



ADUR & WORTHING
COUNCILS

Joint Strategic Committee
5 March 2019
Agenda Item 12

Key Decision: Yes

Ward(s) Affected: All

Worthing Theatres & Museum - The Future of Culture for Worthing

Report by the Director for the Economy

Executive Summary

1. Purpose

1.1 To report on the outcome of the procurement exercise for the provision of cultural services and award the contract to the successful bidder.

2. Recommendations

2.1 That the Joint Strategic Committee resolves to delegate Worthing Borough Council's Executive function of Cultural Services to an Independent Trust.

2.2 That the Joint Strategic Committee supports the creation of a new Independent Trust for the delivery of Cultural Services and delegates the authority to establish the Trust vehicle to the Director for the Economy, subject to compliance with the relevant governance, legal and financial advice.

2.3 The Joint Strategic Committee approves the award of the Cultural Services contract to the Council's in house team, and delegates to the Director for the Economy the authority to approve and execute the contract

with the newly formed Trust, subject to an agreed contract consistent with the provisions of this report.

2.4 The Joint Strategic Committee resolves to transfer the employment contracts of relevant Council Officers to the Independent Trust and delegates authority to the Director of Digital and Resources to make necessary arrangements.

3. Background and Context

3.1 At their meeting of 10th July 2018 members of the Committee approved a procurement exercise for the operation of the Theatres and Museum and agreed to receive a further report following the outcome of that exercise to outline the next steps.

3.2 The 10th July 2018 report (Worthing Theatres & Museum Strategic Future Options) reflected the significance of 3 key factors:

- 1) The vital role that a strong cultural offer plays in successful places; its increasing importance to the national economy; and a number of wider benefits, notably:
 - Acting as an attractor for visitors and businesses;
 - Revitalising localities;
 - Improving health and well-being;
 - Encouraging volunteering and civic participation

Allowing for a local multiplier, culture is worth more than £5m to the Worthing economy, based on the average spend of customers.

- 2) There has been a transformation in the cultural offer for Worthing in recent years, delivered by high quality, innovative programming; the introduction of new acts and genres; and investment in our venues.

Over the period 2013/14 to 2016/17:

- Theatre Ticket sales increased by 26% and revenues increased by 34%
 - Family theatre revenue increased by 77% and pantomime by 42%
 - Film revenue increased by 65% and live screening by 12%
 - The direct costs managed by Worthing Theatres have been driven down from £837,000 to £423,000
- 3) The Council's 'Platforms for our Places' commitments highlight the opportunity to develop the Worthing cultural offer and to continue to grow our national and regional reputation and audience base; as well as lever in additional investment of money, networks and talent. 'Platforms' commits us to being genuine civic entrepreneurs, exploring new partnerships to find the right solutions for the long-term benefit of our places.

3.3 With these key factors in mind, members of the Committee agreed to pursue an option to lease some or all of the cultural venues to an independent Trust or similar body prepared to reinvest back into the local community. It was felt that a bespoke 'Worthing' Cultural Trust would offer the prospect of a single focus on delivering a cultural offer for the town. Operating in a commercial environment a Trust would have greater freedom to generate new income streams and to drive new relationships with its audience base, funding bodies and commercial sponsors. Similar Trusts follow the model of establishing a 100% owned subsidiary Trading Company, the profits of which are recycled back into the Charity's operations.

4. The Procurement Process

4.1 An Invitation to Tender (Appendix 1) was published on the 30th November 2018 with a deadline for formal submissions of 12pm, Monday 28th January 2019.

4.2 The Invitation to Tender (ITT) provided the relevant context; a detailed specification with 20 core requirements; instructions for the bidders and the method statement for evaluating the bids. The core requirements expressed the importance of a diverse, multi-arts programme that responds to Worthing's changing demographic, ensuring it remains fresh and dynamic. Bidders were asked to present clear proposals for partnership working and articulate how they would develop the 'cultural landscape' in Worthing.

4.3 The ITT highlighted the need for a well-balanced programme including film, theatre, dance, comedy and seasonal programming; together with the fullest exposure of the Museum collections with a focus on engaging young people; supporting academic research; and delivering high profile exhibitions. Throughout the ITT there is a focus on supporting local promoters and artists; fostering positive relationships with local communities; and nurturing talent. Ticketing arrangements were required to be fair and appropriate to the programme with emphasis placed on ensuring that a first-class customer experience is provided.

4.4 The key stages of the procurement exercise were:

Date	Action
16th October 2018	Prior Information Notice (PIN) Advertised
30th November 2018	Invitation to Tender (ITT) Release
19th December 2018	Bidders Tour
28th January 2019	Invitation to Tender Deadline for Responses
14th February 2019	Moderation of Bids (Finance Panel)
15th February 2019	Moderation of Bids (Quality Panel)

4.5 The tender opportunity generated significant interest with a number of organisations submitting an Expression of Interest in response to the PIN. Following the release of the formal ITT, the Project Team prepared for the Bidders Tour. This intervention was included to allow all applicants the chance to experience, and ask questions about, the venues first hand. This took place on 19th December 2018.

4.6 Following the ITT deadline, 1 bidder formally submitted an application in response to the ITT. This was the in-house team who are proposing to establish a new organisation - charitable company limited by guarantee - identified as 'Chalk & Clay'. The in-house team's business case contained 101 representations of support.

4.7 The full tender process was independently constructed and managed through the Orbis partnership, thus providing an open, transparent and robust approach throughout. The process met OJEU procurement guidelines.

4.8 'Quality' and 'finance' panels (collectively, the 'evaluation panel') reviewed the application. Due to the significance of the contract, the evaluation panel included an independent industry expert, to bring additional assurance to the process.

5. Evaluating the Tender Submission

5.1 The importance of place is clear from the in-house team's submission which sets out a commitment to, 'surprising and delighting audiences; supporting artistic excellence; and tailoring a programme to best meet local communities aspirations'. Creativity and inclusion are running themes throughout the bid; and the business case recognises the importance of, 'building the reputation of Worthing as an innovative and vibrant place to live, work and visit'.

5.2 Artistic Quality and the Cultural Offer

The in-house team's submission is ambitious and builds upon the work of recent years that has driven a higher quality cultural offer for Worthing.

The submission highlights a strong commitment to forming new partnerships; developing relationships with other theatre companies and co-producing new works with partners. The bid contains solid evidence of a sound understanding of what it takes to participate effectively with others and cites as evidence a second successive year of partnering with the Brighton Festival, together with the links that the Museum has established with other museums at a national level.

5.3 Indicative Programme

The in-house team have provided a strong commitment to delivering a multi-arts programme which highlights several elements of added value. The bid specifies the number of performances for each of the required genres and identifies a commitment to screening work by local film makers and support for local music promoters to enable 'risk free programming'. The bid includes a commitment to a new large-scale summer musical and 60 screenings each year including those from The Royal Opera House, National Theatre and English National Opera. At least 15% of all live comedy will be programmed for female comedians; and the bid includes a commitment to live performances being brought to the Museum.

5.4 Audience Development

The submission set out a comprehensive vision for audience development which includes the use of audience agency segments to inform marketing campaigns and evaluation reports. The bid included a commitment to reach new audiences with a programme of interest to the wider sub-region. The bid places a high priority on securing a diverse audience and using social data to measure impact. Evidence is submitted that reflects on the current team's achievements which include use of a Customer Relationship Management system to support marketing; the use of feedback surveys for all events and individual events for local communities.

5.5 Exposure of Collections

The bid commits to extending the opening hours of the Museum to include opening on a Sunday; a move which was particularly welcomed by the evaluation panel. The bid sets out ambitious target of displaying 30% of the current collection, significantly above the current 5%. An opportunity is included for advanced research; greater exposure of the fine art collection; and projects that link with the universities.

The submission extends the commitment to securing Heritage Lottery Funding to support the delivery of the 'Let the Light in' project which would significantly improve accessibility to the collection and transform the Museum and Art Gallery spaces.

5.6 Social value - Cultural Participation

The team have set out a strong commitment to working with local community and not for profit organisations. The submission highlights an emphasis on ensuring that performances and events respond positively to audience requirements and includes: signed and audio described screenings; touch tours; autism friendly screenings; 'silver' screenings, family events; a youth theatre programme; and work to support local charities.

Participation extends to broadening the range of venue hire opportunities and broadening the programming reach. The inclusion of initiatives to engage different communities shows a clear commitment to diversify the offer.

5.7 Economic Impact

The submission demonstrates a good understanding of the wider importance of culture to the local economy; and this is reflected in a number and breadth of the expressions of support submitted with the bid. Examples are included in the submission of the impact that spending has on other businesses in Worthing. The submission also includes a commitment to supporting local procurement and developing opportunities for internships and apprenticeships for students from our local schools and colleges.

