charities and other entities operating as part of the Irish health service and funded in any way directly or indirectly by HSE or other public funding sources or any local, national or supra-national government or regulatory authority, as well as any employees or contractors of any of the foregoing and any other persons or hospitals assisting in the provision of the Irish health service.  It is very important to ensure that Candidates respond to all requirements in the appropriate manner; supporting documentation or appendices must be appropriately cross referenced. Service Providers should provide a response to every single requirement, indicating whether they can support the requirement in full, in part or not at all. The onus is on Candidate(s) to present clear and accurate application rather than on the HSE to decipher mistakes. The HSE cannot be responsible for, and may not consider submissions, which are poorly drafted or contain fundamental errors or omissions.  The HSE reserves the right to contact any of the reference sites provided by Candidates at its discretion without prior notification to the candidate.  Candidates should note that if the HSE identifies a requirement for additional supplies or services, it may exercise its rights under Directive 2014/24/EU. |
| **CPV Code/Description** | 48000000 Software package and information systems  48100000 Industry specific software package  48611000 Database software package  48219300 Administration software package  48611000 Database software package  48612000 Database management system  48613000 Electronic data management  48814000 Medical Information Systems  48814400 Clinical Information Systems  72000000-5 IT Services: consulting, software development, internet & support  72500000-0 Computer Related Services  85000000 Health & Social work services |
| **Contract Duration** | 7 years  Candidates are required to hold their pricing for the duration of the 7 year contract. The contract may be extended by annual periods of up to a further 5 years, at which time cost increases in line with CPI (as published for the Republic of Ireland) will be considered. |
| **Completed Expression of Interest must be returned to:** | HSE Expression of Interest for Acute Floor Information System (A.F.I.S.)  eTenders post box @ [**www.etenders.gov.ie**](http://www.etenders.gov.ie) |
| **Closing Date** | **Tuesday 30th April @ 12 Noon** |
| **Queries Deadline** | **Tuesday 23rd April @ 12 Noon** |
| **HSE Contact** | [Paul.keating@hse.ie](mailto:Paul.keating@hse.ie) |
| **Candidates to be invited to Tender:** | |
| **Minimum Number** | **5** |
| **Maximum Number** | 7 |

**Submission of Expression of Interests via eTenders Post-Box only:**

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| **Expression of Interest Submission Instructions - eTenders post-box facility** |
| 1. For guidance on ePost-box facilities go to [www.etenders.gov.ie](http://www.etenders.gov.ie) 2. ePost-box facility is time locked. Receipt of submissions is not possible after the official closing deadline. 3. Avoid last minute problems by rehearsing Expression of Interest submission process **well in advance of deadline**. 4. Applications will not be accepted in hard copy or by electronic means other than [www.etenders.gov.ie](http://www.etenders.gov.ie) 5. The following document formats are acceptable: Office Open XML Document (docx); Microsoft Word; PDF. |

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| **Notes on Completing the Expression of Interest Document.** |
| **Note:**   * **It is imperative that all questions in the Expression of Interest Response Document are completed in the format provided as this Expression of Interest Document will be used as the basis for evaluation of Selection to shortlist those Candidates to be invited to tender for this requirement.** * **If you have any queries or problems completing this document please email the HSE contact identified above.** * **For general information on HSE refer to** [**www.hse.ie**](http://www.hse.ie) * **Defined terms used in this Expression of Interest include defined terms contained in the Tender Competition Rules available at** [**www.hse.ie**](http://www.hse.ie)**. This Expression of Interest should be read in conjunction with the Tender Competition Rules.** |

