

Arts Council of Wales: Invitation to Tender Document

Part A - Instructions and Information

Title: Research into the Business and Operational Needs of the Arts Sector in Wales

Reference: ACW-CB-R1

Welcome to the Invitation to Tender

Part A - Instructions and Information document for **Research into the Business and Operational Needs of the Arts Sector in Wales**.

This Part A contains all the information you need to submit a compliant completed tender. In order to participate in this procurement process, the following must be completed and submitted by []:

Part B is the separate Procurement Specific Questionnaire (PSQ) containing any specific Conditions of Participation which needs to be completed and returned by the tender submission deadline.

Part C is the Response Pack which needs to be completed and returned by the tender submission deadline.

Please read the instructions and information carefully and clarify anything about which you are unsure.

Contents

Section A: Overview of the tender	3
1. What are we looking to purchase?	3
2. Price/budget.....	3
3. Contract details	3
4. About this procurement process	3
5. Conditions of Participation	4
6. Tender award criteria.....	4
7. Additional relevant information	4
Procurement Timeline.....	5
Section B: How to submit clarifications and a tender	6
Section C: Specification	7
Section D: Evaluation criteria	8
D.3 Financial Capability	11
D.4 Pricing Score.....	12
Section E: Terms and conditions of tendering	13

Section A: Overview of the tender

The below provides an overview to help you understand this procurement and Arts Council of Wales's requirements. Further detail to supplement and support these headlines is included within the later sections of this Part A document. For the avoidance of any doubt, all sections should be reviewed together, prior to completing and submitting the Part B Procurement Specific Questionnaire and Part C Invitation to Tender Response Pack.

1. What are we looking to purchase?

You are invited to tender for the provision **Research into the Business and Operational Needs of the Arts Sector in Wales**

Further details are included in Section C: Specification and supporting appendices.

2. Price/budget

The estimated budget will be a maximum of of £30,000.00 excluding VAT per annum for this work.

Tenders received at £31,001.00 or over will be excluded and not continue in the procurement process.

3. Contract details

The proposed contract is **Research into the Business and Operational Needs of the Arts Sector in Wales**, a copy of which is included as Appendix A.

Any suggested amendments to the contract terms must be submitted as a clarification before the clarifications deadline. Any suggested amendments to the contract terms after the tender submissions deadline will not be accepted. Arts Council of Wales will not accept any amendments to the contract which are deemed as substantial. Please see Section E: Terms and conditions of tendering for more information.

This contract will be offered on a basis of Completion within 60 Days, commencing on approximately 30/07/2026.

4. About this procurement process

The tender notice published on 20/05/2026 is for the award of a public contract through an Open Procedure in accordance with section 20(1) and (2)(a) of the Procurement Act 2023.

This document should be read in conjunction with the Tender Notice and any other Procurement documents which have been made available.

5. Conditions of Participation

The Conditions of Participation are detailed in Part B Procurement Specific Questionnaire and are evaluated at the tender stage after the submissions deadline. There is no separate or initial Conditions of Participation stage and no down-selection of suppliers in an open procedure.

Part B Procurement Specific Questionnaire is required to be submitted at the same time as the Part C Tender Response Pack and will be checked for compliance and Pass/Fail criteria first.

Suppliers who pass the Procurement Specific Questionnaire Pass/Fail elements will have their Tender submission evaluated. See Section D Evaluation Criteria for more details.

Conditions of Participation for this tender include:

Procurement Specific Questionnaire on Research into the Business and Operational Needs of the Arts Sector in Wales

Award Criteria

Preliminary Questions	Information only
Part 1 Confirmation of core supplier information	Pass/Fail
Part 2 -additional exclusions information	
2A Associated persons	Pass/Fail
Part 2 -additional exclusions information	
2B list of all intended subcontractors	Pass/Fail
Part 3 questions relating to Conditions of Participation	
3A Standard Questions	Pass/Fail

6. Tender award criteria

Most Advantageous Tender (MAT): 30% price, 70% quality AND any mandatory Pass/Fail requirements.

If you fail any of the mandatory requirements, your tender will not continue in the procurement process.

