

**ASTON CLINTON PARISH COUNCIL**

**INVITATION TO TENDER  
AN EXPRESSION OF INTEREST  
FOR  
THE PAVILION OCCUPANCY**

**TENDER REFERENCE:**

**ACPC/Pavilion/2015-2**

## SECTION 1 – INTRODUCTION

Aston Clinton is a village and civil parish close to the A41 road in Buckinghamshire, England between Tring and Aylesbury. The parish covers 3,809 acres (1,541 ha), is about 4 miles (6.4 km) east of Aylesbury and has an approximate population of 4,128.

The Parish Council (“The Council”) owns a building (The Pavilion) that is located within Aston Clinton Park. This building has recently become vacant. The opportunity has arisen to start a significant project that could result in the construction of a new Community Centre in the village. The first step in this process is to undertake a Feasibility Study. This project will take a number of years to be realised. In the meantime, The Council wishes to exploit the limited potential of The Pavilion for the benefit of the community.

The Council is seeking an Expression of Interest (EOI) from companies, organisations or individuals (The Tenant(s)) who may wish to take the opportunity to occupy some or all of The Pavilion. The arrangement for this tenancy will be influenced by the outcomes of the Feasibility Study for the new Community Centre.

The anticipated commercial arrangement will be a 6-month rolling agreement (The Rental Agreement). In the context of this process, the rolling agreement enables either party to give 6 month’s notice for the termination of the agreement. The Rental Agreement will be subject to an annual review between The Council and the Tenant(s) on the anniversary of the award of The Rental Agreement.

A Tenant intending to submit an EOI is requested to acknowledge receipt of this Invitation to Tender (ITT) as soon as possible in writing to the Parish Clerk.

Any Tenant wishing to inspect The Pavilion should contact the Parish Clerk of The Council.

The Council will evaluate the EOIs by considering the following main factors:

- Compliance with this ITT document
- The Expression of Interest submission for the occupancy opportunity, including:
  - Social benefits for the Community
  - Commercial proposition benefits for The Council
- References.

The Council does not bind itself to accept any initial or subsequent Tender but every effort will be made to reach a decision on the award of The Rental Agreement(s) by 31<sup>st</sup> May 2015. Tenders should therefore remain open for acceptance until that date.

Any Tenant who canvasses any Member or Officer of The Council, whether directly or indirectly, relating to the award of this Rental Agreement will be disqualified.

Tenders will be rejected if any aspect of The Public Contracts Regulations 2006 (SI 2006 No: 5) Part 4 Regulation 23 applies to their organisation, their parent organisation or envisaged sub-contractor. ([http://www.legislation.gov.uk/uksi/2006/5/pdfs/uksi\\_20060005\\_en.pdf](http://www.legislation.gov.uk/uksi/2006/5/pdfs/uksi_20060005_en.pdf))

The Tenant shall be disqualified from tendering, and may be subject to civil and criminal liability, if the Tenant:

- Fixes or adjusts the amount of the tender by arrangement with any other person; or
- Communicates to any person other than The Council the amount of the tender (unless the disclosure is made for insurance purposes, for example); or
- Agrees with any other person that they will agree not to tender or as to the amount of any other tender to be submitted; or
- Offers or pays any sum of money to any person to induce such a person to accept the tender.

Tenders made must be prepared in accordance with all the ITT and Specification documentation provided by The Council.

Any enquiries relating to the ITT and Specification documents must be addressed to The Parish Clerk, Mrs Gillian Merry, Aston Clinton Parish Council, London Road, Aston Clinton, Aylesbury, Bucks, HP22 5HL. Tel: 01296 631269 Email: [tenderspavilion@astonclinton.org](mailto:tenderspavilion@astonclinton.org)

Tenants must complete and sign their Tender in accordance with their company regulations.