SPECIFICATION OF REQUIREMENT

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| Introduction The Health Service Executive (HSE) is the single body responsible for providing Ireland’s health and social care needs.   The services are delivered making best use of resources allocated by Government.  The largest employer in the state, the HSE employs more than 65,000 staff in direct employment and a further 35,000 full time posts employed by voluntary hospitals and bodies funded by the HSE. Acute Hospital Services - Population Served As populations continue to grow and age, there will be increasing demand for acute services that are responsive to life-threatening emergencies, acute exacerbation of chronic illnesses and many routine health problems that nevertheless require prompt action. Each year, the population aged 65 years and over increases by almost 20,000 people, and by over 2,500 for those aged 85 years and over. The total population growth in Ireland for 2017-2018 is projected at 0.8% (39,691 people). During this time, the number of adults aged 65 years and over is projected to increase by 3.4% (21,943 people) and the number of adults over 85 years is projected to increase by 3.6% (2,513 people). As individuals age, the likelihood of developing chronic diseases or cancer, requiring acute hospital care, increases. The demographic trends show that demand for acute hospital services is increasing year on year and has a cost increase implication of 1.7% for 2018, without taking into account any new developments or treatments. In 2016, despite the continued transfer of care towards ambulatory settings, there was an increase of 89,858 emergency presentations during this period of time. Inpatient discharges are growing, albeit at a slower rate (14,858), and the complexity of care required by those admitted is also increasing. Acute Floor Model The front door or access point of the service is a fundamental component of the new Acute Floor approach. Its design needs to reflect the increasing complexity of the acutely unwell patient, irrespective of age. The Acute Floor concept is recognised as part of the solution as a platform for enabling front-line change. It relates to co- or proximally-located integrated acute services within a Model 3 or 4 hospital for patients presenting for unscheduled care. Acute Floor Information System The National Emergency Medicine Programme, National Acute Medicine Programme and National Clinical Programme for Surgery identified the need to improve the provision of ICT solutions across the Acute Floor to support the delivery of high quality clinical care and to enable data-driven process and quality improvement activity. AFIS Benefits Overview The AFIS system will enable the management all acute floor patients through their unscheduled care pathway. The diagram and table below provides an overview of the benefits that are planned to be realised as a result of the AFIS project, in order of priority.    The AFIS solution will support interoperability with other national ICT solutions, especially the Patient Administration System (PAS) as it provides the central source of patient demographics.  AFIS is aligned with the 5 key strategic objectives of the Governments Public Service ICT Strategy:   1. Build to Share   Creating ICT shared services to support integration across the wider Public Service to drive efficiency, standardisation, consolidation, reduction in duplication and control cost.   1. Digital First   Digitisation of Key transactional services and the increased use of ICT to deliver improved efficiency and provide new digital services.   1. Data as an Enabler   Facilitate increased data sharing and innovative use of data to enable the delivery of integrated services, improve decision making, improve openness and transparency.   1. Improve Governance   Support specific goals and objectives at a whole-of-government level with an emphasis on shared commitment.   1. Increase Capability   Ensure the necessary ICT skills and resources are available to meet the current and future ICT needs.  The Acute Floor Model and the AFIS solution are strongly supported by the Sláintecare Report 2017. The Sláintecare Implementation Strategy states that the “introduction of the Acute Floor Model” will provide a platform for enabling frontline change”, and it lists as one of its’ 10 strategic actions to “put in place a modern eHealth infrastructure and improve data, research and evaluation capabilities”. The AFIS solution provides key eHealth infrastructure to capture data in unscheduled care services.  This Expression of Interest process is conducted by HSE and on behalf of hospitals and other organisations funded by the HSE. For the purposes of the ITT, the term HSE is to be interpreted as including hospitals and other organisations funded by the HSE.  The Health Services Executive is the contracting authority for this project. Further general information about the HSE is available on the website [www.hse.ie](http://www.hse.ie)  ***The successful candidates will be obliged to sign the Standard Terms for Information Communications Technology Supplies and Services and associated schedules.***  It is a ***mandatory requirement*** that all successful candidates must agree to sign up to all ICT policies prior to  awarding of any contracts. These policies are published on [www.hse.ie](http://www.hse.ie)  <http://www.hse.ie/eng/services/Publications/pp/ict/>  If candidates have any queries in regard to these Standard Terms or schedules in the context of this competition, they **must** submit them before the closing date and time stated on page 4 (i.e. the last date for receipt of clarifications – **23/04/ 2019**)as the HSE will not enter into negotiation on the terms post-closing. |