Award Criteria	Maximum Score
Relevant experience & expertise	30%
Quality & robustness of methodology	40%
Value for money	20%
Capacity to deliver within the timeline	10%
Mandatory Declaration Form	Pass/Fail

7. Additional relevant information

Part C Response Pack Section D asks you to disclose for information purposes only, any use of AI in your tender writing response.

Procurement Timeline

Invitation to Tender issued and start date for clarifications*	20/05/2026
Site Visits	Not Applicable
Supplier clarifications closure deadline*	20/06/2026
Deadline for ESC to respond to clarifications*	24/06/2026
Submission date for Procurement Specific Questionnaire and Invitation to Tender *	30/06/2026
Evaluation period*	30/06/2026-05/07/2026
Issuing of Assessment Summaries and publication of Contract Award Notice*	06/07/2026
Standstill period*	06/07/2026 to 13/07/2026
Award of contract*	25/07/2026
Contract Mobilisation Meeting*	30/07/2026
Publication of Contract Details Notice*	30/07/2026

*Arts Council of Wales reserves the right to change the dates or any requirement and any changes will be notified to all tenderers as soon as practicable.

Section B: How to submit clarifications and a tender

All communications and tenders must be managed through the Sell2Wales Platform. Any communication outside of the approved system, without express permission of Arts Council of Wales will be immediately rejected.

If there is any confusion about the opportunity or this Invitation to Tender, please seek clarification via the Sell2Wales Platform clarification process within the timescales specified in Section A. Unless identified as a commercially sensitive question and confidential at the time of issue, responses to questions will be published to all tenderers.

Arts Council of Wales will review and reserves the right to still publish any questions marked as commercially sensitive if it deems it appropriate in the interests of transparency and equal treatment, however, before doing so tenderers will be given an opportunity to withdraw the commercially sensitive clarification.

The Arts Council of Wales will endeavour to respond to clarifications as soon as possible but cannot guarantee a minimum response time.

If you encounter any technical problems with the submission of your tender, please contact chris.birch@arts.wales (you must not use this for questions around the contract or for submitting your tender)

In an emergency please contact chris.birch@arts.wales

After reading through this document please look at Part B- Procurement Specific Questionnaire Guidance and then complete the questionnaire provided in full.

Please ensure in Part C- Response Pack you complete all mandatory fields and that you sign the form at the end, ideally with an electronic signature, but if not possible handwritten is acceptable. Typed is not acceptable and your tender will be rejected if it is not signed correctly.

When completing your tender:

DO	DON'T
Ensure that your tender is fully completed in English or Welsh including answering all questions and completion of the mandatory declaration form or your tender may be rejected.	Attach any additional documents to your submission as these may not be accepted or reviewed, unless specifically requested by Arts Council of Wales
Check the closing date/time and ensure tenders are submitted on time. Any submissions received after the deadline will not be accepted.	Make any alterations or additions to the Form of Tender, these will not be accepted, and your tender may be excluded from the procurement process.
Ensure that the price submitted is fully inclusive of all overheads and expenses.	

Section C: Specification

Background and scope

1. Introduction

Arts Council of Wales, through its Business Enabler Team, invites tenders from suitably qualified and experienced research organisations to undertake a comprehensive study into the business and operational needs of the arts sector in Wales.

This research will play a central role in strengthening the resilience, sustainability, and business capability of organisations and freelancers across the Welsh arts ecosystem.

Important:

This tender excludes any exploration of creative skills or artistic practice. The research must focus exclusively on Business, Operational and Organisational elements that include (but not entirely limited to):

- Organisational business capability
- Operational systems
- Infrastructure
- Skills and training needs related to business functions

- Forward-looking business trends and challenges

2. Purpose of the Research

The commissioned research organisation will be expected to deliver robust, evidence-based insight into:

2.1 Training and Development Needs

Identifying business-related training requirements for Arts Organisations (including Multi-Year Funded Organisations), Individuals and Freelancers.

2.2 Business and Operational Skills Gaps

Mapping current and future gaps in business and operational skills, including management, governance, operations, finance, HR, planning, compliance, business growth, and digital capability.

2.3 Future Needs and Trends

Exploring emerging opportunities and risks that may impact the sector's sustainability.

2.4 Recommendations

Producing clear, actionable, prioritised recommendations to inform future support interventions delivered by Arts Council of Wales.

