

Statement regarding Red Diesel

- Changes to the rules for Red Diesel
 - A question has arisen regarding the operation of H.M Revenue & Customs guidance, “Using rebated fuels in vehicles and machines (Excise Notice 75) from 1 April 2022,” details at Using rebated fuels in vehicles and machines (Excise Notice 75) from 1 April 2022 - GOV.UK (www.gov.uk).

The question is whether or not the use of “red diesel” is applicable to the Works planned by the Moors for the Future Partnership, including those within the Tender MFF133 2022-25. The Authority’s position is that it is the responsibility of the Tenderer/Contractor to comply with all fees, taxes and other legal requirements. The context of these works is that their purpose is to restore degraded blanket bog on moorland, some of which has been (or is) used for agriculture – specifically, sheep grazing. Some (not all) of these Works are anticipated to deliver Natural Flood Management benefits in addition to restoring blanket bog to active, favourable condition.

We are unable to confirm whether or not the individual works on each site, using the Tenderers’ specific machinery, falls within the Government guidance. It is therefore the responsibility of the Tenderer to determine this.

If there is any doubt, the Authority suggests caution in the application of the Guidance.

MFF133 Tender Clarifications

Itemised Cost Sheet

- We have reissued the itemised cost sheet in order to correct an oversight on our part. There are two items that have changed.
 - The costs for marshalling item. This has changed from an item to a specified number of days. If the actual work required differs from this number during the delivery of the works this will be dealt with through a contract variation or a reduction of scope to remain within budget constraints.
 - The unit types for LSF. This has been changed to reflect the number of bags of LSF the contractor will need to receive and spread. Please note the difference between year 1 and year 2 on Longwood is due to some areas only require L&F with no brush.
 - Please download and use the new sheet with your tender return.

Clarification Questions Received and Responses

- Can you provide GIS files for the works at each site?
 - Yes Data will be shared at the same time as this document is published
- With regards to the 'Whole Site works Final tender in the 'whole Site work packages section 11.5 it says Only one tender is permitted per tenderer. Please can you confirm that is what it says and not 'one price per tender per Tenderer.
 - We expect each package to be priced individually. The Tenderer can bid for all of the packages or only some of the packages e.g. the tenderer could bid on packages 1, 3 & 8 and not bid on any of the others.
- Please can you confirm if the contractor is supposed to supply all brush and heather bales, also stone for stone dams?
 - Yes the contractor is responsible for the supply of materials unless specified.
- Bare peat stabilisation it refers to implementing this method after Re profile work when re profiling are you allowed to take turf from surrounding areas (in moderation) to close the bank from the bottom upwards? Obviously landscaping borrowed material areas as you progress.
 - Please refer to appendix 9, works specifications for full details. Essentially you can only use turves that were moved during the process of re-profiling. It is not expected that there will be enough vegetation to revegetate the slopes. We would expect to use brush/ geotextile and LSF to revegetate any remaining bare peat.
- Can you confirm the authorities will be providing seed as well as lime and fertilisers
 - Yes the Authority will supply seed, lime and fertiliser