| Qualification CriteriaSupplier Declaration Candidates to whom any of the circumstances listed in Article 57 of Council Directive 2014/24/EU (the co-ordination of procurement procedures for the award of public works, public supply and public service contracts directive) apply will be excluded from the Expression of Interest. Format of Expression of Interest Candidates must include sufficient information to permit the contracting authority to evaluate the competency of the service provider and where relevant any sub-contractors. Candidates, (including where relevant subcontractors), must respond using the attached expression of interest response document and clearly cross reference any additional documentation provided (if any) to the relevant selection criteria or sub-criteria.  The contracting authority reserves the right to seek additional information and/or interview service providers in connection with its assessment of their submission, but will not be held liable for any costs incurred in this regard by candidates. Criteria for Selection of Candidates Candidates will qualify by reference to the following criteria. It is intended that only those candidates that meet both of these qualifying criteria will be eligible for the selection into the evaluation process for the award of the contract:  (a) Completeness of Application - the candidate should include all information requested in the Expression of Interest Response Document and comply with all the conditions of the competition.  and  (b) Candidates stated ability to successfully support their proposal based on their organisational and financial  base.  To make the selection, the candidate will be assessed against the Selection Criteria as outlined in Section 2 below.  It is intended that a maximum of 7 top-scoring qualified candidates will be shortlisted and to proceed to the final stages of the Expression of Interest process. Those shortlisted as a result of the evaluation of the expressions of interest will be issued with the Invitation to Tender documentation and invited to submit a tender to be evaluated under specified Award Criteria. Where a number of candidates receive the same final score using the above criteria the candidates will be treated equally. Evaluation Process HBS Procurement will convene an evaluation team to evaluate the expressions of interest received, (and tenders received in the second stage of this procurement process)  During the evaluation period, clarifications may be sought from Candidates in writing, (including via the message facility on the etenders website). Clarifications may include testimonials from customers and others in support of particular aspects of a tender, whether such aspects are contained in the original submission or in subsequent responses to requests for clarification. Deadlines will be imposed for the receipt of such clarifications and failure to meet these deadlines may result in the disqualification of the submission Responses to requests for clarification shall not materially change any of the elements of the proposals submitted. Unsolicited communications from candidates will not be entertained during the evaluation period. The final evaluation process may include site visits.  HBS may, at its discretion, request meetings with individual candidates during the evaluation period for the purposes of clarifying any aspect of the candidate’s proposal. If appropriate or relevant members of the Procurement Evaluation Group may be present and actively participate at such meetings. Such meetings will be strictly confidential and will not result in any material change to the original submission. No discussions regarding the progress of the evaluation or the candidate’s performance will be entered into. All such meetings will be held at the convenience of the HSE Procurement Evaluation Team and HSE will not be responsible for any costs incurred by the candidate(s) however incurred.  The HSE reserves the right to meet with all, none or some of the candidates at its own discretion.  The successful candidates will be informed in writing that their expression of interest has met the criteria outlined in this document and will be invited to participate in the next phase of invitation to tender. Unsuccessful candidates will also be informed in writing.  As part of the process it is proposed to follow the time plan as set out below. These are indicative dates and are shown to facilitate the process and necessary arrangements. HSE will not be responsible for any costs incurred, etc as a result of movement of these dates, but will endeavour to give all candidates appropriate notice of any movement of these dates. |