5.8 Business Planning and Organisational Development

With particular reference to business planning, the submission demonstrates a strong sense of purpose and the involvement of a number of key external players to provide a solid platform of governance and focus on strategy, performance and continuous improvement.

The organisational development programme identifies a Finance Director; VAT specialist and a project officer specialising in securing external funding. The approach was welcomed, although the evaluation panel commented that it would like additional clarification that the bid was not overly reliant on some of the identified individual officers or external funding bids.

The bid sets out a detailed financial strategy complemented by a 5 year external funding plan that would include a series of funding applications submitted for capital works; sponsorship for new galleries at the Museum; digitising the costume collection; and support for new artists and development of a 'Made in Worthing' brand. The bid outlines the opportunity to maximise income from the 4 venues and the development of new income streams related to aspects such as optimising online sales; additional live events; venue hire for events such as conferences; filming revenue; music hire and trade fairs.

The panel welcomed this approach but commented that it would like additional clarification on the sustainability of the 5-year plan, and matters such as cash flow management.

5.9 Custodianship

The bid demonstrates a good understanding of the importance of maintaining the fabric of the venues associated with the cultural services. It includes an appreciation of the level of responsibility associated with the venues, which is

articulated through quality assured health and safety protocols. The panel felt that it needed further clarification in relation to the respective roles and responsibilities of the Trust and the Council's Technical Services Team.

Care of the Museum collection is central to the approach, including storage, display, exhibitions, loans and research. Assurance was provided that all conservation will be carried out by trained professionals in line with the ACE Accreditation and Museum Association Code of Ethics.

6. The Outcome

6.1 The outcome of the process is to award, subject to contract, to our in-house team and, in accordance with their submission, this will necessitate the creation of a Trust.

6.2 The evaluation panel recognised the considerable amount of work that had gone into the preparation of the bid and also recognised the skill, innovation and talent of the submission. There are notable additional benefits including the introduction of new seasonal programming and the imaginative 'mixing' of events and collections with the potential to inspire attendees and deliver significant economic benefits. Mindful of the evaluation panel's findings during the procurement process further clarifications will be sought in line with recommendation 2.3.

7. Financial Implications

7.1 The budget for the Theatres and Museum for 2019/20 is £1.9m which can be broken down as follows:

2019/20 budget:	Theatres	Museum	Total
	£	£	£
Employees	1,781,780	181,300	1,963,080
Direct recharges - Head of Culture	71,560	22,820	94,380
Premises	460,040	102,020	562,060
Transport	10,740	1,080	11,820
Supplies and Services	2,111,650	44,120	2,155,770
Total direct expenditure	4,435,770	351,340	4,787,110
Less: Income	-3,625,790	-67,520	-3,693,310

Net direct income	809,980	283,820	1,093,800
Departmental recharges	13,860	4,420	18,280
Corporate costs and Support services	376,290	76,210	452,500
Capital charges	311,740	57,210	368,950
Total cost	1,511,870	421,660	1,933,530

In addition the Council has allowed for £200,000 additional costs arising from the recommissioning exercise (£100,000 in 2019/20 rising to £200,000 in 2020/21) which is expected to reduce down over the first 5 years operation of the new contract.

7.2 Following the procurement exercise, indications are that the potential contract can be largely funded from the overall budget set aside for cultural services. Although this will need to be confirmed as part of the contract negotiations and approval of the 5-year business plan.

7.3 The budget released by the Council, as part of the 10th July 2018 JSC report, has funded the drafting of the contract, conditions surveys, and the actuarial advice needed by any potential contractor, all of which are required in preparation for the new contract. Of the £100,000 released, £15,000 remains unspent which will be used to support the ongoing process.

8. Legal Implications

8.1 Section 145 Local Government Act 1972 empowers a local authority to provide entertainment, arts and crafts, theatres, concerts and other similar activities, and to either provide them itself, or arrange for the provision by a third party and then contribute towards the expenses of the third party, or to do anything necessary or expedient for the delivery of entertainment or the arts.

8.2 Section 12 Local Government Act 1964 relates to the local authority's powers in respect of museums and provides that they may do all such things as may be necessary or expedient for or in connection with the provision or maintenance of museums and further, may make contributions towards the expenses incurred by any person providing a museum or art gallery.

8.3 Cultural Services is an Executive Function under the Local Authorities (Functions and Responsibilities)(England) Regulations and therefore the Joint Strategic Committee has the power to make arrangements for the delivery of the function. The Worthing Borough Council constitution provides power for the Executive to delegate any of its functions to another body in accordance with contractual arrangements. Section 111 Local Government Act 1972 provides that the Local Authority has the power to do anything which is incidental to the discharge of their functions.

8.4 Should the Joint Strategic Committee make resolutions in accordance with the recommendations in this report, there will be some necessary consequential amendments to the governance arrangements relating to cultural services in the Worthing Borough Council constitution. The Monitoring Officer has delegated authority to make such consequential amendments to the constitution.

8.5 Should the Joint Strategic Committee make resolutions in accordance with the recommendations in this report, Council Officers may be required to transfer to the new undertaking. The Executive has the power in part 3 of the Worthing Borough Council constitution to appoint Officers to an office other than an Office where they are employed by the Council, to the extent that such appointments are to outside bodies in connection with Executive functions.

8.6 S1 of the Localism Act 2011 empowers the Council to do anything an individual can do apart from that which is specifically prohibited by pre-existing legislation.

8.7 S1 Local Government (Contracts) Act 1997 confers power on the local authority to enter into a contract for the provision of making available assets or services for the purposes of, or in connection with, the discharge of the function by the local authority.

8.8 Under the Public Contract Regulations 2015 where a Public Authority is to enter into a contract for the supply of goods & services, and the value of those goods and services exceeds a financial limit of £181,302 (or for works contracts £4,551,413 any procurement exercise to contract for those goods and services must be conducted in accordance with the Regulations and a failure to do so may be declared upon receipt of a procurement challenge, anti-competitive and in breach of the Regulations. The requirement to comply with the Regulations continues to apply after the proposed Award (subject to contract) and during the term of the Contract.

8.9 In addition to the Public Contract Regulations 2015 the Council must have regard to the procedures set out in its Contract Standing Orders found at Part 4 of the Constitution.

8.10 Any modifications to the in-house business case must not be in conflict with the Council's original tender specification and budget so as to uphold the requirements for transparency and equal treatment required under the Regulations.

Background Papers

- Worthing Theatres & Museum Strategic Future Options - JSC Paper 10th July 2018

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Sustainability & Risk Assessment

1. Economic

- Culture is a fundamental part of the local economy; it is estimated that culture contributes £5m per annum. Furthermore, 200 FTE jobs (directly and indirectly) are employed to manage and animate our venues. The report sets out a sustainable and ongoing model benefiting our economy and communities.
- The report demonstrates a commitment to supporting local procurement and develop opportunities for internships and apprenticeships for students from our local schools and colleges, thus ensuring talent is retained in the town.

2. Social

2.1 Social Value

- The report shows a strong commitment to working with, and supporting, our local communities. This includes the positive social outcomes that are associated to culture and arts, community cohesion, education attainment and social interaction.
- Participation extends to broadening the range of venue hire opportunities and broadening the programming reach. The inclusion of a range of initiatives showcases the importance to engage different communities.

2.2 Equality Issues

- This report proposals will ensure ongoing access to the arts for all members of our community and allow for the diversity of our community to be shared and celebrated.
- These are recognised and understood as part of the current provision makeup. The result indicates a comprehensive and professional commitment to equality and diversity opportunities. This is primarily highlighted in the Diversity & Equality Policy, as part of the submission.

2.3 Community Safety Issues (Section 17)

- Matter considered and none identified.

2.4 Human Rights Issues

- Matter considered and none identified.

3. Environmental

- Matter considered and none identified.

4. Governance

- Subject to award, this result will see a change in the governance surrounding culture services, in particular the creation of an independent Trust (charitable company limited by guarantee).
- The creation of a Trust will lead to a new working relationship between the Council and the current in-house team, governed by the contractual terms. This has been considered, and assessed, in accordance with the community interests in the delivery of a quality cultural offer and the use of heritage assets.