- On visiting site 8 the seemed to be banks of re profile work outside the areas marked by the GPS but still very close, would you expect the contractor to carry out any additional work within the area on a metre rate basis?
 - Any additional work would be dealt with by contract variation agreed by both parties.
- Presumably for marshalling of stone flying/ preparation of stone for flying loading of skips whilst flying will be based on a day rate given?
 - All cost items will be based on the unit type shown in the Itemised Costs Sheet.
- Just a quick query regarding stone size for the stone gully blocks as part of the above tender. The specification give the required size as 150mm-250mm. Cross section drawings give 150mm-400mm .Can you confirm which stone specification it is that is required
 - Please use the specification size of 150mm - 250mm.
- How much influence do we have over the number of flights and drop locations? As the helicopter will be contracted direct with you, we will be able to say we want to increase the no. of lifts to ensure the materials are most efficiently positioned for the ground work? Item 6.7 says the Contractor must ensure that the materials are transported in an “efficient operation” but efficient for the helicopter may not mean the most efficient method for the ground work.
 - You will determine the drop locations. We expect the ground works contractor to assess/ mark out drop locations for the materials. This would need to be practicable and in line with keeping helicopter operations as efficient as possible. Each helicopter flight must be to the maximum capacity of the helicopter where practicable so the number of flights will be determined by the total amount of materials to be flown and the maximum capacity of the helicopter.
- Is it possible to get info regarding what capacity each helicopter has regarding no. of available hooks? It would be useful to know what options there are for bundles etc.
 - We do not know specifics of which helicopters will do each set of works so we could not say specifically. However all the helicopter companies we have worked with previously have single and triple hooks and one also has a 10 hook system.
- Marshalling – how will down days work? Who will make the call about whether we mobilise for a days lift and who will cover those costs. If the helicopter company want us there, on the off chance flying may happen, will our marshal’s get covered or if we request the helicopter to come in who covers their staff costs? –
 - Locating the helicopter to site from its home base will be a decision taken in conjunction between MFFP, the groundworks company and the helicopter company. Once the helicopter is based locally for the job we expect the contractors to agree between themselves about mobilisation on a day to day basis. There is a price line in the costs sheet for your marshalling staff. We expect you to price for your staff costs there and include sufficient staff days to complete the work. If for unforeseen reasons beyond your control you required additional marshalling staff days beyond your tendered amount to complete the airlifting this would need to be by agreement with us or we may need to de-scope the work.

- Item 4.5 - Second pass over the heather to reduce seed content – Will this get covered if the delay in cutting is not our fault?
 - Yes

- How will the liquidated damages work if the helicopter is unable to work? –
 - You would not be held responsible if the helicopter is unable to work as they would not be your subcontractor. They will be directly contracted by the authority and as such they would be the authorities' responsibility. It would still be expected that any works not requiring helicopters would be completed.
 - In the event that the helicopter delayed the groundworks contractors work and they lost money as a result they would be entitled to make a claim to the Authority.

- Can it be confirmed if the helicopter will be responsible for hooking on and that they will have staff on the hill to oversee the drops? Different helicopter companies have worked differently in the past and it does affect how many people we require to run the operation. This above point is particularly important when it comes to stone drops as a marshalled stone drop will result in a much speedier construction reducing construction costs.
 - We expect the ground works contractor to provide marshals on the hill. The helicopter company is expected to provide staff to marshal and hook on at the lift site. The helicopter company is not expected to provide staff on the hill. If the helicopter company wishes to provide staff on the hill this will be at their discretion and may require a contract variation if this reduced your marshalling staff requirement.

- Helicopter priorities: If two contracts are allocated the same helicopter who decides the priority for the helicopter? Productivity reduces as the autumn goes into winter and so will affect how the job runs and how quickly we can deliver the works.
 - If one helicopter company is awarded more than one contract MFFP will decide the priority for the helicopter. MFFP will work with any ground works company to adjust agreed work programs if a decision about priority affects the work program.
 - Any additional costs incurred as a result of changes to the work program would be dealt with by contract variation or reduction in scope to remain within budget constraints

- Waste materials – I just wish to confirm if flying the materials off the hill are to be covered by us?
 - The ground works contractor would be responsible for the removal and disposal of waste materials where practicable. E.g. small quantities or those waste materials which could be removed without helicopters. If there were large quantities of waste materials on site we would expect the ground works contractor to endeavour to remove and dispose of as much as possible while the helicopter remains on site. If there are significant amounts of waste material remaining on the hill after the helicopter had completed airlifting the materials out and had left the area it would be expected that the ground works contractor would prepare the waste materials for airlifting and leave them secure as per the specifications. The authority would then arrange for the collection at a later date.