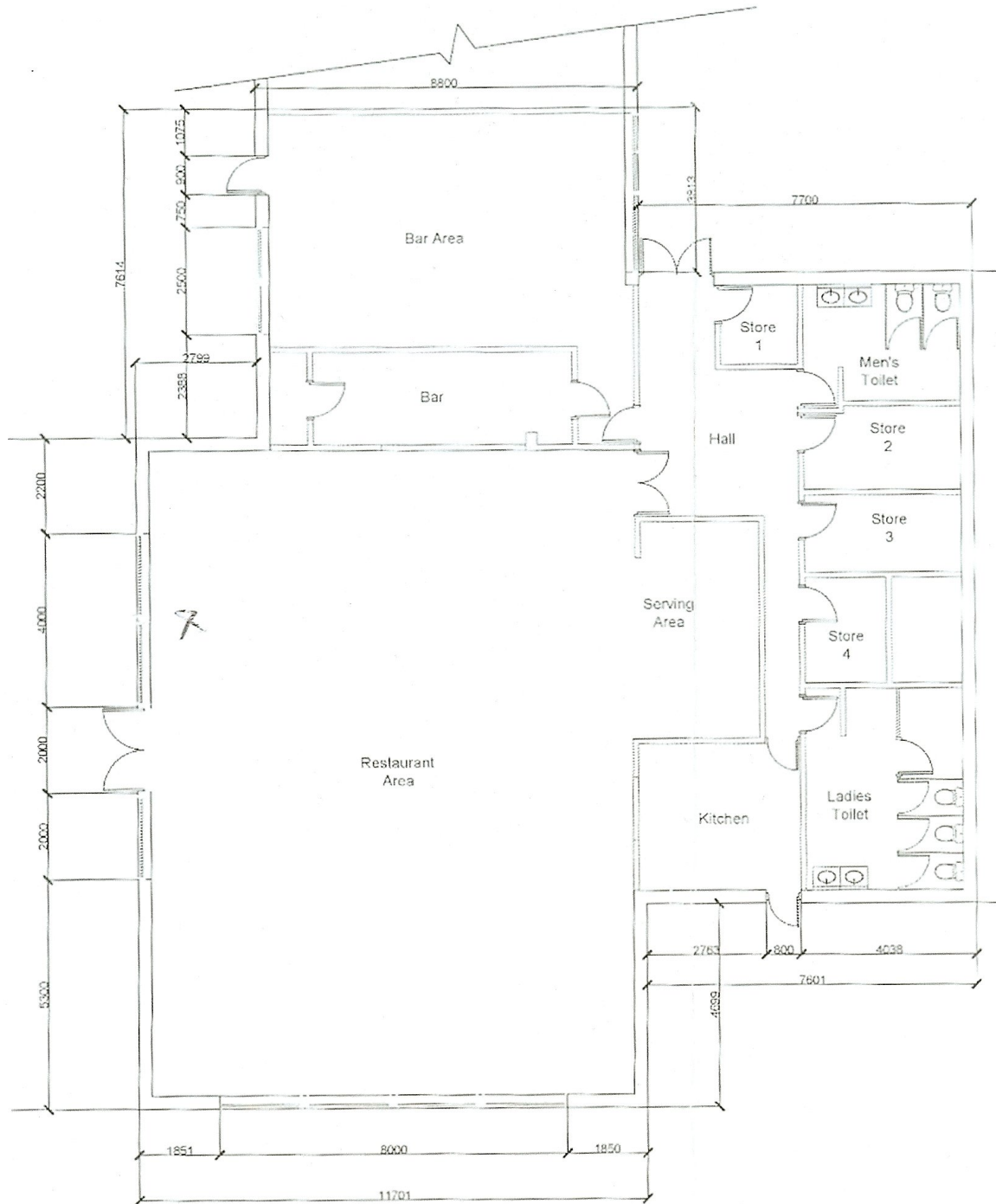
The Tender submission must be received by The Parish Clerk, Mrs Gillian Merry, Aston Clinton Parish Council, London Road, Aston Clinton, Aylesbury, Bucks, HP22 5HL by noon on Friday 17<sup>th</sup> April 2015 in the following manner:

- **Submission by letter:** The envelope must be sealed and clearly labelled with the words: **“Confidential. Expression of Interest for Pavilion Occupancy. Not to be opened until after noon of the 17<sup>th</sup> April 2015 in the presence of two councillors”**.
- **Submission by email:** The documents must be in a \*.pdf format and the email must be titled **“Confidential. Expression of Interest for Pavilion Occupancy. Not to be opened until after noon of the 17<sup>th</sup> April 2015 in the presence of two councillors”**.
- Emailed tenders must be sent to: [tenderspavilion@astonclinton.org](mailto:tenderspavilion@astonclinton.org).
- Tenders emailed to any other address will not be considered.

Tenders received after the closing time and date will not be considered.

## Section 2: The Opportunity for Occupying The Pavilion

The Pavilion in Aston Clinton Park was built in 1971 to meet the needs of the community as a sports and social club. The diagram below illustrates the floor plan of the building.



A recent Community Survey has emphasised that a café should operate from The Pavilion to meet the needs of the community as they use The Park facilities. The results of the survey would favour a solution where a café should operate from the rooms marked as 'Bar Area' and 'Bar' on the diagram above. This will be known as "Area A" for the purposes of this opportunity.

The Council has no preconceived opinion on the occupancy opportunity for the rooms marked as 'Restaurant Area' and 'Serving Area'. Together these will be known as "Area B" for the purposes of this opportunity.

The final "Area" in the building comprises the Hall, 4 Store rooms, the Kitchen and the Men's and Ladies' Toilets. Together these will be known as "Area C" for the purposes of this opportunity. Given the nature of the facilities in Area C, they will need to be shared between the occupants of Areas A and B. The arrangements for such sharing will need to be determined as part of the commercial discussions during this tendering process.

The company that provided the kitchen and catering items for the previous tenant intends to reclaim all of the equipment that was installed in the Kitchen and Serving Area. These rooms are, therefore, not expected to be equipped adequately to function as a kitchen. Depending upon the needs of the Tenants, The Council wishes to identify the minimum equipment fit required for the Kitchen room or Serving Area.

The room annotated "Bar" in the diagram currently has 2 counters serving the "Bar Area" and "Restaurant Area" respectively. The Council can foresee the erection of a partition between the "Bar" and the "Restaurant Area", thereby allowing the "Bar" to meet the needs of a café operating from the "Bar Area". It may be necessary to make adjustments to the services in the "Bar", such as the sinks, to make it suitable to operate as a café.

The Pavilion currently has a single supply of utility services such as electricity, water, telephone line and burglar alarm. The Tenant(s) will need to describe how they could operate with any constraints that such a supply of utility services would present.

The overall presentation and state of the internal decoration of the building could best be described as tired. The Council does not intend to spend any public money to improve the internal decoration of The Pavilion for this short-term opportunity. However, the Tenant(s) may wish to undertake internal decoration activities themselves. This will be negotiated and agreed with The Council and any other occupant of The Pavilion.

### SECTION 3 – INSTRUCTIONS FOR THE TENDERER

It is the responsibility of the Tenderer to obtain for themselves, at their own expense, any additional information necessary for the preparation of their EOI Tender.

All information supplied by The Council in connection with this ITT shall be treated as confidential by Tenderers, except that such information may be disclosed for the purpose of obtaining sureties and quotations necessary for the preparation and submission of the EOI Tender document. In addition, Tenderers may wish to form a partnership with another prospective Tenant to offer The Council the best solution for this opportunity. In this case, Tenderers may share such information as necessary to prepare a joint EOI Tender document.