Appendices

1. Invitation to Tender (ITT)



WORTHING BOROUGH
C O U N C I L

INVITATION TO TENDER

FOR

Worthing Cultural Services

All responses **MUST** be submitted by
Monday 28 January 2019 - 12 noon

Contact Officer
Fiona Burn

All correspondence and clarification questions relating to this tender must be
submitted via the Councils e-tendering portal

<https://in-tendhost.co.uk/adur-worthing.aspx/Home>

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Section 1 - Introduction

Introduction

The region

Adur District Council and Worthing Borough Council cover a combined area of approximately 75km² housing a population of approximately 165,000 residents (2011 Census). Located on the West Sussex coastal plain approximately 10 miles west of Brighton both councils are served by good connections across the South-east with major road and rail links to Portsmouth (40 miles), Brighton, London (60 miles) and Gatwick airport.

Surrounded by the South Downs National Park to the north and English Channel to the south the region has had a rich history of human habitation dating back to at least 4000BC. The region was primarily an agricultural and fishing based economy until the end of the 18th century when the south coast became popular with wealthy tourists resulting in small coastal villages growing into the towns we see today. Whilst tourism remains important for the region newer industries such as engineering, creative and digital services are also becoming important economic contributors.

The Councils

In 2007, Adur District Council and Worthing Borough Council took the decision to work in partnership. This innovative, groundbreaking project, the first of its kind nationally, started with the creation of a single senior officer team in April 2008 and since that date most services have become joint teams providing services to the people of Adur and Worthing, delivering significant savings and efficiencies through reduction in senior management positions, joint procurement initiatives, service reviews and service re-design.

In December 2016 the Councils adopted new corporate objectives, [Platforms for our Places](#), which seeks to create foundations (platforms) to enable our residents and local communities to grow. There are five Platforms:

- *Our Financial Economies* – working with the commercial sector to build infrastructure, capabilities (e.g. employee skills, apprenticeships, etc.), encouraging inward investment, and developing markets;
- *Our Social Economies* – understanding the needs and aspirations of our communities, targeting our services towards the prevention of problems, encouraging non-financial resources (e.g. social value initiatives) to deliver economic and community value for our places;
- *Stewarding our Natural Resources* – protecting our natural environments, doing more with less, future-proofing the assets we use;
- *Services and Solutions for our places* – make our services easy to obtain and easy to use, designing around the interests of communities, embrace digital services, pursue income generation opportunities and deliver greater procurement savings;
- *Leadership of our Places* – ensuring our democratic processes remain relevant, creating great networks, open and shared data;

A new *Sustainable Procurement Strategy*, adopted in June 2017, sets out the vision to transform the Councils procurement and embed the corporate objectives in [Platforms for our Places](#) into day to day procurement activities.

Sustainability and Social Value

The Public Services (Social Value) Act 2012, places a statutory duty on local authorities to consider for all service contracts over the EU threshold how the proposed procurement activity can improve the economic, social and environmental wellbeing of an area.

One of the Councils key corporate objectives in [Platforms for our Places](#) is to meet the needs and aspirations of our residents and communities. The Council intends to achieve this by increasing the emphasis on sustainability and social value criteria by adopting more whole life costing principles within procurement exercises and where social value may be considered on all of its procurement exercises including goods, works and services (irrespective of value) as long as it is relevant and proportionate to the procurement.

The Council is keen to work in partnership with suppliers with a similar ethos, to help deliver these social benefits through the goods, works and services provided and through developing good ongoing relationships with suppliers through our supplier relationship management programme.

The Councils

For the purposes of this contract “the Council” will be Worthing Borough Council.

The Requirements

Background on existing service

Worthing Theatres are made up of four well managed, supported and maintained performance/cinema venues including Connaught Theatre & Studio, Assembly Hall and Pavillion Theatre.

Also situated in the town centre, Worthing Museum is a vibrant heritage offer including custodianship of collections of national importance.

A recent social impact study quantified the wider benefits and contribution of Worthing’s cultural services as the following

- Worthing theatres supports 129 full-time equivalent jobs in the local Worthing economy and this might rise to 162 jobs once a multiplier is adopted.
- The total direct impact on the economy is estimated to be £6m, based on the spend of customers, local purchasing and staff and this could rise to £9.6m once a local multiplier is applied.
- The economic impact (£6m) provides a return on the council’s investments of almost 7.5:1
- Worthing Theatres are a clear catalyst for additional spending in other parts of the economy with around £3.1m of spending in restaurants, shops, hospitality, travel by theatre-goers who visit Worthing from outside the Borough.
- 53% of visitors attending Worthing Theatres live in Worthing and Adur. Not only do Worthing Theatres provide an important social and community function, existence means that cultural spending is retained in the local area.

The cultural offer in Worthing has been transformed in recent years through high quality, innovative programming, the introduction of new genres and investment in our venues. Audiences have grown

considerably and remained remarkable loyal, attending events in Worthing an average of 4 times a year. Culture is one of the elements that encourages people to visit Worthing and come and settle here.

Over the period 2013/14 to 2016/17:

- Theatre Ticket sales increase by 26% and revenues increased by 34%
- Family theatre revenue increased by 77% and pantomime by 42%
- Film revenue increased by 65% and live screening by 12%
- The direct costs managed by Worthing Theatres have been driven down from £837,000 to £423,000

The introduction of Summer of Circus has drawn national and even international praise for Worthing and successive Pantomime ticket sales have broken all box office records.

Corporate and social value objectives

As noted above, the Councils have adopted new corporate objectives with a strong focus on delivering better social, environmental and economic outcomes for residents, communities and businesses within the area.

This service area has been identified as one which can potentially contribute towards improving Social Value and Sustainability across the councils, and bidders are encouraged to outline in their submission how they can assist the Council in delivery of better outcomes. Some examples of potential Social Value and Sustainability opportunities are reproduced below (this is a non-exhaustive list and more details can be found within the Responsible Procurement Charter attached as Schedule 19):

- Local employment opportunities
- Other employment opportunities and staff benefits (e.g. supporting “back to work” schemes for the unemployed); part-time/flexible working practices;
- Staff welfare schemes and volunteering opportunities;
- Opportunities for local groups to use the facilities (e.g Worthing Symphony Orchestra and local schools)

It is expected that the venues will regularly host events aimed at younger people and as such we would expect the bidder to have considered the risks associated with safeguarding.

Our requirements

The Council is inviting suitably qualified and experienced organisations to tender for the contract to manage Worthing Theatres and Worthing Museum; jointly referred to as Worthing’s Cultural Services.

The contract is formed of leasehold and management contracts, thereby transferring the business of the council’s Cultural Services and all its activities to an external party. The council believes a long-term commitment with a suitable partnership with an experienced company, organisation or trust that combines prudent business planning as well as artistic vision and innovation. It is imperative that Worthing’s Cultural Services continue to develop and thrive for the benefit of our local economy and will play a vital, front-facing, role in Worthing’s future.

The Worthing Theatres & Museum Strategic Future Options was presented on 10th July 2018 to the Joint Strategic Committee, a copy of the report is included at appendix 26

The initial term of the contracts shall be a 25 year funding agreement.

The detailed requirements may be found in the Specification in section 2 below..

Conditions for modifying the contract

The scope of this contract may include all activities required to undertake the service as detailed within the specification.

During the term of this contract there shall be provision to modify the services by adding or removing whole facilities. The Council may potentially extend the contract to it's partner organisation Adur District Council offering the contractor the opportunity to manage an additional facility.

Additional Information

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CSP Legal Appendices Bundle

- Appendix 1 - Management Agreement (draft)
- Appendix 2a - Lease Agreement - Head (draft) - **to follow w/c 3 December 2018**
- Appendix 2b - Lease Agreement Connaught (draft) - **to follow w/c 3 December 2018**
- Appendix 3 - Lease Agreement Assembly Hall (draft) - **to follow w/c 3 December 2018**
- Appendix 4 - Lease Agreement Pavillion (draft) - **to follow w/c 3 December 2018**
- Appendix 5 - Lease Agreement Worthing Museum (draft) - **to follow w/c 3 December 2018**
- Appendix 6 - Lease Agreement Chapel Store (draft) - **to follow w/c 3 December 2018**
- Appendix 7 - Division of Maintenance Responsibilities/Repairs Matrix (draft)
- Appendix 8 - Outline Plan Connaught
- Appendix 9 - Outline Plan Assembly Hall
- Appendix 10 - Outline Plan Pavillion
- Appendix 11 - Outline Plan Worthing Museum
- Appendix 12 - Outline Plan Chapel Store
- Appendix 13 - Connaught Floor Plan (area available for sublet)
- Appendix 14 - Assembly Hall Floor Plan (area available for sublet)
- Appendix 15 - Pavillion Floor Plan (area available for sublet)
- Appendix 16 - Heads of Terms (draft)
- Appendix 17- Service Contract List
- Appendix 18 - Museum Assets List
- Appendix 19 - Technical Services Contracts
- Appendix 20 - Cinema Inventory
- Appendix 21 - Catering Assets
- Appendix 22 - Culture IT Assets
- Appendix 23 - Technical Assets
- Appendix 24 - Confidentiality Agreement