1. EVALUATION PROCESS

The methodology for evaluation of Expressions of Interest is outlined in the following stages:

## Exclusion Criteria

A. Candidates must complete and sign the **EU Declaration Form** confirming if any of the situations listed in Article 57 of Public Sector Directive 2014/24/EU & Regulation 57 of S.I 284 of 2016 applies to the candidate. Candidates may be excluded from participation based on the responses made in the declaration. (see **Appendix 2** of the EOI Response Document)

# B. Candidates must complete and sign the Candidate’s Statement Declaration Form (Appendix 1) and the Communications Protocol (Appendix 3). Candidates may be excluded from participation based on the responses made in the declarations.

**Note:** Candidates who fail to sign the Declarations at the end of the Response Document (without amendment or qualification) may be excluded from the Process.

## Qualitative Selection Criteria

# Candidates who fail any of the Pass/Fail criteria will not proceed to be scored on the qualitative criteria (Organisational Profile & Capacity, Previous Contracts and Client References) and will be eliminated from the competition.

# Candidates who pass all of the Pass/Fail criteria proceed to be scored on the qualitative criteria (Organisational Profile & Capacity, Previous Contracts and Client References) and a maximum of 7 candidates will progress through to the next stage of the process.

**NOTE:** ***Candidates should note that they must achieve a minimum rating of 60% for each of the individual weighted qualitative sub-criteria and a Pass for those evaluated as Pass/Fail in order to avoid elimination from the competition.***

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| **Main Criteria** | **Sub-Criteria** | **Minimum Requirement** | **Maximum Marks Available** | **Minimum Marks Required** |
| **Economic and Financial Standing** | Candidate’s Statement | *The statement in* ***Appendix 1*** *of Expression of Interest Document has been reviewed and signed* | **Pass/Fail** | **Pass** |
| Declaration of Personal Circumstances | *Article 57* ***Appendix 2*** *of Expression of Interest Response Document has been reviewed and signed* | **Pass/Fail** | **Pass** |
| Overall Turnover | *The Candidate shall submit turnover figures for the last three years*  *And*  *The Candidate has submitted one of the following documents which demonstrate its economic and financial standing to successfully deliver this contract:*  *a) A copy of audited accounts or equivalent for the most recent three years, along with details of any significant changes since the last year end.*  *Or*  *b) A statement of your organisation’s turnover; profit and loss account, current liabilities and assets for the three most recent years of trading along with details of any significant changes since the last year end.*  *In the event that a bidding enterprise has traded for less than three years then the requirement shall be for the years traded only. If the bidding enterprise has traded for less than two years, a statement of the cash flow forecast for the current year and a letter from the enterprise’s bank or auditors outlining the enterprise’s current cash credit position will be required.*  *In cases where the Candidate is a subsidiary, the information above should be provided in respect of the parent.*  *Where the Candidate is unable for a valid reason to provide the specified documentation, the Candidate must inform the Contracting Authority of that reason and provide such other suitable alternative documentation to prove, to the satisfaction of the contracting authority, their economic and financial capacity.*  *Candidates should note that where they are relying on the capacity of other entities, they must submit an undertaking, duly evidenced, from those entities that they will place the necessary resources at the disposal of the Candidate.* | **Pass/Fail** | **Pass** |
| **Profitability** | *The candidate must submit a statement indicating if the company was in profit or not in the last financial year* | **Pass/Fail** | **Pass** |
| **Professional Statement** | *The Candidate must demonstrate sufficient financial capacity to undertake this contract, and statement confirming that the candidate is presently in good standing with its bank.* | **Pass/Fail** | **Pass** |
| **Technical and Professional Ability** | **Tender specific company references similar to those required** | The candidate must provide details of successfully delivering a similar service.  Provide relevant examples of delivering an AFIS solution across multiple sites within the last 5 years.  Your response must detail   * where the installation(s) took place * Any integration / interfacing issues that arose and how they were dealt with * Any learning arising from the implementation. * What training was provided * The change management process undertaken * Explain how your AFIS solution would support the HSE in realising the planned benefits. Please cite examples of where your solution has previously delivered similar benefits | **700** | **420** |
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| Organisational Profile | The Candidate must submit a statement showing details of office locations, organisational structure, current manpower levels, staff turnover level, skills base (including a breakdown of the key positions/skills). The Educational and Professional Qualifications of the Core Team, Managerial Staff and Staff responsible for the service should be included. | **150** | **90** |
| **Quality Assurance Standards** | **QA Mechanisms** | (a) The candidate must describe how their organisation ensures quality of the product and service.  Describe your quality assurance standards and methodologies in relation to software engineering and development.  (b) Detail also the processes of communication with your clients to ensure delivery of a service on a continuous basis that meets their needs. You should be able to demonstrate that your organisation communicates with their clients e.g. planned reviews, ad hoc meetings, and processes for communicating actions on a pro-active basis. | **50** | **30** |
|  | **Future Development** | Describe how your organisation has developed the product in recent years and the plans for future development in line with technology changes, industry and customer requirements | **50** | **30** |
|  | **Data Protection** | Demonstrate satisfactory policies and procedures in relation to maintaining data protection and security of information. Your response must address the policies and procedures for adhering to GDPR legislation requirements | **50** | **30** |