3. Scope of Work

The successful bidder will be required to deliver the following workstreams (all work must be delivered bilingually (Cymraeg and English)):

3.1 Sector-Wide Survey

- Design and deliver a survey across the arts sector in Wales.
- Ensure representation across: artforms, organisation sizes, freelancers, regions, and demographics.

3.2 Engagement with Existing Data Sources

- Identify organisations that hold relevant, quality datasets.

- Liaise with those organisations to integrate relevant data where permitted.
- Avoid duplication of existing research efforts.

3.3 Qualitative Engagement

- Conduct interviews, workshops, or focus groups with stakeholders (as required to achieve the Deliverables)
- Ensure balanced representation of the sector's diversity and geographic spread.

3.4 Analysis & Reporting

- Comprehensive analysis of all quantitative and qualitative findings.
- Identification of priority needs, risk areas, and future challenges.
- Evidence-based recommendations.

4. Deliverables

4.1 Full Research Report

Including:

- Executive Summary
- Methodology
- Detailed Findings
- Analysis of Skills & Operational Gaps
- Forward-looking insights
- Recommendations & priority actions
- This Document and all associated attachments should be bilingual (Eng / Cym)

4.2 Presentation of Findings

A comprehensive presentation to Arts Council of Wales and relevant stakeholders.

4.3 Data Outputs

- Cleaned datasets

These are the final, fully prepared versions of the data collected during the research

- Metadata / documentation

This provides a clear explanation of what the data contains and how it should be interpreted

- Methodological notes

These explain the research approach used and provide transparency about how the findings were produced

5. Meeting With Up To 3 Applicants

Following tender evaluation, up to three scoring applicants will be invited to a face-to-face clarification and presentation meeting with members of the decision panel.

- Location: Cardiff
- Attendance: At the applicant's own cost
- Format: Presentation + Q&A (30–45 minutes)
- Purpose: Final assessment prior to awarding the contract

Further information on the Presentation will be provided to the top three scoring applicants

6. Pricing and Costs

Bidders must provide an all-inclusive quotation that covers:

- Research design
- Survey delivery
- Data collection
- Analysis
- Travel and subsistence
- Reporting
- Presentation delivery
- Any additional expenses (including translation costs)

No additional charges will be accepted beyond the quoted price. Your quote must take into account your methodology and what will be required to achieve the deliverables

7. Data Ownership

All data, datasets, analysis, and outputs generated through this commission will be the sole property of Arts Council of Wales.

The commissioned organisation may not reuse, resell, or republish the data without explicit written permission.

8. Submission Instructions

All tenders must be submitted:

- Electronically via Sell2Wales
- In PDF format (apart from budget/cost breakdown which should be Excel)
- A Maximum Word Count of 5,000 Words (including Supporting Information)

Proposals must include:

- Organisation details
- Proposed methodology
- Project plan & timeline
- Full cost breakdown (all-inclusive) – Excel format
- Team biographies
- Examples of relevant research projects
- Risk management approach

Technical and Quality requirements

Bidders must demonstrate:

- Experience in mixed-method research
- Strong understanding of the Welsh arts landscape
- Proven analytical and reporting capability
- Ability to communicate findings clearly to a non-technical audience
- Capacity to deliver the work within the specified timeframe
- A Bilingual approach to Communication

Payments Charging and Invoicing

An Invoice should be submitted upon Satisfactory completion of the Work, deemed so by the Awarding Authority.

Performance Monitoring and KPIs

Satisfactory completion of the Work will be deemed so by the Awarding Authority, subject to it meeting the requirements and criteria set out in Section C of this Document and any subsequent, additional information provided by the Awarding Authority.

Social Value

Successful Applicants should endeavour to adhere to Our Social Values.

Sustainability

Successful Applicants should endeavour to adhere to Our Sustainability Values.