CSP Tender Documents & Schedules

Cultural Services Tender Submission Schedule

Appendix 25 - Cultural Services Financial Summary Return

Appendix 26 - Worthing Theatres & Museum Strategic Future Options - JSC Report

Schedule 1 - Venues Town Centre Map

Schedule 2 - Venues Energy Efficiency Certificates

Schedule 3 - Venues Energy Costs and Usage

Schedule 4 - Schedule of Room Hire Charges 17/18

Schedule 5 - Schedule of Theatre Hire Charges 17/18

Schedule 6 to 15 - Seasonal Brochures WT(5) & WM(5)

Schedule 16 - Performance Programme Split 17/18 & 18/19

Schedule 17 - Overview of Worthing Museum Collections

Schedule 18 - WBC Cultural Dept Management Accounts 17/18

Schedule 19 - Responsible Procurement Charter

Schedule 20 - WSCC Actuary Report on Pensions

Schedule 21 - Building Condition Surveys - **to follow w/c 3 December 2018**

HR & TUPE Documentation

Schedule 22. Sickness Management Policy

Schedule 23. Disciplinary Policy

Schedule 24. Grievance Policy

Schedule 25. Flexible Working Policy

Schedule 26. Performance Support Policy

Schedule 27. Code of Conduct for Employees

Schedule 28. Business Travel Policy

Schedule 29. Unison Recognition Policy

Schedule 30. Using Email at Work Policy

Schedule 31. Smoking at Work Policy

Schedule 32. Pay and Reward Policy

Schedule 33. Managing People Change Policy

Schedule 34. Internet Access Policy

Schedule 35. Cultural Department structure & grades

Schedule 36. Adur & Worthing Councils Pay Scales with add-ons 18/19

Schedule 37. Cultural Organisational Chart, Posts & Grades - Sept 2018

Schedule 38. Culture Staff Team - TUPE Commitment Detail *to be provided on receipt of completed confidentiality agreement (Appendix 24)*

Minimum requirements to participate

Full details of these minimum requirements can be found in Parts 2 and 3 of the Tender Submission Schedule.

The minimum requirements to participate are that Bidders are as follows:

- confirm that none of the Mandatory or Discretionary grounds for exclusion listed in **Part 2** of the **Tender Submission Schedule** apply;
- to be of sound financial and commercial standing demonstrated by having at least two years of accounts and an annual turnover of two times the annual value of the contract for which they are bidding (e.g. if the annual value of the contract is £50,000, the Councils would expect the Bidder to have a company turnover of at least £100,000) **OR** evidenced by other means detailed in **Part 3 (Section 4)** of the **Tender Submission Schedule**;
- be able to demonstrate sufficient skills and trading experience in undertaking the services for which they are bidding and be able to provide suitable references in the services for which they are bidding as detailed in **Part 3 (Section 6)** of the **Tender Submission Schedule**;
- confirm they will have the minimum levels of Insurance cover in place by the commencement of the contract as detailed in **Part 3 (Section 8)** of the **Tender Submission Schedule**.

Please note Bidders need only self-declare that they can comply with these requirements, **no documentary evidence is required at this stage**. This evidence will only be requested from the Preferred Bidder prior to Contract Award.

Use of Sub-contractors

The Bidders are required to include a list of any Sub-Contractors they intend to use for this project and details of the services to be provided by these Sub-Contractors. It is the Council expectation that any Sub-Contractors to be used to fulfil a significant part of the contract requirement shall also meet the minimum criteria listed above.

It shall be the responsibility of the Bidder to undertake this assessment and the ongoing supervision and monitoring of Sub-Contractor performance. The Council accepts no responsibility whatsoever for the performance of any Sub-Contractors employed on this contract. The Council reserve the right to reject any of the proposed Sub-Contractors at any time.

Terms of Payment

The Council have committed to pay all undisputed invoices with 30 days of presentation to the Council. The Council expectations are these payment terms should be mirrored by our Bidders in payments to any sub-contractors employed by them to provide goods, works or services to or on behalf of the Council.

Budget

The Council has an anticipated budget for the services of £37.8m over the life of the 25 year contract. In the first year of the contract, the expected contract payment will be no more than £1.3m. Please note that these figures are provided for guidance purposes only and in no way represent any guaranteed level of business.

It is expected that the Bidder will provide a full breakdown of the costs for the services. If the costs exceed this figure then the Council would wish to see a breakdown of what could be achieved within the quoted figure and what if any, additional cost would cover. Bidders should clearly indicate in the fee proposal any tasks that are optional or are additional to those specified. All costs quoted should be in £ sterling and Value Added Tax (VAT) should be shown separately.

Prices tendered shall remain fixed for 180 days and thereafter amended in accordance with the terms and conditions of the contract.

Value for Money

The Council does not bind or oblige itself to accept the lowest or any tender and will take into consideration such other factors, for example, previous experience, quality and other - in determining the appointment of a supplier.

Transfer of Undertaking (Protection of Employment) (TUPE)

It is the Council's preliminary view that the Transfer of Undertaking (Protection of Employment) Regulations 2006 (TUPE), as amended 2014, may apply to this contract. Tenderers should satisfy themselves as to the application of TUPE.

TUPE information has been requested from incumbent service providers will be provided to Bidders upon receipt of the completed **Confidentiality Agreement (Appendix 24)**

Variant Bids

The Councils will not accept Variant Bids in regards this tender requirement.

Section 2 - Specification

The Specification

2.1 Definitions

Abbreviations table

A&W	Adur and Worthing
WBC	Worthing Borough Council
WT & MW	Worthing Theatres and Worthing Museum
TUPE	Transfer of Undertakings (Protection of Employment)
KPIs	Key Performance Indicators
GDPR	General Data Protection Regulation
POS	Point of Sale
PLI	Public Liability Insurance
FOH	Front of House
ICT	Information and Communications Technology
ENTE	Evening and Night-time Economy
HR	Human Resources

2.2 Overview

2.2.1 Summary

Worthing Borough Council is inviting suitably qualified and experienced organisations to tender for the contract to manage Worthing Theatres and Worthing Museum; jointly referred to as Worthing’s Cultural Services. The contract is formed of leasehold and management contracts, thereby transferring the business of the council’s Cultural Services and all its activities to an external party. The council is seeking a long-term commitment with a suitable partnership with an experienced company, organisation or trust that combines prudent business planning as well as artistic vision and innovation. It is imperative that Worthing’s Cultural Services continue to develop and thrive for the benefit of our communities and the local economy.

WBC recognises that Worthing's cultural and heritage offer plays a significant role in promoting Worthing as place to live, work, invest, and visit.

Research undertaken to inform the councils' Economic Strategy 2018 - 2023 highlights that our population is forecast to grow by 21% by 2039. A larger population and a younger demographic demands a vibrant, multi-genre artistic provision to support the on-going cultural development of Worthing.

2.2.2 Potential Opportunities

In Autumn 2018 A&W Councils, in partnership with West Sussex County Council and CityFibre, commenced the installation of a city wide future proof, full fibre network with unlimited bandwidth and Gigabit speed connectivity. The Connaught Theatre and Pavillion Theatre will both benefit from being primary internet connection points.

The Council has been working on a new Museum project called 'Let the Light In' which will improve the customer offering, and potentially a new café, the Council is presently working towards submitting a funding bid for the project. The new operator must commit to support the Council with the bid and agree to work collaboratively with the Council to achieve the objectives of the this exciting scheme.

The re-development of Union Place, to the east of the Connaught Theatre, provides a potential opportunity to extend the Theatre or provide a complementary facility as part of any proposed scheme.

2.3 Service Requirements

2.3.1. Cultural Excellence

Requirement 1 - The provision of a multi art-form diverse programme suitable for live performance venues.

As part of this requirement, the Operator shall:

- a) ensure that the live performance programme for all performance spaces in Cultural Services maintain high production values and reflect the best available product at all times;
- b) maintain a well-balanced performance programme including a broad mix of all genres, including theatre, live music of all kinds including, but not limited to, music, dance, film, comedy, theatre, children's theatre, seasonal programming;
- c) in each year of the contract term, conduct an annual review of the genre mix of the programme to ensure the Cultural Services are always catering for the changing demographic, this review will form part of the annual report to the council as detailed in 2.4 Quality and Standards;
- d) Nurture artistic networks to attract international and high profile acts to Worthing, so as to enhance the public profile of the town, subsequently evidenced in the theatres' and museum seasonal programmes
- e) share and discuss the planned future programme with the council in accordance with the service KPIs as detailed in 2.4 Quality and Standards;

Requirement 2 - Coordination of the fullest possible exposure to the Museum Collections.