**Note: Candidates must achieve the minimum requirements under the Quantitative Selection Criteria and pass each of the Qualitative Selection Criteriaset outabove to qualify for the next stage of the evaluation process.**

**N.B:**

**It is vital that the Candidate provide sufficient information which demonstrates capabilities under each of the headings in the Expression for Interest Response Document. If there is any part of the criteria or response that is unclear or the Candidate feels that it puts them at an unfair disadvantage the Candidate should immediately contact the HSE at the contact details listed above, via the Message facility on the Contract Notice on the etenders website.**

**Appendix A:** **INSTRUCTIONS TO CANDIDATES**

*Please refer also to the* ***HSE Competition Rules*** *provided as part of the EOI documentation which applies to this competition.*

**1. Sufficiency & Accuracy of Expression of Interest**

Candidates will be deemed to have examined all the documents enclosed and by their own independent observations and enquiries will be held to have fully informed themselves as to the nature and extent of the requirements of this Expression of Interest.

**2. Documents - Ambiguity, Discrepancy, Error, Omission**

Where candidates consider that they are missing any documents which would prevent the submission of a comprehensive Expression of Interest please contact the Procurement point of contact, Paul Keating, HBS Procurement, as soon as possible via the Message facility on the etenders website.

Candidates are required to inform HSE of any ambiguity, discrepancy or error in the Expression of Interest Documents. HSE shall, upon receipt of such notification, notify all Candidates of its ruling in respect of any such ambiguity, discrepancy, error or omission.

**3. Closing Date and Time for Receipt of Expressions of Interest is at 12:00 noon (Irish time) Tuesday 30th April 2019**

**4 Queries**

All queries regarding this expression of interest must be submitted in writing for the attention of Paul Keating. Queries must be in question format and must be submitted by the Message facility on the etenders website only, [**www.etenders.gov.ie**](http://www.etenders.gov.ie). Responses will be circulated to those candidates that have registered an interest in this notice on the Irish Government Procurement Opportunities Portal, etenders.gov.ie. The details of the person making a query will not be disclosed when circulating the response.

All queries must be submitted before **12:00 noon** to enable issue of responses to all interested parties

**5. Qualification of Expressions of Interest**

Please note that qualifications to Expressions of Interest may render the application invalid.

**6. Expressions of Interest Submissions**

The completed Expressions of Interest shall be submitted by **uploading to the ePostBox on the Contract Notice published on the etenders website,** [**www.etenders.gov.ie**](http://www.etenders.gov.ie) . Expressions of interest submitted by any other means will not be accepted.

The Candidate is fully responsible for the safe and timely delivery of the Expression of Interest.

**Emailed, faxed or late Expressions of Interest cannot be considered and will be returned.**

**7. Extension of Closing Date Period**

HSE reserves the right, at its sole discretion, to extend the closing date for receipt of expressions of interest by giving notice in writing, via www.etenders.gov.ie, to Candidates before the original closing date.

**8. Modifications to Expressions of Interest prior to the Closing Date for Receipt of submissions**

Modifications to Expressions of Interest will be accepted in the form of supplementary information and/or addenda, provided they are submitted via the ePostBox facility before the closing date for receipt of submissions.

Any modifications received after the closing time for receipt of Expressions of Interest will be disregarded and will not form part of the evaluation process.