Section D: Evaluation criteria

D.1 Overall Assessment

Arts Council of Wales will assess a Supplier's submission in four (4) stages:

1. A compliance check will be undertaken to ensure the submitted PSQ is complete and has been submitted in accordance with the instructions in this Part A Instructions and Information document. Suppliers may be rejected at this stage if the submitted PSQ is not compliant.
2. A compliant PSQ response will then be assessed on a Pass/Fail and qualitative basis (as applicable) against the Minimum Standards described for the following sections of the PSQ. Suppliers may be rejected at this stage if the submitted PSQ fails any of the sections.
3. Once checks on the PSQ are complete, the Supplier's Part C will be checked for compliance to ensure the submitted Part C is complete and has been submitted in accordance with the instructions in this Part A Instructions and Information document. Suppliers may be rejected at this stage if the submitted Part C is not compliant.
4. A compliant Part C will then be evaluated in accordance with D.4 and D.5 below.

D.2 Explaining the Procurement Specific Questionnaire

The Procurement Specific Questionnaire or "PSQ" is made up of three parts. Suppliers are required to fill in and submit the PSQ provided.

Part 1— confirmation that the supplier has registered on, submitted and shared their core supplier information via, the Central Digital Platform or Welsh Digital Platform (CDP).

1. The Procurement Regulations 2024, made pursuant to the Act, require certain information to be shared via the CDP. The CDP facilitates a streamlined collection of core supplier information and avoids the need for suppliers to re-enter the same information repeatedly for different procurements.
2. Regulation 6 of the Procurement Regulations 2024 requires the Arts Council of Wales, before the end of the tendering period to obtain confirmation from suppliers that:
 - the supplier has registered on the CDP
 - submitted up-to-date core supplier information on the CDP
 - provided that information to the contracting authority via the CDP
3. Arts Council of Wales must determine whether a supplier is an excluded or excludable supplier before permitting them to participate in a competitive tendering procedure.
4. Core supplier information comprises basic information about the supplier (as listed in regulation 9 of the Procurement Regulations 2024), economic and financial standing information about the supplier (as listed in regulation 10), information about the supplier's connected persons (as listed in regulation 11) and exclusions information about the supplier and its connected persons (as listed in regulation 12).

Connected persons are persons who exercise (or have a right to exercise) significant influence or control over the supplier and those over which the supplier exercises (or has the right to exercise) significant influence or control. This includes majority shareholders, directors and shadow directors, parent and subsidiary companies and predecessor companies. The majority of the exclusion grounds apply to a supplier where either the supplier or a connected person of the supplier meets the criteria set out in an exclusion ground.

The Procurement Regulations 2024 require Arts Council of Wales to ensure the supplier's connected person information is provided via the CDP, as this enables them to assess whether the supplier is an excluded or excludable supplier by virtue of a connected person. For example, if an exclusion ground applies to one of the supplier's connected persons, and the circumstances giving rise to the ground are continuing or likely to occur again, the supplier may be an excluded or excludable supplier. For any suppliers awarded a contract, certain details about their connected person information must be published in the contract award notice (regulation 27(e)(vii)).

Economic and financial standing information is to be used by Arts Council of Wales to assess conditions of participation, which have been set and included in the tender notice.

Exclusions information about the supplier and its connected persons will be used by Arts Council of Wales to determine whether the supplier is an excluded or excludable supplier.

Part 2 — additional exclusions information, including:

Part 2A — identification of the supplier's associated person(s); and confirmation that each associated person's: basic information, connected person(s), and exclusion grounds information has also been shared (via the CDP)

1. Associated persons are sub-contractors or consortium members who are being relied on by the prime/main supplier to satisfy the conditions of participation in the particular procurement. This does not include guarantors, even if they are relied on to meet conditions of participation. The main supplier may be an excluded or excludable supplier by virtue of an exclusion ground applying to an associated person (see section 57 of the Act). A supplier can also be an excluded or excludable supplier by virtue of an exclusion ground applying to a connected person of an associated person, for example, a director of an associated person of the supplier.

2. Arts Council of Wales must consider whether an exclusion ground applies to any associated person of the supplier, as well as any connected persons of an associated person. While the CDP will capture prime/main suppliers' (and their connected persons') self-declarations against the exclusion grounds, it will not capture the details of their associated persons.

3. Therefore, to ensure that contracting authorities receive this information, Part 2 of the PSQ includes questions on whether the prime/main supplier will rely on any associated persons in the procurement and requests the main supplier to ensure their associated persons also register, submit and share their core supplier information via the CDP. Associated persons will need to input certain information into the CDP which may not be needed for the specific procurement, such as their economic and financial standing information. In this case, the associated person may choose not to share this with the contracting authority. In practice, they may need to manually redact this from the download of the core supplier information from the CDP.