As part of this requirement, the operator shall:

- a) provide an annual, age appropriate, educational programme to engage young people through liaison with schools and colleges; the educational programme to be included in the Annual Report to the council as detailed in 2.4 Quality and Standards;
- b) deliver an annual programme of exhibitions featuring items from the Museum's collections, ensuring a quality experience to the public through engaging and accessible interpretation; the feedback from the exhibitions to be included in the annual customer survey;
- c) make available, on reasonable request, the museum's collection for academic research;
- d) maintain links to nationally recognised museums and collections to attract high profile exhibitions and artifacts to Worthing.

Requirement 3 - The creation and implementation of audience development strategies

As part of this requirement, the operator shall:

- a) on an annual basis create and review an audience engagement and development strategy, informed by all available information, including national and Arts Council England lead initiatives.

2.3.2. Social Value

Requirement 4 - Cultural Services as a focal point for participation

As part of this requirement, the operator shall:

- a) ensure (and demonstrate) that the Cultural Services uses its position as the council's focal point for cultural provision to enhance access to arts and heritage through a supportive participatory programme;
- b) engage with local community and not-for-profit organisations, building strong and supportive working relationships;
- c) ensure that the performance and non-performance spaces within the Cultural Services venues are made available at a price at least 10% less than commercial hirers and promoters.

Requirement 5 - Developing the cultural landscape and Partnership Working

As part of this requirement, the operator shall:

- a) support emerging performing arts companies and artists through residences and in-kind provision;
- b) engage with local promoters and artists to input into the programme for Cultural Services;
- c) develop and maintain local networks, fostering positive relationships with other cultural organisations; working in partnership to ensure best value and best practice for the region;

Requirement 6 - Ticketing

As part of this requirement, the operator shall:

- a) ensure the fair and appropriate setting of ticket prices, comparable to venues of a similar size and artistic programme;
- b) ensure that all standard tickets over £10 are accompanied by a concessionary price of no less than 5% of the standard price;
- c) that a transparent policy on concessionary pricing is advertised and well communicated to all customers and visitors; concessionary pricing to apply but are not limited to, Children (2 years – 15 years inclusive for live events & 2 years – 14 years inclusive for film and screen arts), Students (Any person in full time education), Seniors (60 years and over), Customers with a Disability, any person in receipt of universal credit;
- d) share and discuss annual ticket yield information with the council in line with the service level KPIs.

2.3.3. Economic Impact

Requirement 7 - Worthing Borough as a great place to live, work, invest and visit

As part of this requirement, the operator shall:

- a) engage with the council in support of the role of the Cultural Services in Worthing's visitor economy;
- b) engage with the council's in support of the role of the Cultural Services in Worthing's evening and night-time economy in initiatives such as Purple Flag, the national accreditation for the ENTE;
- c) engage with the council's visitor experience officers through quarterly meetings, exploring and delivering joint promotional opportunities and allowing print and screen advertising in Cultural Services venues, as detailed in the service level KPIs;
- d) support employment pathways for local people, including apprenticeships, work experience placements, volunteer opportunities to maximise local employment and develop local supply chains;
- e) conduct supplier and services procurement in line with the Responsible Procurement Charter, detail of the charter are included in Schedule 19.

2.3.4. Organisational Development

Requirement 8 - Maintain accurate financial records and operational budgets

As part of this requirement, the operator shall:

- a) ensure all financial information relating to the business activity is accurately documented and externally audited;
- b) ensure VAT payable and all other tax returns are completed and submitted within HMRC organisational deadlines;

- c) ensure prompt payment of invoices;
- d) ensure prompt, regular and accurate payroll provision for all Cultural Services staff;
- e) create and review annual management accounts and operational budgets in line with service level KPIs;
- f) Produce annual audited accounts for the operation within 6 months of the year end.

Requirement 9 - To effectively promote the Cultural Services in Worthing and regionally.

As part of this requirement, the operator shall:

- a) on an annual basis create and review a detailed marketing strategy which addresses all promotional aspects of the service operation using measurable targets and action planning,
- b) share and discuss this strategy with the council in line with service level KPIs
- c) develop and maintain a strong and identifiable, Worthing-centric, brand for Cultural Services,
- d) make available through a variety of marketing tools (including but not limited to social media, print, organisation website and media advertising) up to date information on the artistic and museum's programmes, commercial opportunities and other cultural projects or initiatives,
- e) include on all Cultural Services promotional material the current WBC Councils' logo accompanied by the words 'Supported by' in accordance with WBC corporate style guides.

Requirement 10 - Professional and transparent governance

As part of this requirement, the operator shall:

- a) ensure legislative and governmental compliance with related regulations applicable to the governance model adopted by the Cultural Services operator;
- b) provide observer status to an officer of Worthing Borough Council and one council member of Worthing Borough Council (the officer and the council member will be allocated annually by Worthing Borough Council);

Requirement 11 - Business Planning

As part of this requirement, the operator shall:

- a) provide to the council a five year business plan, reviewed in the fifth year on a rolling basis;
- b) actively seek external funding for the purpose of added value to the Cultural Services;
- c) communicate such funding applications and bids to the council to prevent funding application duplication;
- d) actively seek corporate sponsorship for the purpose of added value to the Cultural Services.

2.3.5. Deliverability

Requirement 12 - Operational infrastructure, staff and senior management training and retention

As part of this requirement, the operator shall:

- a) ensure staffing levels sufficient for the proficient management and operation of the Cultural Services;
- b) retain a robust, experienced and competent senior management team;
- c) exercise good leadership, employing proficient operational management strategies and adhering to industry standard procedures;
- d) ensure outsourced service provision within the organisational infrastructure is accredited and qualified to a professional standard;
- e) ensure the team staff are trained to a level commensurate with the duties asked of them, their progress assessed and recorded, with a view to continued professional development and a skilled workforce.

Requirement 13 - Ensuring a first class customer experience across the operation of the Cultural Services

As part of this requirement, the operator shall:

- a) create and regularly review a customer service strategy which ensures that all customers and visitors to Cultural Services venues receive first class customer service at all times; measurable through annual Customer survey and customer experience feedback log;
- b) ensure that all staff and volunteers are trained in customer service so as to deliver this strategy;
- c) ensure that all staff and volunteers are training in equality awareness and its implications for customer services;
- d) conduct annual, measurable customer surveys to gauge levels of satisfaction and inform improvements as per the service level KPIs;
- e) share and discuss these strategies, survey results and reviews with the council;
- f) employ best practice in the management of volunteers and cultural ambassadors;
- g) ensure that all public spaces, auditoria and toilet facilities are kept clean and orderly with a minimum of daily cleaning, adhering to the levels as defined within the Facilities Management Agreement;
- h) ensure FOH concessions and POS areas, bars, restaurants and cafe facilities are open consistently and that opening hours are publicly advertised and adhered to;
- i) ensure the Pavillion Cafe opening hours reflect seasonal change and provide an offer which supports Worthing's wider ENTE;
- j) ensure the cultural venues adhere, as a minimum requirement, to the core hours as detailed in the Facilities Management Agreement.

Requirement 14 - Transition

As part of this requirement, the operator shall:

- a) manage a seamless exchange of associated premises licenses and ensure subsequent compliance with premises license conditions;
- a) build an ongoing, positive and close working relationship with A&W councils;
- b) manage a seamless TUPE process, keeping employees informed and consulted at all times;

- c) ensure a seamless and compliant pension process, keeping employees informed and consulted at all times;
- d) ensure the smooth novation of supplier contracts in partnership with A&W Councils
- e) honour existing contractual commitments for future artistic programming (including live screenings) touring exhibitions, collection loans and venue/performance hires.

2.3.6. Custodianship

Requirement 15 - The operator is responsible for the care, conservation and maintenance of the collections throughout the term of the lease.

As part of this requirement, the operator shall:

- a) ensure the museum's collections inventory is maintained and accurate;
- b) ensure that additions to the museum's collections are researched, identified and procured;
- c) ensure all lending from the museum is done so in accordance with Worthing Borough Council policies and with council permissions;
- d) ensure the Museum attains and maintains Arts Council England Museum Accreditation.
- e) ensure museum staff and volunteers are trained in the safe and secure handling of collections, maintaining secure and temperate conditions;
- f) ensure that professional 'nail to nail' provision is managed and risk assessed in the bringing in of items on loan to the Cultural Services.