**9. Cost of Preparation of Expression of Interest**

HSE will not be liable for any costs incurred by candidates in the preparation of proposals or any associated work effort. It is the responsibility of the candidate to ensure that they are fully aware and understand the requirements as laid down in this document. Candidates will be responsible for any costs incurred by them in the event of their being required to attend clarification or other meetings or make a presentation.

**10. Expression of Interest Validity Period (Stage 2 Restricted procedure)**

To allow sufficient time for Tender assessment an Expression of Interest Validity period of 12 months is required, this period commencing on the closing date by which the Applications are to be returned.

**11. Currency (Stage 2 Restricted Procedure)**

Tender prices must be submitted in Euro only. All invoices and payments will be in Euro only.

**12. Confidentiality**

The distribution of the attached documents is for the sole purpose of obtaining Expressions of Interest. The distribution does not grant permission or licence to use the documents for any other purpose.

Candidates are required to treat the details of all documents supplied in connection with the Expression of Interest process as private and confidential.

**13. Conflict of Interest**

Any conflict of interest involving a candidate (or candidates in the event of a consortium bid) must be fully disclosed to HSE. Any declarable interest involving the candidate/ and employees of HSE or their relatives must be fully disclosed in the response to this competition. Failure to disclose a conflict of interest may disqualify a candidate or invalidate an award of contract, depending on when the conflict of interest comes to light.

**14. Freedom of Information Act**

Each of the parties will undertake to use their reasonable endeavours to hold confidential any confidential information received from the other party, subject to HSE’s obligations under law, including (if applicable) the provisions of the Freedom of Information Act 2014. The Candidate will agree that, should it wish any confidential information supplied by it to HSE not to be disclosed, because of its commercial sensitivity, it will, when supplying such information, identify same and specify the reasons for its sensitivity. HSE will consult with the Candidate about such sensitive information before making a decision regarding release of such information under the Freedom of Information Act 2014. However, HSE will give no undertaking or assurance that such information will not be released under the provisions of the Freedom of Information Act 2014 and the final decision on whether or not to release such information rests with HSE or as set out in the Freedom of Information Act 2014.

**15. Tax Clearance Certificate**

It will be a condition for award of the contract that the successful candidate(s) can promptly produce a current Tax Clearance Certificate. See Irish Revenue web site <http://www.revenue.ie/>

Candidates submit a signed statement that the company and all proposed sub-Contractors (if applicable), or consortium members (if applicable), are able to produce a valid Tax Clearance Certificate in compliance with Circular (43) 2006 as amended or replaced and that the certificate will be maintained for the duration of the contract and will be on a 12 month basis ***OR*** Must submit a valid Tax Clearance Certificate as stated above.

**16. Irish Legislation**

Candidates should be aware that national legislation applies in matters such as Employment, Working Hours, Official Secrets, Data Protection and Health and Safety. All relevant aspects of such legislation must be observed at all times by the successful Candidate.

**17. Confidentiality of Evaluation (stage 2 Restricted Procedure)**

After the official opening of Tenders, information relating to the examination, clarification, evaluation and comparison of Tenders and recommendations concerning the award of contract will not be disclosed to Candidates or other persons not officially concerned with such process until the award of contract to the successful Candidate has been announced and in conformity with national law.

**18. Clarification of Expressions of Interest/ Tenders**

HSE may ask candidates for clarification of their Expression of Interest/ Tender, including breakdowns of unit prices. No change in the price or substance of the Tender shall be sought, offered or permitted. To assist in finalising the tender evaluation, selected Candidates may be invited to attend clarification meetings with HSE.

**19. Correction of Errors of Expressions of Interest/ Tenders**

Where there is a discrepancy between the priced electronic copy of an Expression of Interest/tender and the un-priced electronic copy of an Expression of Interest/tender, the priced electronic copy of an Expression of Interest/tender will take precedence.

Where there is a discrepancy between amounts in figures and words, the amount in words shall apply.

Where there is a discrepancy between the unit price and the total amount derived from the multiplication of the unit price and the quantity, the unit price will normally govern.