Part 2B — confirmation of the supplier's intended sub-contractors

1. Where a supplier intends to use sub-contractors, not all of these sub-contractors will be associated persons. Only if a sub-contractor is relied on to meet conditions of participation, will they be both an associated person and an intended sub-contractor.

2. The Act requires that Arts Council of Wales has greater visibility of all sub-contractors proposed to be involved in the delivery of the contract. Arts Council of Wales must seek to determine whether any intended sub-contractor is on the debarment list. Therefore, as part of the procurement, Arts Council of Wales asks for details of all sub-contractors in the supply chain that a supplier intends to use to deliver the contract. This is not restricted to sub-contractors that the supplier is relying on to meet conditions of participation (who will also be associated persons) but applies to all sub-contractors (of all

tiers) the supplier intends to sub-contract the performance of all or part of the contract to. This means the supplier must provide an exhaustive list of all their intended sub-contractors in the supply chain that are known about at the relevant point in the procurement. This does not include every supplier with whom the supplier has a commercial relationship (for example an existing supply contract where there is no intention to specifically subcontract all or part of the contract to that supplier).

3. Once Arts Council of Wales has the list of sub-contractors, Arts Council of Wales will check whether any of the intended sub-contractors are on the debarment list. If they are on the debarment list, or if any connected or associated persons meet the requirement for mandatory or discretionary exclusion grounds (or are on the debarment list) with no evidence provided of self-cleaning, the supplier will be given the opportunity to replace that connected or associated person(s) or sub-contractor(s) within two working days.

4. If the supplier does not respond within that timeframe their tender may be excluded from the procurement process.

Part 2 -additional exclusions information 2B list of all intended subcontractors	Pass/Fail
Part 3 questions relating to Conditions of Participation 3A Standard Questions	Pass/Fail

Make you answer ALL questions of the PSQ.

If the question does not apply to you, please state 'N/A'. Should you need to provide additional information in response to the questions and there is not enough room provided, please submit a clearly identified annex.

D.3 Financial Capability

Suppliers will note that they are required at Part 3A of the online Procurement Specific Questionnaire to provide financial information which Arts Council of Wales will assess on a range of factors.

When undertaking financial checks of prospective suppliers, Arts Council of Wales Finance Team may consider factors including, but not limited to, the following:

- Validity of the company registration and VAT number
- Length and consistency of supplier's trading over the last few years
- The cash balance on the latest published accounts, debtor and creditor ratios and current ratio.
- Any director connections with Arts Council of Wales
- Supplier is proven to be solvent or have no solvency warnings in its account filings, and accounts are not qualified

- The company's short term and long-term creditor balances
- Third party credit rating at least over 50 and credit rating limit suggested by Experian (or similar) to be within the level of expected supply.
- Value of tender must not exceed the turnover of the company unless reasoning for expansion to accommodate the contract is clearly detailed

Arts Council of Wales reserves the right to not award a contract should one of the above factors not be satisfactory.

Arts Council of Wales reserves the right to carry out further financial checks and request additional information and/or assurance.

- If a Supplier fails to satisfy one or more of the factors referred to above, Arts Council of Wales reserves the right to invite the Supplier to submit mitigating or supporting information relevant. Arts Council of Wales will consider any mitigating or supporting information submitted and determine at its sole discretion whether from its point of view the mitigation is sufficient to address the failure and allow the Supplier to proceed.

This sample tender document is for training purposes only and does not constitute a genuine requirement or Invitation to Tender

- Where the Supplier is a Consortium, each member of the Consortium which will enter into a contract with Arts Council of Wales, must respond to the PSQ Part 3A.
- Suppliers must note that, in the interests of due diligence, Arts Council of Wales reserves the right to carry out a further financial assessment prior to award of contract to ensure that the Arts Council of Wales's requirements will be met.
- Arts Council of Wales reserves the right to treat as ineligible any Suppliers who are found to have seriously misrepresented any of the financial information required by these documents.

D.4 Pricing Score

The formula below demonstrates how your pricing score is calculated:

$$\text{PRICING SCORE (to two decimal points)} = \frac{\text{lowest price} \times \% \text{ available}}{\text{bidder price}}$$

This is calculated on the grand total figure submitted in the Invitation to Tender Part C document, Section B Pricing.