Requirement 16 - Cultural Services Venue Use and Repair

As part of this requirement, the operator shall:

- a) ensure that the Connaught Theatre & Studio, Pavillion Theatre and Assembly Hall promote and host a regular programme of performances and activity and that all venues are utilised regularly, throughout the year;
- b) adhere to the landlord/tenant repair and maintenance matrix in the protection of the Cultural Services venues;
- c) ensure that all advertising frames and advertising fixtures (attached to external walls) are maintained, clean, secure and kept in working order.

Requirement 17 - Implement robust procedures to ensure that all equipment, fixtures and fittings are well maintained.

As part of this requirement, the operator shall:

- a) create and review all operations procedures, method statements and policies related to the maintenance and upkeep of the Cultural Services venues fixtures and fittings that are appropriate to ensure best practice and that all legislative, manufacturer's recommendations and contractual requirements are adhered to at all times;

- b) ensure that all staff, hirers and subcontractors are appropriately qualified and trained so as to be able to deliver effectively and complete the tasks outlined in the documents referred to in the paragraph a) above;
- c) ensure regular visual checks and maintenance of safety equipment, including fire safety and protection as referenced in the Division of Maintenance and Repair Matrix Appendix 7;
- d) maintain an adequate log of all work carried out in the Cultural Services venues, along with documented evidence of all maintenance and certification and ensuring that all documentation is made available to all users and the council;
- e) ensure that all venues fixtures and fittings are in good working order and fit for purpose at all times;

2.3.7. Legal standards and Information Governance

Requirement 18 - GDPR

As part of this requirement, the operator shall:

- a) ensure that all data related to the selling of tickets, marketing promotion and contracting is GDPR compliant;
- b) systematically maintain an up to date box office system, ensuring SGDP compliance.

Requirement 19 - Safe working practice

As part of this requirement, the operator shall:

- a) create and appropriately review all operational procedures, method statements and policies across all Cultural Services activity to ensure best practice and to ensure the all Health and Safety legislation and contractual requirements are adhered to;
- b) ensure that all staff, hirers and/or subcontractors are appropriately qualified and trained so as to be able to effectively complete the tasks required by the documents outlined in a) above;
- c) ensure that all the procedures referred to in paragraph a) above are monitored and tested to ensure that they are effective and are complied with by staff, hirers and subcontractors and relevant third parties;
- d) ensure that all staff are appropriately trained, to maintain health and safety compliance and competency.
- e) ensure that all staff, hirers and subcontractors are appropriately briefed and trained in the use venue fire safety equipment and emergency evacuation;
- f) ensure that all the documentation outlined in a) above is up to date and readily available at all times; and
- g) share and discuss these operational procedures, method statements, results of monitoring and policies with the council.

Requirement 20 - Environmental impact of the Cultural Service

As part of this requirement, the operator shall:

- a) ensure that all operation procedures, method statements and policies related to the operation of the Cultural Services contribute to the environmental impact being mitigated as far as is practicable.

2.4 Quality and Standards

At the inception meeting the Service Level KPIs will be assigned with base level figures or higher as agreed by both parties. These levels will be formed using historical data from the Council's Cultural Department and regional, industry standard levels.

2.4.1. Key Performance Indicators (KPIs) Quarterly

Meeting quarterly with WBC officers the contractor is required to provide qualitative evidence and quantitative measurements in relation to the following Key Performance Indicators.

The KPIs below are the minimum service levels recorded, over the course of the contract term the information required may be added to or amended by the council.

Service Requirement	KPI	Measure by	Base Level
Cultural Excellence (3)	Total monthly attendance	Number	No less than 18,000 per month
Cultural Excellence (2)	Total % occupancy rate on available ticketing per performance	Percentage	No less than 55%
Cultural Excellence (1)	Report on seasonal genre split	Percentage	No less than 6 genres
Social Value (4)	Professional Programme v venue hire %	Percentage	Max venue hire 42%
Cultural Service Venue Use and Repair (16)	Venue utilisation (number of performances)	Number	No less than 290 per annum across all venues
Cultural Excellence (2)	Exhibitions and events featuring the Worthing Museum collections	Number/Programme	No less than 4
Cultural Excellence (1)	Share and discuss the planned future programme	Qualitative	Evidence
Cultural Excellence (2)	Exhibitions featuring national touring collections and artifacts	Number/Programme	2 per annum
Cultural Excellence (1)	Film screenings per season, including live film screenings	Number	No less than 500

Social Value (4)	Community use, including Organ Trust, Worthing Symphony Orchestra and Worthing Philharmonic Orchestra	Number	No less than 25% of total performance %
Deliverability (13)	Front of House income against targets and secondary spend initiatives	Financial records	no less than £650,000
Economic Impact (7)	Liaison between council departments/officers and the operator (e.g. visitor experience officers and the operator's Head of Marketing)	Meetings	Once Quarterly
Organisational Development (8)	Monthly management accounts	Financial	Monthly accounts presented Quarterly
Custodianship (16) Custodianship (17)	Maintenance and repair log	Meetings	Once Quarterly
Organisational Development (11)	Level of external funding activity, including applications and determinations	Meetings	Once Quarterly

2.4.2 Cultural Services Annual Report

The contractor is required to compile an annual report highlighting the following service level indicators and including the following operational, financial and business plans as per the Council's Requirements above.

WBC Annual Report

The Annual Report criteria below is the minimum expected written annual reporting, over the course of the contract term the information required may be added to or amended by the council.

Annual Report Criteria	Measure by
Cultural Services highlights & challenges	Written evidence
Previous year's audience attendances against targets	Number
Previous year's genre percentages against target	Number/percentages
Previous year's annual ticket yield information against target	Price

Conduct an annual review of the genre mix of the programme to ensure the Cultural Services are always catering for the changing demographic	Written evidence
Provision in supporting Worthing's Cultural offer	Written evidence
Financial review and budgeting of management accountants and operational budgets	Financial records
Evidence supporting Social Benefit	Written evidence
Evidence supporting Economic Impact	Written evidence supported by financial indicators
Review of the customer service strategy including details and results from an annual customer survey	Written evidence & numbers/percentages
Review cultural services participation programme, educational activity and visitor interpretation initiatives	Number, written evidence
Review of the Cultural Services Buildings & Maintenance Log and buildings certifications	Certifications and Log Book evidence
Evaluation against the five year business plan including the additional 'rolling' year	Number, financial, percentage, written evidence
Review the Cultural Services marketing strategy	Number, written evidence
Review the audience engagement and development strategy	Number and written evidence
Report on operational staffing structure, staff training and personal development	Written evidence and staffing structure
Supply Audited Accounts (within 6 months of FYE)	Financial records
Report on skills development, work experience placements, internships and apprenticeships,	Number and written evidence
ACORN, market segmentation and demographic analysis	Number and written evidence

2.4.3. Governance

It is a requirement that observer status be allocated to one officer of Worthing Borough Council and one elected member of Worthing Borough Council. The council Officer and the elected member will be allocated by Worthing Borough Council and confirmed in writing annually.

2.4.4. Reporting

In line with the council's requirements it is expected that the operator will meet with council officers quarterly to review agreed Service Level KPIs.

In line with the council's requirements it is expected that the contractor will complete a written annual report to review the previous year's progress and outline plans for the Cultural Services' artistic, financial organisational development.

From time to time the operator may be requested by the council to commission specific service related surveys. These requests to be made during the Quarterly Service Level meetings by council officers.

From time to time the operator may be requested by the council to discuss service provision and the cultural offer with Worthing Borough Council members. These requests to be made during the Quarterly Service Level meetings by council officers.

Section 3 – Instructions to Bidders

This section provides Bidders with information about the procurement timetable and the tender submission and evaluation processes.

Provisional Procurement Timetable

Below is the proposed timetable that may be subject to change at the discretion of the council. Bidders will be advised of any significant changes to this timetable.

Process	Date
Invitation to Tender Documents accessible on portal	Friday 30 November 2018
Site Visits	Wednesday 19 December 2018
Deadline for receiving Bidder's questions	10am Monday 21 January 2019
Deadline Council will respond to questions	5 pm, 23 January 2019
Tender Return Date	12pm, Monday 28 January 2019
Evaluation of Submitted Tenders	February 2019
Presentations (if required)	Monday 25 February 2019 - Monday 4 March 2019
Clarification meetings (if required)	Monday 4 March 2019 - 11 March 2019
Preferred Bidder to provide documentary evidence to confirm Supplier Self-Declaration Checklist is correct	Wednesday 13 March 2019
Notification of Intention to make a Contract Award	Monday 18 March 2019
Award of the Contract	Thursday 29 March 2019
Contract Implementation/Inception Meeting	w/c 2nd April 2019
Contract Start Date	Tuesday 1 October 2019

Site Visits at Councils and Other Premises

Interested parties are invited to attend venues tours by arrangement on Wednesday 19 December 2018 9am – 1pm.

