

Landscape Institute

**Guide to Procedure for
Competitive Tendering
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1.0 INTRODUCTION

Competitive Fee Tendering is only appropriate in particular circumstances.

- 1.1 The various ways of commissioning Consultant are set out in the **Guidelines for Best Value** and each will be suitable to particular circumstances. The sections which now follow are based on the assumption that clients have understood this and have concluded that Competitive Fee Tendering is the most suitable form of commission for the project they have in mind.
- 1.2 This guide offers guidance for those who have decided to commission a Landscape Architect, Landscape Manager or Landscape Scientist's services and who wish to make their final selection of Consultant on the basis of competitive fee tenders. The guide seeks to ensure that the procedure followed is fair and equitable to all parties, and allows the Client to make a valid judgement between tenders received.
- 1.3 Clients and Consultants are reminded that under the Landscape Institute Code of Professional Conduct, Members who are approached to proceed with professional work on which, to their knowledge, another member is employed shall notify the fact to the member.
- 1.4 It is essential that each tenderer is provided with sufficient information to identify fully the nature and scope of the works involved, and the extent of the Consultant's commitment and responsibility, in order that realistic fee tenders may be submitted without undue risk to either party. This information should follow the format and recommendations of Section 3 (Briefing) of this guide.
- 1.5 It is recommended that 'The Landscape Consultant's Appointment' is used as the basis of agreement between Client and Consultant, to set out the terms of the commission including the scope of the services, the allocation of responsibilities and any limitation of liability, the payment of fees including the rates and methods of calculation, and the provision for termination. This guide and its Form of Tender make frequent reference to that Appointment.

2.0 PRE-TENDER SELECTION OF LANDSCAPE CONSULTANTS

- 2.1 Once it has been decided that competitive fee tenders are required from a number of Landscape Consultants, the Client will need to draw up a short-list of suitable Practices. Each Practice invited to submit a competitive fee tender should be fully and equally acceptable to the Client on all other criteria in order that fee price should be the sole criterion for selection. There are a number of ways of drawing up a short-list.

1. Selection of Consultants from the Client's own approved lists;
2. Advertisement for Practices who would be interested in undertaking the project. In this case, responses to the advertisement will need careful evaluation;
3. The Landscape Institute will provide information and advice on suitable Practices on request.

Factors to be taken into account in making the initial selection will include the Landscape Consultant's: -

1. Design abilities and technical or scientific skills
2. Experience with similar or equivalent projects
3. Available resources and staff
4. Appreciation of the Client's requirements
5. Managerial skills and quality assurance procedures

6. Personal qualities

The priority given to each of these will depend on the nature of the project.

- 2.2 Examples of work and further Practice information may be requested, and references from past Clients may be taken up. It may be desirable to interview the Principal of the Practice and to meet members of the Practice's staff who are likely to be involved in the project.
- 2.3 Each short-listed Practice should be sent a preliminary enquiry and invited to reply by a particular date confirming willingness to be considered. The number of tenderers to be invited should be stated at this stage.
- 2.4 From the replies to the preliminary enquiry, a final list of Consultants should be drawn up. Those originally invited but not finally selected should be notified.
- 2.5 Normally it is recommended that not more than three Landscape Consultancies should be included on the final tender list and invited to submit fee tenders.

3.0 TENDER INFORMATION AND BRIEF

3.1 Introduction

- 3.1.1 This section provides a guide to the brief to be used by Clients when approaching a number of Landscape Consultancies for competitive fee quotations.
- 3.1.2 The brief for each project will reflect the nature and complexity of that project, but must provide adequate information to enable each Consultancy to assess the resources required to fulfil the Client's expectations, in order to provide an accurate fee quotation.
- 3.1.3 If a Client is unable to define the project requirements at a level appropriate to the project, then use of competitive fee tenders should be reconsidered since Consultants are unlikely to provide unqualified tenders.
- 3.1.4 The tender information and brief is considered below under the following headings:

3.2 Description of proposed project

3.3 Background information

3.4 Client's requirements: The project

3.5 Client's requirements: Consultants' services

3.2 Description of the proposed project

- 3.2.1 The description should cover, briefly, the objectives and scope of the whole project, and identify the role of the Consultant submitting the tender. The following checklist of headings should be taken as a guide:

- Client's full name and address
- Client's representative (who should be able to answer queries and give any further information)
- Name of project and reference (in any)
- Location of site, with National Grid Reference
- Plan at suitable scale showing extent, boundary and surroundings of site
- Arrangements for visiting the site
- Objectives and scope of whole project
- Role of Consultant
- Other professionals in team (if any)
- Project works budget
- Funding source (unless confidential)

Programme and critical stage dates
Warranties required by the Client
Ownership of copyright and plans

3.3 Background information

- 3.3.1 Relevant background information which is available at the time of tender should be provided to the Consultants in order that realistic, competitive tenders are obtained. Documents enclosed with the tender invitation should be listed. Bulky or restricted information should be available to view by arrangement, and sufficient time should be allowed for this.