D.5 Quality Criteria Marking Scheme

Below is the marking scheme used by all evaluators to score each quality question of the award criteria of Invitation to Tender Part C document, Section C Quality Questions:

Quality Criteria Marking Scheme

0	Unacceptable	In the opinion of the evaluation panel the response is unacceptable. It is inadequate or irrelevant and fails to demonstrate an ability to meet the requirements of the contract, or no response has been received.
2	Major Concerns	In the opinion of the evaluation panel the response is poor and presents major concerns for Arts Council of Wales. The response fails to address the majority of the elements of the requirement and / or the detail provided is limited or lacks a sufficient explanation to demonstrate how the requirements will be fulfilled in delivering the contract.
4	Minor Concerns	In the opinion of the evaluation panel the response is partially relevant but generally weak which presents minor concerns for Arts Council of Wales. The response addresses the majority of the requirement but lacks in detail and clarity as to how the requirement will be fulfilled in the delivery of the contract.
6	Acceptable	In the opinion of the evaluation panel the response is relevant and acceptable. The response addresses all elements of the requirement and demonstrates a broad understanding of the requirement but is limited in its detail and focus in relation to how the requirement will be fulfilled in certain areas.
8	Good	In the opinion of the evaluation panel the response is relevant and good. The response addresses all elements of the requirement and is sufficiently detailed to demonstrate a good understanding and provides appropriate details as to how the requirement will be fulfilled.
10	Excellent	In the opinion of the evaluation panel the response is completely relevant and excellent overall. The response fully addresses all the elements of the requirement and is comprehensive and unambiguous demonstrating a thorough understanding of the requirement and provides a specific, tailored and focussed response as to how the requirement will be fulfilled in the delivery of this contract, which is fully supported with evidence

Scores achieved for each question under this marking scheme will then be divided by 10 and multiplied by the maximum score available for that question as identified in the award criteria.

All compliant tenders will be evaluated and scored by a panel of officers from Arts Council of Wales individually. Scores for quality questions will then be moderated in a group to produce one final score per question. If there is more than one tender with an equal number of points, then the deciding criteria will be the lowest price.

Tenderers will be notified at the same time and as soon as possible by Arts Council of Wales of the results of the evaluation. If requested Arts Council of Wales will provide unsuccessful tenderers with feedback on why the scores were given and if applicable, why their submission did not score higher.

Section E: Terms and conditions of tendering

1. Formalities

For the purposes of this tender:

- o the Purchasing body will be: Arts Council of Wales; and
- o The Contracting Authority will be: Arts Council of Wales.
- o The tender must be completed in the name and voice of the economic operator.

Arts Council of Wales will not reimburse any tender costs. Work undertaken by the tenderer or any other party without written notification of an award of contract by the Arts Council of Wales and prior to an agreed commencement date is done entirely at the tenderer's risk.

· Tenderers should please be aware that details of current expenditure, budgets or potential future uptake set out in this invitation to tender or any clarification or other document issued as part of the procurement exercise are given in good faith as a guide to past purchasing and current planning to assist them in submitting their tender. They should not be interpreted as an undertaking to purchase any works, goods or services which are the subject of this procurement to any particular value and do not form part of the contract.

· Please note that the award of contract may be subject to formal approval by Arts Council of Wales and where applicable, a standstill period. Until this is obtained, no contract will be entered into. Once Arts Council of Wales does reach a decision, all tenderers will be informed and debriefed as appropriate.

· A contract will only be created between Arts Council of Wales and the successful tenderer upon completion of this procurement process and notification of award. Once Arts Council of Wales has authority to enter into the contract the final form will be issued by Arts Council of Wales. The process for completion of the contract will be managed Arts Council of Wales.

· The following documents shall form part of the contract between Arts Council of Wales and the successful tenderer:

- o The draft contract and its schedules.
- o The Specification.
- o Other schedules (such as service levels, site plans, asset lists, contracts list, list of transferring employees, relevant policies and so on).
- o The pricing model/schedule (as completed by the successful tenderer).
- o Responses to requirements or method statement questions (as completed by the successful tenderer).

all as may be amended by Arts Council of Wales following any clarification.