For information on the tour and to book your place please contact us through the Councils e-tendering portal, <https://in-tendhost.co.uk/adur-worthing.aspx/Home> Once this instruction is received the Council will reply with specific details with regards to format, times and venue for these visits.

Bidders should note that the maximum amount of attendees representing their organisation is limited to FOUR.

All questions and answers from the site visit will be posted on the Council’s e-tendering portal by the deadline for the Council to respond to questions as stated within the timetable in section 3.

Evaluation of Tenders

The evaluation of your tender submission will be conducted in accordance with the evaluation criteria given below.

Bidders should note that regardless of a bid’s overall merits, in the event that evaluating officers (acting reasonably) consider there to be a fundamental weakness likely to impact adversely upon the intended outcome, then grounds will exist to exclude the bid from further consideration.

Stage of process		How it is assessed	Scoring method
Stage 1 – Selection Criteria Self-Declaration		Bidder to confirm that they meet the minimum criteria as per Self-Declaration Checklist	PASS/FAIL
Stage 2 - Award	Quality	Evaluation of responses to Method Statements	60%
	Financial	Evaluation of Finance Schedule	40 %
Stage 3 - Verification		Selection Criteria checklist evidence – preferred bidder only	PASS/ FAIL

Stage 1 - Selection Criteria – Self Declaration

For this particular requirement the Council shall expect the successful Bidder (s) to be able to meet the minimum criteria as detailed in Part 2 and 3 of the Tender Submission Schedule. The Councils require the Bidder to initially confirm (self-declaration) in the Supplier Self- Declaration and Form of Tender that you are able to comply with the Councils minimum requirements.

Documentary evidence will only be sought from the preferred Bidder prior to any formal contract award. Further information about the documentary evidence required can be found in the Self Declaration table.

Stage 2 – Award

Once tenders have been returned, submissions will be evaluated on the basis of the Most Economically Advantageous Tender (MEAT) combining price and quality criteria using a whole life costing methodology. The Bidder/s with the highest score will be deemed the ‘Preferred Bidder’/s.

Tenders will be evaluated against the following evaluation criteria. It is important to note that the evaluation weighting is as follows:

- Quality – 60 %**
- Financial – 40%**

Evaluation Criteria	Sub- Criteria	Weighting %
<i>General Quality Assessment</i>		60%
1. Cultural Excellence	A.i. Artistic Quality Definition	1%
	A.ii. Artistic Quality & Cultural Offer	5%
	B. Audience Development	3%
	C. Indicative Programme	6%
	D. Collections exposure & interpretation	3%
2. Social Value	A. Cultural Participation	4%
	B. Cultural Partnerships and Support	3%
3. Economic Impact	A. Steps to maximize economic impact + examples	5%
4. Organisational Development	A. Business Planning, measurement and reporting	12%
5. Deliverability	A. Organisational management & infrastructure	5%
	B. Customer Satisfaction	6%
	C. Six Month Transition	1%
6. Custodianship	A. Care and conservation of collections	3%
	B. Building use & protection	3%
<i>Financial Assessment</i>		40%
Sustainability over the period of the lease including meeting all contractual obligations (20% Total)	Income assumptions reasonable and complete (including inflation).	3%
	Operational costs assumptions reasonable and complete (including inflation and tax assumptions)	3%
	Fees and overheads costs are proportionate and consistent with market	2%
	Cash flow projections as a whole is realistic and reflects the cost and income assumptions	3%
	Comprehensive cost plan for capital investment that identifies all likely costs and funding	2%
	External funding is in place and confirmed by partners	2%
	Financial sustainability reasonably demonstrated and consistent with Business Case	5%
Level of contract payment due to or from the Council	Total to be paid over the first 5 years	20%

Quality (Technical) Assessment – Method Statements

Your technical submission will be assessed based on your responses to a series of method statement questions as detailed in part 4 of the Tender Submission Schedule. Each method statement has a different weighting which is shown in the right hand column next to each question.

The response to each question will be evaluated by each member of the evaluation team in accordance with the assessment guidance in the table below. Final scores will be agreed following a moderation meeting and these scores will be weighted according to the weightings listed within the table above on page 26 to produce the total score for each question. Due to the nature of the scope of this tender there will be an element of subjectivity within the quality evaluation.

The total maximum score for the Method Statement is 60%..

The quality assessment will be assessed using the Council’s criteria in the table below:

SCORE	DEFINITION
0	No submission was made.
1	Response is incomplete, non compliant, fails to meet any minimum requirements, lacks and evidence base or is unlawful.
2	Response is in part incomplete, non compliant, fails to meet any minimum requirements or lacks an evidence base.
3	Response is complete but fails to satisfy all minimum requirements or fails to provide adequate evidence that these requirements can be satisfied.
4	Response is complete but fails to provide adequate evidence that all minimum requirements can be satisfied.
5	Response is complete and meets all minimum requirements, and provides appropriate evidence.
6	Response is complete and meets all minimum requirements while providing appropriate evidence to support these together with a higher level of confidence.
7	Response meets all requirements with a good evidence base and some added benefits.
8	Response meets all requirements with a good evidence base and some added benefits together with higher level of confidence.
9	Response meets all requirements while providing fully evidenced additional value and benefits and a high level of confidence.
10	Response exceeds requirements, is fully evidenced, adds value and benefits and demonstrates practical innovation and tangible creativity to business solutions, with full confidence in capability to deliver.

The formula used to calculate the weighted scores for each of the sub-Criteria is the score given to each sub Criteria multiplied by the weighting factor shown for that sub Criteria i.e.

$$\text{Method Statement weighted Score (\%)} = (\text{Bidders score}/10) \times \text{Method Statement Weighting}$$

Worked Example:

If a Method Statement has a weighting of 5 and is deemed a 'Fair' response then that response will be awarded 2%.

- Method Statement weighting = 5
- Bidders Method Statement response score = Fair (4)
- Score = $(4 / 10) \times 5 = 2\%$

Financial Assessment – Financial Schedule

The Financial Criteria contained within the Cultural Services Financial Summary Return will be assessed for financial sustainability over the period of the lease including meeting all contractual obligations. The sub-criteria will be scored by the Finance members of the evaluation team according to the table on page 26. Final scores will be agreed following a moderation meeting, and these scores will then be weighted according to the weightings listed within the table on page 26.

Any offer which in the Council's opinion may be regarded as an Abnormally Low Bid shall be treated in accordance with Regulation 69 of the Public Contracts Regulations 2015.

There are two elements to the financial assessment:

1. Sustainability of the offer (20%)

This will be scored using the 5 year business plan submitted as Appendix 25 Cultural Services Financial Summary Return and the outline business case utilising the same quality assessment as detailed above:

The mark for each sub-criteria category will be calculated as follows:

$$\text{Maximum mark allocated to category} \times \text{score awarded}/10$$

2. Level of contract payment due to or from the Council (20%)

This financial element of the tender evaluation is an assessment of the Bidder's financial submission contained in the Appendix 26 Cultural Services Financial Summary Return at cell H82 (highlighted in blue). The assessment will be undertaken using a whole life costing methodology.

The Bidder who submits the lowest **overall sustainable** price will receive the full 20%.

All other bids received will be scored according to their relation to the lowest offer. In this tender, the following formula will be used:

$(\text{Tender Price} - \text{Lowest price tender}) / (\text{Highest Tender Price} - \text{lowest tender price}) \times 20\%$

For example $(£1000 - £500) / (£1500 - £500) \times 20\% = (500/1000) \times 20\% = 10\%$

Moderation Meetings

Initial evaluations will be undertaken by individual evaluation panel members (from the project team). Following that a 'Moderation' meeting may be held where the scores and observations are discussed.

The group will come to a consensus, agreeing the strengths and weaknesses of the submissions and agreeing a single, more objective group score for each bidder's response to each method statement question.

It is this 'moderated' score that is then used as the final score for the Method Statement assessment.

Presentations

The Council reserves the right to request bidders to present their Business Case to Members with up to the top 3 ranking bidders been invited. The presentations are just for information only and will not be used to adjust the scores awarded to your bid. .

Clarification Interviews

The Council reserves the right to undertake interviews with up to the top 3 ranking bidders in order to validate the scores awarded to your bid. In the eventuality that following these clarification interviews there are changing to the ranking order and another bid become top ranking that bidder will also be invited to interview.

Stage 3 - Verification

Identification of Preferred Bidder

Once the Quality and Price assessments have been concluded the scores will be added together and the highest combined score will be the preferred bidder.