Relevant background information might include:

Internal proposal documents and reports, Feasibility Studies etc.
Company or Authority policies, standing orders and relevant guidelines
Applications/awards to/from grant aiding bodies
Structure, District or Local plans affecting the site or proposed development
Planning permissions, conditions or reasons for previous refusal
Soil surveys, ecological surveys and other site investigations
Topographical survey and/or maps and plans
Services and statutory undertakers' information
Land ownerships, easements, access and other restrictions

- 3.3.2 Studies or documents which will be available to the selected consultant at a later date should also be listed, with the date or work stage at which they will be made available.
- 3.3.3 Any specific information or study which the Client requires as part of the commission, such as Environmental Statements, Financial Appraisals and the like, should be specifically described in Section 3.5.
- 3.3.4 If the project involves the transfer of computer-based data, plans or information between Client and Consultant, full details of the relevant system, format and compatibility should be provided.
- 3.3.5 The Client should give details of all relevant security or confidentiality requirements.

3.4 Client's requirements: The project

- 3.4.1 The Project shall be described in full detail to enable Consultants to produce accurate tenders. The description will be specific to the nature of the project, but the following checklist provides guidance. It is not exhaustive.

- 3.4.2 Site or Scientific Investigation/Feasibility Study:

The purpose of the investigation/study
The intended use(s) of the site
The nature of any suspected or known site problems
Particular factors to be investigated, e.g. vegetation survey, soil survey, contamination survey
Complementary studies previously undertaken or otherwise not required
Specific British Standards/Code of Practice or other method requirements to be followed
The nature and format in which results are to be presented
The degree of interpretation required and specific questions to be answered.

- 3.4.3 Landscape Design and Contract Administration

The intended uses(s) of the site

- 3.5.4 The Client shall state the number of copies of all reports, drawings, contract documents, record drawings and the like which the Consultant is to provide, unless such reproduction is a chargeable cost in which case the rates for reproduction shall be stated in the Consultant's tender.
- 3.5.5 The Client shall state the proposed ownership of copyright and all plans and reports.

4.0 TENDER PROCEDURE

- 4.1 The Client should simultaneously provide each Landscape Consultant with identical information, and with standard envelopes. Each Consultant should be given the same timescale in which to submit a fee tender. The timescale should be sufficient to allow the Consultants to visit the site, assess the brief, raise any questions and submit a tender.
- 4.2 The tender period will vary according to the scale and complexity of the project, and should not normally be less than four weeks. Where the Landscape Consultant is asked to submit a technical document as well as a fee proposal, this period may need to be extended.
- 4.3 If the tender invitation contains ambiguities or lacks specific information, it is probable that tenderers will raise questions which should be answered fully to avoid the submission of qualified tenders. Any questions and their answers should be notified to all competing Consultants during the tender period.
- 4.4 All tendering Consultants should be advised by the Client if, as a result of questions, issues are identified which could materially affect the range of services required or the budget or timescale for the project. In these circumstances, it may also be necessary for the Client to extend the period for tender.

QUALIFIED TENDERS

- 4.5 For fair competitive tendering, it is essential that all the competing Landscape Consultants base their tenders on identical sets of documents. Tenderers should not attempt to introduce variations to the basic brief by qualifying their tenders. The allowance of questions during the tender period is intended to obviate the need for qualifications.
- 4.6 In the event of a qualified tender being submitted, the tenderer should be given the opportunity to withdraw the qualification. If the tenderer fails to do so, the qualified tender should be rejected.