· The successful tenderer shall comply with any request to provide proof of documents such as insurance certificates and any other documents as requested by Arts Council of Wales and Arts Council of Wales reserves the right to use a third-party credit checking agency to support and evidence the financial information requested in this document.

· As a public body, Arts Council of Wales is subject to the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 and other transparency obligations. Tenderers should therefore be aware that any information submitted as part of this procurement process may be disclosed by Arts Council of Wales unless it decides in its discretion that an exemption applies. This means that if an organisation is awarded a contract then all information relating to the contract may be published in whole or in part without consent. Tenderers may give a guide about what they consider to be commercially sensitive in their responses but blanket markings are prohibited and Arts Council of Wales makes no guarantees when considering whether or how to disclose information.

2. Procurement Specific Questionnaire

· Arts Council of Wales shall disqualify any Supplier if any of the mandatory grounds for exclusion under Regulations apply.

· Arts Council of Wales reserves the right at its sole discretion to disqualify or reject a Supplier where:

- o the Supplier fails to comply with the requirements and conditions of Arts Council of Wales set out in this instructions and information guidance;
- o the Supplier (or, where relevant, the Lead Supplier (and Consortium members/Significant Sub-Contractor(s)) is guilty of a serious misrepresentation in relation to its application and/or the procurement process;

- o there is a change in identity, control, financial standing or another factor impacting on the selection and/or evaluation process affecting the Supplier (or, where relevant, the Lead Supplier and Consortium members/Significant Sub-Contractor(s));
- o any of the discretionary grounds for exclusion apply
- o the Supplier fails to provide a satisfactory response to any questions in the PSQ or inadequately or incorrectly completes any question; or
- o the Supplier fails to submit its completed PSQ before the PSQ Submission Deadline.

3. Clarifications

- As set out in this invitation to tender, any clarification relating to it must be submitted through the e-tendering portal and any question/information considered to be commercially sensitive will be dealt with in accordance with section B above.
- Should a tenderer have any reasonable concerns or queries regarding the procurement, a requirement or the contract proposed, they must please raise this as a clarification during the period set out in this invitation to tender. This will allow Arts Council of Wales to consider whether any changes should be made and any impact on the timescales. If that is appropriate, then the amendments will be issued to all bidders with further instructions. Otherwise, Arts Council of Wales will not accept any amendments to the contract. As such, bids must not be caveated or expressed to be conditional. Any caveated or conditional bids may be rejected by Arts Council of Wales for being noncompliant.
- It is the responsibility of each Supplier to monitor all clarifications issued by Arts Council of Wales. Arts Council of Wales accepts no liability for any Supplier's failure to keep abreast of clarifications issued.
- Arts Council of Wales reserves the right (but is not obliged) to seek clarification of any aspect of a tender during the evaluation phase where necessary for the purposes of carrying out a fair evaluation. Tenderers are asked to respond to such requests promptly. Tenderers should be aware that vague or ambiguous answers are likely to score poorly or render the tender non-compliant.

4. Tenderer Obligations

- Tenderers must satisfy themselves as to the accuracy, adequacy or completeness of the information provided in this invitation to tender (or any appendices) or their tender response. If the tenderer wishes to submit a tender it must complete all required fields in Part C - Response Pack. Failure to do so, or not following the instructions in this invitation to tender will make their tender noncompliant and they will not continue in the procurement process.
- Like any legal document, there are formalities in completing and returning a tender response. Tenderers must please ensure that they check who is authorised to sign it on

behalf of their organisation. Where the tenderer is a consortium, the tender must be signed by the lead authorised representative of the consortium, which organisation shall be responsible for the performance of the contract. In the case of a partnership, all the partners should sign or, alternatively, one only may sign, in which case they must have and should state that they have authority to sign on behalf of the other partner(s). The names of all the partners should be given in full together with the trading name of the partnership. In the case of a sole trader, they should sign and give their name in full together with the name under which they are trading.