The Council will contact the Preferred Bidder to seek documentary evidence to confirm that the information provided by the Bidder in the Supplier Self-Declaration Checklist is correct. If an assessment of the Preferred Bidder's financial information is to be undertaken the methodology to be followed will be detailed in the Tender Submission Schedule.

Any Bidder found not to meet the minimum criteria at this stage will be discounted. In these circumstances the Council will then go to the next highest ranking tenderer in succession.

Notification of Intention to make a Contract Award and Standstill Period

When the Council is ready to publish its notification of intention to award letter, the Council will notify all Bidders, both successful and unsuccessful, in writing, of the outcome and will allow for the provision of a 10 day mandatory standstill period.

Upon completion of the standstill period, without challenge the Council will progress the contract award procedure with the successful Bidder and undertake debriefing meetings with unsuccessful Bidders, if requested, as soon as reasonably practicable.

Preparation and Submission of Tenders

Any correspondence or clarification questions **MUST** be sent through the In-Tend Portal by the deadline stipulated. Failure to comply may lead to exclusion.

All questions will be responded to by the date shown in the table above. All Bidders will receive the answers to all questions submitted, unless the question asked is deemed commercially sensitive to the organisation who submitted it.

Tender Submissions

Bidders should ensure the appropriate information detailed in the documents is completed and submitted electronically via the In-Tend Portal by the closing date specified in the tender project. All forms and documents **MUST** be sent through the In-Tend Portal:

<https://in-tendhost.co.uk/adur-worthing/asp/Home>

Under no circumstances should any tenders be submitted by any other means to the Council.

Bidders are advised to make themselves familiar with the process for submitting tenders on the Council's e-tendering system in good time before the deadline date. All advice on the system should be sought from In-Tend- contact details shall be found on the Portal itself.

Do not leave your response to the last minutes/hours before the deadline (if you experience connection problems you will miss the deadline and your response may be deemed non-compliant and rejected). Always upload early to avoid last minute pressure.

Tenders submitted after the time and date shown may be rejected by the Council unless there is clear evidence available to demonstrate that the tender was submitted via the Council's e-tendering system before the deadline.

Form of Agreement and Conditions of Contract

Before contracting the successful Bidder must read and accept the Conditions of Contract, detailed in CSP Legal Appendices Bundle included as part of the tender documents.

The Council agrees that some negotiation on final contract terms may take place, providing always that those negotiations do not affect the value or materially change the nature of the contract, but in exercising its discretion to amend the Contract terms the Council's decision shall be final.

Section 4 – Conditions of Tender

Bidders Responsibility to be fully informed

It is the Bidders responsibility to ensure that he and his Sub-Contractors are fully informed in all matters relating to his submission and any resulting contract. The Bidder shall ensure that he is fully acquainted with all the location sites listed in this document and that he is fully conversant with the contract conditions, specifications, and any special requirements at sites for which he intends to bid.

Bidders should consider only the information contained within this Information for Bidders or associated Tender Documents when making their offer. The Council will not accept any additional charges under this clause once the contract has been agreed.

Information supplied by the Council (whether in this document or otherwise) is supplied for general guidance in the preparation of tenders. The Bidder shall be deemed to have informed and satisfied himself fully as to the Council's specified requirements and the Conditions of Contract. No claims for additional payment will be allowed on the grounds of misinterpretation of any matters relating to the Contract, the specified requirements or those conditions on which the Bidder could have reasonably satisfied himself by reference to the Council or by such others means as may be appropriate.

Information supplied by the Council (whether in this document or otherwise) is supplied for general guidance in the preparation of tenders. Bidders must satisfy themselves by their own investigations with regard to the accuracy of such information. The Council cannot accept responsibility for any inaccurate information obtained by Bidders.

By submitting a tender you are also agreeing for any information supplied by you to be made available to any regulatory body.

Representations

Any representations made by Council Officers or contractors that appear to change materially any portion of the Tender shall not be relied upon unless ratified by a written amendment to the Council.

Disqualifications

Any Bidder who directly or indirectly canvasses any Council Members or Officers or Council Representatives concerning the award of the contract or who directly or indirectly obtains or attempts to obtain information from such Member, Official, Representative or any of our employees concerning any other Tender is likely to be disqualified.

All information supplied by us in or in connection with this Invitation to Tender shall be regarded as confidential to us and must not be disclosed to a third party without express permission in writing. Unauthorised disclosure will disqualify both you and those to whom you have passed the information.

Any Bidder who:

- (i) Fixes or adjusts the amount of his Tender by or in accordance with any agreement or arrangement with any other person; or
- (ii) Communicates to any person other than the Council the amount or approximate amount of his proposed Tender (except where such disclosure is made in confidence in order to obtain quotations necessary for the preparation of the Tender for insurance) ; or
- (iii) Enters into any agreement or arrangement with any other person that he shall refrain from tendering or as to the amount of any Tender to be submitted; or
- (iv) Offers or agrees to pay or give or does pay or give any sum of money, inducement or valuable consideration directly or indirectly to any person for doing or having done or causing or having cause to be done in relation to any other Tender or proposed Tender for this Contract any act of omission, will, (without prejudice to any other civil remedies available to the Council and without prejudice to any criminal liability which such conduct by a Tenderer may attract) be disqualified.

Freedom of Information

The Councils are subject to the provisions of Freedom of Information (FOI) Act and Environment Information Regulations (EIR). Under the Act, members of the public or any interested party may make a request for information to the Councils in respect of any part of the provision of these services.

If any information in this tender submission is considered commercially sensitive or is a trade secret, the onus is on the Bidder to ensure that this information has been clearly identified to the Council. In order that the Council may give due consideration applicants should use the 'Exemption to Freedom of Information Act Form' provided in the Form of Tender to identify any information contained in their tender submission regarded by them as commercially sensitive information and / or a trade secret. A blanket confidentiality statement will **not** be accepted.

Notwithstanding the provision made in (ii), the Council may still have to disclose requests for certain information if it is considered to be in the public interest. In such cases the Council will advise the Bidder beforehand.

To confirm the above paragraph, the Council (s) confirms that data will be published on the Council's website in accordance with the Local Government Transparency Code which makes it an essential part of business for public sector bodies to release, on the Council website, details of all items of expenditure and all contracts above £500. The information provided excludes VAT and payments to individuals such as council tax refunds, benefits payments and other non-invoice related payments. The data is updated monthly.

Councils not bound

The commencement of this tender process does not create any contractual obligation between the parties. The Council is not obliged to accept any tender and reserves the right to withdraw or abandon the tender process entirely at its own discretion for any reason and at any stage up to the execution of a written contract. The Council shall not be liable for any tender costs, expenditure, work or effort

incurred by a Bidder in proceeding with, or participating in this procurement, including if the procurement process is terminated or amended by the Council. The Council also reserves the right to recommence the tender process and call for fresh tenders without any financial liability to any Bidder howsoever incurred.

Therefore, the Council does not bind itself to accept the lowest or any tender or bear any expense incurred by any company, person, or persons in the preparation thereof. A letter notifying the successful Bidder of an Intention to Award a contract shall not create a binding contract until the contract is executed and all necessary credit checks, financial accounts, insurances, approvals and official sanctions have been obtained, and any Performance Bond (where applicable) has been approved and properly executed by the Council.

Format of Proposals

Bidders should ensure that ALL schedules and documents are completed and all requested information is provided.

The Form of Tender document requires a signature and must be printed out, completed and signed in ink and;

- a) where the Bidder is an individual, by that individual;
- b) where the Bidder is a partnership, by two duly authorised partners;
- c) where the Bidder is a company, by two directors or by a director and the secretary of that company, such persons being duly authorised for that purpose.
- d) where the Bidder is a company, by director who is also the secretary of the company, such person being duly authorised for that purpose.

Validity

Tenders must be written in English and unless specifically withdrawn in writing, tenders shall remain open for acceptance for a period of 180 days from the return date. A tender valid for a shorter period of time may be rejected.

Assignment & Sub-Letting

The Bidder shall not assign, pledge, transfer or sublet the Contract or any part thereof without the prior written consent of the Council.

Regardless of the employment status of those undertaking any aspect of the Contract on behalf of the Bidder, responsibility and liability under the Contract will lie with and remain with the Bidder, who should at all times maintain and exercise adequate supervision and control.

The Council will not enter into any discussions or negotiations with the Bidders nominated or appointed Sub-Suppliers or suppliers with regard to any delays or disputes that may arise but will hold the Bidder solely responsible for any such delays or problems that may occur and for their successful resolution within an acceptable and agreed period of time.

Publicity

Neither the Bidder nor their Sub-Contractors shall, without the prior written consent of the Council, advertise or publicly announce that they are undertaking work on behalf of the Council.