The amount stated in the tender form will be adjusted by HSE in accordance with the above procedure and, with the agreement of the Candidate, shall be considered as binding upon the Candidate. Without prejudice to the above, a Candidate not accepting the correction of their tender as outlined shall have their tender rejected.

The above procedure shall be binding upon the Candidate and a Candidate not accepting the correction of their tender as described above shall have their tender rejected.

**20. Change in the Composition of an Expression of Interest/Tender**

HSE reserves the right, but is not obliged, to disqualify any candidate that makes any change to its composition after submission of an Expression of Interest/Tender.

**21. Interference**

Any effort by the candidate to unduly influence HSE, relevant agency personnel or any other relevant persons or bodies in the process of examination, clarification, evaluation and comparison of tenders and in decisions concerning the Award of Contract shall have their Expression of Interest/tender rejected. In accordance with Section 38 of the Ethics in Public Office Act 1995 any money, gift or other consideration from a person holding or seeking to obtain a contract will be deemed to have been paid or given corruptly unless the contrary is proved.

**22. Inducements to Purchase**

HSE shall be entitled to terminate any contract and to recover from the service provider the amount of any loss resulting from such termination in the following circumstances:

i. if the supplier has offered or given or agreed to give to any person any gift or consideration of any kind as an inducement or reward for doing or forbearing to do, or for having done or forborne to do, any action in relation to the obtaining or execution of this Agreement or any other contract with HSE, or showing or forbearing to show favour or disfavour to any person in relation to this Agreement or any other contract with the Client, or

ii. if like acts have been done by any other person employed by the supplier or acting on its behalf (whether with or without the knowledge of the supplier).

**23. Notification of Expression of Interest**

Following the assessment process all candidates will be informed formally of the outcome in accordance with EU procurement law requirements.

**24. Award to runner up (stage 2 Restricted Procedure)**

If for any reason it is not possible to award the contract to the designated successful Candidate emerging from this competitive process, or if having awarded the contract, the contracting authority considers that the successful Candidate has not met its obligations, the contracting authority reserves the right to award the contract to the next highest scoring Candidate on the basis of the terms advertised. This shall be without prejudice to the right of the contracting authority to cancel this competitive process and/or initiate a new contract award procedure at its sole discretion.

**25. Possible TUPE Considerations**

Candidates are advised that in the event of significant transfer of undertakings, businesses or parts of businesses, the provisions of SI 131 of 2003 *European Communities (Protection of Employees on Transfer of Undertakings – TUPE*) *Regulations 2003* may apply. The successful Candidate will therefore be required to indemnify the contracting authority fully in respect of any losses, damages, costs or expenses of any kind incurred arising from their compliance with the TUPE Regulations.

At tender stage, Candidates will be required to inform themselves by their own enquiries as to the potential applicability of the TUPE Regulations and to take this factor into account when preparing their tenders, which will be deemed to include all the potential costs likely to be incurred as a result of any ensuing obligations under TUPE.

**26. Consortia and Prime/Subcontractors**

Where a group of undertakings submit an Expression of Interest/tender in response to this contract notice the Contracting Authority will deal with all matters relating to this public procurement competition through the entity which will carry overall responsibility for the performance of the contract only (“Prime Contractor”), irrespective of whether or not tasks are to be performed by a subcontractor and/or consortium members. The Candidate must clearly set out:

1. The full legal name of the Prime Contractor together with its registered business address (where applicable), registered business name (where applicable), company registration number (where applicable), telephone and e-mail contact details;
2. The names of all subcontractors and/or consortium members who will be involved in the provision of the contract;
3. A description of the role to be fulfilled by each subcontractor and/or consortium member; and
4. The name, title, telephone number, postal address, facsimile number and e-mail address of the nominated contact person authorised to represent the Prime Contractor, within the organisation of the Prime Contractor, to whom all communications shall be directed and accepted until this public procurement competition has been completed or terminated. Correspondence from any other person (including from any other subcontractor and/or consortium member) will not be accepted, acknowledged or responded to.

Candidates should note that the information contained in this document is not exhaustive and is without prejudice to the applicable national and EU law