- The tenderer must ensure it has full power and authority to enter into the contract and must do its own due diligence to ensure it can perform the obligations of the contract.
- The tenderer must be of sound financial standing and be operationally capable of performing the obligations of the contract.
- If changes subsequently occur in relation to a tenderer's organisation or anything stated in their tender response, tenderers must promptly notify Arts Council of Wales of them. Arts Council of Wales reserves the right to disqualify any tenderer that fails to duly notify Arts Council of Wales, or if it means that in the reasonable opinion of Arts Council of Wales, a tenderer may no longer be able to meet any eligibility requirements that apply to the procurement process at all times.
- Tenderers must ensure that no direct or indirect conflicts of interest exist (whether personal, financial or otherwise) between them and Arts Council of Wales or East Suffolk. Any tenderer who fails to do so may be disqualified from the procurement at the discretion of Arts Council of Wales.
- If a tenderer has reservations over sharing information in respect of any contract, they must please formally state this in their tender submission, otherwise the failure to, or refusal to disclose/share information will mean that Arts Council of Wales is entitled to reject the tender.
- Tenders must ensure their supplier details are up to date on Find a Tender Service to be awarded a contract. If you have not registered on Find a Tender Service and/or do not confirm your details, your tender will be considered non-compliant and will not continue in the procurement process.
- If any subcontractor, connected or associated persons meet the requirement for mandatory or discretionary exclusion grounds (or are on the debarment list) with no evidence provided of self-cleaning, the Tenderer will be given the opportunity to replace that connected or associated person(s) or sub-contractor(s) within two working days. If the Tenderer does not respond within that timeframe their tender may be excluded from the procurement process.

5. Arts Council of Wales Rights

Further to anything set out above:

- Arts Council of Wales is not making a commitment in issuing this invitation to tender, nor is it bound to accept the lowest tender, or indeed any tender. For the avoidance of any doubt, Arts Council of Wales may make such changes to this procurement as it considers appropriate and may withdraw this invitation to tender at any time.
- Arts Council of Wales accepts no liability for the tenderer's reliance on anything set out in this invitation to tender or the draft contract. This exclusion extends to liability in relation to any statement, opinion or conclusion contained in or any omission from, this invitation to tender (including its appendices) and in respect of any other written or oral communication transmitted (or otherwise made available) to any tenderer. This exclusion does not extend to any fraudulent misrepresentation made by or on behalf of Arts Council of Wales.
- Arts Council of Wales reserves the right not to open or consider any tender received after the submission deadline set out in this invitation to tender or any clarification.
- Where there appears to be an error in a submission, or where the tender reveals errors which could affect the evaluation then Arts Council of Wales may give the tenderer an opportunity to correct or withdraw their offer.
- Notwithstanding the above, there remains no obligation for Arts Council of Wales to clarify mistakes and it may reject non-compliant tenders.
- Arts Council of Wales reserves the right to reject a tender that appears to be abnormally low. Before doing so, an explanation from the tenderer will be requested and the response and evidence will be taken into account but the decision will be Arts Council of Wales's.
- Arts Council of Wales reserves the right to ask for further financial information at any time during the procurement process.
- Any attempt by a tenderer or those acting on its behalf to influence the contract award process in any way may result in the tenderer being disqualified. This includes but is not limited to devising or amending the content of their or any tender in accordance with any agreement or arrangement with another person (other than in good faith with a person who is a proposed partner, supplier, consortium member or provider of finance); making arrangements with the effect of prohibiting or excluding any person from tendering; canvassing Arts Council of Wales or any employee or agent in relation to this procurement; offer or give any inducement or award for any improper activity relating to this procurement; attempt to obtain information regarding another tender or tenderer.
- If Arts Council of Wales considers a cover price has been submitted, the tender will be rejected, and the Competition and Markets Authority may further be informed. The tender will also be rejected (or no contract awarded) where the law may require it.
- Arts Council of Wales publishes a Contract Register on its website. Details of the successful tenderer will be published on this. Tenderers must not themselves make any publicity statement about the service, this invitation to tender or the contract unless Arts

Council of Wales has given written consent. The invitation to tender must not be copied or shared other than for the purposes of submitting a tender. By taking part in this procurement, tenderers agree to such disclosure or publication by Arts Council of Wales.

- Arts Council of Wales shall be entitled to ask that any contract entered into pursuant to this procurement exercise is executed as a deed.

Section F: Appendices

Appendix A: Draft copy of Contract

Appendix B: Arts Council Wales Specific Policy Statements relevant to Procurement