ASSESSMENT OF TENDERS AND NOTIFICATION OF RESULTS

- 4.7 A specific date and time should be set for submission of sealed tenders. The tender envelope should not identify the sender. Tenders should be opened as soon as possible after the time of receipt. Any tenders received after that time should be returned unopened as invalid. All valid tenders should be opened at the same time.
- 4.8 As soon as one Landscape Consultant has been appointed, the Client should advise all the tenderers of:
- ❖ The successful consultant
 - ❖ Whether the lowest tender figure was the one accepted
 - ❖ The other tender figures received

WITHDRAWAL OF A TENDER BEFORE ACCEPTANCE

4.9 Under English law, a tender may be withdrawn at any time before its acceptance.

5.0 FORM OF TENDER

To:
(insert name of Client)

Tender for:
(insert name of project)

SIRS,

I/We have read the documents collectively forming your invitation to Tender for the above project, dated

I/We hereby offer to undertake the whole of the services requested and described in the above documents for the sum(s) determined in accordance with the attached Schedule of Services and Fees, and Annexures thereto (**APPENDIX I**).

I/We will complete the services requested

*within the programme set out in the Invitation to tender

*within weeks of the completion of a Memorandum of Agreement between the Client and Consultant.

I/We undertake in the event of your acceptance of this offer, to enter into a Memorandum of Agreement with you, embodying the Landscape Consultant's Appointment (**APPENDIX II**) and all the terms and conditions of this offer.

I/We agree that should errors in pricing or arithmetic be discovered in this offer before the acceptance of this offer, such errors will be corrected.

This tender remains open for acceptance for a period ofweeks from the tender date.

Signature.....Name (block capitals)

on
behalf
of

.....
Date

*Delete whichever is inapplicable.

SCHEDULE OF SERVICES AND FEES

APPENDIX I

Referred to in the Tender dated

between

.....

(insert name of Client)

and

.....

(insert name of Landscape Consultant)

for

.....

(insert description of project)

Unless otherwise stated the services listed in the conditions of appointment will be as described in **The Landscape Consultants Appointment** (.....Revision), published by the Landscape Institute. Clause references relate to that document.

S1 SERVICES, AS DESCRIBED IN THE INVITATION TO TENDER

Service	Clause	Fee basis and rate/amount (State whether percentage, time or lump sum)
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Preliminary Services

Basic Services

Other Services

S2 SPECIAL CONDITIONS, AS DESCRIBED IN THE INVITATION TO TENDER

CONDITIONS WHICH SHALL APPLY

Insert any special conditions which are to apply to the appointment.

CONDITIONS NOT TO APPLY

Insert any clauses which are not to apply to this appointment.

FEES

APPENDIX I (contd.)

PERCENTAGE FEES

Fees based on a percentage of the total construction cost shall be calculated as follows:

LUMP SUM FEES

Interim payments for percentage and lump sum fees shall be *paid monthly/quarterly/half yearly:

*paid at completion of work stages as follows:

Work Stage	Proportion of fee	Cumulative total
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* Delete whichever is inapplicable

Notwithstanding these, fees in respect of work stage: _____ shall be paid in instalments proportionate to the drawings and other work completed or the value of works certified.

TIME CHARGE FEES

Rates for fees charged on a time basis shall be:

.1 for principals: £ _____ per hour

. 2 for staff: _____ p per £100 of gross annual income for office based staff

* Hourly rates for named staff are given in Annexure

EXPENSES AND DISBURSEMENTS

* The fees charged are inclusive of all expenses and disbursements.

Or

* Expenses and disbursements shall be charged in accordance with Annexure

* Delete whichever is inapplicable

Mileage rates shall be: _____.

Signed:

Client

Landscape Consultant

Date:

**SPECIMEN FORM OF
MEMORANDUM OF AGREEMENT**

APPENDIX II

between Client and Landscape Consultant for use with the Landscape Consultant's Appointment.

This Agreement

is made on the day of 20

between
(insert name of Client)

of
.....
(hereinafter called the 'Client')

and
(insert name of Landscape Consultant of firm of
Landscape Consultants)

of
.....
(hereinafter called the Landscape Consultant)

NOW IT IS HEREBY AGREED

that upon the conditions of the Landscape Consultant's Appointment (.....Revision) a copy of which is attached hereto

save as excepted or varied by the parties hereto in the attached Schedule of Services and Fees, hereinafter called the 'Schedule',

and subject to any special conditions set out or referred to in the Schedule:

1. The Landscape Consultant will perform for the Client the services listed in the Schedule in respect of
(insert general description of project)

at
(insert location of project)

2. the Client will pay the Landscape Consultant on demand for the services, fees and expenses indicated in the Schedule;
3. other consultants will be appointed as indicated in the Schedule;
4. site staff will be appointed as indicated in the Schedule;
5. any difference or dispute arising out of this Agreement shall be referable to arbitration

AS WITNESS the hands of the parties the day and year first above written

Signatures: Client Landscape Consultant

Witnesses: Name Name

Address Address

Description Description