Tenants must supply in their EOI Tender document sufficient information to enable The Council to understand how they propose to meet The Council's requirements. The Council reserves the right to discuss confidentially any statements made in the EOI Tender with the Tenant, and the consideration of them will form part of the overall Tender evaluation.

The EOI Tender submitted should include the following details:

- A clear statement about whether you are interested in occupying:
  - Only Area A
  - Only Area B
  - Areas A and B together
- What business activity you propose to operate in the Area(s) that you are interested in occupying?
- In the event that you are interested in only Area A or Area B, how you would propose to co-operate with another occupant of The Pavilion using the other main Area A or B?
- How you would share the facilities provided in Area C with another occupant of The Pavilion?
- How you would share the common utility services currently provided to The Pavilion with another occupant?
- What structural, infrastructure and cosmetic changes you would wish to make to The Pavilion in order to make your business operation effective?
- What commercial proposition you would offer The Council in order to secure your occupancy?
- How that commercial proposition meets the key requirements of The Council in terms of:
  - Benefits for the community
  - Benefits for The Council?

- Details of your Business Plan for a 3-year period that demonstrates the viability and sustainability of your proposal, especially in terms of the seasonal variability of operating your business in The Pavilion and sensitivity analysis for such variability.
- Details of any risks and issues that you perceive with the opportunity to occupy The Pavilion, particularly if your proposition involves sharing The Pavilion with another occupant.
- Details of any dependencies that you would wish to place on The Council in order for you to operate your business activities.
- Your organisation identity including relevant contact details.
- Details if you are part of a larger organisation or a franchise.
- Legal information such as the status of your organisation, date of formation and VAT Registration number.
- History of court actions and/or industrial tribunal hearings outstanding against your organisation.
- Names and responsibilities of Directors/Partners.
- Financial information for the last 3 years in terms of annual turnover.
- Detail of your Quality Assurance accreditation.
- Details of your Health and Safety Policy.
- Details of your Environmental Health Registration with AVDC (where appropriate).
- Details of the size of the organisation in terms of number of employees.
- Details of the resources you would use for your business including professional and other staff, with their experience and qualification.
- References from at least 3 clients, preferably in the public sector, for similar current or recent agreements.
- Details of your membership of professional organisations.
- Details of your insurance protection in terms of employers liability, public liability and professional liability, and include copies of certificates.

## **SECTION 4 – PROCUREMENT PROCESS**

The Council recognises that this is not a conventional procurement process, where it may involve more than one occupant of The Pavilion working alongside another and sharing common Area C rooms and utility services.

On receipt of the individual EOI Tender documents from Tenants, the Council needs to determine whether there is a single best solution for the occupancy of The Pavilion. However, The Council is well aware that the best solution may involve more than one occupant Tenant.

In the event that the best solution involves more than one occupant Tenant, and that best solution has not been presented to The Council in the form a collaborative Tender between 2 possible occupants, then The Council will invite specific Tenants to a negotiation meeting to explore the possibility of them sharing occupancy of The Pavilion.

The timescales for this procurement may appear to be drawn out. Tenderers need to appreciate that the whole Parish Council will be re-elected on 7<sup>th</sup> May and the incoming Council will need to take on the responsibility for concluding the negotiations for this Agreement.

The Council would seek to develop a Heads of Agreement between itself and the Tenants during this negotiation process setting out the principles of how the occupancy would operate in practice. The Council would then invite those Tenants who have participated in the development of the Agreement to submit their formal Tender for the occupancy opportunity.

Once the Council has accepted the formal Tender, the Rental Agreement will be in force and you will not be able to withdraw from the arrangement without risking liability for Breach of Contract.

You should only complete the Tender after you have read and fully understood all The Council's documents relating to this opportunity.

After the Heads of Agreement is signed, and once a formal Tender has been submitted, no allowance can be made for any errors, omissions or misjudgements by the Tenant in tendering.

If following submission of a formal Tender, a Rental Agreement is entered into it will in all respects be construed and operate as an English Contract and conform with English Law.