- On the bill quantities Quantity for Marshalling I presume this means 1 day for the amount of Marshall's i.e. for 3 people Rate per unit £200 Total Cost £600 i.e. at this stage we are giving a day rate.
- The itemised costs sheet has been amended from an item to a specified number of days. If the actual work required differs from this number during the delivery of the works this will be dealt with through a contract variation or a reduction of scope to remain within budget constraints
- Timber Dams Do we base prices on the spec/ i.e. 2400 x 125 x 25 6 planks per dam and two stakes 1500 x 75 x 75, each dam is therefore 1.8m²
 - Please base your price on one timber dam needs the amount of timber specified, 6 planks and two stakes plus nails.
- Stone dams -stone prices have more than doubled in last 6 months, not possible to hold prices for duration of programme
 - Section 2 paragraph 10 period of validity of your quote is 3 months. We are expecting higher than usual costs so please try and quote a price that you are comfortable with.
- Confirmation that we can work collaboratively (subbing) with other contractors on certain sites
 - Yes you can use subcontractors, please specify them in the form of tender and ensure that the relevant insurance certificates are submitted.
- What is the chance of getting an extension to the return date? There is a lot to review, price up and the associated paperwork. Another couple of weeks would be useful.
 - Due to funding requirements we cannot offer an extension.
- 44-45 bunds /ha not really practical, our experience at Holcombe showed that 15-20 more realistic otherwise you can't move the machine without running over bunds, size of the bunds is dictated by the size of the machine.
 - It will largely depend on the topography of each site, we will expect to see as many bunds built to the specification as is reasonably practical given the nature of the ground.
- Although MFF are organising the airlifts we don't know the flight times, to organise staffing times e.g. loading the skips, how long each lift will take.
 - Please work on 1km flying takes 1 minute, with an allowance for 1 minute manoeuvring/hooking on and off. Eg. 6km round flight takes 7 minutes.
- Is it recognised that some sites will have multiple airlifts e.g. stone first then brash.
 - We will endeavour to make the airlifts as efficient as possible and lift multiple materials if they are ready at the lift site. The onus is on you to have the materials there at the lift site ready if possible. If not possible then yes there may be multiple airlifts.

- 13 half bags – can't move bags very far on site, spec says all bags must be full, are we cutting half bags?
 - please price as full bags, if not all the brush is required then it can be tipped out and used nearby if possible.
- Small bags of LSF, what weight are the small bags?, are they included in the airlift in addition to timber, stone and brush?
 - We will supply them to be put in each bag of brush and airlifted with brush. The lime is the heaviest bag of 5kg, the fert is 3kg and seed is 1kg.
- Are the l/s/f bags mixed l/s/f together or separate?
 - Separate bags
- In Package 1, 2, 5 Lime and fertiliser are listed as per bag of Brush, for both year one and two? In Package 3, they are listed as Ha. Do I need to convert the rate to per brush price? Or can I add a ha value to them?
 - This has been changed to reflect the number of bags of LSF the contractor will need to receive and spread. Please note the difference between year 1 and year 2 on Longwood (package 3) is due to some areas only require L&F with no brush.
- Pricing schedule has bags of brush numbers against the LSF bags –
 - it is bags of lsf
- Where will LSF be delivered to or will we have to collect it
 - We will arrange for it be delivered to somewhere of your choice. This could be the yard or lift site.
- Is the Molina cutting areas the total amount to be cut or are we cutting a proportion within the total area e.g. 10%
 - It is the Total Area
- Is the bailing site for Soyland identified?
 - No, please provide details if you have a cutting site. Alternatively we may be able to suggest one if you don't already have one available.
- Can you clarify there is no coir on Turley Holes, it is mentioned in the spec timeline but not in the costings or the list of things to do.
 - There is no Coir on Turley holes. Just heather bales.
- Seed into sward, is this just spread directly onto the sward or is there a need for any scarification, can't find a spec.
 - Yes spread directly onto a very thin sward, no scarifying needed.

- Pikenaze geotextile: its application is split into parts A and B in the timetable, but I can't find figures - is it half and half?
 - As per Section 1, 2.4 Works Phasing. The machine work (re-profiling) may either be undertaken wholly within the 2022-2023 works season or split over the 2022-2023 and 2023-2024 works season if required. The geotextile application and subsequent LSF/plug plant applications shall be matched accordingly.
 - It is preferred if all the machine/ geotextile work is completed in one year
 - If the machine/Geotextile work is split over two years it will be the contractors' responsibility to decide how much is done each year in conjunction with the nominated officer.